

## Fact sheet FS3042

# Half-hour live entertainment exemption to 1.30am lock out and 3.00am last drinks

This fact sheet outlines the application requirements for live entertainment venues in Kings Cross and the Sydney CBD entertainment precincts for exemption to the 1.30am lock out and 3.00am last drinks.

### Background

The *Liquor Act 2007* and *Liquor Regulation 2008* define the Kings Cross and Sydney CBD entertainment precincts, and apply special conditions to certain high risk premises within them – including a 1.30am lock out and 3.00am last drinks.

Licensees of live entertainment venues may apply for an exemption to the lock out and last drinks conditions that will allow a later lock out time of 2.00am and last drinks of 3.30am on nights they provide live entertainment after midnight.

Live entertainment includes:

- ▲ events where people are engaged to perform live or pre-recorded music, and
- ▲ other performances where performers (or at least some of them) are present in person – for example, theatre, musicals, dance, comedy and variety performances.

Applications can be made using the AM0660 ‘Half-hour live entertainment exemption to 1.30am lock out and 3.00am last drinks’ form.

An exemption, if granted, may apply to the entire venue or a specific part of the venue. Exemptions granted may be varied or revoked by a subsequent order in writing to the licensee.

### Is my venue eligible for the exemption?

Venues will need to demonstrate that they have a market orientation towards live performances, the arts and cultural events and endeavours.

This means that licensees will need to show as part of their application that their venue has been significantly investing in supporting these sectors,

with a proven history and upcoming schedule of regular live entertainment offerings for customers. Other indicators will also be considered, including:

- ▲ whether tickets for live entertainment on the premises can be purchased
- ▲ whether the premises, if primarily providing live music, are covered by a live music licence issued by APRA AMCOS (the Australasian Performing Right Association and the Australasian Mechanical Copyright Owners Society)
- ▲ whether the premises are used in connection with artistic or cultural festivals
- ▲ any other factors applicants consider relevant in demonstrating their market orientation.

The exemption is not available for venues (or parts of venues) that are considered to solely operate as nightclubs, comprise a karaoke bar or that primarily provide adult entertainment, such as a strip club.

The venue’s compliance history may also be taken into consideration without limitation – including whether there has been a history of serious breaches of liquor laws or violent incidents at the venue. If the venue has had a poor compliance history over the past two years, you may be asked for further information as part of your application. This could include information on how you would manage the risk of an additional half hour of trading.

Level 1 Violent Venues are not eligible for the exemption.

In the event that a venue that has successfully been granted this exemption is declared a Level 1 Violent Venue in the future, the exemption will be revoked by L&GNSW. The venue may, if it chooses, later reapply for the exemption if they are subsequently removed from the Level 1 Violent Venues list.

### Cost

The application fee is \$250. The fee is non-refundable. No GST is applicable to the fee. Fees may be subject to change without notice.



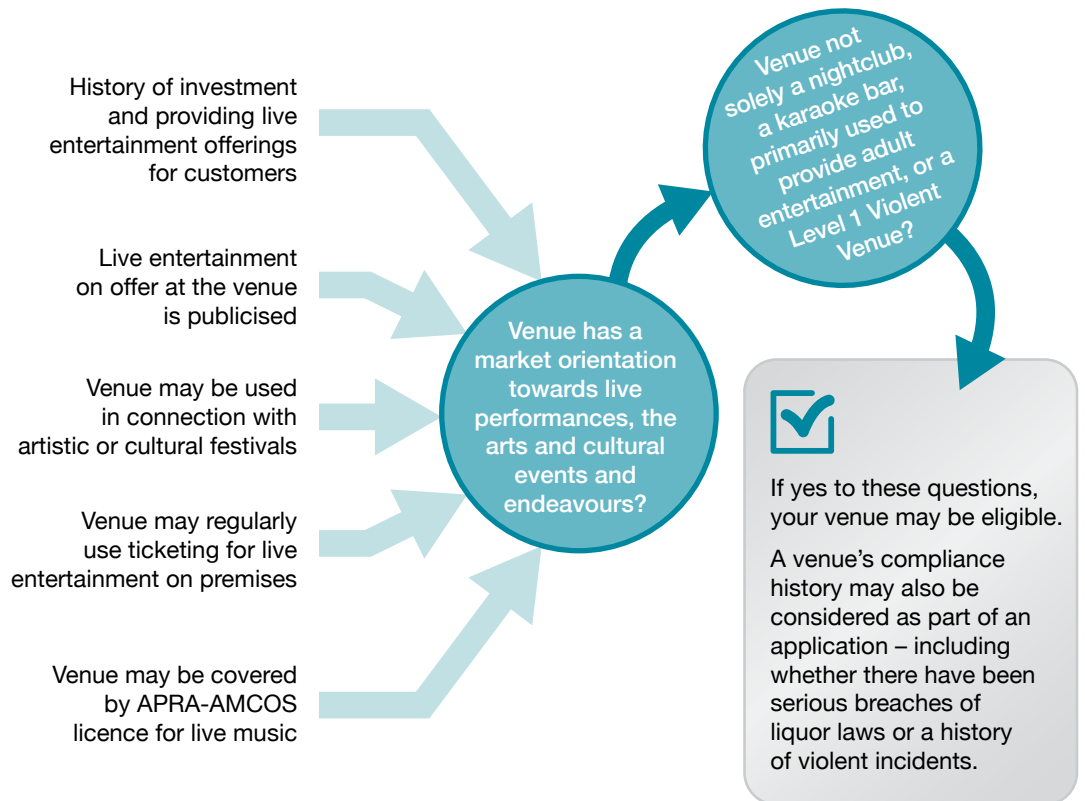
## What's changing?

Licenses of live entertainment venues may apply for an exemption to the lock out and last drinks conditions that will permit a later lock out time of 2.00am and last drinks of 3.30am on nights they provide live entertainment after midnight.

Applications for the exemption will be open by the end of 2016, with the first applications to be considered and granted from 16 January 2017.



## Is my venue eligible?



## When can my venue make use of the later times?

On approved days where any of the following live entertainment is provided after midnight:

- Live music: An event at which one or more persons are engaged to play or perform live or pre-recorded music.
- Other live performance: A performance at which the performers (or at least some of them) are present in person (e.g. theatre, musicals, dance, comedy and variety performances).

## For further information

To find out more about the exemption, contact L&GNSW:

[liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)

[safe.premises@liquorandgaming.nsw.gov.au](mailto:safe.premises@liquorandgaming.nsw.gov.au)

1300 024 720

You can also access the *Liquor Act 2007* and the *Liquor Regulation 2008* at [legislation.nsw.gov.au](http://legislation.nsw.gov.au).