



Queensland

Liquor (Artisan Liquor) Amendment Act 2021

Act No. 4 of 2021

An Act to amend the Liquor Act 1992 to support and regulate the emerging craft beer and artisan spirits industries

[Assented to 15 March 2021]



Queensland

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The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Liquor (Artisan Liquor) Amendment Act 2021*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Liquor Act 1992*.

4 Amendment of s 4 (Definitions)

(1) Section 4, definition *craft brewery*—
omit.

(2) Section 4—
insert—

artisan distillery means premises—

(a) at which spirits are produced under—

(i) a producer/wholesaler licence or an artisan producer licence (spirits); or

(ii) an equivalent licence issued under the law of another State; and

(b) at which no more than 450,000 litres of spirits are produced in any financial year.

artisan producer licence (beer) see section 75B(2).

artisan producer licence (spirits) see section 75B(3).

artisan spirits means—

- (a) spirits produced in an artisan distillery; or
- (b) liqueur produced using spirits produced in an artisan distillery.

craft brewery means premises—

- (a) at which beer is produced under—
 - (i) a producer/wholesaler licence or an artisan producer licence (beer); or
 - (ii) an equivalent licence issued under the law of another State; and
- (b) at which no more than 5 million litres of beer are produced in any financial year.

- (3) Section 4, definition *public event*, ‘section 101’—

omit, insert—

section 101AA

5 Amendment of s 9 (Ordinary trading hours)

- (1) Section 9(1A)—

insert—

- (e) premises to which an artisan producer licence relates.

- (2) Section 9—

insert—

(1D) Subject to subsections (2) and (3), on any day other than Good Friday or Christmas Day, ordinary trading hours of licensed premises to which an artisan producer licence relates are—

- (a) for the sale of liquor for consumption on the premises—between 10a.m. and 12 midnight; or

- (b) for the sale of liquor for consumption off the premises, other than the sale of liquor by wholesale—between 10a.m. and 10p.m.; or
- (c) for the sale of liquor by wholesale—the trading hours of the premises under the *Trading (Allowable Hours) Act 1990*.

6 Amendment of s 42A (Commissioner may make guidelines)

Section 42A(1), example 4, after ‘sections’—

insert—

101AA,

7 Amendment of s 66 (Types of commercial other licence)

Section 66—

insert—

- (f) artisan producer licence.

8 Amendment of s 73 (Authority of producer/wholesaler licence)

- (1) Section 73(2)(a), after ‘craft beer’—

insert—

or artisan spirits

- (2) Section 73(2)(a)(i), after ‘section 74A(2)(a)’—

insert—

or 74B(2)(a)

- (3) Section 73(2)(b)—

omit, insert—

- (b) sell craft beer or artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event, for

[s 9]

consumption at the event for the purpose of sampling the craft beer or artisan spirits, if—

- (i) the licence is subject to a condition mentioned in section 74A(2)(b) or 74B(2)(b); and
- (ii) the organiser of the promotional event has given the licensee written consent to sell samples of craft beer or artisan spirits to persons at the event.

(4) Section 73—

insert—

(2A) The authority under subsection (2) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.

(2B) Further, a producer/wholesaler licence authorises the licensee, if the licensed premises are a craft brewery or artisan distillery, to sell craft beer or artisan spirits to the holder of an artisan producer licence if the producer/wholesaler licence is subject to a condition mentioned in section 74A(2)(c) or 74B(2)(c).

(5) Section 73(3), ‘or (2)’—

omit, insert—

, (2) or (4)

(6) Section 73(2A) to (3)—

renumber as section 73(3) to (5).

9 Amendment of s 74A (Sale or supply of craft beer at promotional event)

(1) Section 74A, heading—

omit, insert—

74A Sale of craft beer

(2) Section 74A(2)(b)—

omit, insert—

- (b) sell craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer; or
- (c) sell craft beer to the holder of an artisan producer licence.

(3) Section 74A—

insert—

- (2A) The authority under subsection (2)(a) and (b) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.

(4) Section 74A(3)—

omit, insert—

- (3) The commissioner must not impose a condition under subsection (2) if more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

(5) Section 74A(4), '(5)(a) states otherwise, the total volume of craft beer that may be sold and supplied'—

omit, insert—

- (6)(a) states otherwise, the total volume of craft beer that may be sold

(6) Section 74A(5)(b)—

omit, insert—

[s 10]

- (b) for craft beer that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer—
 - (i) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or
 - (ii) the volume of each of the individual samples that may be sold to persons at the event.

