

## Special licence conditions for premises in Kings Cross



Trade & Investment  
Office of Liquor, Gaming & Racing

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Special conditions apply to all liquor licences in the Kings Cross precinct. This fact sheet describes each special condition and the licence types or circumstances under which it applies.

**Note:** This fact sheet replaces earlier versions of fact sheets for Kings Cross which described the conditions under different stages.

### History of the Kings Cross special conditions

In September 2012 the Government released its Plan of Management for Kings Cross which provided a comprehensive set of measures to reduce alcohol-related violence and improve the safety and amenity of Kings Cross.

Under the Plan, the Kings Cross precinct was consolidated and expanded to capture more than 130 licensed venues.

These venues are subject to strict regulatory controls via special conditions which were introduced over two stages in December 2012 and December 2013.

These conditions are contained in both the *Liquor Act 2007* and the *Liquor Regulation 2008*, which are available from [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

In February 2014, new laws were introduced to NSW by the *Liquor Amendment Act 2014*. These laws established a Sydney CBD Entertainment precinct, and imposed certain conditions on both the new precinct and the existing Kings Cross precinct, as well as state-wide conditions on take-away sales.

A Plan of Management for the Sydney CBD Entertainment precinct was released on 28 May 2014. As a result

of this plan, some existing conditions in Kings Cross are adjusted to bring them into line with the conditions in the Sydney CBD Entertainment precinct. The changes contained in the Plan of Management for Sydney CBD Entertainment precinct, and any resulting changes for the Kings Cross precinct, take effect from 18 July 2014, and are summarised in the box on page 3.

### Details and resources

More resources relating to the Kings Cross licence conditions, including this fact sheet and the required Alcohol Sales Data report form, can be found at [www.olgr.nsw.gov.au/liquor\\_kingscross\\_precinct.asp](http://www.olgr.nsw.gov.au/liquor_kingscross_precinct.asp)

Full details of the laws introduced in February 2014 can be found at [www.olgr.nsw.gov.au/news\\_New\\_Initiatives\\_Announced.asp](http://www.olgr.nsw.gov.au/news_New_Initiatives_Announced.asp)

The details of the Sydney CBD Plan of Management can be found at [www.olgr.nsw.gov.au/liquor\\_SydneyCBD\\_precinct.asp](http://www.olgr.nsw.gov.au/liquor_SydneyCBD_precinct.asp)

### Boundaries of the Kings Cross precinct

The precinct is defined in schedule 2 of the *Liquor Act 2007*. See **Annexure 2** for a map of the Kings Cross precinct. See **Annexure 3** for a map of the Sydney CBD Entertainment precinct.

# Special licence conditions for premises in Kings Cross

Condition Type (and page reference)	Hotel (including general bar)	Registered club	Packaged liquor	On-premises restaurant with a PSA*	On-premises restaurant without a PSA*	On-premises cinema	On-premises theatre	On-premises karaoke bar	On-premises other public entertainment (eg. Nightclub)	Small bar**
"Round the clock" incident register to be maintained by licensees (pg 3)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Notification of violent incidents to police (pg 4)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Certain promotional activity prohibited (pg 4)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Removal of litter from outside of licensed premises (pg 4)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Patron and customer responsibility advice (pg 4)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hours of operation signage (pg 4)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
No take-away alcohol after 10pm (pg 4)	yes	yes	yes	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>
Exclusion of outlaw motorcycle-related organisations from licensed premises (pg 4)	yes	yes	no	yes	yes	yes	yes	yes	yes	yes
Promotion of late night transport options to patrons (pg 5)	yes	yes	no	yes	yes	yes	yes	yes	yes	yes
Alcohol sales data (pg 5)	yes	yes	no	yes	yes	yes	yes	yes	yes	yes
Certain drinks and other types of liquor sales prohibited during late trading period (pg 5)	yes <sup>2,3</sup>	yes <sup>2,3</sup>	N/A	yes <sup>2,3</sup>	yes <sup>2,3</sup>	yes <sup>2,3</sup>	yes <sup>2,3</sup>	yes <sup>2,3</sup>	yes <sup>2,3</sup>	yes <sup>2,3</sup>
RSA marshals during supervised trading period (pg 6)	yes (class 1)	yes (class 1)	no	yes (class 2)	no	no	yes (class 2)	yes (class 2)	yes (class 1)	no
Approved managers for high risk venues (pg 6)	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk
ID scanners (pg 6)	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk	if high risk
CCTV systems to be maintained on the premises (pg 7)	yes	yes	if required to comply <sup>4</sup>	yes <sup>2,3</sup>	if required to comply <sup>4</sup>	if required to comply <sup>4</sup>	yes	yes	yes	if required to comply <sup>4</sup>
'Lock out' of new patrons at 1.30am and 'last drinks' at 3am (pg 7)	yes <sup>5</sup>	yes <sup>5</sup>	N/A	if high risk or declared <sup>6</sup>	if high risk or declared <sup>6</sup>	if high risk or declared <sup>6</sup>	if high risk or declared <sup>6</sup>	yes	yes	if high risk or declared <sup>6</sup>
Glasses prohibited during late trading period on any day (pg 7)	yes <sup>2</sup>	yes <sup>2</sup>	N/A	yes <sup>2</sup>	no	no	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	no
Responsible service of alcohol training requirements (pg 8) <sup>7</sup>	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

