

Queensland



Liquor Act 1992

LIQUOR REGULATION 2002

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LIQUOR REGULATION 2002

[as amended by all amendments that commenced on or before 3 October 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Liquor Regulation 2002*.

2 Commencement

This regulation commences on 1 September 2002.

3 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

PART 2—REQUIREMENTS RELATING TO VARIOUS APPLICATIONS

4 Particulars to accompany applications relating to licences—Act, s 105(1)(c)

(1) Each application for a licence must be accompanied by the following particulars—

- (a) a plan of the premises to which the application relates drawn to a scale of 1:100 showing the general layout of the premises;
- (b) a plan showing the location of the premises to which the application relates in relation to adjacent premises;

- (c) for an applicant who is an individual or for a nominee, evidence, satisfactory to the chief executive, of the applicant's or nominee's identity;
- (d) evidence, satisfactory to the chief executive, that using the premises for the licence to which the application refers is permitted under the planning scheme of the relevant local government for the premises;
- (e) evidence, satisfactory to the chief executive, that sanitary conveniences at the premises comply with the provisions of the Building Code of Australia relating to sanitary premises.

(2) Each of the following applications must be accompanied by the particulars stated for the application—

- (a) for an application for a general licence, a residential licence or a special facility licence—a typical menu of meals provided, or to be provided, on the premises to which the application relates;
- (b) for an application for an on-premises licence for premises where meals are to be provided—a typical menu of the meals;
- (c) for an application for a licence other than a club licence or a producer/wholesaler licence—a description of the general nature and character of the premises to which the application relates;
- (d) for an application for a licence relating to premises on land—
 - (i) a copy of the registered plan of survey for the land; and
 - (ii) a copy of the certificate of title for the land or other reasonable evidence, satisfactory to the chief executive, of the description of the land and identity of the registered owner or lessor of the land; and
 - (iii) a description of each proposed licensed area on the premises;
- (e) for an application for a licence relating to premises where entertainment is to be provided—
 - (i) details of the type and nature of the entertainment; and
 - (ii) a written assessment about the expected acoustic qualities of the proposed premises;
- (f) for an application for a transfer of a licence if the transferee or nominee is an individual—evidence, satisfactory to the chief executive, of the transferee's or nominee's identity;

- (g) for an application for a transfer of a producer/wholesaler licence—a copy of the licensee’s transactions record for the period from the immediately preceding 1 July, or the day the licensee obtained the licence, whichever is later, to the day on which the application is made.

(3) Despite subsection (2)(e), the chief executive may require an applicant for a licence to give the chief executive a report about the acoustic qualities of premises when the premises are completed if noise from any source is, or is likely to be made, at a level in excess of 75 dB(C) fast response when measured about 3 m from the source.

(4) An assessment or report about the expected acoustic qualities, or acoustic qualities, of premises must—

- (a) be made by a person who has qualifications, training or experience in providing assessments or reports about the acoustic qualities of premises; and
- (b) state the person’s qualifications, training or experience.

(5) In this section—

“**Building Code of Australia**” see the *Building Act 1975*, section 3(1).¹

5 Timing for making applications

(1) An application for any of the following must be made at least 21 days before the day stated in the application as the day on which the permit or variation is proposed to take effect—

- (a) a general purpose permit;
- (b) an extended hours permit, other than an extended hours permit that would extend trading hours on a regular basis;
- (c) a restricted club permit;
- (d) a temporary variation of trading hours for 1 occasion or event.

1 *Building Act 1975*, section 3 (Definitions)—

“**Building Code of Australia**” means the edition, current at the relevant time, of the Building Code of Australia (including the Queensland Appendix) published by the body known as the Australian Building Codes Board and includes the edition as amended from time to time by amendments published by the board.

(2) An application for a catering away permit must be made at least 28 days before the day stated in the application as the day on which the permit is proposed to take effect.

(3) An application for an adult entertainment permit for 1 occasion must be made at least 8 weeks before the day stated in the application as the day on which the permit is proposed to take effect.

6 Proposed event management plan as part of application for catering away permit

(1) The purpose of this section is to state, for section 102F(1)(f)² of the Act, matters about which a licensee's proposed event management plan for a public event must satisfactorily provide.