(7) Section 74A—

insert—

- (5A) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for craft beer that may be sold to persons at a promotional event for consumption at the event—
 - (a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or
 - (b) the volume of each of the individual samples that may be sold to persons at the event.

(8) Section 74A(2A) to (6)—

renumber as section 74A(3) to (8).

10 Insertion of new s 74B

After section 74A—

insert—

74B Sale of artisan spirits

- (1) This section applies if the commissioner is satisfied licensed premises for a producer/wholesaler licence are an artisan distillery.
- (2) The commissioner may impose a condition on the licence authorising the licensee to—

-
- (a) sell artisan spirits, produced by the licensee at the artisan distillery, to persons at a promotional event, for consumption away from the event; or
 - (b) sell artisan spirits, produced by the licensee at the artisan distillery, to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits; or
 - (c) sell artisan spirits to the holder of an artisan producer licence.
- (3) The authority under subsection (2)(a) and (b) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.
 - (4) The commissioner must not impose a condition under subsection (2) if more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.
 - (5) For subsection (2)(a), unless a further condition imposed on the licence under subsection (6)(a) states otherwise, the total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres.
 - (6) If the commissioner imposes a condition under subsection (2), the commissioner may also impose further conditions on the licence in relation to the following—
 - (a) the total volume of the licensee's artisan spirits that may be sold to each person at a promotional event for consumption away from the event;

- (b) for artisan spirits that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits—
 - (i) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or
 - (ii) the volume of each of the individual samples that may be sold to persons at the event.
- (7) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—
 - (a) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or
 - (b) the volume of each of the individual samples that may be sold to persons at the event.
- (8) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a licence.

11 Amendment of s 75 (Restriction on sale of liquor under producer/wholesaler licence)

Section 75(2)(c)—

omit, insert—

- (c) to the extent the holder is authorised under section 73(2) to sell craft beer or artisan spirits produced by the holder to persons at a promotional event—sell the craft beer or artisan spirits to persons at the event.

12 Amendment of s 75A (Venue of promotional event not licensed premises for producer/wholesaler licence)

- (1) Section 75A(1), ‘sell or supply craft beer’—

omit, insert—

sell craft beer or artisan spirits

- (2) Section 75A(2)—

omit, insert—

- (2) The place at which the licensee sells craft beer or artisan spirits at the promotional event is not licensed premises.

- (3) Section 75A(3)(a), ‘may be sold or supplied’—

omit, insert—

or artisan spirits may be sold

- (4) Section 75A(3)(b), ‘or supplying craft beer’—

omit, insert—

craft beer or artisan spirits

- (5) Section 75A(5), definition
- relevant part 6 provision*
- , paragraph (e), ‘section 150’—

omit, insert—

sections 150 to 150B

13 Insertion of new pt 4, div 4, sdiv 7

Part 4, division 4—

*insert—***Subdivision 7 Artisan producer licence****75B Types of artisan producer licence**

- (1) An artisan producer licence may be granted to conduct a business with either or both of the following principal activities—

- (a) producing and selling craft beer under section 75C;
 - (b) producing and selling artisan spirits under section 75E.
- (2) An artisan producer licence granted to conduct a business with the principal activity of producing and selling craft beer under section 75C is an ***artisan producer licence (beer)*** (whether or not the business also has the principal activity of producing and selling artisan spirits under section 75E).
- (3) An artisan producer licence granted to conduct a business with the principal activity of producing and selling artisan spirits under section 75E is an ***artisan producer licence (spirits)*** (whether or not the business also has the principal activity of producing and selling craft beer under section 75C).
- (4) The authority under an artisan producer licence to sell liquor does not apply unless a business is conducted on the licensed premises with 1 or both of the principal activities mentioned in subsection (1).
- (5) An artisan producer licence may be granted and held to carry out the principal activity of producing and selling craft beer under section 75C and the principal activity of producing and selling artisan spirits under section 75E at the same licensed premises.