\* a primary service authorisation (PSA) allows the restaurant to sell liquor without meals

\*\* a small bar is a premises operating under a small bar licence. See What is a "small bar"? on page 10

1. Take away sales not permitted under standard licence conditions.

2. Exemption may be available

3. If trading after midnight is permitted under licence conditions

4. Can be required to comply by the Secretary of NSW Trade & Investment, following violent incidents at the premises (licensees will be individually notified of any requirement to comply)

5. Does not apply to tourist accommodation establishments unless declared under Schedule 4 as a violent venue, or listed as a high risk venue

6. Only if declared under Schedule 4 as a violent venue, or listed as a high risk venue

7. Interim Certificates are only valid in the Kings Cross precinct from 18 July 2014.

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## High risk venues

Some requirements apply only to high risk venues.

High risk venues are listed in the *Liquor Regulation 2008*. They are venues that sell liquor for consumption on the premises, are authorised to trade after midnight, and have a capacity of more than 120 persons. The Liquor Regulation also exempts certain venues that meet this criteria.

A list of the venues that are high risk is included in the Regulation at **clause 53R**. Exempt venues are listed in **clause 53S**.

### Changes from 18 July 2014

The following conditions have been added or changed due to the introduction of the Sydney CBD Entertainment precinct Plan of Management.

These changes apply from 18 July 2014.

- “Round the clock” incident register for all licences in the precinct. (see page 3)
- Notification of violent incidents for all licences in the precinct. (see page 4)
- Certain promotional activity prohibited for all licences in the precinct. (see page 4)
- Prohibited drinks and drink quantity restrictions apply after midnight each night of the week. (see page 5)
- Cocktails (under certain circumstances) exempt from prohibited drinks condition. (see page 5)
- Drink quantity restrictions include no more than 2 drinks after 2am. (see page 5)
- Engagement time requirements for RSA marshals changed. (see page 6)
- RSA supervisory duties no longer include assisting in dispute resolution. (see page 6)
- Valid RSA Interim Certificates accepted in the Kings Cross precinct. (see page 8)

Additional premises may be designated as high risk by the Secretary of NSW Trade & Investment, with the concurrence of the Commissioner of Police, upon being satisfied that there is a significant degree of alcohol-related violence or other anti-social behaviour associated with the premises. The Secretary will provide the venue 6 weeks notice before the commencement of the designation, and the decision is reviewable by the Independent Liquor & Gaming Authority.

## Penalties for not complying with conditions

A \$1,100 penalty notice can be issued for a breach of a liquor licence condition. The maximum court imposed penalty is \$11,000, or imprisonment for 12 months, or both.

## Strikes

Any breach relating to the Kings Cross special conditions will also be an offence that can incur a strike under the Three Strikes disciplinary scheme.

Further information on the Three Strikes disciplinary scheme is available from [www.olgr.nsw.gov.au/liquor\\_3\\_strikes.asp](http://www.olgr.nsw.gov.au/liquor_3_strikes.asp)

## Special licence conditions

The special conditions applying to the Kings Cross precinct are explained below. You should refer to the table on page 2 to determine which conditions apply to your premises.

## Licence conditions applying to all licensed premises in the Kings Cross precinct:

### “Round the clock” incident register to be maintained by licensees

All licensees must maintain an incident register in which the details of the following incidents and associated responses are recorded:

- a) Incidents involving violence or anti-social behaviour occurring on the premises
- b) Incidents of which the licensee is aware involving violence or anti-social behaviour occurring in the immediate vicinity of the venue and involving a person who has recently left, or been refused admission to, the premises
- c) Incidents resulting in a person being asked to leave the venue under section 77 of the Liquor Act – e.g. for being intoxicated, violent, quarrelsome, smoking illegally, or using or possessing illicit drugs
- d) Incidents resulting in a patron requiring medical treatment.

The incident register and reporting must be in the form and manner approved by the Secretary of NSW Trade & Investment.

In December 2014, an electronic form of incident register was approved in addition to the bound book form (available for purchase from OLGR).

Kings Cross venues are required to maintain an incident register in **one or both** of the approved forms; bound book or electronic.

Kings Cross venues must ensure that any incident register information (electronic or bound book) is available for review by OLGR inspectors or NSW Police upon request and must be retained for at least three years.

