

Liquor Amendment Bill 2004

Explanatory Notes

General Outline

Short Title

The short title of the Bill is the *Liquor Amendment Bill 2004*.

Policy Objective of the Legislation

The Bill proposes to clarify any uncertainty relating to the inclusion of airport tarmacs within restricted areas. It additionally makes technical amendments to enable the transport of liquor on consignment through a restricted area by a transport carrier and allows the issue of restricted area permits for a stated period of time.

Reasons for the Bill

To clarify confusion as to whether an airport tarmac was considered a 'public place' within a restricted area and to make technical amendments to enable more effective application of the restricted area provisions.

On 12 July 2004, Cabinet approved that a Bill should be drafted to clarify the restricted area provisions.

Achieving the Objective

The Bill amends the definition of 'public place' in a restricted area to include specifically tarmacs and any other land used for the landing and parking of aircraft within a restricted area.

It also corrects a legislative oversight relating to the transport of liquor by commercial carriers through restricted areas.

Finally, the Bill will amend provisions relating to restricted area permits to enable them to be issued for a specified period of time of not more than one (1) year. Currently the *Liquor Act 1992* provides that such permits can only be issued for specified dates. This has been administratively cumbersome to not only the Division but to business. An amendment will

enable permits to be issued to tour operators for the entire tourist season. A range of conditions are placed on permits to ensure they do not compromise the intent of the restrictions. Whilst permits have also been issued to members of the clergy to enable the carriage of small quantities of sacramental wine in restricted areas, the amendment will not impact on the issue of these permits.

Administrative costs

Administration of the amendments will be carried out within existing budgets.

Fundamental Legislation Principles

The Bill is consistent with fundamental legislative principles.

Consultation

No formal community consultation has been undertaken. The Departments of Premier and Cabinet, Aboriginal and Torres Strait Islander Policy and the Queensland Police Service support the amendments.

Notes on Provisions

Part 1 Preliminary

Short title

Clause 1 sets out the short title of the Act as the *Liquor Amendment Act 2004*.

Commencement

Clause 2 provides that the proposed amendments will commence on a day to be fixed by proclamation.

Part 2 Amendment of the *Liquor Act 1992*

Act Amended

Clause 3 provides that the Bill amends the *Liquor Act 1992* (the Act).

Clause 4(1) inserts a definition of ‘airport’ into section 4 of the Act. The inclusive definition defines an airport to include an aerodrome, airfield and landing strip and any other land used for landing or parking aircraft.

Clause 4(1) extends the existing definition of ‘public place’ to include an airport or a vehicle, boat or aircraft at an airport.

Clause 5(1) amends section 103L(1) of the Act to allow the authorised holder of a restricted area permit to possess more than the carriage limit in a restricted area for a specified purpose and on nominated days and times. Clause 5(1)(b) further provides that permits may be issued for a period of not more than one year.

Clause 6 omits reference to an ‘event’ in subsections 103M (a) and (b) of the Act. This amendment will allow restricted area permits to be issued for periods up to one year.

Clause 7(1) amends the heading for section 168B of the Act to “Prohibition on possession of liquor in restricted area”.

Clause 7(2) provides for the expansion of the existing exemption to the prohibition of possession of liquor in restricted areas by commercial carriers in section 168B of the Act. This expansion will allow them to possess liquor in the course of lawful business if:

- (a) they are delivering it to a premises outside of a restricted area; and
- (b) that the package or container the liquor is delivered in is labelled, in writing, with the name and address of the vendor and purchaser; and
- (c) that the liquor will not be removed from the vehicle while the vehicle is in the restricted area; and
- (d) that the liquor is securely stored in a container or fixed to a part of the vehicle that is locked; and
- (e) that neither the liquor nor the package or container that the liquor is stored in, to be visible from outside the vehicle.

Clauses 7(3) and (4) renumber the subsections of section 168 of the Act.

© State of Queensland 2004