



Mr Brett Tobin
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2 February 2022

Dear Mr Tobin

Application No.	1-7934295591
Applicant	Taphouse Investments Pty Limited
Application for	Extended trading authorisation
Licence number	LIQH400110278
Licence name	The Tacking Point Tavern
Premises	Emerald & Ocean Drives Port Macquarie NSW 2444
Current trading hours	<u>Consumption on premises</u> Monday to Saturday 5:00 am – 12 midnight Sunday 10 am – 10 pm <u>Takeaway sales</u> Monday to Saturday 5:00 am – 12 midnight Sunday 10 am – 10 pm
Proposed trading hours	<u>Consumption on premises – sports bar, gaming rooms, designated outdoor smoking (DOSA) area and sanitary facilities</u> Monday to Saturday 10:00 am – 2:00 am Sunday 10 am – 12 midnight <u>Consumption on premises – all other areas of the hotel</u> Monday to Saturday 10:00 am – 12 midnight Sunday 10 am – 10 pm <u>Takeaway sales</u> Monday to Saturday 10:00 am – 12 midnight Sunday 10 am – 10 pm
Legislation	Sections 3, 11A, 12, 14 – 17, 40, 44, 45, 48, 49, and 51 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for an extended trading authorisation – The Tacking Point Tavern**

The Independent Liquor & Gaming Authority considered the application above, and decided on 13 October 2021 to **refuse** the application under section 49(2) of the *Liquor Act 2007*.

Statement of reasons

A statement of reasons for this decision is attached at the end of this letter.

If you have any questions, please contact the case manager, Leonie Jennings, at leonie.jennings@liquorandgaming.nsw.gov.au.

Yours faithfully

Philip Crawford
Chairperson
For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

DECISION

1. On 9 March 2021, Taphouse Investments Pty Limited (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application (“Application”) for an extended trading authorisation (“ETA”) for hotel licence number LIQH400110278, trading as The Tacking Point Tavern (“Hotel”) at Emerald & Ocean Drives, Port Macquarie (“Premises”).
2. The application sought an ETA to enable the sports bar, gaming rooms, designated outdoor smoking (“DOSA”) area and sanitary facilities at the Premises to trade, in addition to the Hotel’s current trading hours, from 12 midnight to 2 am, Monday to Saturday, and 10:00 pm to 12 midnight, Sunday. The trading hours for the other areas of the Hotel were proposed to remain unchanged.
3. The Authority considered the Application at its meetings on 15 September 2021 and 13 October 2021, and, pursuant to section 49(2) of the *Liquor Act 2007* (“Act”), decided to refuse to grant the ETA.
4. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2018.

MATERIAL CONSIDERED BY THE AUTHORITY

5. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
6. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
7. In accordance with its *Guideline 6*, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
8. In accordance with its *Guideline 16*, the Authority has also had regard to relevant domestic and international research regarding gambling participation, problem gambling prevalence, and demographic indicia that are linked to a population’s relatively higher or lower vulnerability to gambling-related harm; as well as Liquor & Gaming NSW (“L&GNSW”) gaming machine profit data for the venue and comparative ranking data (by SA2 and LGA) for hotels and clubs.
9. A list of the material considered by the Authority is set out in Schedule 1.

LEGISLATIVE FRAMEWORK

10. The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:
 - a) Section 3: Statutory objects of the Act and relevant considerations.
 - b) Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
 - c) Sections 14, 15, 15A and 17: Specific provisions in respect of a hotel licence.
 - d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - e) Section 44: Submissions to Authority in relation to licence applications.
 - a) Section 45: Criteria for granting a liquor licence.
 - b) Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and

other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.

- c) Section 49: General provisions in respect of ETAs.
- d) Section 51: General provisions relating to licence-related authorisations.

11. An extract of these sections is set out in Schedule 2.

KEY FINDINGS

12. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading hour requirements

13. The Authority is satisfied on the material before it that:

- a) the Application has been validly made and meets the procedural requirements under sections 40 and 51 of the Act, and
- b) the Application meets the trading period requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods, and
- c) the extended trading periods sought by the Applicant are within the periods which the Authority has the power to grant under section 49(2) of the Act.

14. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements.

Fit and proper person, responsible service of alcohol, and development consent requirements

15. The Authority is satisfied, for the purposes of sections 45(3)(a) and 45(3)(c) of the Act, that:

- a) the Applicant is a fit and proper person to carry on the business to which the proposed Authorisation relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies
- b) the requisite development consent permitting the conduct of a hotel business at the Premises with the proposed extended trading period is in force, noting that DA 2013/158.4 issued by Port Macquarie Hastings Council on 18 May 2017 does not impose any restrictions on trading hours.

16. The Authority is also satisfied, for the purposes of sections 45(3)(b) and 49(8)(a) of the Act and having regard to the Applicant's Liquor Plan of Management, that practices are and will remain in place to facilitate the responsible service of alcohol and prevent intoxication on the Premises.

17. However, the Authority is not satisfied that these practices and the licence conditions consented to by the Applicant are sufficient to ensure, for the purposes of section 49(8)(b) of the Act, that granting the ETA would not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the Premises.

18. The Authority's reasons for this consideration are elaborated below as part of the Authority's consideration of the overall social impact of granting the ETA.

Community impact

Local and broader communities

19. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Port Macquarie, and the relevant "broader community" comprises the Local Government Area ("LGA") of Port Macquarie Hastings.

Licence density

20. The Authority noted that, compared to the NSW state average:
- a) Port Macquarie and Port Macquarie Hastings LGA have a **lower** saturation of hotel licences
 - b) Port Macquarie has a **higher** saturation of late-trading outlets
 - c) Port Macquarie Hastings LGA has a **lower** saturation of late-trading outlets
 - d) Port Macquarie and Port Macquarie Hastings LGA have a **significantly lower** clustering of hotel licences and late-trading outlets.

Crime data

21. The relevant BOCSAR data indicates that, for the year to March 2021:
- a) the Premises was not located within hotspots for incidents of alcohol-related domestic and non-domestic assault, malicious damage to property, and alcohol-related offensive conduct
 - b) Port Macquarie and Port Macquarie Hastings LGA recorded **higher** rates of alcohol-related domestic and non-domestic assault, late-night alcohol-related non-domestic assault, alcohol-related non-domestic serious assault, alcohol-related offensive conduct, and malicious damage to property.

