

Australian Capital Territory

# Liquor (Reduction in Annual Licence Fee for Eligible Events) Guidelines 2024 (No 1)

Disallowable instrument DI2024–208

made under the

Liquor Act 2010, s 32B (Licence – reduction in annual fee)

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## 1 Name of instrument

This instrument is the *Liquor (Reduction in Annual Licence Fee for Eligible Events) Guidelines 2024 (No 1)*.

## 2 Commencement

This instrument commences on the day after it is notified.

## 3 Declaration

I make the Reduction in Annual Licence Fee for Eligible Events Guidelines set out in Schedule 1.

Tara Cheyne  
Minister for Government Services and Regulatory Reform  
8 July 2024

## Schedule 1

# Reduction in Annual Liquor Licence Fee for Eligible Events Guidelines

## Introduction

Eligible liquor licensees can apply for an 80 per cent reduction on annual liquor licence fees where licensed premises regularly showcase artists, musicians, and other cultural activities.

A number of consultations undertaken by the ACT Government identified liquor licensing fees as a potential barrier to venues wanting to support entertainment and the arts in Canberra. Artists, musicians, authors, and performers need the support of venues to gain an audience and grow their reputation. A fee reduction is intended to incentivise venues to support local and interstate artists. In doing so, it will create a circular model that will aid businesses and support established and emerging artists. Additionally, the benefit of a liquor annual fee reduction will nurture a more diverse and lively night-time economy in Canberra by providing more opportunity for Canberrans and visitors to see what Canberra has to offer in the entertainment sector.

To provide for this, the *Liquor Act 2010* (the Act) now contains a provision under section 32B that an *eligible licensee* who regularly holds an *eligible event* may apply to the Commissioner for a reduction in the annual fee payable for a liquor licence.

Under section 32B (4) of the Act, the Minister with portfolio responsibility for the Act may make guidelines in relation to reducing the annual fee payable for a liquor licence, consistent with the objects of the Act and the harm minimisation and community safety principles.

These guidelines are published to assist those liquor licensees seeking to reduce their annual liquor licence fee by supporting and showcasing artists, musicians, and other cultural activities.

## What is meant by showcasing?

For the purpose of this provision, showcasing means to exhibit, stage or display in a way that is to the benefit of the artist.

It is important to note that to be considered an *eligible licensee*, the showcasing must take place at the licensed premises.

As outlined in [Remuneration Principles and Practices for Artists and Arts Workers 2022](#), all creative work is, by default, paid work, and no artist should be expected to work for little or no pay. Where artists agree to work unpaid, for low pay or 'in kind' compensation, agreement must be reached about the benefits and/or value for each party.

For the majority of eligible events, this will mean an artist (or artists) is paid an agreed monetary amount to perform live music or present another eligible event as prescribed in the Act and outlined in these Guidelines.

Remuneration practices must comply with relevant legislation and other legal requirements, including copyright and intellectual property. Practices are also required to:

- reflect good practice, rather than minimum standards;
- recognise the artist's and/or arts worker's rights and interest in the work they create;
- ensure remuneration is equitable;
- ensure that experience and expertise is recognised in remuneration levels;
- ensure any contracts are negotiated in good faith; set out the nature and scope of a project; set out any associated taxes and benefits; and set out any obligations of the parties; and
- ensure conditions of payment or benefit are clear.

An eligible event could also include an event to showcase work or to launch a display or exhibition. This could mean an author is provided time and facilities at the licensed premises to undertake a book reading followed by the opportunity to sell books. Another example could be that an artist and a café agree that an artist can open an exhibition at the licensed premises and then sell paintings that are displayed at the premises. For clarity, it is the opening of the exhibition that would be the eligible event, not the continued opportunity to display artwork. In these examples, the artist and venue may mutually agree that the artist is not paid immediately for the eligible event, but that the artist will still benefit from the continued display and opportunity to sell works. As outlined in the principles, remuneration may take on a range of forms including exchange of goods or services, or reciprocity acknowledging and respecting the artist and their work.

### **Who is eligible to apply for a reduction to an annual liquor fee?**

The reduction in the annual liquor licence fee will be available to licensees with an occupancy of 150 people or less, at this time. The fee reduction is specifically intended to support small and medium venues and premises and help diversify businesses and their patronage. For this reason, the reduction in annual licence fees is available to holders of the following liquor licences:

- General licences.
- All on licences – this includes nightclub licences, restaurant and café licences, and bar licences.
- Club licences.
- Special licences.

