

Changes to Entertainment Consent

commencing 20 December 2015

Liquor Licensing Act 1997

Changes to entertainment consent rules aim to cut red tape, reduce cost to businesses and encourage the live music industry. The changes apply to all licensed premises in South Australia.

1. What are the changes?

A licensee will no longer require consent of the Liquor and Gambling Commissioner or Licensing Court to provide entertainment between 11am and midnight on any day. However, a licensee will still require consent to provide entertainment outside of those hours or to provide 'prescribed entertainment'. This includes applications made for a limited licence.

Prescribed entertainment means:

- entertainment of a sexually explicit nature; or
- a professional or public boxing or martial art event; or
- other entertainment of a kind prescribed by the regulations,
- but does not include entertainment excluded by the regulations from this definition.

Existing entertainment conditions will not apply between 11am and midnight. This includes conditions previously imposed by the licensing authority as a result of conciliation following a noise complaint.

Conditions and approvals imposed on licensed premises by other Acts, such as approvals under the *Development Act 1993*, **will not** be affected by the changes and will continue to apply.

Entertainment condition means a condition of a licence or consent that limits the entertainment that may be provided on or adjacent to licensed premises, or limits how entertainment can be provided or promoted, but does not include a condition:

- referred to in section 35(2) or 40A(3) of the *Liquor Licensing Act 1997*;
- relating to the provision of prescribed entertainment; or
- declared by the Commissioner not be an entertainment condition.

2. What are the transitional arrangements?

Existing licensees will not be required to do anything, unless they currently provide prescribed entertainment. Venues that provide prescribed entertainment should contact Consumer and Business Services on 131 882 or email applications@agd.sa.gov.au to ensure that appropriate consents are in place following the initial 12 month transitional period.

If a licensee wishes to change their existing entertainment conditions to reflect the times during which the conditions actually apply, an application to vary licence conditions can be lodged with CBS with a reduced application fee. Licensees should contact CBS for further details.

Before introducing any new forms of entertainment or changing the style of the operations/entertainment, licensees are encouraged to contact their local Council to confirm that this would not be considered a 'change in use' of the premises for the purposes of the Development Act.



3. How will loud noise from venues be managed?

The *Liquor Licensing Act 1997* currently allows for a complaint to be made to the Commissioner if noise or activity relating to a licensed venue is unduly offensive, annoying, disturbing or inconvenient to a person who resides, works or worships in the vicinity of the licensed premises.

In many instances the complaint will be resolved by conciliation, otherwise the matter will be determined by either the Commissioner or the Licensing Court of South Australia. Licence conditions may be imposed to ensure that noise emanating from the licensed premises is not excessive.

Where entertainment conditions are imposed after 20 December 2015, following a noise complaint, those conditions, will remain valid **regardless** of the time the condition applies.

4. Will there be any consideration given to the suitability of a venue for entertainment?

For existing venues seeking to change licence conditions, the licensee must satisfy the licensing authority that any relevant approvals, consents or exemptions have been obtained.

If no changes are being sought by existing licensees there is no further consideration required by the licensing authority.

New applicants for a liquor licence must satisfy the licensing authority that any relevant approvals, consents or exemptions have been obtained in respect of the proposed use of the premises for the sale of liquor (including under the law relating to planning and development).

For more information

A copy of the *Liquor Licensing (Entertainment on Licensed Premises) Act 2015* can be found on the South Australian Legislation website at www.legislation.sa.gov.au

Issued 14 December 2015