Alcohol-related health data

22. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Port Macquarie Hastings LGA recorded a **higher** than average level of alcohol-attributable deaths for the period 2017/2018, and a **lower** than average level of alcohol-attributable hospitalisations for the period 2017/2018-2018/2019.

SEIFA

23. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Port Macquarie and Port Macquarie Hastings LGA were relatively **disadvantaged** compared to other suburbs and LGAs in NSW.

Business model at the Premises

24. The Authority notes that:
- a) the Hotel is located adjacent to a shopping centre and opposite residential housing
 - b) the Premises has a total capacity of 500 persons. The area to which the ETA is proposed to apply (sports bar, gaming rooms and DOSA area) has a capacity of 118 persons
 - c) it is proposed that liquor, TAB and gaming facilities will be available during the ETA period.

Community impact of gambling activities at the Premises

25. Clause 28 of the Regulation requires the CIS for an ETA in relation to a hotel licence to address matters relating to gambling activities on the licensed premises during the period that the ETA is proposed to be in force, in order to establish whether any expansion of gambling activities is in the public interest.
26. The Authority notes that:
- a) the Hotel is situated in a **Band 1** SA2 (lowest risk profile)
 - b) the Hotel is authorised to operate **30** gaming machines (the maximum number permitted for a hotel licence)
 - c) the average profit per gaming machine for the Hotel is **higher** compared to the average profit per gaming machine for hotels in the SA2 and the LGA, and **lower** compared to comparable venues (country hotels with 21-30 gaming machines).

27. The Authority has had regard to the Applicant's contentions in the CIS, including that:

- a) the Hotel operates a self-exclusion program
- b) the operation of gaming machines is ancillary to the primary purpose of the Hotel's licence
- c) various measures have been implemented at the Hotel in respect of the responsible conduct of gambling.

Purported benefits

28. The Authority has had regard to the Applicant's purported benefits in the CIS, including that:

- a) requests have been received from the Hotel's patrons to keep the Hotel open after midnight to cater to those who wish to attend after completing an afternoon shift or those who wish to stay on at the Hotel for longer
- b) currently, patrons wishing to use the facilities of a hotel after midnight are required to travel to hotels in the Port Macquarie CBD, a distance of some 8 kilometres
- c) the extended trading hours will meet the needs, demands and expectations of patrons who frequent the Hotel.

29. The Authority notes that the Applicant has provided a petition with some 120 signatures in support of the Application.

Stakeholder submissions

30. The Authority has had regard to the submissions from:

- a) **NSW Police** ("Police"), which objects to the Application, submitting that the extended trading hours would be detrimental to the wellbeing of the local and broader communities. Police note that they were contacted by numerous local residents in relation to a withdrawn 2018 application, with residents expressing concerns about existing issues with noise and antisocial behaviour resulting from the operation of the Hotel (including property damage, litter and vandalism), and that this may be exacerbated if trading hours are extended. At the time Police arranged meetings with the Hotel operators and local residents, which resulted in the implementation of several strategies to address the issues raised by local residents.

In relation to the Applicant's contention in the CIS that "the Hotel has not proven to be problematic in the past 12 months due to practices adopted at the Hotel", Police suggest that this may in fact be due to COVID-19 regulations, and that "the last 12 months is not a good example of the normal trading of the premises."

Police also raise concerns in relation to:

- i. insufficient public transport facilities in Port Macquarie
- ii. the location of the Hotel in close proximity to residential dwellings, and the potential to create noise disturbances after midnight
- iii. increased pressure on Police resources, noting that rates of alcohol-related crime are elevated in the local and broader communities
- iv. the primary purpose of the Application being gambling, with the sale of liquor to be an ancillary offering, which is not in the interests of the wellbeing of the local or broader communities. Police submit that the operational procedures put forward by the Applicant in respect of gambling harm minimisation are inadequate

- v. the information and measures offered by the Applicant are not sufficient to facilitate the responsible service of alcohol
- vi. several compliance issues have been recorded against the Applicant in relation to the operation of the Premises.

b) **Port Macquarie Hastings Council** (“Council”), which is not supportive of the Application, noting that:

- i. Council has previously received a large number of noise complaints from local residents regarding operating hours of the Premises
- ii. Council has concerns about noise and other impacts resulting from the operation of the Premises, particularly due to its location in a residential area
- iii. the extended trading hours will apply to the gaming room, and Council does not support gambling and the impact it has on the Port Macquarie Hastings community
- iv. Council submits that the Premises having had no issues or complaints in the last 12 months is largely due to COVID-19 restrictions. Council has concerns that further complaints will be received should the trading hours be extended.

c) **L&GNSW Compliance**, which notes that:

“A review of Liquor & Gaming NSW’s compliance records did not identify any adverse findings regarding this application, it’s also worth the [Authority] noting that an increased risk of alcohol-related harm occurring at any venue arises when trading hours are increased, simply by virtue of the fact that liquor is to be sold or supplied for a longer period. This is particularly so when the trading hours encompass the late trading period.”

d) Sixteen submissions from **local residents**, all of which object to the Application and raise concerns that:

- i. the extended trading hours will increase the risk of noise, antisocial behaviour, violence and other amenity impacts, particularly as the Hotel is situated in a residential area
- ii. there are existing issues due to disturbances caused by the operation of the outdoor deck and loud music being played in the outdoor beer garden, which will be exacerbated if trading hours are extended
- iii. the elevated locality of the Premises results in noise from the Premises travelling some 1.5 kilometres, with hundreds of residences situated in this geographical area, and that the Applicant has not made an effort to consult with all affected residences
- iv. the extended trading hours may pose increased risks to problem gamblers.

e) A **local resident**, which submits that there have been no problems with noise or antisocial behaviour under the management of the current Hotel operators.

