

This fact sheet provides an overview of the roles of different stakeholders in alcohol regulation, administration and enforcement. The different stakeholders involved in alcohol regulation in New South Wales (NSW) include the NSW Government, Independent Liquor and Gaming Authority (ILGA), Office of Liquor Gaming & Racing (OLGR), NSW Department of Trade and Investment, local governments and police. There is also a role for community members, which is outlined in this fact sheet.

NSW Government

The NSW Government has the power to legislate the sale and supply of alcohol and to make changes to these laws. Among other things, this includes determining:

- The trading hours of all licensed premises;
- The nature and extent of liquor promotions including price discounting;
- Licensing fees;
- Responsible service of alcohol practices; and
- The number of liquor outlets.

Other alcohol-related measures the NSW Government has directly introduced include imposing a “freeze” on allowing additional licensed premises in certain parts of Sydney, specific regulations relating to the establishment of small bars, the three strikes disciplinary scheme for licensees and regulations specific to particular precincts such as Kings Cross.

Independent Liquor and Gaming Authority

The Independent Liquor and Gaming Authority (ILGA) is a quasi-judicial body that sits at the top of the NSW liquor licensing approval regime. ILGA is responsible for ‘performing casino, liquor and gaming machine regulatory and other decision-making functions on behalf of [the NSW] government’.

ILGA’s responsibilities range from administrative to determinative functions and include:

- Determining applications for new liquor licences, authorisations and for alterations of existing liquor licences;
- Determining reviews (appeals) of “undue disturbance complaint” and liquor promotion decisions by the Director General;
- Determining disciplinary complaints against licensees, managers, close associates, non-proprietary associations and others;
- Recommending that an area be declared a restricted alcohol area; and
- Approving a range of procedures and forms (including application forms) required to facilitate the operation of the NSW Liquor Act 2007.

A complete list of ILGA’s functions is outlined in the Delegation Manual. The part time ILGA

members pay particular attention to contested liquor licence applications including those seeking extended trading authorisations (post-midnight) and those in recognised Office of Liquor Gaming and Racing (OLGR) “hotspots” such as Sydney.

Trade and Investment

The Director General is the head of the NSW Government Agency, [Trade and Investment](#). The day-to-day-work relating to the regulation of alcohol is conducted by the [Office of Liquor Gaming and Racing](#) (OLGR) which is a branch of the Agency.

The Director General has a range of powers prescribed under the NSW [Liquor Act 2007](#) including:

- Determining complaints relating to undue disturbance to the quiet and good order of the neighbourhood of licensed premises (s79);
- Imposing conditions on licences and giving directions to licensees (and employees) where necessary to reduce risk or take action on irresponsible or unacceptable behaviour;
- Lodgement of “disciplinary” complaints against licensees to ILGA under of Liquor Act;
- Declaring restrictions on late hour entry to licensed premises (s53);
- Restricting or prohibiting the sale of undesirable liquor products and the conduct of undesirable liquor promotions; and
- Approving and varying (with the Commissioner of Police) local liquor accords and Precinct Liquor Accords.

The Director General is answerable to the Minister for Hospitality and Racing.

Office of Liquor Gaming & Racing

The [Office of Liquor Gaming and Racing](#) (OLGR) is a part of [NSW Trade and Investment](#) Agency and is responsible for the development and implementation of policy and the regulation and enforcement of alcohol. OLGR has a number of functions including:

- Undertaking initial assessments and administration of liquor licenses including administration of the [Environment Venue Assessment Tool](#) (EVAT);
- Ensuring ongoing industry compliance with the Liquor Act, including monitoring venues, the [three strikes scheme](#) and the [Liquor Promotion Guidelines](#);
- Industry promotion, liaison and support for [liquor accords](#);
- Policy development such as developing strategies to respond to high levels of alcohol-related violence in late trading precincts, and the formation of sobering up centres;
- Receiving undue [disturbance complaints](#) and handling other complaints against licensed premises;
- Ensuring the Responsible Service of Alcohol (RSA); and
- The development and application of [Intoxication Guidelines](#).