75C Principal activity of a business under an artisan producer licence (beer)

- (1) The principal activity of a business conducted under an artisan producer licence (beer) is the production and sale of craft beer on the licensed premises for the licence in the following circumstances—

-
- (a) at least 2,500 litres of beer is produced, in each financial year, at the licensed premises;
 - (b) no more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State;
 - (c) if the licensee does not also carry out the principal activity of producing and selling artisan spirits under section 75E—at least 70% of the licensee's liquor sales measured by value of sales, in each financial year, are for craft beer produced on the licensed premises;
 - (d) if the licensee also carries out the principal activity of producing and selling artisan spirits under section 75E—at least 70% of the licensee's liquor sales measured by value of sales, in each financial year, are for craft beer and artisan spirits produced on the licensed premises;
 - (e) if the licensee is a corporation—the licensee is not related to a large brewer.
- (2) For subsection (1)(d), the amount for which an entire cocktail is sold is counted in calculating the licensee's liquor sales.
- (3) For subsection (1)(e), a licensee that is a corporation is related to a large brewer if—
- (a) 20% or more of the corporation's shares are owned by, or held in trust for, a large brewer or a subsidiary of a large brewer; or
 - (b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, a large brewer or a subsidiary of a large brewer.
- (4) In this section—

large brewer means a brewer that produces more than 40 million litres of beer in any financial year.

75D Authority of artisan producer licence (beer)

- (1) An artisan producer licence (beer) authorises the licensee, during ordinary trading hours or approved extended trading hours—
 - (a) to sell the following liquor on the licensed premises for consumption on the premises—
 - (i) craft beer produced on the premises;
 - (ii) craft beer produced off the premises under—
 - (A) another artisan producer licence (beer); or
 - (B) a relevant producer/wholesaler licence;
 - (iii) artisan spirits produced off the premises under—
 - (A) an artisan producer licence (spirits); or
 - (B) a relevant producer/wholesaler licence;
 - (iv) wine produced under the authority of a licence under the *Wine Industry Act 1994*; and
 - (b) to sell craft beer produced on the premises for consumption off the premises; and
 - (c) to sell craft beer, produced on the premises, by wholesale on the premises for consumption off the premises; and
 - (d) to take orders for craft beer, produced on the premises, online from the licensee's website for consumption off the premises.

- (2) Also, an artisan producer licence (beer) authorises the licensee to sell craft beer to persons at a promotional event, under a condition of the licence mentioned in section 75H, with the written consent of the organiser of the promotional event.
- (3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.
- (4) The authority under subsection (2) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.
- (5) In this section—
relevant producer/wholesaler licence means a producer/wholesaler licence that contains a condition mentioned in section 74A(2)(c) or 74B(2)(c).

75E Principal activity of a business under an artisan producer licence (spirits)

- (1) The principal activity of a business conducted under an artisan producer licence (spirits) is the production and sale of artisan spirits on the licensed premises for the licence in the following circumstances—
 - (a) at least 400 litres of spirits is produced, in each financial year, at the licensed premises;
 - (b) no more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State;
 - (c) if the licensee does not also carry out the principal activity of producing and selling craft beer under section 75C—at least 70%

of the licensee's liquor sales measured by value of sales, in each financial year, are for artisan spirits produced on the licensed premises;

- (d) if the licensee also carries out the principal activity of producing and selling craft beer under section 75C—at least 70% of the licensee's liquor sales measured by value of sales, in each financial year, are for craft beer and artisan spirits produced on the licensed premises;
 - (e) if the licensee is a corporation—the licensee is not related to a large distiller.
- (2) For subsection (1)(c) and (d), the amount for which an entire cocktail is sold is counted in calculating the licensee's liquor sales.
 - (3) For subsection (1)(e), a licensee that is a corporation is related to a large distiller if—
 - (a) 20% or more of the corporation's shares are owned by, or held in trust for, a large distiller or a subsidiary of a large distiller; or
 - (b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, a large distiller or a subsidiary of a large distiller.
 - (4) In this section—

large distiller means a distiller that produces more than 2 million litres of spirits in any financial year.

75F Authority of artisan producer licence (spirits)

- (1) An artisan producer licence (spirits) authorises the licensee, during ordinary trading hours or approved extended trading hours—

-
- (a) to sell the following liquor on the licensed premises for consumption on the premises—
- (i) artisan spirits produced on the premises;
 - (ii) cocktails made using at least 1 of the artisan spirits produced on the premises;
 - (iii) artisan spirits produced off the premises under—
 - (A) another artisan producer licence (spirits); or
 - (B) a relevant producer/wholesaler licence;
 - (iv) craft beer produced off the premises under—
 - (A) an artisan producer licence (beer); or
 - (B) a relevant producer/wholesaler licence;
 - (v) wine produced under the authority of a licence under the *Wine Industry Act 1994*; and
- (b) to sell artisan spirits produced on the premises for consumption off the premises; and
- (c) to sell artisan spirits, produced on the premises, by wholesale on the premises for consumption off the premises; and
- (d) to take orders for artisan spirits, produced on the premises, online from the licensee's website for consumption off the premises.
- (2) Also, an artisan producer licence (spirits) authorises the licensee to sell artisan spirits to persons at a promotional event, under a condition

of the licence mentioned in section 75I, with the written consent of the organiser of the promotional event.