31. The Authority has also had regard to the petition with some 120 signatures in support of the Application, and to the Applicant’s submissions in response, which note that:

a) a number of mitigation measures will be imposed if the Application is approved, including:

- i. there will be no music other than background music at the Premises after midnight

- ii. the deck area will not be used after 8 pm and the beer garden will be closed at midnight
 - iii. security will be present from midnight until close
 - iv. a lockout will apply from midnight to prevent entry/re-entry
 - v. entry/exit to the Hotel will be limited to a doorway facing Lighthouse Shopping Centre from midnight until close
 - vi. the sale and supply of liquor will cease at 1:30 am Monday to Saturday
 - vii. a courtesy bus will be operated during the additional trading hours.
- b) the Hotel has not featured as a Declared Premises in any of the rounds of the Violent Venues Scheme pursuant to Schedule 4 of the *Liquor Act 2007*
 - c) the orientation of the Hotel, and limiting entry/exit to its northernmost part after 10 pm will “significantly reduce any potential for adverse noise impacts to residential premises”
 - d) BOCSAR crime data may be skewed by the fact that Port Macquarie experiences significant influxes in tourist numbers throughout the year. The Applicant submits that the number and nature of incidents at the Hotel during a 4-year period is “towards the lower end of the spectrum and that the Hotel is generally proactive in terms of calling police if there are incidents detected”.

Overall social impact

32. Having regard to the relevant statistics and the submissions received, including the Applicant’s reply submissions, the Authority finds that:
- a) the Hotel is situated in close proximity to residential dwellings and causes existing noise disturbances during standard trading hours, and that this may be exacerbated if the trading hours are increased
 - b) the local and broader communities are relatively disadvantaged
 - c) the local community has a higher saturation of late-trading outlets
 - d) the local and broader communities are subject to a relatively high levels of alcohol-related crime
 - e) there are alcohol-related health issues in the broader community
 - f) gaming at the Hotel is more intense compared to other hotels in the SA2 and the LGA.
33. The Authority is concerned that extending the late-night trading hours of the Hotel may have an adverse social impact on the problem or at-risk gamblers in the community, particularly those with socioeconomic disadvantage, by allowing them to engage in gambling activities continuously for longer during a higher-risk period. The Authority is not satisfied the existing and proposed harm minimisation measures will sufficiently mitigate the risk of harm to the community associated with the granting of the Application.
34. The Authority notes that the Applicant, at the direction of the Authority, has prepared a robust Gaming Plan of Management (“GPOM”). However, the Authority does not consider the GPOM to be sufficient to ameliorate the concerns raised by Police and local residents, or the potential amenity impacts of the extended hours on the local residential community. The Authority nevertheless encourages the Applicant to adopt the GPOM at the Premises despite the outcome of the Application, in the interest of harm minimisation and the wellbeing of patrons.
35. Furthermore, the Authority considers that, if the Application is approved, there is a risk that the liquor sold at the Premises during the extended trading hours would exacerbate the existing

alcohol-related problems in the community and, over time, contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities.

CONCLUSION

36. Having considered the positive and negative social impacts that are likely to flow from granting the Application, the Authority is not satisfied that the overall social impact would not be detrimental to the well-being of the local and broader communities.
37. Accordingly, the Authority has decided to refuse grant the Application under section 49(2) of the Act.



Philip Crawford

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the Liquor & Gaming NSW website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

Schedule 1 – Material considered by the Authority The Tacking Point Tavern

Application material

1. Liquor Plan of Management for the Premises, dated August 2020.
2. Completed application, dated 18 February 2021.
3. Completed application notices, dated 18 February 2021.
4. Completed Category B Community Impact Statement, dated 18 February 2021, attaching:
 - a. 100 metre radius map
 - b. List of stakeholders and special interest groups
 - c. Additional information – application and Community Impact Statement.
5. Completed certifications of advertising, dated 11 March 2021.
6. Gaming Plan of Management for the Premises, dated September 2021 (and superseded version dated June 2021).
7. Floor plan for the Premises indicating the proposed area to which the ETA will apply.

Development consent

8. Notice of determination issued by Port Macquarie Hastings Council on 18 May 2017, approving the modification of development consent DA 2013/158.4 for the Premises.

Liquor & Gaming LiveData Report (see also Schedule 3)

9. L&GNSW Liquor & Gaming LiveData Report for the suburb of Port Macquarie, generated on 16 August 2021. Refer to Schedule 3 for a summary of key data extracted from the LiveData Report.

Stakeholder submissions

10. Submission from a member of the public, dated 23 December 2020.
11. Submissions from the owner or occupant of neighbouring premises (more than 100m), dated 31 December 2020 and 5 April 2021.
12. Submission from NSW Police Force, dated 11 January 2021 and 8 April 2021.
13. Submissions from Port Macquarie Hastings Council, dated 22 January 2021 and 8 April 2021.
14. Submission from the owner or occupant of neighbouring premises (within 50 m), dated 10 January 2021.
15. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 10 March 2021.
16. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 27 March 2021.
17. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 29 March 2021.
18. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 29 March 2021.
19. Submission from L&GNSW Compliance, dated 30 March 2021.
20. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 30 March 2021.
21. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 1 April 2021.
22. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 2 April 2021.

23. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 3 April 2021.
24. Submission from the owner or occupant of neighbouring premises (within 50m), dated 3 April 2021.
25. Submission from the owner or occupant of neighbouring premises (between 50-100m), dated 3 April 2021.
26. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 6 April 2021.
27. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 7 April 2021.
28. Submission from the owner or occupant of neighbouring premises (more than 100m), dated 7 April 2021.
29. Submission from a member of the public, dated 8 April 2021.
30. Petition with 120 signatures in support of the Application.

Other relevant information

31. Summary of COPS events recorded in relation to the Premises between 30 August 2017 and 9 March 2021, as provided by the Applicant under cover of letter dated 15 July 2021.
32. CMS Gaming Tax Invoices for the Premises, for the periods between 1 April 2019 – 31 March 2021.
33. Affidavit of Gary Douglas Maguire, dated 8 October 2019.
34. Affidavit of Rory Duncan, dated 8 October 2019.
35. Correspondence between L&GNSW staff and the Applicant between 3 March 2021 and 23 September 2021 in relation to the assessment of the Application.
36. Email from NSW Police Force enclosing a Penalty Notice issued to Tacking Point Tavern, dated 5 May 2021.
37. Find my LIA Banding data extracted from the L&GNSW website as at 4 July 2021.
38. Food menu at the Premises, as provided by the Applicant under cover of letter dated 15 July 2021.
39. Key liquor licence details for licence no. LIQH400110278, recorded as at 16 August 2021.
40. Google map images extracted from the Google website showing the location and photos of the Premises in map and street view.
41. Letter from Tacking Point Tavern to local residents, undated.

