

Australian Capital Territory

Liquor (Licensee Events and Special Events) Guidelines 2024 (No 1)

Notifiable instrument NI2024–368

made under the

Liquor Act 2010, s 223 (Liquor guidelines)

1 Name of instrument

This instrument is the *Liquor (Licensee Events and Special Events) Guidelines 2024 (No 1)*.

2 Commencement

This instrument commences on the day after its notification.

3 Notification

I make the Licensee Events and Special Events Guidelines set out in Schedule 1.

Derise Cubin
Commissioner for Fair Trading
03/07/2024

Schedule 1

Licensee Events and Special Events Guidelines

Introduction

Licensees who are granted a liquor licence in the ACT are only permitted to sell liquor during the licensed times stated on the licence. However, in order to provide businesses with the flexibility to manage their licensed premises in a way that best serves them and their patrons, as well as maintaining the community safety principles enshrined in the *Liquor Act 2010* (the Act), there are now two provisions to provide for extended trading at no additional cost:

1. An application process for an extended trading authorisation for a *licensee event*; and
2. A *special event* declaration made by the Head of Access Canberra.

Holders of ACT liquor licences have a clear obligation under the Act to serve alcohol responsibly. Extended trading available for licensee events and special events does not in any way negate this responsibility and compliance and enforcement provisions under the Act remain the same.

Under section 223 of the Act, the Commissioner for Fair Trading (the Commissioner), may make liquor guidelines consistent with the objects of the Act and the principles of harm minimisation and community safety. These guidelines are published by the Commissioner to assist those licensees who may wish to apply for an extended trading authorisation for a licensee event, or take advantage of extended trading for special events as declared by the Head of Access Canberra.

Which licence holders can benefit from licensee events and special events provisions?

Under section 214A of the Act, holders of general licences, on licences (including all sub classes of on licences), club licences, and special licences are eligible.

Holders of off licences and catering licences are not eligible for licensee events and special events provisions.

What is a *licensee event*?

A *licensee event* means an event to be celebrated or marked on a licensed premises for any reason decided by the licensee. Examples could include weddings, anniversaries, celebrations such as birthday parties, or a celebration specific to the licensed business, such as commemorating the anniversary of that business opening. It could also be an event that is regarded as a rare or special opportunity for the licensee, such as hosting an arts event.

This provision provides flexibility to the licensee to decide what events held on the licensed premises could benefit from an extended trading authorisation.

Example

A licensed restaurant has a booking to host a wedding reception. The restaurant has a liquor licence that permits the supply of alcohol until 12 midnight. Under this reform, the licence holder applies to the Commissioner to stay open to 2am at no additional charge. The application includes information from the licensee about how they intend to manage any risks from staying open later and supplying alcohol for an additional two hours, and the application is approved.

What is the effect of an extended trading authorisation for a licensee event?

A licensee may apply to the Commissioner for an extended trading authorisation in relation to a licensee event at the licensed premises.

Ten extended trading authorisations for a licensee event are available to an eligible licensee during any 12-month period.

How can an eligible licensee apply?

Applications must be in writing to the Commissioner and must contain the following:

- A description of the event.
- The proposed date and time of the event.
- The date and time during which the licensee intends to sell liquor under the authorisation.
- How the licensee intends to limit the impact of the extended trading on occupants of premises near the licensed venue.

The Commissioner may only approve an application if satisfied that:

- the licensee is capable of managing any additional risks involved in the sale of liquor during the extended trading period;
- that the licensee is capable of minimising the impact of the extended trading on occupants of premises near the licensed venue; and
- not more than nine extended trading authorisations for the licensed premises have been approved during the 12-month period before the application is made.

This approval process is designed to support the harm minimisation and community safety principles of the Act. Eligible licensees are guided to be mindful of requesting an extended trading authorisation that is reasonable to support the safe operation of the business and not applying for an extension that is unlikely to be considered by the Commissioner.

Example

A licensed venue is booked to host a private event. The venue has a liquor licence that permits the supply of alcohol until midnight, and the licensee applies to the Commissioner to stay open until 5am. The licensee does not propose risk mitigation measures that correspond to the increased risk posed by:

- *the additional five hours of liquor supply to individuals at the private event;*
- *the impact on the surrounding community over the additional five hours; or*
- *the additional considerations that apply to trading up to 5am, such as security and the safety of employees.*

In the absence of additional measures to respond to these differing circumstances, the application is refused.

How long before the proposed event must a licensee apply for an extended trading authorisation?

Applications must be submitted at least five business days before the day of the event. However, if the licensee also intends to apply to change the floor plan for the event, the application must be submitted at least 10 business days before the day of the event.

