

THE NSW LIQUOR LICENSING COURT IS NO MORE

As of July 1 2008 New South Wales will experience the "most comprehensive reform of liquor laws in 25 years"¹.

Part of the reform will involve a change from an "adversarial system" for new licence approvals and enforcement, overseen by the NSW Liquor Licensing Court and the Liquor Administration Board, to an "administrative system", regulated by the newly created Casino, Liquor and Gaming Control Authority.

The NSW Government expects that this change will streamline the process for new applications, simplify the obligations on existing licensees, and decrease response time in addressing community concerns about licensed premises, or proposed licensed premises in a particular area.

The Casino, Liquor and Gaming Control Authority will be an independent authority and will not be subject to Ministerial direction under the Liquor Act. Members will be appointed by the Governor on the Minister's recommendation.

Michael Foggo, the Commissioner of the NSW Office of Liquor Gaming and Racing says "the new Liquor Act will provide a modern and practical system of regulation. Licensees will enjoy more flexibility and less red tape; there will be a variety of hospitality, dining and entertainment choices for patrons, and communities; and individuals will have greater protection from alcohol related crime and harm."²

From an existing licensee's perspective, the type of liquor licence currently held will change, while most of the licensee's trading entitlements will be preserved or enhanced.

In most cases, conditions previously imposed on a liquor licence or certificate of registration by the Licensing Court of NSW or Liquor Administration Board will continue to apply, until such time as they are varied or removed by the new Casino Liquor and Gaming Control Authority. One of the exceptions to this principle is the harm minimization conditions imposed by the Court on most licenses issued between 1997 and 2008.

Stuart Garrett a director of S+P Lawyers and head of the Commercial team in our Byron Bay office believes that "these liquor reforms are a very significant change to the current system and existing licensees should seek detailed legal advice to ensure that they will continue to comply with their licence conditions from 1 July 2008."

S+P Lawyers has acted for many local licensed premises and is well placed to advise on your existing Liquor Licence obligations or to assist with new applications. Contact our office on 1300 277 000 to speak to our experienced and professional team for practical and confidential advice.

The information contained in this article is of a general, non-specific nature and should not be relied in place of your own individual legal advice. This information may not be appropriate for your particular circumstances and you should contact a solicitor before acting on any information contained in this article.

¹ Foggo, Michael Commissioner NSW Office of Liquor Gaming and Racing

² Ibid