



13 July 2018

2018 Remake of the Liquor Regulation
Liquor and Gaming NSW
GPO Box 7060
SYDNEY NSW 2001

Dear Sir/Madam

Re: Submission – 2018 Remake of the Liquor Regulation – Ballina Shire Council

I refer to your recent Regulatory Impact Statement for the making of the *Liquor Regulation 2018 (NSW)* and the proposed making of the *Swimming Pools Regulation 2018 (NSW)*.

Please find attached Ballina Shire Council's submission as requested.

Ballina Shire Council supports Option 1 as outlined in Part 4 of the Regulatory Impact Statement (hereinafter referred to as "the RIS") and the proposed making of the *Liquor Regulation 2018 (NSW)* (hereinafter referred to as "the proposed Regulation").

With respect to the significant changes identified in Part 5 on page 11, of the RIS, Ballina Shire Council's comments are listed below:

Fee Structure

Fee Changes (Clauses 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 34, 126 and Schedule 1)

Ballina Shire Council supports these proposed changes.

Responsible Service of Alcohol Training

Definitions (Clause 58)

The introduction of those definitions and the proposed tiers of licences is supported.

RSA requirements (Clause 59)

The proposed merging of the existing Clauses 40, 41 and 43 of the current Regulation into Clause 59 of the proposed Regulation is supported.

RSA requirements for Crowd Controllers (Clause 60)

Given these requirements would apply within the Ballina Shire for major events taking place on council land, the proposed inclusion of the tiers within this Clause to reflect the requirements of proposed Clause 58 is supported.

RSA requirements for RSA Marshalls (Clause 61)

The proposed requirement for extending RSA requirements for RSA Marshalls from the Kings Cross and Sydney CBD area to the whole of NSW is supported.

RSA training to become licensees (Clause 62)

It is anticipated that this proposed requirement will lift standards within the industry and is supported.

New RSA requirements for limited licence holders (Clause 63)

This is one of the main areas in which issues arise for the provision of liquor within Ballina Shire. It is anticipated that this proposed requirement will lift standards within the industry and for sporting clubs generally and is supported.

New requirements at the discretion of the Secretary for non-tier 1 licensees and managers to hold RSA competencies (Clauses 64 and 65)

Ballina Shire Council is not aware of any instances in which this requirement would be of benefit for this Shire, however it is anticipated that this proposed requirement will lift standards within the industry and for sporting clubs generally and is supported.

Changes to interim RSA competency requirements, and issuing and expiry of competency cards (Clauses 67 through 70 inclusive)

The clarification of these issues to reflect the proposed tiers of licenses is supported.

Authorisations and Processes

Inner West micro-brewery applications (Clause 33)

This Clause does not apply to Ballina Shire Council and no comment is made with respect to the proposed Clause.

Incident Registers (Clause 38)

The posed changes to Incident Registers to assist in management and control of licensed premises and the control of illicit substances is supported.

Authorisation to trade on premises other than licensed premises (Clause 38)

Given the climate and location of the Ballina Shire on the north eastern coast of New South Wales, there are a number of places in which this type of catering licence is utilised, including premises operating as function centres without the requisite development consents being in place.

The proposed changes to reflect the proposed tier system and the time frames as provided by the proposed Regulation will assist Ballina Shire Council in identifying and addressing venues of this type. This proposed Clause is supported.

Restriction of Round the Clock Incident Registers (Clause 90)

Council is not aware of any such venues within the Ballina Shire to which this Clause would apply.

Conversion of Existing licenses to small bar licenses (Clause 130)

The ability for a licensee to convert an existing licence to a small bar licence to take advantage of lower fees and more flexible trading hours is supported in theory, however Ballina Shire Council requests that the Regulation requires that the local consent authority is notified prior to the granting of any such licence to ensure that the applicable development consent is in place to permit the licensee to trade to any new hours.

Community Consultation

Exemption from Community Impact Statements (Clause 118)

Ballina Shire Council notes the rationale behind the simplification of the application process, which currently requires a two-stage notification process. It is recognised that this notification will still occur as part of the application itself.

The simplification of the application process is supported.

Extension of Notification Radius (Definitions Clause 20(1))

The expansion of the notification radius from 100 metres to 200 metres for advertised applications is supported.

Other persons to be notified of applications (Clause 22)

The requirement to notify various government agencies including the local Police, local government authority, Departments of Health, Family and Community Services as well as domestic violence and gambling assistance organisations and Aboriginal medical services is supported.

It has been the experience of Ballina Shire Council that a number of applications lodged with Liquor and Gaming NSW are not being provided to the local government authority. Given this, Council staff regularly review the Liquor and Gaming Noticeboard to make sure that any such application is identified and brought to the attention of Liquor and Gaming NSW.

Submissions relating to Applications (Clause 27)

It is pleasing to note that this proposed Clause provides the discretionary power to Liquor and Gaming NSW to refuse an application where it is evident that the notification requirements have not been met.

As outlined above, Ballina Shire Council has experience where such notifications have not been provided to the local government authority. Ballina Shire Council supports the retention of this discretionary power within the proposed Regulation.

If you have any enquiries in regard to this matter please contact Council's Compliance Section on 1300 864 444 during office hours, Monday to Friday.

Yours faithfully



Stephen Rendall
Compliance Coordinator
Development and Environmental Health