The licensee must if requested:

- a) Make the incident register immediately available for inspection by a police officer or liquor inspector, and
- b) Allow a police officer or liquor inspector to take copies of the register or to remove the register from the premises.

Purchase approved bound book form incident register from the Office of Liquor Gaming & Racing (OLGR)

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at: [www.olgr.nsw.gov.au/signs\\_incident\\_register.asp](http://www.olgr.nsw.gov.au/signs_incident_register.asp)

**Download the Electronic Incident Register materials** – operating requirements and template form.

## Notification of violent incidents to police

Immediately after becoming aware that a violent incident has occurred causing injury on the licensed premises, the licensee must ensure that:

- e) all reasonable steps are taken to preserve the scene and retain any implement that was used in accordance with guidelines issued by the NSW Police Force relating to the preservation of crime scenes (see **Annexure 1**),
- f) the Kings Cross Local Area Commander or duty officer, NSW Police Force, is advised of the incident by a member of the licensee's staff (which includes a crowd controller or bouncer), and
- g) any directions given by the Local Area Commander to the licensee or staff to preserve the area where the incident occurred are complied with.

## Certain promotional activity prohibited

From 18 July 2014, the licensee must not promote or publicise:

- any free or discounted drinks (including a "shot", "shooter" or "bomb") that are designed to be consumed rapidly on the licensed premises, or
- any inducement (such as a prize or free give away or similar incentive) to purchase any drink designed to be consumed rapidly on the licensed premises.

This includes promotion by way of drink cards, flyers, vouchers, social media, website, print media or spruiking.

## Removal of litter from outside of licensed premises

All licensees must ensure the footpath directly adjacent to the licensed premises is cleared of litter within 30 minutes of closing.

For venues which trade after midnight, litter removal must also be conducted each hour the premises trades between midnight and actual closing time or 5am (whichever is earlier).

## Patron and customer responsibility advice

The licensee must promote any campaign conducted by the NSW Police Force about patron or customer responsibility in relation to alcohol.

The licensee must also ensure serving and security staff can advise patrons on the fail to leave provisions under section 77 of the Liquor Act. Posters for patrons and staff are available under the "Failure to quit" section of [www.olgr.nsw.gov.au/accords\\_posters\\_downloads.asp](http://www.olgr.nsw.gov.au/accords_posters_downloads.asp)

## Hours of operation signage

All premises in the Kings Cross precinct must display a notice to help inform patrons and the local community about the venue's authorised trading hours.

The sign must be approved by the Secretary of NSW Trade & Investment and be displayed at or near each entrance to the venue so that the sign is easily visible to any person entering the premises.

An approved sign was developed by the City of Sydney Council and distributed free of charge to each venue. Licensees are responsible for ensuring that the information contained on the sign is accurate and updated with any change of circumstance. An approved sign template is available for download at [www.olgr.nsw.gov.au/liquor\\_kingscross\\_precinct.asp](http://www.olgr.nsw.gov.au/liquor_kingscross_precinct.asp)

## Additional licence conditions applying to certain licences

See the table on page 2 to determine if the following conditions apply to your licence.

## No take-away alcohol after 10pm

Liquor licences across NSW are prohibited from selling take-away alcohol after 10pm. Bottle shops and liquor stores must close by 10pm. Take-away sales from other venues must cease by 10pm.

Full details of the take-away alcohol reform are available in the 2014 Reforms fact sheet at [www.olgr.nsw.gov.au/pdfs/2014\\_Reforms.pdf](http://www.olgr.nsw.gov.au/pdfs/2014_Reforms.pdf)

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## Exclusion of outlaw motorcycle-related organisations from licensed premises

The licensee must not permit any person to enter, or remain on, the premises if the person is wearing or carrying:

- h) any clothing, jewellery or accessories of the following outlaw motorcycle-related and similar organisations:
  - Bandidos
  - Black Uhlans
  - Brothers for Life
  - Coffin Cheaters
  - Commancheros
  - Finks
  - Fourth Reich
  - Gladiators
  - Gypsy Jokers
  - Hells Angels
  - Highway 61
  - Life and death
  - Lone Wolf
  - Mobshitters
  - Mongols
  - Muslim Brotherhood Movement
  - Nomads
  - Notorious
  - Odins Warriors
  - Outcasts
  - Outlaws
  - Phoenix
  - Rebels
  - Scorpions
- i) the colours, club patch insignia or logo of any of these organisations, or
- j) the 1% or 1%er symbol, or
- k) any image, symbol, abbreviation acronym or other form of writing that indicates membership of, or an association with, any of these organisations.

## Promotion of late night transport options to patrons

The licensee must:

- l) promote late night transport options to their patrons, and
- m) ensure that serving and security staff can provide information about late night transport options that are available to patrons.

