

Queensland



# **LIQUOR AMENDMENT ACT 1992**

**Act No. 50 of 1992**

# Queensland



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## **Liquor Amendment Act 1992**

**Act No. 50 of 1992**

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**An Act to amend the *Liquor Act 1992***

*[Assented to 30 November 1992]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

### **Short title**

1. This Act may be cited as the *Liquor Amendment Act 1992*.

### **Commencement**

2. Sections 3 and 5 are taken to have commenced on 1 July 1992.

### **Amended Act**

3. The *Liquor Act 1992* is amended as set out in this Act.

### **Insertion of new Division 4**

4. After section 173 (in Part 6)—

*insert—*

*‘Division 4—Provisions concerning consumption of liquor in certain public places*

### **‘Definitions**

**‘173A.** In this Division—

“**area**” has the same meaning as in section 3(1) of the *Local Government Act 1936*, and includes a community area and the area of the City of Brisbane;

“**designated public place**” means a public place designated under section 173C;

“**road**” has the same meaning as in section 3(1) of the *Local Government Act 1936*.

**‘Consumption of liquor in certain public places prohibited**

**‘173B.(1)** A person must not consume liquor in—

- (a) a public place that is—
  - (i) a road; or
  - (ii) land owned by, or under the control of, a local authority (other than an environmental park under the *Land Act 1962*); or
- (b) a doorway, entrance or vestibule that gives access to premises from a public place mentioned in paragraph (a).

Maximum penalty—1 penalty unit.

**‘(2)** A person does not commit an offence against subsection (1) in relation to a place—

- (a) if the consumption of liquor in the place is authorised or permitted under a licence or permit; or
- (b) if the place is, at the relevant time, a designated public place; or
- (c) if—
  - (i) the place was, but at the relevant time is no longer, a designated public place; and
  - (ii) the local authority concerned has not complied with section 173E in relation to the place.

**‘Local authority may designate public places where liquor may be consumed**

**‘173C.(1)** A local authority may, by resolution, designate a public place mentioned in section 173B(1)(a) that is in its area as a public place where liquor may be consumed.

**‘(2)** The local authority may, in the resolution or by another resolution, specify the period or times during which the designation is to have effect.

**‘(3)** If the local authority specifies a period or times under subsection (2), the public place is a designated public place only during that period or those times.

**‘Local authority must advertise designation and place signs**

**‘173D.(1)** A local authority that designates a public place under section 173C must advertise the designation in a newspaper that circulates in its area.

**‘(2)** The advertisement must—

- (a) include a description of the public place; and
- (b) specify the period or times (if any) during which the public place is a designated public place.

**‘(3)** The local authority must also erect signs that—

- (a) sufficiently identify the public place as a designated public place; and
- (b) specify the period or times (if any) during which the public place is a designated public place.

**‘(4)** The local authority does not have to comply with subsection (1) if it has specified under section 173C(2) that the designation in relation to the public place has effect for a period not longer than 1 day.

**‘Local authority must advertise repeal or amendment of designation and remove or alter signs**

**‘173E.(1)** If a local authority repeals or amends a designation under section 173C, the local authority must advertise the repeal or amendment in a newspaper that circulates in its area.

**‘(2)** The advertisement must—

- (a) in the case of the repeal of a designation of a public place—include a description of the public place; and
- (b) in the case of an amendment that varies the boundaries of a designated public place—include a description of the public place as varied; and
- (c) in the case of an amendment that varies the period or times during which a designation of a public place has effect—specify the varied period or times.

‘(3) The local authority must also ensure—

- (a) in the case of the repeal of a designation of a public place—that all signs identifying the public place as a designated public place are removed; and
- (b) in the case of an amendment that varies the boundaries of a designated public place—that signs sufficiently identify the public place, as varied, as a designated public place; and
- (c) in the case of an amendment that varies the period or times during which a designation of a public place has effect—that signs identifying the public place specify the varied period or times.’.

### **Insertion of new s.249A**

5. After section 249 (in Division 2 of Part 11)—

*insert—*

### **‘Apportionment of licence fees under section 18B of repealed Act**

‘249A.(1) Despite the repeal of the repealed Act and subject to subsections (3) and (5), section 18B of the repealed Act continues to apply to every case to which it applied under the repealed Act immediately before the proclaimed day as if the section had not been repealed.

‘(2) In applying section 18B of the repealed Act under this section—

- (a) a reference to a licensed victualler under the repealed Act—
  - (i) is a reference to the holder of a licence under this Act that corresponds under section 242 to a licensed victualler’s licence, or a licence that was taken to be a licensed victualler’s licence, under the repealed Act; and
  - (ii) includes a reference to the holder of any licence under the repealed Act to which section 18B applied, or was taken to have applied, immediately before the proclaimed day; and
- (b) a reference to licensed premises under the repealed Act is a reference to licensed premises under this Act; and
- (c) a reference to a licensed victualler’s licence under the repealed Act—



- (i) is a reference to a licence under this Act that corresponds under section 242 to a licensed victualler's licence, or a licence that was taken to be a licensed victualler's licence, under the repealed Act; and
- (ii) includes a reference to any licence under the repealed Act to which section 18B applied, or was taken to have applied, immediately before the proclaimed day; and
- (d) a reference to a fee payable under the repealed Act is a reference to a fee payable in respect of a licence under this Act; and
- (e) all other necessary changes are taken to be made.

**‘(3)** The rights that a person has because of subsection (1)—

- (a) cease when the term (including a further term arising under the exercise of an option of renewal) of the person's lease, agreement for lease or other tenancy agreement relating to the licensed premises, and in force immediately before the proclaimed day, expires or is lawfully terminated, whichever happens first; and
- (b) if the licence concerned is transferred under section 113—are, subject to paragraph (a), exercisable by the transferee.

**‘(4)** Subsection (3)(a) does not affect the enforcement of any right that a person has under this section if the right accrued before the expiry or termination.

**‘(5)** Subsection (1) does not apply to persons (and their transferees) who, between 1 July 1992 and the day of the introduction into the Legislative Assembly of the Bill for this Act—

- (a) entered into an agreement; or
- (b) varied a lease, agreement for lease or tenancy agreement;

relating to licensed premises to which subsection (1) would otherwise apply in a way that has the effect of providing for the adjustment between them of financial obligations that arise out of or relate to the apportionment of licence fees relating to licensed premises under section 18B of the repealed Act or licence fees payable in relation to the premises under this Act.’.