(2) The matters are—

- (a) the name of the promoter of the public event; and
- (b) a plan of the site for the public event, with details of the facilities to be provided, including, for example, car parking, fencing, food and drink stations, lighting, security stations, stages and toilets; and
- (c) the program for the public event, including, for example, details of all activities and performances; and
- (d) arrangements for advertising the public event; and
- (e) the number of persons expected to attend the public event, and the expected range of ages of the persons; and
- (f) arrangements for transporting persons to and from the public event; and
- (g) arrangements for liquor service at the public event; and
- (h) arrangements for security at the public event; and
- (i) contingency plans if the public event is adversely affected by weather or other conditions.

(3) In this section—

“arrangements for liquor service” includes—

2 Section 102F (Restriction on grant of catering away permit) of the Act

- (a) areas for the consumption of liquor and how they are to be defined, including, for example, by roping off the area or using a hospitality tent; and
- (b) the number of staff to be employed in the service of liquor; and
- (c) the number of staff who will be trained in the responsible service of alcohol, and information about the training the staff will have undertaken; and
- (d) how the purchase of liquor is to be made by persons attending events, including, for example, whether ticketing is to be used; and
- (e) the type of containers to be used for dispensing liquor; and
- (f) the hours a manager will be on duty and the names of persons who are to be on duty as managers.

“arrangements for security” includes the number of persons to be used for security purposes, and their proposed location and role.

“proposed event management plan” means a proposed event management plan mentioned in section 102E(2)(b)³ of the Act.

“public event”, in relation to a licensee, see section 102D⁴ of the Act.

PART 3—DETACHED BOTTLE SHOPS

7 Circumstances in which chief executive may approve premises as detached bottle shop

(1) The chief executive may approve premises, as mentioned in section 59(1)(d)⁵ of the Act, only if—

- (a) the applicant is the licensee of licensed premises (the **“main licensed premises”**); and
- (b) the proposed detached bottle shop—

3 Section 102E (Licensee to obtain a permit for selling or supplying liquor at public events) of the Act

4 Section 102D (Definitions for div 12A) of the Act

5 Section 59 (Authority of general licence) of the Act

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- (i) is not more than 10 km by road from the main licensed premises; and
 - (ii) has a floor area of not more than 150 m²; and
 - (iii) does not have direct access from any other business premises; and
 - (iv) has direct access from a public place; and
 - (v) does not have a facility ordinarily known as a drive-in or drive through; and
- (c) the applicant has no more than 2 detached bottle shops for the main licensed premises; and
- (d) the applicant satisfies the chief executive that—
- (i) conducting the proposed detached bottle shop on the premises is permitted under the planning scheme of the relevant local government for the premises; and
 - (ii) if the applicant is not the owner of the premises—the applicant has the owner’s written agreement to the application; and
 - (iii) only the applicant has a right to occupy—
 - (A) if the detached bottle shop will occupy the entire premises—the premises; or
 - (B) if the detached bottle shop will occupy only part of the premises—the part of the premises; and
 - (iv) the same person or entity will have the financial benefit of the proposed detached bottle shop and the business conducted at the main licensed premises; and
 - (v) the applicant will conduct the proposed detached bottle shop under the same business name as the business conducted at the main licensed premises; and
 - (vi) the licensee’s principal place of business will be the main licensed premises.

(2) For subsection (1)(b)(i), a proposed detached bottle shop is not more than 10 km by road from the main licensed premises if either of the following distances is 10 km or less—

- (a) the distance measured between—

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- (i) the place of egress by road from the land on which the main licensed premises is located that is closest to the proposed detached bottle shop; and
 - (ii) the place of ingress by road to the land on which the premises is located that is, or includes, the proposed detached bottle shop that is closest to the main licensed premises;
- (b) the distance measured between—
- (i) the place of egress by road from the land on which the premises is located that is, or includes, the proposed detached bottle shop that is closest to the main licensed premises; and
 - (ii) the place of ingress by road to the land on which the main licensed premises is located that is closest to the proposed detached bottle shop.

(3) A distance mentioned in subsection (2) must be measured using the shortest route that may be taken driving a motor vehicle in compliance with the relevant laws of the State and local laws.

(4) Subsection (1)(b)(i) does not apply if the applicant satisfies the chief executive that—

- (a) the proposed detached bottle shop will—
 - (i) be in a locality in which there is no licensed premises at which liquor is sold for consumption off the premises other than licensed premises for which an application for an on-premises (meals) licence⁶ has been granted; and
 - (ii) primarily service the residents of the locality; and

6 See section 73A of the Act—

73A Restriction on sale of liquor under an on-premises (meals) licence

The authority of an on-premises (meals) licence is restricted to the following—

- (a) the sale and supply of liquor for consumption on the licensed premises—
 - (i) in association with a consumer eating a meal on the premises; and
 - (ii) to persons on the premises other than in association with the persons eating meals;
- (b) the sale and supply of 1 opened and 1 unopened bottle of wine for consumption off the premises to each adult consumer eating a meal.