## Alcohol sales data

Any venue that is authorised to sell liquor for consumption on the premises within the Kings Cross precinct must record and report on alcohol sales data. This data will help shape compliance efforts by police and OLGR, as well as future policy decisions by the Government.

Up until 12 December 2014, all Kings Cross venues were required to record the amount of liquor sold or supplied for consumption on the premises for each hour between 8pm and closing time or, in the case of 24 hour trading premises, between 8pm and 5am on the next day.

These reporting requirements have now changed. Kings Cross venues that are not prescribed as high risk venues in clause 53R of the Liquor Regulation 2008 are now only required to report daily alcohol sales between 8pm and 5am, rather than hourly sales. This change applies to sales data for the quarter ending 31 December 2014, and for all subsequent quarters.

Reporting requirements for high risk venues in Kings Cross have not changed. Those venues must continue to report hourly between 8pm and closing time or, in the case of 24 hour trading premises, between 8pm and 5am on the next day.

These records must be kept in the form and manner approved by the Secretary of NSW Trade & Investment and submitted at the completion of each quarter. Records must also be made available for inspection on

request at any time by police or OLGR inspectors.

The Alcohol Sales Data reporting form is available as an excel file from the OLGR website. The form is updated each quarter.

Visit [www.olgr.nsw.gov.au/liquor\\_kingscross\\_precinct.asp](http://www.olgr.nsw.gov.au/liquor_kingscross_precinct.asp) to download the reporting form.

## Certain drinks and other types of liquor sales prohibited during late trading period

The following drinks must **not** be sold or supplied on the licensed premises on any night of the week after midnight until closing or, in the case of premises that trade 24 hours, between midnight and 7am:

- n) any drink (commonly referred to as a “shot”, “shooter”, or “bomb”) that is designed to be consumed rapidly
- o) any drink containing more than 50% spirits or liqueur
- p) any “ready to drink beverage” containing more than 5% alcohol
- q) any drink prepared on the premises that contains more than 30mls of spirits or liqueur.

Note: From 18 July 2014, restrictions relating to (b) and (d) above do not apply to cocktails, provided that certain restrictions<sup>1</sup> are met regarding the sale of cocktails.

A “ready to drink beverage” means an alcoholic mixed beverage that is prepared by the manufacturer.

<sup>1</sup> A cocktail must be included on a publicly displayed cocktail list prepared by the licensee, which itemises the cocktail and the price. Between midnight and 3am, cocktails must not be discounted below the amount payable on the cocktail list. Cocktails must not be designed to be consumed rapidly

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In addition, the following drink quantity restrictions apply after midnight until closing or 7am (whichever is the earlier):

- **Between midnight and 2am:**
  - **No more than four** alcoholic drinks, or one bottle of wine, can be sold or supplied to the same person at a time.
- **Between 2am and 7am:**
  - **No more than two** alcoholic drinks can be sold or supplied to the same person at a time
  - If the venue is subject to the cease service (last drinks) condition, then **no alcohol** may be sold or supplied **between 3am and 5am**.

## RSA marshals during supervised trading period

RSA marshals must be engaged during the supervised trading period, which is:

- from midnight until 3am (or the time the venue is required to cease trading, if earlier)
- on each Friday night, Saturday night, public holiday night, or the night before a public holiday.

An RSA marshal must not be employed unless the marshal holds a current RSA competency card, or, from 18 July 2014, holds a valid Interim Certificate.

An RSA marshal is defined as a person employed to conduct RSA supervisory duties, including:

- monitoring responsible service of alcohol practices by staff,
- engaging with staff and patrons to encourage responsible attitudes and practices in relation to the promotion, sale, supply, service and consumption of liquor,
- monitoring alcohol consumption and patron behaviour for signs of irresponsible, rapid or excessive consumption of alcohol and for signs of intoxication, and

- intervening at an early stage to assist in preventing intoxication and anti-social behaviour (intervention may include suggesting that patrons moderate their alcohol consumption by consuming food or non-alcoholic beverages).

Licensees must ensure RSA marshals wear clothing that identifies them as an RSA marshal.

**Class 1 venues** must engage at least two RSA marshals at all required times. This applies to hotels (including general bars), registered clubs and public entertainment venues (other than a cinema or theatre).

**Class 2 venues** must engage at least one RSA marshal at all required times. This applies to theatres, karaoke venues and restaurants with a primary service authorisation

## Approved managers for high risk venues

High risk venues must be under the supervision and management of an approved manager if the licensee is absent during specified times.

An approved manager must be present in the venue while the venue is trading from 9pm each day until 7am the following day or until the venue ceases trading, whichever occurs first.

However, the manager is not required during this period when the licensee or a manager appointed under section 66 of the Liquor Act (for a licence held by a corporation) is present in the venue.

