

NEWCASTLE CBD LIQUOR LICENCE CONDITIONS REVIEW

Terms of Reference

Background

1. On 14 March 2008, the Liquor Administration Board imposed certain conditions upon the licences attached to specified premises, following the convening of conferences held under the *Liquor Act 1982 (NSW)* following the making of disturbance complaints. The Board indicated in its decision that it would keep under review, the operation of the relevant premises to determine whether more substantial restrictions on trading are required, or whether the restrictions imposed might be relaxed. An appeal from the Board's decision by the operators of some of the premises resulted in consent orders extending the time at which a lockout was to commence and allowing a later closing time. A later review conducted on 20 August 2008 by the Liquor Administration Board resulted in further adjustments to the conditions.
2. Those conditions imposed on liquor licences within the Newcastle Central Business District (**CBD**) have remained materially the same since that time.
3. The Australian Hotels Association of New South Wales has proposed that the Independent Liquor and Gaming Authority (**ILGA**) exercise its powers under s 53(2)(b) of the *Liquor Act*, of its own initiative to vary, revoke or impose conditions on a liquor licence. ILGA considers it timely to consider whether it ought exercise such powers and wishes to have before it adequate information to inform the making of that decision.
4. In order to inform that decision, ILGA has engaged Jonathan Horton QC to advise on measures which it may be open to ILGA to take and, for that purpose, to act in accordance with the Terms of Reference below.

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5. The review will:
 - a. investigate (without the exercise of any coercive powers) the issues bearing upon liquor-licensing and related measures that have been implemented in the Newcastle CBD and surrounding areas to reduce the risk of alcohol-related violence and anti-social behaviour, including the current appropriateness of the licence conditions of venues in the Newcastle CBD and surrounding areas, having regard to the objects of the *Liquor Act*
 - b. compile, summarise and distil the material referred to in 5.a above;
 - c. identify and advise upon the statutory and other measures open to ILGA, including the imposition or alteration of liquor licence conditions.

6. The review will take into account:
 - a. the report of the Honourable I D F Callinan AC, Review of the Amendments to the *Liquor Act*, of 13 September 2016;
 - b. amendments made to the *Liquor Act* consequent upon that review;
 - c. the decision of the former Liquor Administration Board of 14 March 2008 and the changes to the orders of that Board later made by consent;
 - d. research undertaken by the New South Wales Bureau of Crime Statistics and Research;
 - e. scholarly work considering the effect of the conditions imposed by the Liquor Administration Board, and later varied by consent;
 - f. the views of interested persons including indigenous groups, local residents, businesses, the Police, the Local Health District, and the owners and operators of licensed venues, expressed through an appropriate consultation process;
 - g. other material that informs an understanding of community safety and amenity and business operations in and around the Newcastle CBD, including an assessment of the adequacy of liquor licence conditions in the Newcastle CBD.
7. Mr Horton QC will proceed in such manner as he considers will appropriately assist and inform ILGA.
8. The consultation period will close on Wednesday, 24 January 2018.