Schedule 2 – Relevant extracts from the *Liquor Act 2007*

The Tacking Point Tavern

3 Objects of Act

(1) The objects of this Act are as follows—

- (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
- (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
- (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.

(2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following—

- (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
- (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
- (c) the need to ensure that the sale, supply and consumption of liquor, and the operation of licensed premises, contributes to, and does not detract from, the amenity of community life,
- (d) the need to support employment and other opportunities in the—
 - (i) live music industry, and
 - (ii) arts, tourism, community and cultural sectors.

11A Special licence condition—6-hour closure period for licensed premises

(1) This section applies in relation to—

- (a) any licence granted on or after 30 October 2008, and
- (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.

(2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (***the 6-hour closure period***).

(3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.

(4) In the case of a licence—

- (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the [Liquor Legislation Amendment Act 2008](#)) commenced, or
- (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,

the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.

(5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than—

- (a) the period as last approved by the Authority, or
- (b) the period specified in subsection (4).

(6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.

(7) To avoid doubt, during the 6-hour closure period for any licensed premises—

- (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
- (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.

(8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).

(9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.

(10) The regulations may also create exceptions to this section.

12 Standard trading period for certain licensed premises

(1) For the purposes of this Act, the ***standard trading period*** means—

- (a) for any day of the week other than a Sunday—
 - (i) the period from 5 am to midnight, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed, and

(b) for a Sunday—

- (i) the period from 10 am to 10 pm, or
- (ii) if the regulations prescribe a shorter period—the period as so prescribed.

(1A) Despite subsection (1), the **standard trading period** for a small bar is the period from noon to midnight on any day of the week.

Note—

Small bars are subject to the 6-hour closure period under section 11A.

(1B) Despite subsection (1)(b), the **standard trading period** for premises to which this subsection applies ends at midnight on a Sunday that falls on 24 or 31 December.

(1C) Subsection (1B) applies to the following premises or part of premises—

(a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,

(b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,

(c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.

(2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may—

(a) apply to a specified class of licensed premises, and

(b) apply in relation to a specified day or days, and

(c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.

(3) Without limiting subsection (2)(a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

14 Authorisation conferred by hotel licence

(1) A hotel licence authorises the licensee to sell liquor by retail on the licensed premises for consumption on or away from the licensed premises.

(2) **Trading hours for consumption on premises** The times when liquor may be sold for consumption on the licensed premises are as follows—

(a) during the standard trading period or at such other times as may be authorised by an extended trading authorisation,

(b) on 31 December in any year (but without limiting the operation of any extended trading authorisation)—from the start of the standard trading period for that day until 2 am on the next succeeding day,

(c) at any time on any day (including a restricted trading day) to a resident of the licensed premises or to a guest of such a resident while the guest is in the resident's company.

(3) **Restricted trading days** Despite subsection (2)(a), the times when liquor may be sold for consumption on the licensed premises on a restricted trading day are as follows—

(a) between midnight and 5 am on that day (but only if authorised by an extended trading authorisation),

(b) between noon and 10 pm on that day.

(3A) In the case of Christmas Day, liquor must not be sold for consumption on the licensed premises between noon and 10 pm unless it is sold with or ancillary to a meal served in a dining area on the licensed premises.

(4) **Trading hours for consumption away from premises** Liquor may be sold for consumption away from the licensed premises during the standard trading period or at such other times as may be authorised by an extended trading authorisation.

(4A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—

(a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and

(b) on any other day—after midnight.

(5) **No take-away sales on restricted trading days** However, the sale of liquor for consumption away from the licensed premises is not authorised on a restricted trading day.

(6) **Functions on other premises** A hotel licence also authorises the licensee to sell liquor by retail for the purposes of a function to be held on such other premises as the Authority may, on application by the licensee, authorise, but only for consumption on those premises and at such times as may be specified by the Authority in the licence.

Note—

Section 51 applies to an authorisation referred to in this subsection.

15 Hotel licence—general provisions

(1) The following provisions apply in relation to a hotel licence (**the hotel primary purpose test**)—

- (a) except as provided by section 15A, the primary purpose of the business carried out on the licensed premises must at all times be the sale of liquor by retail,
 - (b) the keeping or operation of gaming machines (as authorised under the [Gaming Machines Act 2001](#)) on the licensed premises must not detract unduly from the character of the hotel or from the enjoyment of persons using the hotel otherwise than for the purposes of gambling.
- (2) The authorisation conferred by a hotel licence does not apply unless the hotel primary purpose test is complied with in relation to the licensed premises.
- (3) Any premises (other than the actual hotel) that are authorised by the Authority for the sale of liquor under a hotel licence are, for the purposes of this Act, taken to be part of the licensed premises to which the licence relates.

15A Cessation of liquor sales during trading hours

(1) **Extended trading periods** A hotelier may, at any time during the period that an extended trading authorisation is in force in relation to the licensed premises—

- (a) cease to sell or supply liquor on the licensed premises, and
- (b) continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises).

(2) **Authority may approve of cessation of liquor sales during standard trading period** A hotelier may, at any time during the standard trading period—

- (a) cease to sell or supply liquor on the licensed premises, and
- (b) continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises),

but only with the approval of the Authority.

(3) An application for the approval of the Authority under subsection (2) may be made by the hotelier concerned. Any such application must be accompanied by the fee prescribed by the regulations.

(4) The Authority may give its approval only if it is satisfied that—

- (a) the operation of gaming machines on the licensed premises during the period to which the approval relates will not detract unduly from the character of the hotel, and
- (b) gambling activities on the licensed premises will be conducted in a responsible manner.