Each high risk venue manager must be approved by the Secretary of NSW Trade & Investment, who will have regard to the following:

- criminal records, probity inquiries and advice from NSW Police
- relevant industry experience
- RSA and privacy competencies
- any other prescribed training requirements.

Importantly, high risk venue managers will be responsible for the personal supervision and management of the conduct of the licensed venue during the required times.

The application form to become an approved high risk venue manager (form CC0650) can be found at [www.olgr.nsw.gov.au/liquor\\_forms.asp#9](http://www.olgr.nsw.gov.au/liquor_forms.asp#9)

## ID scanners

**From 13 June 2014**, all high risk venues must install and operate approved linked ID scanners **between 9pm and 1.30am**.

All staff operating the scanners, as well as the licensee, must have completed Privacy Competency training. Penalties apply to staff and licensees where the training has not been completed. See Privacy training on page 8

This ID scanning system includes an integrated database allowing any person subject to a temporary or long term banning order to be identified before they enter the premises.

All patrons entering high risk venues during specified times will have their photo ID scanned by a staff member who has undergone privacy training. The ID scanner will extract:

- the photographic image that appears on the ID
- the person's name, and
- the person's date of birth and/or address.

From 12 December 2014, ID scanners at certain Kings Cross venues may also record a real time photograph of the person that has been taken by a camera contained in the scanner. Capturing real time photographs enables more immediate identification of a person, and assists with post incident inquiries. Real time photographs are of particular assistance where the photographs contained in identification documents

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are aged or outdated, and do not adequately identify the person.

No other personal information is recorded. The recorded information will be used to instantly check if the person is subject to a temporary or long-term banning order. After the scan and verification has taken place, venue staff, including the licensee, cannot access any of the information stored on the ID scanning system i.e. they cannot access the personal details of any person.

## Refusing entry

Importantly, a high risk venue is required to refuse a person entry as a patron if the person:

- refuses to produce a photo ID for scanning, or
- is subject to a temporary or long-term banning order.

## Penalties for using false ID

It is an offence for a person to provide an ID that falsely represents that person. Penalties of up to \$5,500 and on-the-spot fines of \$550 will apply to a person using a fraudulent ID.

## Procedures for use

The use of patron ID scanners, including procedures for scanning and times of use, must comply with requirements approved by the Secretary of NSW Trade & Investment and notified to the licensee.

Only the system and ID scanners approved by the Secretary of NSW Trade & Investment can be used in high risk venues in Kings Cross. The system will be maintained across the network by the approved system operator.

## If the scanner fails for any reason

In the event that the ID scanners or the system fails for any reason, the venue must immediately notify Kings Cross Police and comply with any contingency protocol approved by the Secretary of NSW Trade & Investment.

## Review of scanners

The ID scanner provisions will be reviewed by the Government in 2015.

## CCTV systems to be maintained on the premises

The licensee must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- r) it must record continuously from opening time until one hour after closing (or continuously in the case of 24 hour trading venues),
- s) it must record in digital format at a minimum of six frames per second,
- t) any recorded image must specify the time and date of the image,
- u) the system's cameras must cover:
  - all entry and exit points of the premises
  - the footpath immediately adjacent to the premises
  - all publicly accessible areas (other than toilets) on the premises.

The licensee must:

- v) keep all CCTV recordings for at least 30 days,
- w) ensure the system is accessible by at least one staff member at all times it is operating, and
- x) provide any recordings to police or a liquor inspector within 24 hours of being requested to do.

The Secretary of NSW Trade & Investment can direct other Kings Cross licensees to comply with these requirements as soon as practicable, (within a maximum of four weeks) where the Secretary is satisfied that there is a history of alcohol-related violence or a violent incident has occurred on the premises since 17 December 2012 that has caused serious injury.

## 'Lock out' of new patrons at 1.30am and 'last drinks' at 3am

Most venues in the precinct are not allowed to admit patrons after 1.30am each day of the week, until 5am or the authorised opening time, whichever is later. Patrons on the premises before 1.30am may remain on the premises until close of business, or leave at any time, but they cannot leave and re-enter after 1.30am.

These venues must also cease liquor sale or supply at 3am. If a venue is authorised to trade past 3am, the venue may remain open for other purposes, but must not sell or supply liquor. Officially this is known as "liquor sales cessation", but is commonly referred to as "last drinks". Alcoholic drinks must not be served after 3am.

**NOTE:** Unless declared or listed as high risk, tourist accommodation establishments are exempt.

Full details of the lock outs and last drinks conditions are available in the 2014 Reforms fact sheet at [www.olgr.nsw.gov.au/pdfs/2014\\_Reforms.pdf](http://www.olgr.nsw.gov.au/pdfs/2014_Reforms.pdf)

## Glasses prohibited during late trading period on any day

A drink (whether or not it contains liquor) may **not** be sold or supplied for consumption on the premises in a glass after midnight until closing on any day or the week. For 24 hour trading premises, this restriction applies between midnight and 7am on any day of the week.