- (b) because of the locality's population or projected population, the locality is not likely to attract the establishment of licensed premises other than a detached bottle shop.

Example of a locality for subsection (4)—

A small rural community more than 10 km from the nearest premises from which takeaway liquor is sold to the public.

(5) Subsection (6) applies if the proposed detached bottle shop will occupy only a part of the premises and there is a condition in the applicant's tenancy agreement for the part of the premises that the owner of the premises will not grant anyone else the right to occupy another part of the premises as a detached bottle shop.

(6) The applicant must satisfy the chief executive that the applicant did not ask the owner to include the condition in the agreement.

8 Obligation to conduct business at detached bottle shop if no appeal

(1) This section applies if—

- (a) a licensee applies to the chief executive for approval under section 59(1)(d) of the Act to sell liquor on premises; and
- (b) the chief executive grants the approval; and
- (c) no appeal is made against the chief executive's decision to grant the approval.

(2) The licensee must start to conduct business under the approval within 60 days after the last appeal day for the approval.

(3) If the licensee fails to comply with subsection (2), the approval lapses at the end of 60 days after the last appeal day for the approval.

(4) In this section—

“last appeal day”, for an approval, means the last day on which a notice of appeal may be filed with the registrar under section 31(3) of the Act to start an appeal against the chief executive's decision to grant the approval.

9 Obligation to conduct business at detached bottle shop after an appeal

(1) This section applies if—

- (a) a licensee applies to the chief executive for approval under section 59(1)(d) of the Act to sell liquor on premises; and
- (b) an appeal is made against the chief executive's decision about the application by a person mentioned in section 30⁷ of the Act; and
- (c) the Tribunal's decision allows the licensee to start conducting business on the premises.

(2) The licensee must start to conduct the business within 60 days after the licensee receives a copy of the Tribunal's decision.

(3) If the licensee fails to comply with subsection (2), the approval lapses at the end of 60 days after the licensee receives the copy of the Tribunal's decision.

10 Particulars to be displayed on detached bottle shop

Section 143⁸ of the Act applies to the licensee of a detached bottle shop as if the detached bottle shop were the main licensed premises.

11 Prescription of amount and circumstances for sale of liquor at a detached bottle shop

The holder of a general licence with an approval for a detached bottle shop may supply liquor for consumption at the detached bottle shop only if—

- (a) the supply is for persons to sample the liquor; and
- (b) no charge is made for the liquor.

12 Application for relocation of detached bottle shop—Act, s 154A

The following must accompany an application for approval for the relocation of a detached bottle shop—

7 Section 30 (Persons entitled to appeal) of the Act

8 Section 143 (Particulars to be displayed on premises) of the Act

- (a) if the licensee is not the owner of the premises to which it is proposed to relocate the detached bottle shop—the owner’s written agreement to the application; and
- (b) evidence, satisfactory to the chief executive, that using the proposed premises as a detached bottle shop is permitted under the planning scheme of the relevant local government for the premises; and
- (c) the fee prescribed in schedule 1 for the application.

13 Decision by chief executive for application under s 12

(1) If the chief executive approves the application under section 12, the approval is subject to conditions specified by the chief executive in the approval.

(2) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;
- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the refusal.

14 Joint application for transfer of detached bottle shop—Act, s 154B

(1) A joint application for approval of a transfer of a detached bottle shop must be made in the approved form.⁹

(2) The joint application must be accompanied by—

- (a) a copy of the assignment of the lease of, or new agreement for the use of, the premises; and
- (b) the fee prescribed in schedule 1 for the application.

⁹ Section 154B(2) of the Act—

(2) The first and second licensees must make a joint application to the chief executive for approval of the transfer.

15 Decision by chief executive for application under s 14

(1) If the chief executive approves the joint application, the approval is subject to conditions specified by the chief executive in the approval.

(2) If the chief executive refuses the joint application, the chief executive must give each of the applicants a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;
- (c) the licensees may appeal to the Tribunal against the refusal within 28 days after the licensees receive notice of the refusal;
- (d) the way in which the applicants may appeal against the refusal.