(5) **Cessation of liquor sales during standard trading period without gambling activities** A hotelier may, at any time during the standard trading period—

- (a) cease to sell or supply liquor on the licensed premises, and
- (b) continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings).

However, it is a condition of the licence that the licensed premises must not be used for the purposes of any gambling activities during any such time that liquor is not being sold or supplied unless an approval is in force under subsection (2) in relation to the licensed premises.

16 Hotel licence may be designated as a general bar licence

(1) The Authority may, in granting a hotel licence, designate the licence as a general bar licence and specify in the licence that it is a general bar licence.

(2) The designation of a hotel licence as a general bar licence cannot be changed.

(3) It is not lawful to keep or operate gaming machines on the premises to which a general bar licence relates. Accordingly, the keeping or operation of gaming machines on any such premises cannot be authorised under the [Gaming Machines Act 2001](#).

(4) Despite section 14, a general bar licence does not authorise the sale or supply of liquor for consumption away from the licensed premises at any time.

17 Hotel licence—miscellaneous conditions

(1) **Cash advances prohibited** A hotelier must not—

- (a) provide a cash advance in the hotel, or
- (b) permit a cash advance to be provided in the hotel on behalf of the hotelier, except as a prize or bonus won as a direct or indirect consequence of participating in a form of gambling that may lawfully be conducted on the licensed premises.

(2) **Hotels must be open to general public** The business carried out under a hotel licence must not be, or include, a business that is limited to the sale or supply of liquor only—

- (a) to persons who have been invited to use or attend the hotel, or
- (b) to a particular class, or particular classes, of persons using or attending the hotel.

(2A) To avoid doubt, subsection (2)—

- (a) does not prevent a hotel being closed to the general public because it has been booked for a private function including, for example, a wedding or party, but
- (b) does not allow it to be closed to the general public for use as a members-only premises or club, or for other exclusive use on a recurrent basis.
- (3) Subsection (2) is subject to such exceptions as may be approved by the Authority on a temporary basis in relation to any particular hotel or to such other exceptions as may be prescribed by the regulations. Also, subsection (2) does not apply to the extent that is necessary to comply with any other provision of this Act or with any other law.
- (4) **Food must be made available** Liquor may only be sold or supplied in a hotel if food of a nature consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied on the premises for consumption on the premises. If any requirements are prescribed by the regulations in relation to the nature of any such food, those requirements must be complied with.
- (5) **Prohibition on residents and employees drinking liquor in bar area outside trading hours** Liquor may not be sold or supplied to, or consumed by, a resident or an employee of the licensee in a bar area of the hotel except at the time when liquor is authorised to be sold or supplied to other persons in that or any other bar area of the hotel. This subsection has effect despite any other provision of this Act, but is subject to subsection (6).
- (6) The Authority may, on application by a hotelier, authorise the use of a bar area of the hotel for the sale, supply or consumption of liquor exclusively to, or by, residents at a time when liquor may not otherwise be sold or supplied in a bar area of the hotel.

Note—

Section 51 applies to an authorisation referred to in this subsection.

40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by—
- (a) an individual, or
- (b) a corporation, or
- (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10(1) of the [Registered Clubs Act 1976](#).
- (3) An application for a licence may not be made by—
- (a) an individual who is under the age of 18 years, or
- (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
- (c) an individual who is a controlled member of a declared organisation within the meaning of the [Crimes \(Criminal Organisations Control\) Act 2012](#).

Note—

Controlled members are prohibited from applying for licences—see section 27 of the [Crimes \(Criminal Organisations Control\) Act 2012](#).

- (4) An application for a licence must—
- (a) be in the form and manner approved by the Authority, and
- (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
- (c) be advertised in accordance with the regulations, and
- (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

Note—

See also section 48 which requires a community impact statement to be provided with certain licence applications.

- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

44 Submissions to Authority in relation to licence applications

- (1) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for a licence.
- (2) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the licence.

45 Decision of Authority in relation to licence applications

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.

- (3) The Authority must not grant a licence unless the Authority is satisfied that—
- (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - (b) practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and
 - (c) if development consent is required under the [Environmental Planning and Assessment Act 1979](#) (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.

Note—

Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3)(a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person—
- (a) that the person—
 - (i) is a member of, or
 - (ii) is a close associate of, or
 - (iii) regularly associates with one or more members of, a declared organisation within the meaning of the [Crimes \(Criminal Organisations Control\) Act 2012](#), and
 - (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3)(a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant—
- (a) is of good repute, having regard to character, honesty and integrity, and
 - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.
- (7) In deciding whether or not to grant a licence, the Authority must consider whether, if the licence were granted, it would provide employment in, or other opportunities for, any of the following—
- (a) the live music industry,
 - (b) the arts sector,
 - (c) the tourism sector,
 - (d) the community or cultural sector.

48 Community impact

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of—
- (a) the views of the local community, and
 - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application, and
 - (c) whether the granting of the application would provide employment in, or other opportunities for, any of the following—
 - (i) the live music industry,
 - (ii) the arts sector,
 - (iii) the tourism sector,
 - (iv) community or cultural sector.
- (2) In this section—
- relevant application** means any of the following—
- (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
 - (c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
 - (e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),

- (e1) an application for an extended trading authorisation in relation to a small bar licence (but only if the authorisation will result in trading on a regular basis at any time between 2 am and 5 am),
- (f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
- (g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49(5)(b) or (5A) or 49A(3)(b)).

(3) A relevant application must be accompanied by a community impact statement.

(3A) However, a small bar application is not required to be accompanied by a community impact statement if—

- (a) development consent is required under the [Environmental Planning and Assessment Act 1979](#) to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
- (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.

(3B) For the purposes of subsection (3A), a **small bar application** means any of the following—

- (a) an application for a small bar licence,
- (b) an application for approval to remove a small bar licence to other premises,
- (c) an application for an extended trading authorisation for a small bar, other than if the authorisation would result in trading on a regular basis at any time between 2 am and 5 am,
- (d) an application to vary an extended trading authorisation for a small bar, other than if the variation would result in trading on a regular basis at any time between 2 am and 5 am.