A "glass" includes a drinking vessel, or a container (such as a bottle or jug) from which drinks can be poured, that is made wholly or principally of glass.

During these periods, all glass must also be removed from patrons and from public areas of the premises.

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## Staff requirements

### Responsible service of alcohol training requirements

All Kings Cross licensees, staff, crowd controllers, RSA marshals, and bouncers must hold a current RSA Competency Card.

An older style RSA certificate (issued prior to 21 August 2011) is not valid in the Kings Cross precinct.

**From 18 July 2014**, an Interim Certificate is also acceptable in the Kings Cross precinct while it remains valid. Interim Certificates are only valid for 90 days from date of issue.

All licensees, bar staff and security personnel in the Kings Cross precinct will have to undertake approved RSA training every 5 years.

### Privacy training

Licensees and staff operating ID scanners are required by law to successfully complete the approved privacy training course before they can operate an ID scanner approved by the Secretary of NSW Trade & Investment.

The training course, which is available online from the OLGR website, focuses on the NSW liquor laws applicable to Kings Cross as well as federal privacy requirements.

Penalties of up to \$5,500 (for licensees) and \$2,200 (for staff) will apply where a person operates an approved ID scanner in a Kings Cross high risk venue without successfully completing privacy training.

Licensees and staff can only undertake this course if they already have a Responsible Service of Alcohol competency card.

Licensees and staff who successfully complete the privacy course will be issued with an interim certificate immediately upon completion of the course. This certificate will be valid for up to 28 days. A replacement RSA competency card with a privacy

endorsement will be mailed to the certificate holder during this period, subject to the payment of a \$30 fee.

The training course can be accessed from [www.olgr.nsw.gov.au/courses\\_licensees\\_privacy.asp](http://www.olgr.nsw.gov.au/courses_licensees_privacy.asp)

### Revocation of competency cards

The Authority may, upon application by police or the Secretary of NSW Trade & Investment, suspend, revoke or disqualify a person for up to 12 months from holding a Responsible Service of Alcohol competency card.

This action can be taken where the Authority considers the person has either:

- contravened their privacy obligations or otherwise misused data collected in operating a patron ID scanner, or
- contravened obligations that relate to the responsible service of alcohol.

A person subject to an application must be given notification of the application and provided with a reasonable opportunity to make submissions to the Authority in relation to the application. The person may apply to the NSW Civil & Administrative Tribunal for a review of the Authority's decision.

Penalties of up to \$5,500 apply where a person works in any capacity in New South Wales licensed premises with a suspended competency card or where they have been disqualified from holding a competency card. Penalties of up to \$2,200 apply where a competency card is not surrendered to the Authority.

As a protection for licensees, where a person does not surrender their competency card, a licensee does not commit an offence if employing a person who has had their card suspended or revoked if they still hold a competency card that appears to be current, and the licensee is satisfied that the card is current.

## Patron requirements

### Banning orders

The Kings Cross legislation created two new types of banning order to provide police with additional tools to help improve the safety and amenity of the Kings Cross precinct, and ensure serious troublemakers do not cause ongoing problems for operators of licensed premises.

#### *Temporary banning order*

A temporary banning order can be issued by police on-the-spot and will prohibit a person from entering a relevant licensed premises for a period of up to 48 hours.

'Relevant licensed premises' means any licensed premises situated in the Kings Cross precinct, unless the premises is a licensed restaurant that is not authorised to trade after midnight on any day of the week (except where the licensed restaurant is a high risk venue).

A police officer, of or above the rank of sergeant, can issue a temporary banning order where a person:

- refuses or fails to comply with a 'move-on' direction to leave a relevant licensed premises or a public place in the vicinity of a relevant licensed premises
- fails to leave a relevant licensed premises after being required to do so because they are intoxicated, violent, quarrelsome or disorderly i.e. 'fails to quit'
- attempts to re-enter or remains in the vicinity of a relevant licensed premises after being requested to leave because they are intoxicated, violent, quarrelsome or disorderly.

Police must be satisfied that the adverse conduct of the person is likely to continue and cause a public nuisance or risk to public safety.

Maximum penalties of \$5,500, or an on-the-spot fine of \$550, apply where a person who is subject to a



# Special licence conditions for premises in Kings Cross



temporary banning order enters or attempts to enter a relevant licensed premises during the banning period.

## Long-term banning orders

The Authority, at the request of the Commissioner of Police, can issue a long-term banning order for up to 12 months where the Authority is satisfied that a person:

- has been charged with, or found guilty of, a serious criminal offence involving alcohol-related violence (whether or not the offence was committed in the Kings Cross precinct) or
- has been issued with three temporary banning orders in the previous 12 months.

