



Australian Capital Territory

Liquor (Night-Time Economy) Amendment Act 2024

A2024-13

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Application of Act—sale of liquor Section 7 (2)	2
5 Application of Act—supply of liquor by exempt business New section 8A (1A)	3
6 Section 8A (2), definition of <i>exempt business</i> , new paragraph (f)	3
7 Object of Act New section 9 (d)	3

Contents

		Page
8	Harm minimisation and community safety principles Section 10 (d)	3
9	What is a <i>licence</i> ? Section 16, definition of <i>licence</i> , new note	4
10	Licence—decision on application Section 27 (3)	4
11	New section 27A	4
12	Licence—period in force Section 32 (2)	6
13	New section 32 (3)	6
14	New section 32AA	6
15	New section 32B	7
16	Licence—notice of application to certain entities Section 33A (5), definition of <i>registered proprietor</i>	8
17	Licence—amendment for change to floor plan of licensed premises New section 39 (1A)	9
18	Section 39 (2) (b) (ii)	9
19	Fire engineering study and inspection Section 86 (2) (a)	9
20	Division 14.4	9
21	Liquor guidelines New section 223 (2) (e)	15
22	Dictionary, new definition of <i>Access Canberra</i>	15
23	Dictionary, definition of <i>class</i> , new paragraph (da)	15
24	Dictionary, new definitions	16



Australian Capital Territory

Liquor (Night-Time Economy) Amendment Act 2024

A2024-13

An Act to amend the *Liquor Act 2010*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Liquor (Night-Time Economy) Amendment Act 2024*.

2 Commencement

- (1) This Act (other than the provisions mentioned in subsection (2)) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) The following provisions commence on a day fixed by the Minister by written notice:

- sections 9 to 17
- sections 19 to 22
- section 24.

Note 1 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 2 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

This Act amends the [Liquor Act 2010](#).

4 Application of Act—sale of liquor Section 7 (2)

substitute

- (2) In this section:

Collector means a Collector under the [Customs Act 1901](#) (Cwlth), section 8.

duty-free sale means a sale for which permission by a Collector is given under the [Customs Act 1901](#) (Cwlth), section 96A (2).

**5 Application of Act—supply of liquor by exempt business
New section 8A (1A)***insert*

- (1A) A declaration under subsection (2), definition of *exempt business*, paragraph (f) is a disallowable instrument.

6 Section 8A (2), definition of *exempt business*, new paragraph (f)*insert*

- (f) a business declared by the Minister to be exempt.

**7 Object of Act
New section 9 (d)***insert*

- (d) to contribute to the responsible development of—
- (i) the ACT's night-time economy; and
 - (ii) industries related to the ACT's night-time economy, including the liquor, live music, entertainment, tourism and hospitality industries.

**8 Harm minimisation and community safety principles
Section 10 (d)***substitute*

- (d) the sale of liquor should be regulated in a way that contributes to the responsible development of—
- (i) the ACT's night-time economy; and
 - (ii) the liquor, live music, entertainment, tourism and hospitality industries;

9 What is a *licence*?
Section 16, definition of *licence*, new note

insert

Note Section 27A (3) deals with the status of an interim licence.

10 Licence—decision on application
Section 27 (3)

after

time

insert

, unless circumstances relating to the suitability of the premises under the proposed licence have delayed or prevented the commissioner from deciding the application

11 New section 27A

insert

27A Licence—interim licence

- (1) This section applies if—
- (a) the commissioner receives an application for a licence under section 25; and
 - (b) circumstances relating to the suitability of the premises under the proposed licence have delayed or prevented the commissioner from deciding the application within the required time.

Example—par (b)

a delay caused by a lease variation of a Crown lease for the premises under the proposed licence

- (2) The commissioner may issue the proposed licensee with a temporary licence (an *interim licence*) for the licence the subject of the application if the commissioner is satisfied that, but for the circumstances relating to the suitability of the premises, the commissioner would decide—
- (a) that the premises are suitable premises for the proposed licence; and
 - (b) to issue the licence to the proposed licensee within the required time.

Note The commissioner must decide that premises are not suitable premises for a licence or permit in some circumstances (see s 77 (1)). However, the commissioner may decide that premises are suitable premises for a licence or permit if satisfied that, in all the circumstances, it would be unreasonable to find the premises unsuitable (see s 77 (2)).

- (3) An interim licence is taken to be a licence of the class and subclass (if any) applied for by the proposed licensee.

Examples

- 1 If a proposed licensee applies for a general licence and is issued with an interim licence, the interim licence is taken to be a general licence.
 - 2 If a proposed licensee applies for a bar licence, a subclass of an on licence, and is issued with an interim licence, the interim licence is taken to be a bar licence.
- (4) A proposed licensee who is issued with an interim licence is taken to be the licensee for the licence.
- (5) In this section:
- required time*—see section 27 (4).

**12 Licence—period in force
Section 32 (2)**

after

licence

insert

, other than an interim licence,

13 New section 32 (3)

insert

- (3) However, an interim licence continues in force in accordance with section 32AA.