(3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if—

- (a) the application relates to the same premises as the premises to which a general bar licence relates, and
- (b) development consent has been obtained under the [Environmental Planning and Assessment Act 1979](#) to sell liquor during the times to which the application relates and those times are specified in the development consent.

(3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if—

- (a) an extended trading authorisation of the kind referred to in section 49(5)(a) is in force in respect of the licensed premises concerned, or
- (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the [Registered Clubs Act 1976](#).

(4) The community impact statement must—

- (a) be prepared in accordance with the regulations and any requirements of the Authority, and
- (b) be in the form approved by the Authority.

(5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to—

- (a) the community impact statement provided with the application, and
- (a1) any published cumulative impact assessment that applies to the area in which the premises the subject of the application are located, and
- (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),

that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.

(6) The regulations may make provision for or with respect to the following—

- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
- (b) the matters to be addressed by a community impact statement,
- (c) the information to be provided in a community impact statement,
- (d) the criteria for determining the local and broader community for the purposes of a relevant application,
- (e) any other matter relating to the preparation and content of a community impact statement.

(7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

49 Extended trading authorisation—general provisions

(1) **Application of section** This section applies in relation to the following types of licences (referred to in this section as a **relevant licence**)—

- (a) a hotel licence,
- (b) a club licence,
- (c) an on-premises licence (other than an on-premises licence that relates to a vessel),
- (d) a packaged liquor licence,
- (e) a producer/wholesaler licence.

(2) **Extended trading authorisation for consumption on premises** In the case of a relevant licence (other than a packaged liquor licence) that authorises the sale or supply of liquor for consumption on the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption on the licensed premises only, during any of the following periods—

- (a) in the case of a hotel licence—a specified period between midnight (other than midnight on a Sunday) and 5 am on any day of the week (other than a Monday),
- (b) in the case of a relevant licence other than a hotel licence—a specified period between midnight and 5 am on any day of the week,
- (c) in any case—a specified period between 5 am and 10 am on a Sunday,
- (d) in any case—a specified period between 10 pm and midnight on a Sunday.

(2A) Without limiting subsection (2), the Authority may, in the case of an on-premises licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during any of the following periods—

- (a) a specified period between 5 am and noon on a restricted trading day,
- (b) a specified period between 10 pm and midnight on a restricted trading day.

Note—

The sale of liquor at these times is subject to the requirement that a meal is also served—see section 25(3).

(3) Despite subsection (2)(a), the Authority may, in the case of a hotel—

- (a) situated in the area constituting the City of Sydney (as at 1 July 1994), or
- (b) situated in the Kings Cross precinct, or
- (b1) situated in the area including and bounded by the parts of streets specified in Schedule 3 (Oxford Street–Darlinghurst precinct) or that fronts or backs onto, or abuts, any such specified part, or
- (c) situated in the Kosciuszko National Park,

authorise the licensee, on application by the licensee, to sell or supply liquor, for consumption on the licensed premises only, during a specified period between midnight on a Sunday and 5 am on a Monday.

(4) **Extended trading authorisation for take-away sales on Sundays** In the case of a relevant licence (including a packaged liquor licence) that authorises the sale or supply of liquor for consumption away from the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption away from the licensed premises only, during either or both of the following—

- (a) a specified period between 5 am and 10 am on a Sunday,
- (b) a specified period between 10 pm and 11 pm on a Sunday.

(5) **Nature of extended trading authorisation** An extended trading authorisation operates to authorise the sale or supply of liquor on the licensed premises—

- (a) on a regular basis (until such time as the authorisation is varied or revoked by the Authority), or
- (b) if the authorisation so provides—on a special occasion that takes place on a specified date, or
- (c) if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.

(5A) Despite subsection (2)(a), the Authority may, in the case of a hotel licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during a specified period between midnight on a Sunday and 5 am on a Monday, but only on or in connection with a special occasion that takes place on a specified date.

(6) **Extended trading period to be specified** In granting an extended trading authorisation, the Authority is to specify—

- (a) the extended trading hours during which the licensee is authorised to sell or supply liquor, and
- (b) the part or parts of the licensed premises to which the authorisation applies.

(7) **Extended trading not permitted on or in relation to restricted trading days—hotels and licensed public entertainment venues** Despite any other provision of this section, an extended trading authorisation cannot, in the case of a hotel licence or an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre), be granted to authorise the sale or supply of liquor for consumption on the licensed premises during any of the following periods—

- (a) between 5 am and noon on a restricted trading day,
- (b) between 10 pm and midnight on a restricted trading day,
- (c) between midnight and 5 am on any day immediately following a restricted trading day.

(8) **Restrictions on granting extended trading authorisation** The Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that—

(a) practices are in place, and will remain in place, at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and

(b) the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.

(9) For the purposes of this section, a **special occasion** means the occasion of a unique or infrequent event of local, State or national significance that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark on the licensed premises concerned.

51 General provisions relating to licence-related authorisations

(1) This section applies to the following authorisations granted by the Authority under this Act—

(a) an extended trading authorisation,

(b) a drink on-premises authorisation,

(c) any other authorisation that may be granted by the Authority under Part 3 (other than a licence),

(d) a minors area authorisation,

(e) a minors functions authorisation,

(f) a minors authorisation.

(2) An application for an authorisation to which this section applies must—

(a) be in the form and manner approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary), and

(b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and

(c) if required by the regulations to be advertised—be advertised in accordance with the regulations, and

(d) comply with such other requirements as may be approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary) or prescribed by the regulations.

(3) In determining an application for an authorisation, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.

(4) If, before an application for an authorisation is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection), the applicant must immediately notify the Authority of the particulars of the change.

(5) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for an authorisation.

(6) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the authorisation.

(7) The regulations may prescribe, or provide for the determination of, a fee in respect of the granting of an authorisation. If any such fee is prescribed or determined, the authorisation does not take effect unless the fee has been paid.

(8) The Authority may, in granting an authorisation, specify requirements that are to be complied with before the authorisation takes effect. The authorisation does not take effect until such time as any such requirements have been complied with.

(9) An authorisation—

(a) is subject to such conditions—

(i) as are imposed by the Authority (whether at the time the authorisation is granted or at a later time), or

(ii) as are imposed by or under this Act or as are prescribed by the regulations, and

(b) may be varied or revoked by the Authority on the Authority's own initiative or on application by the licensee, the Secretary or the Commissioner of Police.

