

Liquor (Exempt Business) Declaration 2024 (No 1)

Disallowable instrument DI2024–78

made under the

Liquor Act 2010, s 8A (Application of Act – supply of liquor by exempt business)

EXPLANATORY STATEMENT

Businesses already exempt

The *Liquor Act 2010* (the Act) regulates the supply of liquor in the ACT. Under section 8A of the Act, the provisions of the Act relating to the supply of liquor do not apply if:

- (a) the supply is in the course of conducting an exempt business; and
- (b) the liquor is not supplied to a child or young person.

Section 8A (2) already provides for the meaning of an **exempt business** as any of the following:

- (a) A business providing traveller accommodation that, in an accommodation unit operated by the business, supplies liquor to a member of the travelling public.
 - i. Examples are a minibar and/or room service.
- (b) A florist or gift maker business that packages liquor together with flowers, food or other gifts where the liquor supplied with each package does not exceed 1.5L and has a value not exceeding half the sale price of the package.
- (c) A hairdressing or barber business that supplies liquor without charge for consumption at the business' premises where the supply is ancillary to the business' services.

- (d) A hospital, a home or residential care service provider, a retirement village, or a hospice where the supply of liquor does not exceed two standard drinks per person per day.
- (e) A limousine or tour business if the business provides services to no more than 12 adults, the supply does not exceed two standard drinks per person, and the supply is ancillary to the business' services and without charge.

These businesses are considered low risk and no issues have been identified with the exemption of these businesses from the provisions of the Act.

This declaration does not make amendments to the current provisions relating to these businesses under section 8A of the Act.

Additional businesses to be exempted by this declaration

As part of a broader reform package to support and enhance Canberra's night-time economy, amendments have been made to the Act via the *Liquor (Night-Time Economy) Amendment Act 2024*. This now includes a new provision under the Act, section 8A (2), definition of **exempt business**, paragraph (f) to provide the Minister with portfolio responsibility the power to declare a business to be exempt from the provisions of the Act.

The Minister's power to declare a business exempt is to be made by a Disallowable Instrument to provide for additional scrutiny.

This reform will support businesses offering a more boutique experience and is considered low risk as any supply of liquor is ancillary to the primary purpose of the business and will be complementary.

If liquor is to be sold, a relevant liquor licence will still have to be obtained.

In addition to the businesses already exempted under section 8A (2), the following businesses are now declared exempt:

- **Nails salons** that supply liquor without charge for consumption at the business' premises where the supply is ancillary to the business' services.
- **Beauty salons** that supply liquor without charge for consumption at the business' premises where the supply is ancillary to the business' services.
- **Raffles and lotteries for charitable fundraising** that supply liquor as a prize, but only where the liquor supplied to each individual winner of the raffle or lottery does not exceed 1.5L.

The new exemptions for nail salons and beauty salons have the same criteria that already exists for hairdressing and barber businesses.

The new exemption for raffles and lotteries for charitable fundraising is limited to supplying the same amount of liquor as florist or gift maker businesses.

These criteria are to ensure the new exemptions remain consistent with the objects of the Act and the harm minimisation and community safety principles provided under sections 9 and 10 of the Act.

Consistency with human rights

The compatibility of the *Liquor (Exempt Business) Declaration 2024 (No 1)* with the *Human Rights Act 2004* (HR Act) was considered during its development. The declaration does not engage any human rights under the HR Act and therefore is consistent with the HR Act.