14 New section 32AA

before section 32A, insert

32AA Interim licence—period in force

- (1) An interim licence is in force for a period of 6 months, unless it is cancelled or surrendered before the end of that period.
- (2) However, the commissioner may extend the period for which an interim licence is in force.
- (3) Before the end of the period for which an interim licence is in force, if the interim licence has not been cancelled or surrendered, the commissioner must decide the application for the licence under section 27 as if the commissioner is deciding the application within the required time.
- (4) If an interim licence is cancelled or surrendered before the end of the period for which it is in force, the application for the licence under section 25 is taken to be withdrawn.

- (5) In this section:
required time—see section 27 (4).

15 New section 32B

in division 2.3, insert

32B Licence—reduction in annual fee

- (1) A licensee who regularly holds eligible events (an *eligible licensee*) may apply to the commissioner for a reduction in the annual fee payable for the licence.

Note If particular information is to be included in the form for an application, or a particular document must be attached to or given with the form, the form is properly completed only if the requirement is complied with (see [Legislation Act](#), s 255 (5)).

- (2) The commissioner may, in writing, require the applicant to give the commissioner additional information or documents that the commissioner reasonably need to decide the application.
- (3) The commissioner must, not later than the required time—
- (a) decide the application; and
 - (b) tell the eligible licensee about the decision on the application.
- (4) The Minister may make guidelines in relation to reducing the annual fee payable for a licence.
- (5) A guideline may include provisions about—
- (a) who is an eligible licensee; and
 - (b) the criteria that an eligible licensee must address in their application for a reduction; and
 - (c) how an eligible licensee may apply for a reduction; and
 - (d) how the commissioner decides whether to reduce an annual fee.
- (6) A guideline is a disallowable instrument.

(7) In this section:

eligible event means—

- (a) a live music performance; or
- (b) a performance arts event; or

Example

a theatre performance

- (c) a visual arts event; or

Example

an art exhibition

- (d) a literary arts event; or
- (e) a cultural performance or arts event; or

Example

a planned performance of traditional dancing or singing

- (f) any other event prescribed by regulation.

required time means the latest of the following:

- (a) 20 working days after the day the applicant applies for a reduction in the annual fee payable;
- (b) if the commissioner requires the applicant to give the commissioner additional information or documents—
20 working days after the day the commissioner receives the additional information or documents.

16	Licence—notice of application to certain entities Section 33A (5), definition of <i>registered proprietor</i>
-----------	--

omit

17 Licence—amendment for change to floor plan of licensed premises
New section 39 (1A)

insert

- (1A) However, this section does not apply if the licensee intends to change the floor plan only for a licensee event or special event.

18 Section 39 (2) (b) (ii)

omit

or

substitute

and

19 Fire engineering study and inspection
Section 86 (2) (a)

substitute

- (a) issue a licence under section 27 (Licence—decision on application) or an interim licence under section 27A (Licence—interim licence); or

20 Division 14.4

substitute

Division 14.4 Licensee events and special events

214A Application—div 14.4

This division applies to a licensee who holds any of the following:

- (a) a general licence;
- (b) an on licence;

- (c) a club licence;
- (d) a special licence.

214B Definitions—div 14.4

In this division:

Access Canberra—see the *Public Sector Management Act 1994*, section 21 (8).

changed floor plan authorisation, for licensed premises, means an authorisation approved by the commissioner for the floor plan of the premises to be changed—

- (a) from the floor plan of the premises under the licence to the floor plan stated in the authorisation; and
- (b) on the date and during the hours stated in the authorisation.

extended trading authorisation, for licensed premises, means an authorisation approved by the commissioner for the licensee to supply liquor at the premises on the date and during the extended hours stated in the authorisation.

extended trading period means—

- (a) for a licensee event—the hours stated in an extended trading authorisation for a licensee to supply liquor at the licensed premises during the event; or
- (b) for a special event—the hours stated in a special event declaration for a licensee to supply liquor at the licensed premises during the event.

head, of Access Canberra—see the *Public Sector Management Act 1994*, section 21 (8).

special event declaration—see section 214D (1).

214C Meaning of *licensee event* and *special event*

In this Act:

licensee event, for licensed premises, means an event to be celebrated or marked on the premises for any reason as decided by the licensee.

Examples

- 1 a wedding, anniversary or birthday
- 2 a celebration specific to the licensed business

special event means an event declared to be a special event by the head of Access Canberra under section 214D.

214D Declaration of special event

- (1) The head of Access Canberra may declare an event to be a special event (a ***special event declaration***).
- (2) However, the head of Access Canberra may make a special event declaration only if satisfied—
 - (a) that the event is significant at an international, national, State, Territory or local level; and
 - (b) it is in the public interest to do so.
- (3) The head of Access Canberra must not declare a public protest or demonstration to be a special event.
- (4) A special event declaration—
 - (a) must—
 - (i) describe the event; and
 - (ii) state the proposed date and time of the event; and
 - (iii) state the date and any extended hours during which a licensee for licensed premises may supply liquor at the premises for the event; and

- (b) may include conditions with which a licensee for licensed premises must comply for the event.
- (5) A special event declaration is a notifiable instrument.
- (6) In deciding whether to make a special event declaration, the head of Access Canberra must consider any matter determined by the Minister.
- (7) A determination under subsection (6) is a disallowable instrument.