(10) Any such application by a licensee to vary or revoke an authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by the fee prescribed by the regulations.

(11) For the purposes of this Act, any condition to which an authorisation is subject is taken to be a condition of the licence to which the authorisation relates.

(12) An authorisation has effect only while all the conditions to which it is subject are being complied with.

(13) The Authority must not impose a condition on an authorisation, or revoke or vary an authorisation, other than a variation made on application by a licensee, unless the Authority has—

(a) given the licensee to whom the authorisation relates a reasonable opportunity to make submissions in relation to the proposed decision, and

(b) taken any such submissions into consideration before making the decision.

(14) This section does not authorise the revocation or variation of a condition to which an authorisation is subject if the condition is imposed by this Act or is prescribed by the regulations.

Schedule 3 – Liquor & Gaming LiveData Report

APPENDIX A: DATA TABLES

Summary of Key Data

	Year	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
Population	2016	44,830	78,541	1,471,576	7,480,228
ABS ASGS Profile	2016	Inner Regional Australia (NSW)	Inner Regional Australia (NSW)	N/A	N/A
Socioeconomic status	2016	Bottom 33%	Top 49%	N/A	N/A
Outlet clustering	Aug 2021	29.8	20.4	16.0	95.1
Outlet saturation (annual rate per 100,000 residents)	Aug 2021	232.0	205.0	248.7	204.8
Outlet Diversification (total licensed premises)	Aug 2021	104	161	3516	15317
Alcohol related domestic assault (annual rate per 100,000 residents)	2021	148.6	152.6	178.6	112.9
	2020	117.2	136.1	338.6	114.1
	2019	125.6	129	333.4	112.8
Alcohol related non-domestic assault (annual rate per 100,000 residents)	2021	150.7	120.7	145.7	89.9
	2020	131.8	107.7	306.8	109.4
	2019	131.8	118.3	322.6	116.1
Alcohol related offensive conduct (annual rate per 100,000 residents)	2021	35.6	30.8	33.7	22.6
	2020	52.3	35.5	99.8	31.9
	2019	81.6	58	119.1	37
Malicious damage (annual rate per	2021	730.3	660.2	939.8	649.5
	2020	839.1	700.4	1934.8	693.4

	Year	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
100,000 residents)					
	2019	770	653.1	1983.2	717.9
Alcohol-attributable hospitalisation (annual rate per 100,000 residents)	2017/2018-2018/2019	Not reported	456.7	477.5	542.1
	2016/2017-2017/2018	Not reported	466.4	463.9	518.2
	2015/2016-2016/2017	Not reported	430.4	447.2	498.3
Alcohol-attributable death (annual rate per 100,000 residents)	2017/2018	Not reported	20.5	23.3	20
	2016/2017	Not reported	21.4	24.8	20.4
	2015/2016	Not reported	22.3	25.1	20.9

Outlet Density Data

Table 1: Outlet saturation (annual rate per 100,000 residents) in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (2019 to 2021)

Year	Liquor licence type	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
Aug 2021	Overall	232	205	248.7	204.8
	Packaged liquor store	22.3	28	36.1	30.3
	Authorised to supply packaged liquor	51.3	67.5	105.6	75.8
	Hotel	17.8	21.6	42.9	28.4
	General bar	2.2	1.3	1.1	1.4
	Club	11.2	17.8	26.5	17.1
	Late-trading outlets	35.7	24.2	36.1	34.8
	Overall	223.1	193.5	238.8	194.5
	Packaged liquor store	22.3	28	35.3	29.3
	Authorised to supply packaged liquor	51.3	67.5	104.5	74.7

Year	Liquor licence type	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
Aug 2020	Hotel	17.8	21.6	42.8	28.3
	General bar	2.2	1.3	1.1	1.3
	Club	11.2	17.8	26.4	17.1
	Late-trading outlets	35.7	24.2	35.4	34
Aug 2019	Overall	218.6	187.2	230.3	186.1
	Packaged liquor store	24.5	28	34.7	28.4
	Authorised to supply packaged liquor	53.5	67.5	103.7	73.6
	Hotel	17.8	21.6	42.6	28.1
	General bar	2.2	1.3	1.1	1.3
	Club	11.2	17.8	26.4	17.1
	Late-trading outlets	35.7	24.2	35.1	33.2

Table 2: Outlet clustering in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (2019 to 2021)

Year	Liquor licence type	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
Aug 2021	Overall	29.8	20.4	16	95.1
	Packaged liquor store	1.4	0.8	1.2	3
	Authorised to supply packaged liquor	1.3	0.7	1.7	7.1
	Hotel	1.8	0.8	2.6	15.3
	General bar	1	1	4.5	38.7
	Club	0.4	0.3	0.7	1
	Late-trading outlets	16.8	14.3	6.2	73.2
	Overall	27.3	18.8	15	90.8

Year	Liquor licence type	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
Aug 2020	Packaged liquor store	1.4	0.8	1.1	2.9
	Authorised to supply packaged liquor	1.3	0.7	1.6	7.1
	Hotel	1.8	0.8	2.6	15.2
	General bar	1	1	4.5	39.4
	Club	0.4	0.3	0.7	1
	Late-trading outlets	15.5	13.1	6.1	69.4
Aug 2019	Overall	26.2	18.2	14.4	85.9
	Packaged liquor store	1.3	0.8	1.1	2.7
	Authorised to supply packaged liquor	1.3	0.7	1.6	7
	Hotel	1.8	0.8	2.5	15.1
	General bar	1	1	4.5	40.8
	Club	0.4	0.3	0.7	1
	Late-trading outlets	14.9	12.6	5.9	65

Licensed Premises Data

Table 3: Number of liquor licence types in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (2019 to 2021)

