

2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Government Services and Regulatory Reform)

# Liquor (Night-Time Economy) Amendment Bill 2024

## 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)	2
6 Section 8A (2), definition of <i>exempt business</i> , new paragraph (f)	2
7 Object of Act New section 9 (d)	3

---

J2023-1231

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## 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	3
10	Licence—decision on application Section 27 (3)	4
11	New section 27A	4
12	Licence—period in force Section 32 (2)	5
13	New section 32 (3)	5
14	New section 32AA	6
15	New section 32B	6
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)	8
18	Section 39 (2) (b) (ii)	8
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	15

2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Government Services and Regulatory Reform)

# Liquor (Night-Time Economy) Amendment Bill 2024

---

## A Bill for

An Act to amend the *Liquor Act 2010*

---

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

1 **1 Name of Act**

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

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Liquor Act 2010*.

9 **4 Application of Act—sale of liquor**  
10 **Section 7 (2)**

11 *substitute*

12 (2) In this section:

13 *Collector* means a Collector under the *Customs Act 1901* (Cwlth),  
14 section 8.

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

17 **5 Application of Act—supply of liquor by exempt business**  
18 **New section 8A (1A)**

19 *insert*

20 (1A) A declaration under subsection (2), definition of *exempt business*,  
21 paragraph (f) is a disallowable instrument.

22 **6 Section 8A (2), definition of exempt business, new**  
23 **paragraph (f)**

24 *insert*

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

1 **7 Object of Act**  
2 **New section 9 (d)**

3 *insert*

4 (d) to contribute to the responsible development of—

5 (i) the ACT’s night-time economy; and

6 (ii) industries related to the ACT’s night-time economy,  
7 including the liquor, live music, entertainment, tourism  
8 and hospitality industries.

9 **8 Harm minimisation and community safety principles**  
10 **Section 10 (d)**

11 *substitute*

12 (d) the sale of liquor should be regulated in a way that contributes  
13 to the responsible development of—

14 (i) the ACT’s night-time economy; and

15 (ii) the liquor, live music, entertainment, tourism and  
16 hospitality industries;

17 **9 What is a licence?**  
18 **Section 16, definition of *licence*, new note**

19 *insert*

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

1 **10 Licence—decision on application**  
2 **Section 27 (3)**

3 *after*

4 *time*

5 *insert*

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

9 **11 New section 27A**

10 *insert*

11 **27A Licence—interim licence**

12 (1) This section applies if—

13 (a) the commissioner receives an application for a licence under  
14 section 25; and

15 (b) circumstances relating to the suitability of the premises under  
16 the proposed licence have delayed or prevented the  
17 commissioner from deciding the application within the required  
18 time.

19 **Example—par (b)**

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

22 (2) The commissioner may issue the proposed licensee with a temporary  
23 licence (an *interim licence*) for the licence the subject of the  
24 application if the commissioner is satisfied that, but for the  
25 circumstances relating to the suitability of the premises, the  
26 commissioner would decide—

27 (a) that the premises are suitable premises for the proposed licence;  
28 and

1 (b) to issue the licence to the proposed licensee within the required  
2 time.

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

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

10 **Examples**

11 1 If a proposed licensee applies for a general licence and is issued with an  
12 interim licence, the interim licence is taken to be a general licence.

13 2 If a proposed licensee applies for a bar licence, a subclass of an on licence, and  
14 is issued with an interim licence, the interim licence is taken to be a bar licence.

15 (4) A proposed licensee who is issued with an interim licence is taken to  
16 be the licensee for the licence.

17 (5) In this section:

18 *required time*—see section 27 (4).

19 **12 Licence—period in force**  
20 **Section 32 (2)**

21 *after*

22 licence

23 *insert*

24 , other than an interim licence,

25 **13 New section 32 (3)**

26 *insert*

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

1 **14 New section 32AA**

2 *before section 32A, insert*

3 **32AA Interim licence—period in force**

- 4 (1) An interim licence is in force for a period of 6 months, unless it is  
5 cancelled or surrendered before the end of that period.
- 6 (2) However, the commissioner may extend the period for which an  
7 interim licence is in force.
- 8 (3) Before the end of the period for which an interim licence is in force,  
9 if the interim licence has not been cancelled or surrendered, the  
10 commissioner must decide the application for the licence under  
11 section 27 as if the commissioner is deciding the application within  
12 the required time.
- 13 (4) If an interim licence is cancelled or surrendered before the end of the  
14 period for which it is in force, the application for the licence under  
15 section 25 is taken to be withdrawn.
- 16 (5) In this section:  
17 *required time*—see section 27 (4).