Will a licensee be able to extend trading hours for multiple events using one notification form?

Yes. As stated, up to ten free authorisations are available in any 12-month period, all of which can be applied for at the same time using one form.

Will a licensee be able to extend trading hours for a new event using a previous authorisation?

No. A new application will have to be submitted to Access Canberra if the licensee wishes to extend trading hours on another date that wasn't included in a previous application.

Can a licensee cancel an authorisation before it is used and not lose that free authorisation in order to use another time during the 12-month period?

If a licensee has to cancel an event due to unforeseen circumstances, such as a cancellation of an event by a customer or a performing artist, or environmental issues such as bad weather, it will be possible to cancel the extended trading authorisation before the event takes place. Licensees will be able to do this by contacting Access Canberra at ACliquor@act.gov.au

What is a *special event*?

A *special event* is an event that can only be declared by the Head of Access Canberra, provided in the Act, section 214D.

A special event is one that is significant at an international, national, State, Territory or local level and is in the public interest.

Examples include a national team reaching a significant milestone, as the Australian women's soccer team did in 2023 by reaching the World Cup Semi-Final, or a major Territory event such as the Multicultural Festival, which draws in hundreds of thousands of visitors to Canberra for the duration and has a significant effect on bringing revenue into the Territory.

Example

A licensed bar has a licence that permits the supply of alcohol until 1am. Under this reform, if the Head of Access Canberra made a special event declaration for eligible licensees to have extended trading hours until 2am, the bar would have the option to stay open to 2am at no additional charge and without an application having to be made.

What does not constitute a special event?

A special event declaration will not be made for a public protest or demonstration.

What is the effect of a special event declaration by the Head of Access Canberra?

A special event declaration means an eligible licensee may supply liquor at the licensed premises during any extended trading period stated in the declaration. There is no application process required. Licensees that hold a liquor licence that already allows the supply of alcohol later than any additional time provided for in a special event declaration will not be affected and can trade as usual.

How will a licensee know there is a special event declaration?

There will be a list retained on the Access Canberra website and the declaration will be communicated through the media.

What is the effect of an authorisation to change the floor plan of a licensed premises?

Under section 214G of the Act, a licensee may apply to the Commissioner to change the floor plan of a licensed venue for:

- a licensee event; or
- a special event, if the special event is declared at least 10 business days before the day of the event.

Ten authorisations for a change to the floor plan of a licensed premises for licensee events and special events are available to an eligible licensee during any 12-month period.

Will an authorisation to change the floor plan of a licensed premises mean the occupancy loading is increased or amended?

No. Any authorisation to extend the licensed area of a premises will not affect the overall occupancy loading of a premises. To increase the occupancy loading of a licensed premises, the licensee will need to request an amendment of the liquor licence under section 37 of the Act.

How can an eligible licensee apply to change the floor plan of a licensed premises for an event?

Applications must be given in writing to the Commissioner at least 10 business days before the day of the event, and must contain the following:

- A description of the event, if that event is a licensee event.
- The floor plan of the premises, as intended to be changed.
- The period during which the changed floor plan would be in effect.
- If the premises are leased, written agreement to the changed floor plan from the licensed proprietor of the lease for the premises.
- If the changed floor plan is to extend the licensed premises to include adjoining leased land, written agreement from the registered proprietor of the lease for the land.
- If the changed floor plan is to extend onto public unleased land, written approval for the licensee to use the public unleased land for the event.
- Evidence that the licensee has appropriate insurance for the changed floor plan.

The Commissioner may only approve an application if satisfied that 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 not more than nine changed floor plan authorisations for the licensed premises have been approved during the 12-month period before the application is made.

This approval process is designed to support the harm minimisation and community safety principles of the Act.

Can a licensee permanently change the floor plan of a licensed premises using this authorisation?

No. This authorisation allows a licensee to change the floor plan of a licensed premises for a single licensee event or special event. To permanently change the floor plan of a licensed premises, a licensee must apply to the Commissioner under section 39 of the Act.

Applications to permanently change the floor plan of licensed premises incur a fee which is determined under section 227 of the Act. All fees are listed on the [ACT Legislation Register](#) in a Fee Determination.

Can an extended trading authorisation for a licensee event or extended trading for a special event be subject to conditions?

Yes. Section 214F (4) (b) of the Act provides that an extended trading authorisation may state any conditions with which the licensee must comply. Section 214D (4) (b) of the Act provides that a special event declaration may include conditions with which a licensee for licensed premises must comply.

Example

Conditions for a special event may include restricting general licensees from supplying alcohol in closed containers for consumption off site.

Minimising risk

The minimisation of risk and harm from alcohol remains imperative and licensed premises 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 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.