## **What will the reduction to the annual liquor licence be?**

The reduction will be 80 per cent of the relevant annual licence fee as determined on the Liquor Fees Determination instrument which is available on the [ACT Legislation Register](#).

## **What are the criteria an eligible licensee must meet?**

In order to support the diversification of businesses in a way that is not too burdensome on either the business or Regulator, support for a minimum of 10 eligible events will be required within each 12-month period of the liquor licence in order to be eligible for the 80 per cent fee reduction.

An eligible event is defined under section 32B (7) of the Act and means any of the following:

- a) A live music performance.
- b) A performance arts event.
  - i. An example would be a theatre performance.
- c) A visual arts event.
  - i. An example would be an art exhibition.
- d) A literary arts event.
- e) A cultural performance or arts event.
  - i. Examples would be a planned performance of traditional dancing or singing and First Nations' cultural arts events.
- (f) Any other event prescribed by regulation.

The above is prescribed in the Act, but an eligible event could also mean:

- A film screening.
- A digital games event.
- A DJing event.
- Cultural or arts participatory events such as weaving, painting or pottery.
- Background music or arts activity such as a musician playing in a bar, restaurant or cafe.

## **What evidentiary requirements are there?**

Evidence of the minimum 10 eligible events delivered within each annual licence period will be required upon application. This evidence must include:

- The date the eligible event took place.  
Note: the event must have taken place to be considered an eligible event.
- The type of eligible event.
- A brief description of the eligible event.
- Documentation that the event took place.
- The name of the performer/s, act, group, or artist/s and arts organisation for the eligible event.

Documentation of the event having taken place may include, and is not limited to:

- a copy of the invoice from the artist;

- a photo of the performance;
- advertising of the eligible event, for example via social media; a screenshot of the [What's on in Canberra](#) events calendar or the [Whats-on-lots-on](#) gig guide where the eligible event had been advertised.

Licensees are encouraged to consider delivering eligible events in off-peak periods alongside existing initiatives to enhance Canberra's night-time economy, including eligible events delivered as part of the City Renewal Authority's seasonal calendar, for example, Winter in the City.

### **How can a licensee apply for a reduction?**

Applications for the 80 per cent reduction must be made via the Access Canberra website.

Applicants will be required to provide evidence for the minimum 10 eligible events within one application via the Access Canberra website.

### **How will the Commissioner decide whether to reduce an annual fee?**

The Commissioner will assess the application once submitted via the Access Canberra website. A decision will be made as to whether a fee reduction is applicable within 20 working days after the day the application is submitted.

If the Commissioner requires additional information because the evidentiary requirements have not been met in the first instance, the time period of 20 working days for a decision will start again once the additional information or documents have been received by the Commissioner.

The Commissioner may seek advice from artsACT or any other government agency considered relevant as to whether an event that is not provided as an example in the Act can be considered eligible.

An eligible licensee will be informed of the decision via the contact details supplied by the eligible licensee at the time of application.

### **When will the fee reduction be applied?**

Once the Commissioner has made a decision to reduce the annual licence fee for eligible licensees, the 80 per cent reduction will be applied to the eligible licensee's next licensing payment if paying annually. If the licensee pays quarterly, the reduction will apply to the next four payments.

The reduction will not be negotiable and will be applied in full.

## Minimising risk

While these guidelines and the reduction of the annual liquor licence fee are designed to encourage licensed venues to program live performances and events, the minimisation of risk and harm from alcohol remains imperative and venues are still required to meet all obligations under the Act.

The objectives of the Act are:

- to minimise the harm associated with the consumption of liquor;
- to facilitate the responsible development of the liquor and hospitality industries in a way that takes into account community safety;
- to encourage and support liquor consumers to take responsibility for:
  - their consumption; and
  - their behaviour if it is affected by the consumption of liquor; and
- to contribute to the responsible development of:
  - the ACT's night-time economy; and
  - industries related to the ACT's night-time economy, including the liquor, live music, entertainment, tourism and hospitality industries.

Licensees have a responsibility to only promote liquor consumption in a safe and legal manner. The licensee and all liquor service and crowd control employees must hold a valid Responsible Service of Alcohol (RSA) certification, and any incidents on the premises need to be reported to the Commissioner within 24 hours through the Access Canberra website.

Further information on responsibilities and obligations of licensees under the Act can be found on the Access Canberra [website](#) and on the ACT Legislation Register.