PART 4—CLUB LICENCES AND OTHER PREMISES**16 Definition for pt 4**

In this part—

“**other premises**” see section 85(1A) of the Act.

17 Application for inclusion of, or change to, statement about other premises—Act, s 154C

(1) This section applies to a licensee’s application mentioned in section 154C of the Act for the inclusion of, or change to, a statement in a club licence that the licensed premises includes other premises.

(2) The application must be made in the approved form and be accompanied by—

- (a) a statement about the events for which the premises will be used infrequently, including, for example, home games or training sessions; and
- (b) evidence, satisfactory to the chief executive, of the licensee’s ownership of, or legal right to occupy, the other premises; and
- (c) a description of the area proposed for the sale and consumption of liquor on the other premises for the events; and

- (d) a statement about the hours for sale and consumption of liquor on the other premises for the events; and
- (e) a statement about the nature of noise that will be made at the area described under paragraph (c), including, for example, noise from a public address system or playing recorded music for the events; and
- (f) a plan of the site for the events, with details of the facilities that are to be provided, including, for example, car parking, fencing, food and drink stations, lighting, security stations and toilets; and
- (g) a statement about how many persons are expected to attend the events, and the expected range of ages of the persons; and
- (h) arrangements for liquor service at the events; and
- (i) arrangements for security at the events; and
- (j) the fee prescribed in schedule 1 for the application.

(3) In this section—

“arrangements for liquor service” includes—

- (a) how the licensee will decide the number of staff to be employed in the service of liquor and how the staff are to be trained in the responsible service of alcohol; and
- (b) how the purchase of liquor is to be made by persons attending events, including, for example, whether ticketing is to be used; and
- (c) the type of containers to be used for dispensing liquor; and
- (d) hours a manager will be on duty and the names of persons who are to be on duty as managers.

“arrangements for security” includes the number of persons to be used for security purposes and their proposed location and role.

18 Decision by chief executive for application under s 17

(1) If the chief executive approves the application, the approval is subject to conditions specified by the chief executive in the approval.

(2) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;

- (b) the reasons for the refusal;
- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the refusal.

19 Obligation for licensee to display copy of licence at other premises

A licensee must, during every period the licensee is authorised to sell liquor on other premises, have a legible copy of the licensee's licence—

- (a) on display in a conspicuous place on the other premises; or
- (b) available for inspection by an investigator.

Maximum penalty—25 penalty units.

PART 5—ALTERATION OF LICENSED PREMISES

Division 1—General

20 Definitions for pt 5

In this part—

“occasion approval” means an approval under section 24 for a specified change for an event or occasion to be held at the premises whether the event or occasion is to be held—

- (a) on 1 day; or
- (b) on more than 1 day but on consecutive days; or
- (c) on more than 1 day other than consecutive days.

“specified change” see section 21(1).

21 Application of part to applications for alteration of licensed premises

(1) This part applies to an application for an approval, as mentioned in section 154 of the Act, to alter, rebuild, change or increase the area of the licensee's licensed premises (a **"specified change"**).

(2) The application must be in the approved form and made by—

- (a) for a specified change to the licensed premises if the licensee is the owner of the premises—the licensee; or
- (b) for a specified change to the licensed premises if the licensee is not the owner of the premises—the owner and the licensee; or
- (c) for a specified change to a detached bottle shop—the licensee; or
- (d) for a specified change to other premises included in a club licence—the owner of the other premises and the licensee.

(3) The application must be accompanied by—

- (a) a written description of the specified change; and
- (b) evidence of the real property description of the land on which the licensed premises are, or are to be, located; and
- (c) if the specified change is that an area (the **"new area"**), not part of the licensed premises, is to be included in the licensed premises, evidence, satisfactory to the chief executive, of the licensee's ownership of, or legal right to occupy, the new area; and
- (d) 2 copies of a plan of the premises drawn to a scale of 1:100 showing the specified change; and
- (e) details of the nature of any entertainment that is, or is to be, provided on the licensed premises; and
- (f) the fee prescribed in schedule 1 for the application.

(4) If, after considering the application the chief executive considers there is, or is likely to be, a material change relating to the provision of entertainment on the licensed premises, the chief executive may, by written notice, require the applicant to provide a written assessment of the expected acoustic qualities of the premises.