A person subject to an application for a long-term banning order must be given notification of the application and be provided with a reasonable opportunity to make submissions to the Authority in relation to the application. The person may apply to the NSW Civil & Administrative Tribunal for a review of the Authority's decision.

Long term banning orders only prevent entry to high risk venues. Maximum penalties of \$5,500 or an on-the-spot fine of \$2,200 apply where a person, who is subject to a long-term banning order, enters or attempts to enter any high risk venue during the banning period.

## Privacy safeguards

The Government recognises that the use of ID scanning equipment in Kings Cross venues may cause concern for some people. That is why significant safeguards have been mandated to ensure the integrity of the system, with stringent controls on the use of personal data captured by the system and the operation of scanners in venues.

Licensees and staff cannot access any personal information stored on the ID scanner system.

Licensees are subject to the Commonwealth's privacy laws and must implement a privacy management plan and a privacy policy.

## Privacy protection

All high risk venues must be treated as an organisation under the Commonwealth *Privacy Act 1988* and comply with those requirements with respect to the protection of personal information recorded by the patron ID scanner.

It is a condition of the liquor licence for a high risk venue that the licensee must:

- prepare and implement a privacy management plan
- prepare and implement a privacy policy - containing information for patrons about the use of ID scanners, privacy protection and procedures for making a complaint
- provide the privacy policy to any person on request
- 

- display an outline of the privacy policy at or near each entrance to the venue that is used during the ID scanner times of use - so that a person can be alerted to its contents immediately before having their ID scanned.

The privacy management plan and privacy policy for each high risk venue must adopt or comply with a plan and policy approved by the Kings Cross Liquor Accord in conjunction with the relevant industry association for the licensee.

A licensee must notify the Secretary of NSW Trade & Investment within 14 days of the receipt of any written complaint by a patron about a breach of privacy.



# Special licence conditions for premises in Kings Cross



## Data protection

The approval of the system operator is subject to a range of statutory and other conditions to safeguard any information held on the system.

As with high risk venues, the system operator is treated as an organisation under the Commonwealth *Privacy Act 1988* and must comply with those requirements with respect to the protection of personal information held by the system. Information held in the system cannot be transferred outside of Australia or New Zealand.

Information in the system must be automatically deleted after 30 days except where:

- It relates to a long-term banning order (in which case the information is retained for the period of the ban)
- It is authorised by the Secretary of NSW Trade & Investment at the request of the Commissioner of Police.

Information in the system must be immediately deleted upon the request of the Commissioner of Police.

The approval of a system operator will be subject to any other condition, including requirements for the disposal and retention of information, imposed by the Secretary of NSW Trade & Investment.

## Exemptions from special licence conditions

A licensee can apply for an exemption from any of the special licence conditions, except for the requirement to record alcohol sales data (see page 5).

The Secretary of NSW Trade & Investment will only consider an application where:

- the exemption is unlikely to result in an increase in alcohol-related violence, anti-social behaviour or other alcohol-related harm in Kings Cross, and
- other measures are in place that will be effective in reducing the risk of alcohol-related violence or anti-social behaviour in and around the premises.

Licensees may also apply to the Minister for an exemption to ID Scanning requirements in limited circumstances.

Visit [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au) for application forms.

An application for exemption does not remove the requirement to comply with the condition while the application is being considered.

## What is a “small bar”?

A small bar is a premises operating under a small bar licence issued under the Liquor Act. A small bar is restricted to a maximum of 60 patrons. This licence class has been available since July 2013.

The City of Sydney may give the designation of a small bar to a hotel licence relating to a General Bar, as part of the Development Approval process. The maximum patron capacity of such a venue is restricted by the City of Sydney to 120 people. For the purposes of this fact sheet, and all interactions with OLGR or the Authority, such a venue is a Hotel - General Bar, and is not considered to be a small bar.