Year	Liquor licence type	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
Aug 2021	Producer/wholesaler (with on-premises authorisation)	4	6	162	293
	On-premises (with no Primary Service Authorisation)	54	74	1531	7457
	On-premises (with Primary Service Authorisation)	22	27	303	1701
	Small bar	1	1	27	193
	Club	5	14	375	1281
	Hotel	7	16	592	2022
	General bar	1	1	15	103
	Packaged liquor store	10	22	511	2267
	Total authorised to supply packaged liquor	22	52	1478	5570
	Total not authorised to supply packaged liquor	82	109	2038	9747
Total all licensed premises	104	161	3516	15317	
Aug 2020	Producer/wholesaler (with on-premises authorisation)	4	6	145	258
	On-premises (with no Primary Service Authorisation)	55	71	1452	6943
	On-premises (with Primary Service Authorisation)	17	21	284	1611
	Small bar	1	1	17	152
	Club	5	14	374	1278
	Hotel	7	16	590	2015

Year	Liquor licence type	Port Macquarie	Port Macquarie-Hastings LGA	Inner Regional Australia (NSW)	All of NSW
	General bar	1	1	15	100
	Packaged liquor store	10	22	499	2195
	Total authorised to supply packaged liquor	22	52	1463	5488
	Total not authorised to supply packaged liquor	78	100	1913	9064
	Total all licensed premises	100	152	3376	14552
Aug 2019	Producer/wholesaler (with on-premises authorisation)	4	6	121	221
	On-premises (with no Primary Service Authorisation)	52	66	1381	6542
	On-premises (with Primary Service Authorisation)	17	21	272	1523
	Small bar	1	1	16	134
	Club	5	14	374	1277
	Hotel	7	16	587	2005
	General bar	1	1	15	95
	Packaged liquor store	11	22	490	2127
	Total authorised to supply packaged liquor	23	52	1451	5409
	Total not authorised to supply packaged liquor	75	95	1805	8515
	Total all licensed premises	98	147	3256	13924

Demographic Data

Table 4: SEIFA Index of Relative Economic Advantage & Disadvantage (Percentile), Port Macquarie and Port Macquarie-Hastings LGA (2016, 2011, 2006)

Year	Port Macquarie	Port Macquarie-Hastings LGA
2016	Bottom 33%	Top 49%
2011	Bottom 34%	Bottom 48%
2006	Bottom 42%	N/A

Table 5: Aboriginal & Torres Strait Islander (ATSI) composition of Port Macquarie and Port Macquarie-Hastings LGA (2016, 2011, 2006)

Year	Port Macquarie	Port Macquarie-Hastings LGA
2016	4.2%	4.8%
2011	3.2%	3.5%
2006	2.7%	N/A

Health Data

Table 6: Alcohol-attributable hospitalisation (per 100,000 residents) in Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (2017 to 2019)

Year	Port Macquarie-Hastings LGA	Inner Regional Australia (Average)	NSW (Average)
2017/2018-2018/2019	456.7	477.5	542.1
2016/2017-2017/2018	466.4	463.9	518.2
2015/2016-2016/2017	430.4	447.2	498.3

Table 7: Alcohol-attributable death (per 100,000 residents) in Port Macquarie-Hastings LGA, Inner Regional Australia and NSW (2016 to 2018)

Year	Port Macquarie-Hastings LGA	Inner Regional Australia (Average)	NSW (Average)
2017/2018	20.5	23.3	20
2016/2017	21.4	24.8	20.4
2015/2016	22.3	25.1	20.9

Offence Data

Table 8: Alcohol-related domestic assault (rate per 100,000 residents) in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (March 2019 to March 2021)

Year	Port Macquarie		Port Macquarie-Hastings LGA		Inner Regional Australia (NSW)	All of NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	71	148.6	129	152.6	178.6	112.9
2020	56	117.2	115	136.1	338.6	114.1
2019	60	125.6	109	129	333.4	112.8

Table 9: Alcohol-related non-domestic assault (rate per 100,000 residents) in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (March 2019 to March 2021)

Year	Port Macquarie		Port Macquarie-Hastings LGA		Inner Regional Australia (NSW)	All NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	72	150.7	102	120.7	145.7	89.9
2020	63	131.8	91	107.7	306.8	109.4
2019	63	131.8	100	118.3	322.6	116.1

Table 10: Late-night alcohol-related non-domestic assault (per 100,000 residents) in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (March 2019 to March 2021)

Year	Port Macquarie		Port Macquarie-Hastings LGA		Inner Regional Australia (NSW)	All NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	24	50.2	26	30.8	39.5	24.9
2020	17	35.6	19	22.5	97.1	35.1
2019	20	41.9	24	28.4	104.4	39.8

Table 11: Alcohol-related non-domestic serious assault (per 100,000 residents) in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (March 2019 to March 2021)

Year	Port Macquarie		Port Macquarie-Hastings LGA		Inner Regional Australia (NSW)	All NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	25	52.3	40	47.3	56.4	32.5
2020	26	54.4	40	47.3	122.7	41.2
2019	22	46	33	39	133.7	44.2

Table 12: Alcohol related offensive conduct (per 100,000 residents) in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (March 2019 to March 2021)

Year	Port Macquarie		Port Macquarie-Hastings LGA		Inner Regional Australia (NSW)	All NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	17	35.6	26	30.8	33.7	22.6
2020	25	52.3	30	35.5	99.8	31.9
2019	39	81.6	49	58	119.1	37

Table 13: Malicious damage to property (per 100,000 residents) in Port Macquarie, Port Macquarie-Hastings LGA, Inner Regional Australia (NSW) and NSW (March 2019 to March 2021)

Year	Port Macquarie		Port Macquarie-Hastings LGA		Inner Regional Australia (NSW)	All NSW
	Count	Rate	Count	Rate	Rate	Rate
2021	349	730.3	558	660.2	939.8	649.5
2020	401	839.1	592	700.4	1934.8	693.4
2019	368	770	552	653.1	1983.2	717.9

APPENDIX B: USER GUIDE

A Liquor & Gaming LiveData User Guide is available at the following web address (URL):

<https://livedata.liquorandgaming.nsw.gov.au/Suburb/3484-Port-Macquarie#B>

APPENDIX C: TECHNICAL NOTES

Liquor & Gaming LiveData Technical Notes are available at the following web address (URL):

<https://livedata.liquorandgaming.nsw.gov.au/Suburb/3484-Port-Macquarie#C>