- (3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.
- (4) The authority under subsection (2) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.
- (5) In this section—

relevant producer/wholesaler licence means a producer/wholesaler licence that contains a condition mentioned in section 74A(2)(c) or 74B(2)(c).

75G Restriction on grant of artisan producer licence

The commissioner may grant an artisan producer licence if—

- (a) the commissioner is satisfied that the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 75C(1) or 75E(1); and
- (b) for an artisan producer licence with the principal activity mentioned in section 75C(1)—the licensee holds a brewery licence within the meaning of the *Excise Act 1901* (Cwlth), section 77A in relation to the sale by the licensee of the licensee's liquor; and
- (c) for an artisan producer licence with the principal activity mentioned in section 75E(1)—the licensee holds a manufacturer licence within the meaning of the *Excise Act*

1901 (Cwlth), section 4 in relation to the sale by the licensee of the licensee's liquor.

75H Sale of craft beer at promotional event

- (1) The commissioner may impose a condition on an artisan producer licence (beer) authorising the licensee to—
 - (a) sell craft beer, produced by the licensee on the licensed premises, to persons at a promotional event for consumption away from the event; or
 - (b) sell craft beer, produced by the licensee on the licensed premises, to persons at a promotional event for consumption at the event for the purpose of sampling the craft beer.
- (2) The total volume of craft beer that may be sold to each person at the promotional event, for consumption away from the event, is 9 litres unless a further condition imposed on the artisan producer licence (beer) under subsection (3) states otherwise.
- (3) If the commissioner imposes a condition on the licence under subsection (1), the commissioner may also impose further conditions on the licence in relation to—
 - (a) the total volume of craft beer that may be sold to each person at a promotional event for consumption away from the event; or
 - (b) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or
 - (c) the volume of each of the individual samples that may be sold to persons at the event.
- (4) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for

craft beer that may be sold to persons at a promotional event for consumption at the event—

- (a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or
 - (b) the volume of each of the individual samples that may be sold to persons at the event.
- (5) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on the licence.
- (6) A condition imposed under this section applies to craft beer produced by the licensee at the licensee's licensed premises.

75I Sale of artisan spirits at promotional event

- (1) The commissioner may impose a condition on an artisan producer licence (spirits) authorising the licensee to—
- (a) sell artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event for consumption away from the event; or
 - (b) sell artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event for consumption at the event for the purpose of sampling the artisan spirits.
- (2) The total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres unless a further condition imposed on the artisan producer licence (spirits) under subsection (3) states otherwise.
- (3) If the commissioner imposes a condition on the licence under subsection (1), the commissioner may also impose further conditions on the licence

in relation to—

- (a) the total volume of artisan spirits that may be sold to each person at a promotional event for consumption away from the event; or
 - (b) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or
 - (c) the volume of each of the individual samples that may be sold to persons at the event.
- (4) Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—
- (a) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or
 - (b) the volume of each of the individual samples that may be sold to persons at the event.
- (5) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on the licence.
- (6) A condition imposed under this section applies to artisan spirits produced by the licensee at the licensee's licensed premises.

75J Venue of promotional event not licensed premises for artisan producer licence

- (1) This section applies if the licensee for an artisan producer licence is authorised under section 75D(2) to sell craft beer, or section 75F(2) to sell artisan spirits, to persons at a promotional event.
- (2) The place at which the licensee sells craft beer or artisan spirits at the promotional event is not licensed premises.

- (3) However, a relevant part 6 provision applies as if a reference in the provision to the licensed premises, or premises to which a licence relates, includes—
 - (a) if the commissioner imposes a condition on the artisan producer licence defining the area at the venue of the event in which the craft beer or artisan spirits may be sold by the licensee to persons at the event—the area defined in the condition; or
 - (b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the licensee for the purpose of selling craft beer or artisan spirits at the event.
- (4) Also, section 142ZZC applies to the licensee as if subsection (2)(b) of that section were omitted.
- (5) In this section—

relevant part 6 provision see section 75A(5).