18 **15 New section 32B**

19 *in division 2.3, insert*

20 **32B Licence—reduction in annual fee**

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

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



- 1 (2) The commissioner may, in writing, require the applicant to give the  
2 commissioner additional information or documents that the  
3 commissioner reasonably need to decide the application.
- 4 (3) The commissioner must, not later than the required time—  
5 (a) decide the application; and  
6 (b) tell the eligible licensee about the decision on the application.
- 7 (4) The Minister may make guidelines in relation to reducing the annual  
8 fee payable for a licence.
- 9 (5) A guideline may include provisions about—  
10 (a) who is an eligible licensee; and  
11 (b) the criteria that an eligible licensee must address in their  
12 application for a reduction; and  
13 (c) how an eligible licensee may apply for a reduction; and  
14 (d) how the commissioner decides whether to reduce an annual fee.
- 15 (6) A guideline is a disallowable instrument.
- 16 (7) In this section:  
17 *eligible event* means—  
18 (a) a live music performance; or  
19 (b) a performance arts event; or  
20 **Example**  
21 a theatre performance  
22 (c) a visual arts event; or  
23 **Example**  
24 an art exhibition  
25 (d) a literary arts event; or

1 (e) a cultural performance or arts event; or

2 **Example**

3 a planned performance of traditional dancing or singing

4 (f) any other event prescribed by regulation.

5 ***required time*** means the latest of the following:

6 (a) 20 working days after the day the applicant applies for a  
7 reduction in the annual fee payable;

8 (b) if the commissioner requires the applicant to give the  
9 commissioner additional information or documents—  
10 20 working days after the day the commissioner receives the  
11 additional information or documents.

12 **16 Licence—notice of application to certain entities**  
13 **Section 33A (5), definition of *registered proprietor***

14 *omit*

15 **17 Licence—amendment for change to floor plan of licensed**  
16 **premises**  
17 **New section 39 (1A)**

18 *insert*

19 (1A) However, this section does not apply if the licensee intends to change  
20 the floor plan only for a licensee event or special event.

21 **18 Section 39 (2) (b) (ii)**

22 *omit*

23 or

24 *substitute*

25 and

---

1 **19 Fire engineering study and inspection**  
2 **Section 86 (2) (a)**

3 *substitute*

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

7 **20 Division 14.4**

8 *substitute*

9 **Division 14.4 Licensee events and special events**

10 **214A Application—div 14.4**

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

- 12 (a) a general licence;  
13 (b) an on licence;  
14 (c) a club licence;  
15 (d) a special licence.

16 **214B Definitions—div 14.4**

17 In this division:

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

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

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

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

5            *extended trading period* means—

6            (a) for a licensee event—the hours stated in an extended trading  
7            authorisation for a licensee to supply liquor at the licensed  
8            premises during the event; or

9            (b) for a special event—the hours stated in a special event  
10           declaration for a licensee to supply liquor at the licensed  
11           premises during the event.

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

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

15           **214C        Meaning of *licensee event* and *special event***

16           In this Act:

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

19           **Examples**

20           1     a wedding, anniversary or birthday

21           2     a celebration specific to the licensed business

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

24           **214D        Declaration of special event**

25           (1) The head of Access Canberra may declare an event to be a special  
26           event (a *special event declaration*).

- 
- 1 (2) However, the head of Access Canberra may make a special event  
2 declaration only if satisfied—
- 3 (a) that the event is significant at an international, national, State,  
4 Territory or local level; and
- 5 (b) it is in the public interest to do so.
- 6 (3) The head of Access Canberra must not declare a public protest or  
7 demonstration to be a special event.
- 8 (4) A special event declaration—
- 9 (a) must—
- 10 (i) describe the event; and
- 11 (ii) state the proposed date and time of the event; and
- 12 (iii) state the date and any extended hours during which a  
13 licensee for licensed premises may supply liquor at the  
14 premises for the event; and
- 15 (b) may include conditions with which a licensee for licensed  
16 premises must comply for the event.
- 17 (5) A special event declaration is a notifiable instrument.
- 18 (6) In deciding whether to make a special event declaration, the head of  
19 Access Canberra must consider any matter determined by the  
20 Minister.
- 21 (7) A determination under subsection (6) is a disallowable instrument.

22 **214E Extended trading for special event**

- 23 A licensee—
- 24 (a) may supply liquor at the licensed premises during any extended  
25 trading period stated in a special event declaration; and
- 26 (b) must comply with any condition stated in the special event  
27 declaration.