214E Extended trading for special event

A licensee—

- (a) may supply liquor at the licensed premises during any extended trading period stated in a special event declaration; and
- (b) must comply with any condition stated in the special event declaration.

214F Extended trading for licensee event

- (1) A licensee may apply to the commissioner for an extended trading authorisation in relation to a licensee event at the licensed premises.
- (2) The application must—
 - (a) be in writing; and
 - (b) describe the event; and
 - (c) state—
 - (i) the proposed date and time of the event; and
 - (ii) the date and period during which the person intends to sell liquor under the authorisation; and
 - (iii) how the licensee intends to limit the impact of the extended trading on occupants of premises near the licensed premises; and

- (d) be given to the commissioner at least—
 - (i) 5 business days before the day of the event; or
 - (ii) if the licensee is also applying for a changed floor plan authorisation for the event under section 214G—10 business days before the day of the event.
- (3) The commissioner may approve an application only if satisfied that—
 - (a) the licensee is capable of managing any additional risks involved in the sale of liquor during the extended trading period; and
 - (b) the licensee is capable of minimising the impact of the extended trading on occupants of premises near the licensed premises; and
 - (c) not more than 9 extended trading authorisations for the licensed premises have been approved by the commissioner during the 12-month period before the application is made.
- (4) An extended trading authorisation may—
 - (a) authorise a licensee to supply liquor at the licensed premises during any extended trading period stated in the authorisation; and
 - (b) state any conditions with which the licensee must comply.

214G Change to floor plan of licensed premises

- (1) A licensee may apply to the commissioner for a changed floor plan authorisation for the licensed premises if the licensee intends to change the floor plan of the premises for—
 - (a) a licensee event; or
 - (b) if a special event declaration is made at least 10 business days before the day of a special event—the special event.

- (2) The application must—
- (a) be in writing; and
 - (b) for a licensee event—describe the event; and
 - (c) include the following:
 - (i) the floor plan, as intended to be changed (the ***changed floor plan***);
 - (ii) the period during which the changed floor plan would be in effect at the premises under the authorisation;
 - (iii) if the premises are leased—written agreement to the changed floor plan from the registered proprietor of the lease for the premises;
 - (iv) if the changed floor plan proposes to extend the licensed premises to include a place that adjoins the licensed premises (an ***adjoining place***)—
 - (A) if the adjoining place is on leased land—written agreement to the changed floor plan from the registered proprietor of the lease for the land; or
 - (B) if the adjoining place is on public unleased land—written approval for the licensee to use the public unleased land for the event;
 - (d) be given to the commissioner at least 10 business days before the day of the event.

Example—written approval

a public unleased land permit

- (3) The commissioner may approve an application only if satisfied that—
- (a) the changed floor plan would not put at risk the safety, health and welfare of people using the licensed premises or the community generally; and
 - (b) not more than 9 changed floor plan authorisations for the licensed premises have been approved by the commissioner during the 12 month period before the application is made.

- (4) In this section:

adjoins—a place ***adjoins*** licensed premises if the place touches the premises, or is separated from the premises only by a road, reserve, river, watercourse or similar division.

public unleased land—see the [Public Unleased Land Act 2013](#), section 8.

21 Liquor guidelines New section 223 (2) (e)

insert

- (e) licensee events and special events.

22 Dictionary, new definition of *Access Canberra*

insert

Access Canberra, for division 14.4 (Licensee events and special events)—see the [Public Sector Management Act 1994](#), section 21 (8).

23 Dictionary, definition of *class*, new paragraph (da)

insert

- (da) catering licence;

24 Dictionary, new definitions

insert

changed floor plan authorisation, for licensed premises, for division 14.4 (Licensee events and special events)—see section 214B.

extended trading authorisation, for licensed premises, for division 14.4 (Licensee events and special events)—see section 214B.

extended trading period, for division 14.4 (Licensee events and special events)—see section 214B.

head, of Access Canberra, for division 14.4 (Licensee events and special events)—see the [Public Sector Management Act 1994](#), section 21 (8).

interim licence—see section 27A (2).

licensee event, for licensed premises—see section 214C.

registered proprietor, in relation to a lease, means the person who is registered under the [Land Titles Act 1925](#) as proprietor of the lease.

special event—see section 214C.

special event declaration, for division 14.4 (Licensee events and special events)—see section 214D (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 March 2024.

2 Notification

Notified under the [Legislation Act](#) on 19 April 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Liquor (Night-Time Economy) Amendment Bill 2024, which was passed by the Legislative Assembly on 10 April 2024.

Acting Clerk of the Legislative Assembly

© Australian Capital Territory 2024