



New South Wales

24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the following Acts and instruments to improve the night-time economy in New South Wales—

- (a) the *24-Hour Economy Commissioner Act 2023*,
- (b) the *Environmental Planning and Assessment Act 1979*,
- (c) the *Gaming and Liquor Administration Act 2007*,
- (d) the *Liquor Act 2007*,
- (e) the *Liquor Regulation 2018*,
- (f) the *Local Government Act 1993*,
- (g) the *Major Events Act 2009*,
- (h) the *Protection of the Environment Operations (General) Regulation 2022*,
- (i) the *Registered Clubs Act 1976*,
- (j) the *Registered Clubs Regulation 2015*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of 24-Hour Economy Commissioner Act 2023 No 54

Schedule 1[3] inserts proposed Part 3 to facilitate the resolution of disputes in relation to live music and performance venues through mediation and other appropriate forms of alternative dispute resolution.

Schedule 1[2] inserts certain definitions. **Schedule 1[1]** makes a consequential amendment.

Schedule 2 Amendment of Liquor Act 2007 No 90

Schedule 2[2]–[4] amend the definitions of *category 1 demerit offence* and *relevant licensed premises*.

Schedule 2[1] and [5] make consequential amendments.

Schedule 2[6] sets out when a police officer, the Secretary or a marine authority may give an *improvement notice* to a relevant person for a licensed premises.

Schedule 2[10] sets out what is required for a valid improvement notice issued by a marine authority. **Schedule 2[7]–[9]** make consequential amendments.

Schedule 2[11] removes the *Liquor Act 2007*, section 79A.

Schedule 2[12] provides that a disturbance complaint must be made in the form and way determined by the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport.

Schedule 3 Amendment of Local Government Act 1993 No 30

Schedule 3[1] amends the *Local Government Act 1993*, Chapter 8, Part 3 by inserting the following—

- (a) proposed section 202, which inserts certain definitions,
- (b) proposed section 202A, which inserts the definition of *entertainment activity*,
- (c) proposed section 202B, which inserts the definition of *special entertainment precinct*,
- (d) proposed section 202C, which sets out how a special entertainment precinct may be established,
- (e) proposed section 202D, which provides when a local council must prepare a precinct management plan,
- (f) proposed section 202E, which sets out the relationship to other instruments.

Schedule 3[2] inserts certain definitions.

Schedule 4 Amendment of Major Events Act 2009 No 73

Schedule 4[1] makes it clear that an object of the *Major Events Act 2009* (the *ME Act*) is to attract, support and facilitate the holding and conduct of major events in New South Wales that have a significant number of participants or spectators.

Schedule 4[9] authorises the Minister for Jobs and Tourism or the Minister for Sport (the *Minister*) to make an order specifying certain matters for a major event (a *Ministerial order*). **Schedule 4[2]–[4], [15]–[17], [25] and [26]** make consequential amendments.

Schedule 4[10] provides that the provisions of the ME Act, Part 4 only apply in relation to a major event if a Ministerial order declares the provision applies. The proposed amendment also provides that the ME Act, section 38 only applies if a regulation declares that the section applies to a major event.

Schedule 4[5] authorises the Premier to cancel or vary an order of the Minister for a major event, including a Ministerial order.

Schedule 4[8] provides for the definition of *foundation event*. **Schedule 4[6]** provides that the Minister may have regard to whether an event is a foundation event when determining whether to declare the event as a major event. **Schedule 4[7]** makes a consequential amendment.

Schedule 4[11] provides that a responsible authority for a major event may consult with government agencies.

Schedule 4[12]–[14] amend the requirements for Transport for NSW for road closures for a major event.

Schedule 4[18] makes it an offence for a person who is the owner or operator of a digital billboard vehicle to advertise within a control site unless permitted or authorised by the responsible authority for the major event. The maximum penalty for an individual is 250 penalty units, or otherwise 500 penalty units.

Schedule 4[19] and [20] set out certain activities that a person must not do within a major event area unless as authorised by the responsible authority.

Schedule 4[21] sets out the powers of an authorised officer in relation to a locker, storage area or other locked area in a major event area.

Schedule 4[22] sets out the prohibition on entry to certain areas within a major event area.

Schedule 4[24] provides that a responsible authority for a major event may take a video of a person who is removed from a major event area. **Schedule 4[23]** makes a consequential amendment.

Schedule 5 Amendment of other legislation

5.1 Environmental Planning and Assessment Act 1979 No 203

Schedule 5.1 provides that certain conditions of a development consent for a licensed premises cease to have effect.

5.2 Gaming and Liquor Administration Act 2007 No 91

Schedule 5.2 provides that a marine authority may require a person to give information for the purposes of issuing an improvement notice.

5.3 Liquor Regulation 2018

Schedule 5.3[1] removes a requirement for the Minister for Gaming and Racing to conduct a review of the effectiveness of the reduction of certain fees.

Schedule 5.3[2] sets out when a trading hours risk loading element is not payable in relation to a licensed premises.

Schedule 5.3[3] makes an amendment consequent on Schedule 2[11].

5.4 Protection of the Environment Operations (General) Regulation 2022

Schedule 5.4 provides that certain provisions do not apply to certain entertainment activities.

5.5 Registered Clubs Act 1976 No 31

Schedule 5.5 removes the requirement for a resident living within 5km of the premises of a club to become a member of the club or a member of a similar club in order to attend the club.

5.6 Registered Clubs Regulation 2015

Schedule 5.6 makes an amendment consequent on Schedule 5.5.