

**2010**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**EXPOSURE DRAFT  
LIQUOR REGULATION 2010**

**SUBORDINATE LAW 2010 No.**

**EXPLANATORY STATEMENT**

**Circulated by authority of the  
Attorney General  
Simon Corbell MLA**

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**Statutory Rules**

*Overview*

The *Liquor Bill 2010* was introduced in the Legislative Assembly on 24 June 2010. The Liquor Bill regulates the sale, supply, promotion and consumption of liquor in a way that minimises harm associated with the consumption of liquor, and in a way that takes into account the safety of the community. The Liquor Bill 2010 will replace the former *Liquor Act 1975*.

The object of this Regulation is to make statutory rules under the *Liquor Bill 2010* with respect to the following matters by prescribing:

- additional information to be included on the liquor licence form;
- licensing conditions which a licensee must comply with under the liquor licence;
- expiry periods for the different types of liquor licence;
- requirements which a licensee must satisfy when displaying a public notice at premises informing the public of an intention to apply for a liquor licence;
- the extent of the public consultation period;
- a new certificate of occupancy if ACTPLA issues a certificate to be provided to the Commissioner for Fair Trading (the commissioner);
- new maximum renewal periods for certain types of liquor licences;
- additional information which must be included on a liquor permit form;
- conditions on a permit which a permit-holder must comply with;
- the factors which the commissioner must consider when having regard to the harm minimisation and community safety principles in deciding the suitability of a premises;
- information which must be included in a Risk Assessment Management Plan (RAMP);
- information which must be included in an application to hold a young people's event in an adults only area of a licensed premises;
- approval criteria which the commissioner must be satisfied has been met by a licensee who has applied to hold a young people's event;
- additional information which must be included on the young people's events form;
- conditions which a licensee must comply with if approval given by the commissioner to hold a young people's event;
- how a licensee or permit-holder must display an offence sign at the licensed premises;
- how a sign marking an adults-only area must be displayed at the licensed or permitted premises;
- how an occupancy loading sign must be displayed at the licensed or permitted premises;
- how a breath analysis sign must be displayed at the licensed or permitted premises;
- an exemption from the offence of selling petrol at licensed premises;
- a prohibition on certain promotional or marketing activities related to liquor;
- exemptions from the offence of allowing sexually explicit entertainment at licensed or permitted premises;

- permanent alcohol-free places in the ACT;
- licensed and permitted times for the sale and supply of liquor in the ACT.

This Regulation is made under the *Liquor Bill 2010* including sections 30, 31, 32, 34, 36, 42, 54, 55, 88, 95, 96, 97, 98, 109, 123, 126, 133, 135, 136, 139, 197 and 223 (the general regulation-making power).

## **PART 1                    PRELIMINARY**

### **Section 1                    Name of regulation**

This section names the Regulation as the *Liquor Regulation 2010*.

### **Section 2                    Commencement**

This section explains that the Regulation will commence on the same day as the *Liquor Act 2010*.

### **Section 3                    Dictionary**

This section explains that the dictionary at the end of the Regulation is part of the substantive provisions of the regulation.

### **Section 4                    Notes**

This section makes it clear that the notes in the Regulation are explanatory only and do not form part of the substantive provisions of the Regulation.

### **Section 5                    Offences against regulation – application of Criminal Code etc**

This regulation makes it clear that other legislation applies to offences against the Regulation.

## **PART 2                    LIQUOR LICENCES**

### **Section 6                    Licence form – Act, s 30(1)(b)(vii)**

This section sets out additional information which the commissioner must include on the licence which is issued to the licensee.

### **Section 7                    Licence conditions – Act, s 31(2)(a)**

This section sets out the standard licensing conditions which all licensees and licensed premises must comply with under the liquor licence at the premises. Failure to comply could result in action being taken by the commissioner in the ACT Civil and Administrative Tribunal.

### **Section 8                    Licence term – Act, s 32(2)**

This section differentiates the expiry times for the different types of liquor licences. For example, a low-risk licence which ceases to trade at midnight or a low-risk premises with a total occupancy loading not exceeding 80 people will be able to apply for a licence for up to three years. Licensees who choose to trade past midnight, either to 2am or 4am, will only be able to apply for a 12 month licence, which will expire on 30 November each year after the day it is issued.

**Section 9                      Public notice requirements – Act, s 34(2)(b)**

This section sets out the notice requirements which a licensee must satisfy when displaying a public notice at premises informing the public of an intention to apply for a liquor licence. The section also sets out the information the licensee must include on the written representation statement. This statement gives the public an opportunity to lodge a representation with the commissioner, who will assess the merits of any representations made about the liquor licence application in terms of satisfying the harm minimisation and community safety principles.

**Section 10                     Public consultation period – Act, s 36(1)(a)**

This section gives the public 30 days to make a representation to the commissioner about an application for a new liquor licence.

**Section 11                     Licence amendment for change to floor plan of licensed premises – Act, s 39**

This section requires the licensee to provide a new certificate of occupancy if the ACT Planning and Land Authority issued one for a change to the floor plan, as approved by the commissioner.

**Section 12                     Licence maximum renewal period – Act, s 42(1)**

This section sets out the renewal periods for each type of liquor licence. The 12 month licensing period has been extended to three years for low-risk premises which pose minimal risk to the community and require minimal regulatory supervision.