14 Amendment of s 86 (Hours to which application may relate etc.)

- (1) Section 86(1A), after ‘subsidiary on-premises licence (meals)’—

insert—

, artisan producer licence
- (2) Section 86(1B), after ‘subsidiary on-premises licence (meals)’—

insert—

or artisan producer licence
- (3) Section 86(2A), after ‘commercial hotel licence,’—

insert—

artisan producer licence,

15 Amendment of s 100 (Available permits)

Section 100—

insert—

- (h) an artisan spirits producer permit.

16 Amendment of s 101 (Definitions for div 2)

- (1) Section 101, definition *licence*—

insert—

- (e) artisan producer licence.

- (2) Section 101, definition *public event*—

omit, insert—

public event see section 101AA.

17 Insertion of new s 101AA

After section 101—

*insert—***101AA Meaning of *public event***

- (1) A ***public event***, in relation to a licensee, means an event or occasion held at premises other than the licensee's main premises, that is not a private event.

Examples of a public event—

a festival, public ball, race meeting, rock concert

- (2) The commissioner may make a guideline under section 42A that includes examples of public events.

18 Amendment of s 103B (Authority of commercial public event permit)

Section 103B—

insert—

- (3) The authority of a commercial public event permit for an artisan producer licence is restricted to the sale of craft beer or artisan spirits produced by the licensee on the licensee's premises.

19 Amendment of s 103W (Authority of craft beer producer permit)

- (1) Section 103W(1)(b)—

omit, insert—

- (b) sell craft beer, produced by the permittee at the permittee's craft brewery, to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer, if the organiser of the promotional event has given the permittee written consent to sell samples of craft beer to persons at the event.

- (2) Section 103W—

insert—

- (1A) The authority under subsection (1) applies during the hours the promotional event takes place unless a condition of the permit provides otherwise.

- (3) Section 103W(3), 'and supplied'—

omit.

- (4) Section 103W(1A) to (4)—

renumber as section 103W(2) to (5).

20 Amendment of s 103X (Restriction on grant of craft beer producer permit)

- (1) Section 103X(1)(b), 'or supply'—

omit.

- (2) Section 103X(2)—

omit, insert—

- (2) However, the commissioner may only grant a craft beer producer permit if no more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

21 Amendment of s 103Z (Premises to which craft beer producer permit relates)

- (1) Section 103Z(a), ‘or supplied’—

omit.

- (2) Section 103Z(b), ‘or supplying’—

omit.

22 Amendment of s 103ZA (Conditions on craft beer producer permits)

- (1) Section 103ZA(1)(b)—

omit, insert—

- (b) for craft beer that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer—

- (i) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or
- (ii) the volume of each of the individual samples that may be sold to persons at the event.

- (2) Section 103ZA—

insert—

- (1A) Unless a condition imposed on the permit under subsection (1)(b) states otherwise, a regulation may prescribe, for craft beer that may be sold to

persons at a promotional event for consumption at the event—

(a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or

(b) the volume of each of the individual samples that may be sold to persons at the event.

(3) Section 103ZA(1A) and (2)—

renumber as section 103ZA(2) and (3).

23 Insertion of new pt 4A, div 9

Part 4A—

insert—

Division 9 Artisan spirits producer permits

103ZB Authority of artisan spirits producer permit

(1) An artisan spirits producer permit authorises the permittee to—

(a) sell artisan spirits, produced by the permittee at the permittee's artisan distillery, to persons at a promotional event, with the written consent of the organiser of the event, for consumption away from the event; or

(b) sell artisan spirits, produced by the permittee at the permittee's artisan distillery, to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits, if the organiser of the promotional event has given the permittee written consent to sell samples of artisan spirits to persons at the event.

(2) The authority under subsection (1) applies during

the hours the promotional event takes place unless a condition of the permit provides otherwise.

- (3) An artisan spirits producer permit applies—
- (a) if the permit is granted for a single promotional event—during the promotional event; or
 - (b) if the permit is granted for a recurring promotional event—during each occurrence of the event—
 - (i) while the permit is in force; and
 - (ii) only if, for each occurrence—
 - (A) the same place is used; and
 - (B) the type of event remains the same.

Example of a recurring promotional event—
a fortnightly farmers market

- (4) For subsection (1)(a), unless a condition imposed on the permit states otherwise, the total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres.
- (5) An artisan spirits producer permit is subject to the conditions stated in the permit.