NSW Police

NSW Police undertake much of the day-today enforcement of the [NSW Liquor Act 2007](#) and the [Gaming and Liquor Administration Act 2007](#). In particular, Police possess specific powers to:

- Engage in [Community Impact Statement](#) (CIS) processes as they are automatically notified when these are lodged about new licensed premises;
- Lodge undue [disturbance complaints](#) with the Director General;

- Lodge “disciplinary” complaints against licensees with ILGA;
- Apply directly to ILGA for a reduction in late trading hours (s53(1A)(b));
- Invoke a short term closure of a licensed premise (s82);
- Enforce alcohol free zones; and
- Issue infringements and other penalties against licensees and employees for breaches of the Liquor Act and license conditions.

The Police are also an invaluable organisation as they support and complement community action through their extensive legal liquor related powers and the crucial statistical information they collect. It is imperative that local communities gain the support and cooperation from their local police when raising issues of concerns or complaints.

Local Councils

There are 152 Local Councils in NSW. Like Police, Council’s are provided with an automatic opportunity to comment on liquor licence applications as part of the CIS process. Local Governments are also involved in the planning component of reviewing new liquor licence applications.

Local communities have the capacity to directly influence, encourage and persuade local governments through their elected representatives. Council officers are the initial recipients of the licence application CIS from OLGR and have the opportunity to objectively assess and comment on the CIS and ensure their evaluation reflects the aspirations and expectation of their local community for alcohol harm minimisation.

Another key area where Local Councils can support their local communities is lodging undue disturbance complaints on their behalf under s79(3)(c) of the Liquor Act. Such effective applications require substantial work and the accumulation of evidence involves research and advocacy.

Councils also have the ability under the [NSW Local Government Act](#) to declare various public locations such as parks, pedestrian footways etc as alcohol free places. These alcohol restricted location can assist (if effectively enforced by Council and Police) to reduce problem street drinking and preloading.

Councils, unlike communities, have the ability to directly request the Director General to impose licence conditions and also like the Police, make “disciplinary” complaints to ILGA against a licensee for serious matters including breaches of license conditions, violent conduct and intoxication.

Some Councils receive and record resident complaints (particularly relating to noise and development application non-compliance) relating to licensed premises.

OLGR has prepared [A guide to the liquor laws for local councils](#). The guide provides an overview of the types of licences, the Community Impact Statement process, various complaints processes and liquor accords.

Community members

The “objects” of the *NSW Liquor Act 2008* provide for outcomes to reflect the “aspirations”, “needs” and “expectations” of the community, of all stakeholders. However, navigating the Act and its

processes can be quite complex.

Residents and community members can directly interact in licensing matters by:

- Commenting upon and opposing liquor licence applications through the CIS process.
- Lodging s79 undue disturbance complaints with OLGR.
- Using the OLGR on-line complaint form (It is also good to keep a record of any complaints lodged).
- Making a complaint to police about a licensed premise and the conduct of its patrons. (Again keeping records of these is good).
- Lodging a complaint with the Local Council, particularly where license operation conditions may be on a supposed “trial” basis. Residents should retain a record of these complaints.
- Lodging a complaint with the Director General concerning a breach of the Liquor Promotion guidelines.
- Seeking an ILGA review of a Director General’s decision relating to an undue disturbance and a liquor promotion complaint.

Mobilised and organised communities can exert influence, particularly with the support and assistance of the Police and their local Councils. Such support and cooperation from a Council and/or Police is not automatic and must be achieved through building and sustaining good relationships with these organisations.

Where do I go for more information?

[Office of Liquor and Gaming Website](#)

[NSW Liquor Act 2007](#)

[NSW Gaming and Liquor Administration Act 2007](#)

[A guide to the liquor laws for local councils](#)

[NSW Local Government Act 1993](#)

[Environmental Venue Assessment Tool \(EVAT\)](#)