**Section 13                     Wholesale sales reporting at renewal**

This section requires a licensee to provide the commissioner with specific details about liquor purchased for sale each year prior to renewing their licence. This information is used by the commissioner to determine the level of fee payable by a licensee at renewal each year.

**PART 3                         LIQUOR PERMITS**

**Section 14                     Permit form – Act, s 54(1)(b)(vii)**

This section includes additional information which the commissioner must include when issuing either a commercial or non-commercial permit.

**Section 15                     Permit conditions – Act, s 55(2)(a)**

This section prescribes conditions on a licence which a permit-holder must comply with. Failure to comply could result in action being taken by the commissioner in the ACT Civil and Administrative Tribunal.

## **PART 4                    LICENSED AND PERMITTED PREMISES**

### **Section 16                Suitability of premises – cumulative impact**

This section prescribes the factors which the commissioner must consider having regard to the harm minimisation and community safety principles when deciding the suitability of a liquor licence premises in the local area where there are other licensees.

## **PART 5                    RISK-ASSESSMENT MANAGEMENT PLANS**

### **Section 17                Risk-assessment management plan – Act, s 88**

This section lists the information which an applicant for a liquor licence must include in their risk assessment management plan setting out how they intend to manage and mitigate the risks associated with the sale and supply of liquor at the licensed or permitted premises.

## **PART 6                    YOUNG PEOPLE’S EVENTS**

### **Section 18                Meaning of young people’s event information – pt 5**

This section explains the meaning of a young people’s event.

### **Section 19                Young people’s events – details for application – Act, s 95(2)(b)(v)**

This section sets out additional information a licensee must include in an application for approval to hold a young people’s event in an adults-only area of a licensed premises

### **Section 20                Young people’s events – approved criteria – Act, s 96(2)**

This section sets out the approval criteria which the commissioner must be satisfied will occur before granting approval for the applicant to hold a young people’s event.

### **Section 21                Young people’s event form – Act, s 97(1)(b)(vi)**

This section includes additional information which must be included on a young people’s event approval form.

### **Section 22                Young people’s events conditions – Act, s 98(a)**

This section prescribes various conditions which a licensee must comply with before, during and after a young people’s event at a licensed premises.

## **PART 7                    CONDUCT OF LICENSEES AND PERMIT-HOLDERS**

### **Section 23                Abuse offence sign – Act, s 109(1)(b) and (2)(b)**

This section describes how a sign must be displayed at a licensed or permitted premises informing the public that it is an offence for a patron to abuse, threaten or intimidate a staff member working at the premises who has refused to sell or supply liquor to an intoxicated person, as part of the responsible service of alcohol principles.

**Section 24                    Marking adults-only areas – Act, s 123(1)(b) and (2)(b)**

This section describes how a sign must be displayed at licensed or permitted premises informing the public that children and young people are not allowed into the adults-only area at licensed or permitted premises.

**Section 25                    Occupancy loading sign – Act, s 126(1)(b) and (2)(b)**

This section describes how a sign must be displayed at licensed or permitted premises so that the public can easily become aware of the total number of people allowed to be in a licensed or permitted premises at any one point in time.

**Section 26                    Breath analysis sign – Act, s 133(1)(c) and (2)(c)**

This section describes how a sign about a breath analysis machine must be displayed at licensed or permitted premises so that the public can read it with ease.

**Section 27                    Sell petrol exemption – Act, s 135(3)**

This section allows a liquor licensed premises in the Division of Tharwa to sell petrol at the licensed premises as an exception to the legislation because of its remote location.

**Section 28                    Prohibited promotional or marketing activity – Act, s 136(4)**

This section prohibits a number of promotional and marketing activities which encourage the rapid or excessive consumption of liquor in line with the new harm minimisation and community safety principles.

**Section 29                    Location for sexually explicit entertainment – Act, s 139(3)(a)**

This section permits sexually explicit entertainment to occur in the three listed exempt ACT locations.

**PART 8                        MISCELLANEOUS**

**Section 30                    Permanent alcohol free places – Act, s 197(1)**

This section prescribes a number of permanent alcohol free places in the ACT to protect children and young people and the general community.

**Section 31                    Licensed and permitted times – Act, s 223(2)(a)**

This section prescribes the licensed and permitted times for the sale and supply of liquor in the ACT.

**SCHEDULES 1 - 2**

**Schedule 1, Part 1.1 – Licence conditions – licensing standards** – prescribes the standards which a licensee must meet and comply with in relation to fittings - their design, placement and operation - for toilets (security of passageways to toilets at licensed premises), dance floors, serving counters, bars, bottle shops, outdoor dining areas and residential accommodation.

**Schedule 1, Part 1.2 – *Conduct of licensed premises*** - prescribes requirements which a licensee must comply with in relation to managing compliance with occupancy loadings, provision of food, conducting identification checks, security, and responsible practices for the supply and promotion of liquor.

**Schedule 2 – *Licensed and permitted times*** – prescribes the various classes of liquor licence and the licensed times under each class of licence when a licensee is able to sell and supply liquor at the licensed premises. The different trading times relate to the new risk-based licensing framework. It also prescribes the times when a commercial and non-commercial permit-holder can sell and supply liquor at events.