103ZC Restriction on grant of artisan spirits producer permit

- (1) The commissioner may grant an artisan spirits producer permit only—
- (a) to the operator of an artisan distillery; and
 - (b) if the commissioner is satisfied the operator will only sell, to persons at the promotional event that is the subject of the permit, artisan spirits produced at the operator's artisan distillery.

- (2) However, the commissioner may only grant an artisan spirits producer permit if no more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

103ZD Duration of artisan spirits producer permit

An artisan spirits producer permit—

- (a) is issued for the term stated in it, of not longer than 3 months, unless it is sooner surrendered, suspended or cancelled under this Act; and
- (b) is not renewable; and
- (c) is not transferable.

103ZE Premises to which artisan spirits producer permit relates

The following area is taken to be the premises to which an artisan spirits producer permit relates—

- (a) if the commissioner imposes a condition on the permit defining the area, at the venue of the promotional event the subject of the permit, in which the artisan spirits may be sold by the permittee to persons at the event—the area defined in the condition;
- (b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the permittee for the purpose of selling artisan spirits produced by the permittee to persons at the event.

103ZF Conditions on artisan spirits producer permits

- (1) The commissioner may impose conditions on an artisan spirits producer permit in relation to the following—
 - (a) the total volume of the permittee’s artisan spirits that may be sold to each person at a promotional event for consumption away from the event;
 - (b) for artisan spirits that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits—
 - (i) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or
 - (ii) the volume of each of the individual samples that may be sold to persons at the event.
- (2) Unless a condition imposed on the permit under subsection (1)(b) states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—
 - (a) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or
 - (b) the volume of each of the individual samples that may be sold to persons at the event.
- (3) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a permit.

24 Replacement of s 148AB (Restriction on sale of craft beer)

Section 148AB—

omit, insert—

148AB Restriction on sale of craft beer and artisan spirits

- (1) This section applies to a licensee's or permittee's sale of craft beer or artisan spirits to persons at a promotional event.
- (2) If the sale of craft beer or artisan spirits is for consumption away from the promotional event, the licensee or permittee must not sell the craft beer or artisan spirits in unsealed containers.

Maximum penalty—100 penalty units.

- (3) The licensee or permittee must not sell the craft beer or artisan spirits in a volume that exceeds—
 - (a) for a producer/wholesaler licence—
 - (i) if the commissioner imposed a limit under section 74A(6)(a) or (b)(i) or (ii) or 74B(6)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or
 - (ii) otherwise—the limit provided under a regulation made under section 74A(7)(a) or (b) or 74B(7)(a) or (b); or
 - (b) for an artisan producer licence (beer)—
 - (i) if the commissioner imposed a limit under section 75H(3)(a), (b) or (c)—the limit imposed by the commissioner; or
 - (ii) otherwise—the limit provided under a regulation made under section 75H(4)(a) or (b); or
 - (c) for an artisan producer licence (spirits)—
 - (i) if the commissioner imposed a limit under section 75I(3)(a), (b) or (c)—the limit imposed by the commissioner; or

-
- (ii) otherwise—the limit provided under a regulation made under section 75I(4)(a) or (b); or
 - (d) for a craft beer producer permit—
 - (i) if the commissioner imposed a limit under section 103ZA(1)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or
 - (ii) otherwise—the limit provided under a regulation made under section 103ZA(2)(a) or (b); or
 - (e) for an artisan spirits producer permit—
 - (i) if the commissioner imposed a limit under section 103ZF(1)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or
 - (ii) otherwise—the limit provided under a regulation made under section 103ZF(2)(a) or (b).

Maximum penalty—100 penalty units.

25 Insertion of new ss 150A and 150B

After section 150—

insert—

150A Notification of change—artisan producer licence (beer)

- (1) This section applies if the holder of an artisan producer licence (beer) is a corporation.
- (2) The licensee must give the commissioner written notice under this section if—
 - (a) a non-large brewer to which the licensee is related becomes a large brewer; or
 - (b) the licensee becomes related to a brewer that is a large brewer.

Maximum penalty—100 penalty units.