# Annexure 1. Crime scene preservation guidelines for Kings Cross



Trade & Investment  
Office of Liquor, Gaming & Racing



**NSW Police Force**

## *New South Wales Police Force*

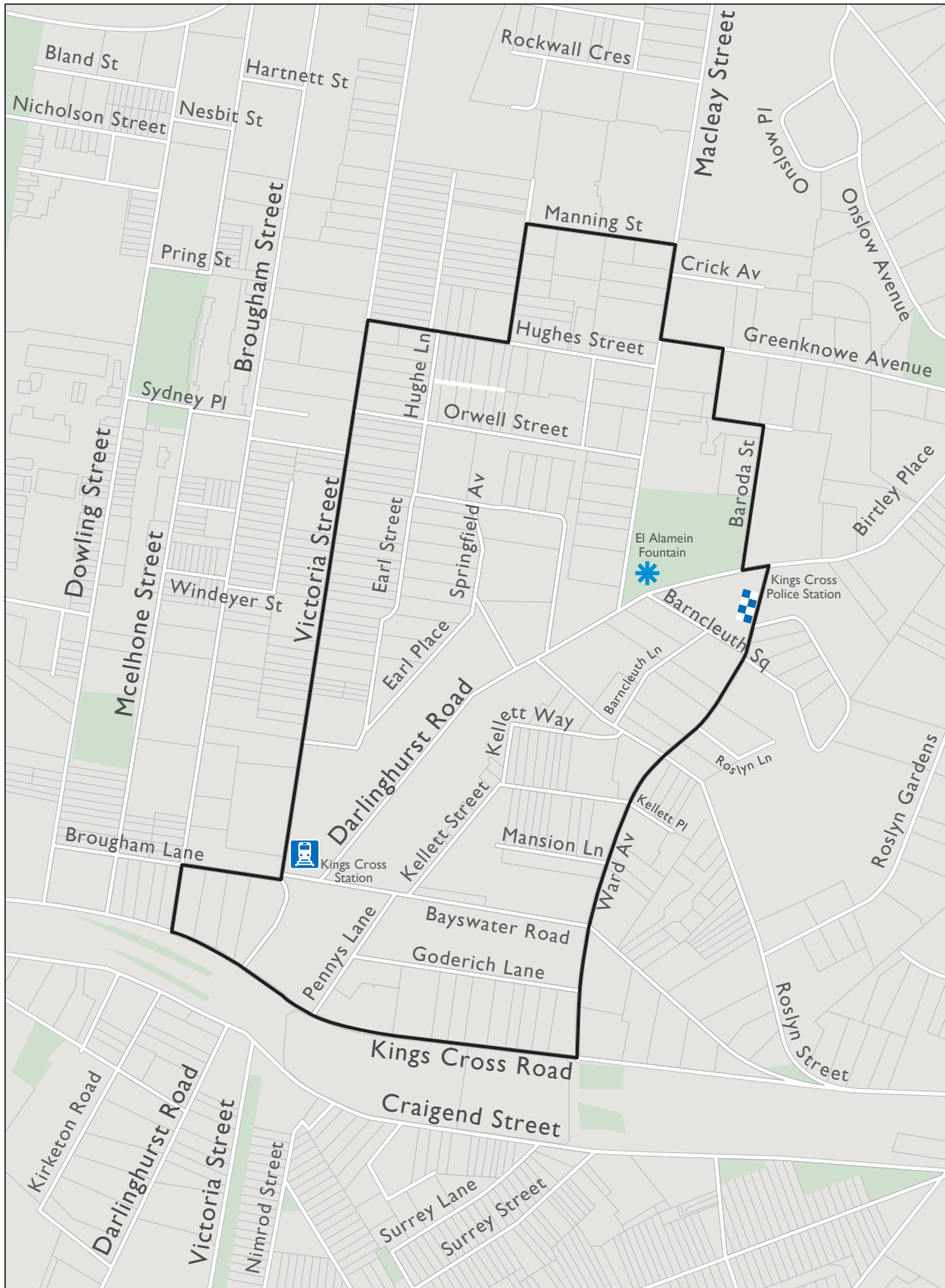
### **Crime scene preservation guidelines for Kings Cross**

#### *Licensed premises*


- Immediately contact the Kings Cross Local Area Commander or Duty Officer;
- Render any required first aid;
- Determine the Crime Scene and remove all persons from the area. Take all practical steps to preserve and keep intact the area where the act of violence occurred. Cordon off the area utilising bar stools, tables or tape. Consider closing off the area completely for areas such as toilets, hallways or bars. (Remember there may be multiple Crime Scenes);
- Do not allow any persons to enter this area;
- DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence;
- Assign a member of staff to guard all Crime Scenes until the arrival of Police;
- Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints;
- Do not move any items that may have been involved in an offence unless absolutely necessary. (For example they could get wet. Use gloves to stop transference of your DNA or fingerprints);
- Notify Police if any items have been moved or removed from the Crime Scene. (Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts);
- Make notes in relation to the incident. Time, date, location, description of offender(s), vehicle(s) involved, weapons used, last known direction of offender(s), any movement of items involved in the incident;
- Secure any CCTV footage and the Security Sign on sheets;
- Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. (Try to persuade witnesses from leaving the premises before Police arrive);
- Hand this information to Police on arrival;
- Be prepared to make a statement to Police regarding the incident.

**Note:** Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the premises

# Annexure 2. Map of the Kings Cross precinct



**Kings Cross Precinct**

 Boundary - Schedule 2 of the Liquor Act 2007

# Annexure 3. Map of the Sydney CBD Entertainment precinct