- 1     **214F     Extended trading for licensee event**
- 2             (1) A licensee may apply to the commissioner for an extended trading
- 3                     authorisation in relation to a licensee event at the licensed premises.
- 4             (2) The application must—
- 5                     (a) be in writing; and
- 6                     (b) describe the event; and
- 7                     (c) state—
- 8                             (i) the proposed date and time of the event; and
- 9                             (ii) the date and period during which the person intends to sell
- 10                                 liquor under the authorisation; and
- 11                             (iii) how the licensee intends to limit the impact of the
- 12                                 extended trading on occupants of premises near the
- 13                                 licensed premises; and
- 14             (d) be given to the commissioner at least—
- 15                     (i) 5 business days before the day of the event; or
- 16                     (ii) if the licensee is also applying for a changed floor plan
- 17                                 authorisation for the event under section 214G—
- 18                                 10 business days before the day of the event.
- 19             (3) The commissioner may approve an application only if satisfied that—
- 20                     (a) the licensee is capable of managing any additional risks
- 21                                 involved in the sale of liquor during the extended trading period;
- 22                                 and
- 23                     (b) the licensee is capable of minimising the impact of the extended
- 24                                 trading on occupants of premises near the licensed premises; and
- 25                     (c) not more than 9 extended trading authorisations for the licensed
- 26                                 premises have been approved by the commissioner during the
- 27                                 12-month period before the application is made.

- 
- 1           (4) An extended trading authorisation may—
- 2                   (a) authorise a licensee to supply liquor at the licensed premises
- 3                           during any extended trading period stated in the authorisation;
- 4                           and
- 5                   (b) state any conditions with which the licensee must comply.

6   **214G    Change to floor plan of licensed premises**

- 7           (1) A licensee may apply to the commissioner for a changed floor plan
- 8                   authorisation for the licensed premises if the licensee intends to
- 9                           change the floor plan of the premises for—
- 10                   (a) a licensee event; or
- 11                   (b) if a special event declaration is made at least 10 business days
- 12                           before the day of a special event—the special event.
- 13           (2) The application must—
- 14                   (a) be in writing; and
- 15                   (b) for a licensee event—describe the event; and
- 16                   (c) include the following:
- 17                           (i) the floor plan, as intended to be changed (the *changed*
- 18   *floor plan*);
- 19                           (ii) the period during which the changed floor plan would be
- 20   in effect at the premises under the authorisation;
- 21                           (iii) if the premises are leased—written agreement to the
- 22   changed floor plan from the registered proprietor of the
- 23   lease for the premises;

- 1 (iv) if the changed floor plan proposes to extend the licensed  
2 premises to include a place that adjoins the licensed  
3 premises (an *adjoining place*)—
- 4 (A) if the adjoining place is on leased land—written  
5 agreement to the changed floor plan from the  
6 registered proprietor of the lease for the land; or
- 7 (B) if the adjoining place is on public unleased land—  
8 written approval for the licensee to use the public  
9 unleased land for the event;
- 10 **Example—written approval**  
11 a public unleased land permit
- 12 (v) evidence that the licensee has appropriate insurance for the  
13 changed floor plan; and
- 14 (d) be given to the commissioner at least 10 business days before  
15 the day of the event.
- 16 (3) The commissioner may approve an application only if satisfied that—
- 17 (a) the changed floor plan would not put at risk the safety, health  
18 and welfare of people using the licensed premises or the  
19 community generally; and
- 20 (b) not more than 9 changed floor plan authorisations for the  
21 licensed premises have been approved by the commissioner  
22 during the 12 month period before the application is made.
- 23 (4) In this section:
- 24 *adjoins*—a place *adjoins* licensed premises if the place touches the  
25 premises, or is separated from the premises only by a road, reserve,  
26 river, watercourse or similar division.
- 27 *public unleased land*—see the *Public Unleased Land Act 2013*,  
28 section 8.



1 **21 Liquor guidelines**  
2 **New section 223 (2) (e)**

3 *insert*

4 (e) licensee events and special events.

5 **22 Dictionary, new definition of *Access Canberra***

6 *insert*

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

9 **23 Dictionary, definition of *class*, new paragraph (da)**

10 *insert*

11 (da) catering licence;

12 **24 Dictionary, new definitions**

13 *insert*

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

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

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

22 *head*, of *Access Canberra*, for division 14.4 (Licensee events and  
23 special events)—see the *Public Sector Management Act 1994*,  
24 section 21 (8).

25 *interim licence*—see section 27A (2).

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