- (3) A notice under subsection (2)(a) must be given within 14 days of the end of the financial year in which the brewer becomes a large brewer.
- (4) A notice under subsection (2)(b) must be given within 14 days of the day the licensee becomes related to the large brewer.
- (5) For subsection (2), a licensee that is a corporation is related to a brewer if—
 - (a) 20% or more of the corporation's shares are owned by, or held in trust for, the brewer or a subsidiary of the brewer; or
 - (b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, the brewer or a subsidiary of the brewer.
- (6) In this section—

large brewer means a brewer that produces more than 40 million litres of beer in any financial year.

non-large brewer means a brewer other than a large brewer.

150B Notification of change—artisan producer licence (spirits)

- (1) This section applies if the holder of an artisan producer licence (spirits) is a corporation.
- (2) The licensee must give the commissioner written notice under this section if—
 - (a) a non-large distiller to which the licensee is related becomes a large distiller; or
 - (b) the licensee becomes related to a distiller that is a large distiller.

Maximum penalty—100 penalty units.

- (3) A notice under subsection (2)(a) must be given

within 14 days of the end of the financial year in which the distiller becomes a large distiller.

- (4) A notice under subsection (2)(b) must be given within 14 days of the day the licensee becomes related to the large distiller.
- (5) For subsection (2), a licensee that is a corporation is related to a distiller if—
 - (a) 20% or more of the corporation’s shares are owned by, or held in trust for, the distiller or a subsidiary of the distiller; or
 - (b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, the distiller or a subsidiary of the distiller.
- (6) In this section—

large distiller means a distiller that produces more than 2 million litres of spirits in any financial year.

non-large distiller means a distiller other than a large distiller.

26 Amendment of s 155 (Minors on premises)

Section 155(4), definition *exempt minor*, paragraph (d), after ‘craft beer producer permit’—

insert—

, artisan spirits producer permit

27 Amendment of s 155AC (Application of div 1A)

Section 155AC(1)(b)—

insert—

- (iii) an artisan spirits producer permit relates.

28 Amendment of s 172 (Offer to purchase liquor made elsewhere than at licensed premises)

(1) Section 172(2)—

omit, insert—

(2) Subsection (1) does not apply to orders taken or received for—

- (a) the wholesale sale of liquor to a person mentioned in section 75(1) by the holder of a producer/wholesaler licence or artisan producer licence; or
- (b) the sale of craft beer at a promotional event by the holder of—
 - (i) a producer/wholesaler licence authorised under section 73(2)(a) to sell craft beer at the event; or
 - (ii) an artisan producer licence (beer) authorised under section 75H(1)(a) to sell craft beer at the event; or
 - (iii) a craft beer producer permit; or
- (c) the sale of artisan spirits at a promotional event by the holder of—
 - (i) a producer/wholesaler licence authorised under section 73(2)(a) to sell artisan spirits at the event; or
 - (ii) an artisan producer licence (spirits) authorised under section 75I(1)(a) to sell artisan spirits at the event; or
 - (iii) an artisan spirits producer permit; or
- (d) the sale of craft beer by the holder of an artisan producer licence (beer) online from the licensee's website; or
- (e) the sale of artisan spirits by the holder of an artisan producer licence (spirits) online from the licensee's website.

(2) Section 172(4), after ‘producer permit’—

insert—

or artisan spirits producer permit

29 Amendment of s 203 (Filing of returns)

(1) Section 203(3), from ‘in relation to’ to ‘the licence period.’—

omit, insert—

in relation to—

- (a) all liquor sold under authority of the licence during the licence period; and
- (b) promotional events attended by the licensee during the licence period.

(2) Section 203—

insert—

(3A) Further, the licensee under an artisan producer licence must, within 21 days after the end of a licence period, file with the commissioner a return in relation to—

- (a) all liquor sold under authority of the licence during the licence period; and
- (b) all liquor produced under authority of the licence during the licence period; and
- (c) if the licensee is a corporation—
 - (i) the ownership of the licensee; and
 - (ii) the owner’s production, if any, of liquor; and
- (d) promotional events attended by the licensee during the licence period.

Maximum penalty—25 penalty units.

(3) Section 203(4) and (5), ‘or (3)’—

omit, insert—

, (3) or (4)

- (4) Section 203(6), ‘subsection (5)’—
omit, insert—
subsection (6)
- (5) Section 203(6), penalty, ‘subsection (6)’—
omit, insert—
subsection (7)
- (6) Section 203(3A) to (6)—
renumber as section 203(4) to (7).

30 Amendment of s 217 (Records to be kept by licensee)

- (1) Section 217(1), ‘the *transactions*’—
omit, insert—
a *transactions*
- (2) Section 217—
insert—
 - (1A) Also, a licensee under an artisan producer licence must make and maintain a true and up-to-date record (a *production record*) of volumes of liquor produced by the licensee.
Maximum penalty—350 penalty units.
- (3) Section 217(2), ‘The transactions record’—
omit, insert—
A transactions record or production record
- (4) Section 217(4A), ‘licensee under a producer/wholesaler licence, or a permittee under a craft beer producer permit, (each a *producer*)’—
omit, insert—
permittee under a craft beer producer permit (a *producer*)

(5) Section 217(4A)(b)—

omit, insert—

- (b) sells, to persons at the event, craft beer produced by the producer for the purpose of sampling the craft beer.

(6) Section 217, after subsection (4A)—

insert—

(4AA) A permittee under an artisan spirits producer permit (also a ***producer***) must make and maintain a correct and up-to-date record (also a ***promotional events record***) of each promotional event at which the producer—

- (a) sells, to persons at the event, artisan spirits produced by the producer for consumption away from the event including, for example, by taking or receiving, or causing or permitting an agent or employee to take or receive, orders for the producer’s artisan spirits; or
- (b) sells, to persons at the event, artisan spirits produced by the producer for the purpose of sampling the artisan spirits.

Maximum penalty—350 penalty units.

(7) Section 217(4B)(b), ‘section 73(2)(a)(ii) or (b)(ii), or section 103W(1)(a) or (b)’—

omit, insert—

section 103W(1) or 103ZB(1)

(8) Section 217(4B)(c), after ‘craft brewery’—

insert—

or artisan distillery

(9) Section 217(5)(a), after ‘transactions record’—

insert—

or production record

31 Amendment of s 228C (Inconsistency with authority to sell or supply craft beer and authority under commercial special facility licence)

(1) Section 228C, heading, ‘or supply craft beer’—
omit, insert—

craft beer or artisan spirits

(2) Section 228C(1)(a)—
omit, insert—

(a) the sale of craft beer or artisan spirits to persons at a promotional event is authorised under any of the following—

- (i) a producer/wholesaler licence;
- (ii) an artisan producer licence;
- (iii) a craft beer producer permit;
- (iv) an artisan spirits producer permit; and

32 Insertion of new pt 12, div 22

Part 12—

insert—

**Division 22 Transitional provisions for
Liquor (Artisan Liquor)
Amendment Act 2021**

355 Transition to artisan producer licence

- (1) The holder of a licence (an *existing licence*) may, on or before 30 June 2021, apply to the commissioner to transition the licence to an artisan producer licence.
- (2) The following sections apply to the application—
 - (a) sections 105 and 105A;
 - (b) sections 116 to 118;

-
- (c) sections 118A to 121;
 - (d) sections 122 to 124.
- (3) However, no fee is payable under section 105(1)(d) in relation to the application if the existing licence is a producer/wholesaler licence.
- (4) The commissioner may grant the application only if satisfied the licensee is eligible for an artisan producer licence under this Act.
- (5) If the commissioner grants the application—
- (a) the existing licence ceases to apply to the licensee and the licensed premises; and
 - (b) an artisan producer licence applies to the licensee and the licensed premises; and
 - (c) the conditions applying to the existing licence apply to the artisan producer licence; and
 - (d) a permit granted under this Act to the licensee continues to be held by the licensee; and
 - (e) to the extent that extended trading hours may be approved for an artisan producer licence under this Act, any extended trading hours approval for the existing licence is taken to be an extended trading hours approval for the artisan producer licence.

Example—

A producer/wholesaler licence has extended trading hours approval for trading until 2a.m. The extended trading hours approval for the replacement artisan producer licence will be until 1a.m.

- (6) Section 107C applies for the purpose of the commissioner imposing conditions on the artisan producer licence.
- (7) Subsection (5)(c) does not prevent the commissioner from changing the conditions

mentioned in that subsection.

356 No fee payable for application for s 74A(2)(c) condition

- (1) This section applies if—
 - (a) a producer/wholesaler licence contains a condition mentioned in section 74A(2)(a) or repealed section 74A(2)(b); and
 - (b) the holder of the licence applies, on or before 30 June 2021, for a condition mentioned in section 74A(2)(c) to be imposed on the licence.
- (2) No fee is payable under section 105(1)(d) for the application for the condition to be imposed.
- (3) In this section—

repealed section 74A(2)(b) means section 74A(2)(b) as in force from time to time before the commencement.

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