(5) A written assessment of the expected acoustic qualities of premises must—

- (a) be made by a person who has qualifications, training or experience in providing assessments of the acoustic qualities of premises; and
- (b) state the person's qualifications, training or experience.

(6) In this section—

“other premises” see section 85(1A) of the Act.

Division 2—Applications other than applications for an occasion approval

22 Decision by chief executive for application under s 21 other than application for an occasion approval

(1) This section applies to an application for an approval under section 154¹⁰ of the Act for a specified change, other than an application for an occasion approval.

(2) If the chief executive approves the application, the approval is subject to the completion of any specified change within 2 years after the date of the approval.

(3) The approval is also subject to conditions specified by the chief executive in the approval.

Examples of conditions for subsection (3)—

1. The specified change must be completed in accordance with the plans approved by the chief executive.
2. The applicant must obtain all stated approvals or certifications, for use of the premises as licensed premises, as required under an Act other than the Act, including, for example, development approval under the *Integrated Planning Act 1997*.
3. The completed premises must have the acoustic qualities stated in the approval.

(4) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;

¹⁰ Section 154 (Alteration etc. and maintenance of licensed premises) of the Act

- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the decision.

23 Production of licence after completion of specified change other than under an occasion approval

(1) This section applies if a licensee's application as mentioned in section 22(1) is approved.

(2) After completing the specified change under the approval, the licensee must give the chief executive the licensee's licence for the licensed premises.

(3) The chief executive must issue a new licence to the applicant with the altered, rebuilt, changed or increased area of the licensed premises only if the chief executive is reasonably satisfied the applicant complied with all the conditions to which the approval was subject.

(4) To remove any doubt, it is declared that if an area is not part of licensed premises but is the subject of an approval under section 22, the licensee must not use the area as licensed premises until a licence is issued under subsection (2) that includes the area as part of the licensed premises.

Division 3—Applications for an occasion approval

24 Decision by chief executive for application under s 21 for an occasion approval

(1) This section applies to an application for an occasion approval.

(2) If the chief executive approves the application, the chief executive must give the applicant a written approval stating the day or days, and the hours, to which the approval applies, and any conditions applying to the approval.

(3) If the chief executive refuses the application, the chief executive must give the applicant a notice stating the following—

- (a) the application is refused;
- (b) the reasons for the refusal;

- (c) the applicant may appeal to the Tribunal against the refusal within 28 days after the applicant receives notice of the refusal;
- (d) the way in which the applicant may appeal against the decision.

PART 6—OBLIGATIONS OF LICENSEES AND PERMITTEES

25 Particulars required in transactions record for producer/wholesaler licence—Act, s 217(2)(b)(i)

(1) For section 217 of the Act,¹¹ the particulars that a transactions record for a licensee who holds a producer/wholesaler licence must contain are as follows—

- (a) the quantity of liquor, expressed in litres, sold or supplied under authority of the licence in each of the following categories—
 - (i) low strength beer;
 - (ii) medium strength beer;
 - (iii) heavy strength beer;
 - (iv) brewed products other than beer, including, for example, brewed alcoholic lemonade and cider;
 - (v) fortified wine sold or supplied in bottles;
 - (vi) fortified wine sold or supplied in casks;
 - (vii) fortified wine sold or supplied in bulk;
 - (viii) wine, other than fortified wine, sold or supplied in bottles;
 - (ix) wine, other than fortified wine, sold or supplied in casks;
 - (x) wine, other than fortified wine, sold or supplied in bulk;
 - (xi) fermented products other than wine or fortified wine, including for example, sake or wine based soda;
 - (xii) spirits mixed with other beverages;

11 Section 217 (Records to be kept by licensee) of the Act

(xiii) spirits that are not mixed with other beverages;

- (b) for each sale or supply of liquor—the name of the person to whom the liquor was sold or supplied and the number of the person’s licence or permit;
- (c) the gross amount paid or payable for the liquor.

(2) In this section—

“bottle” means a bottle with a capacity of not more than 1.5 L.

“bulk”, for the sale or supply of wine or fortified wine, means a sale or supply of wine—

- (a) in a container with a capacity of more than 20 L; or
- (b) for bottling elsewhere or for blending with another wine.

“cask” means a container with a capacity of 2 L or more but not more than 20 L.

“fortified wine” includes frontignac, madeira, marsala, muscat, port, sherry and tokay.

“heavy strength beer” means beer in which the alcohol content by volume is 4% or more.

“low strength beer” means beer in which the alcohol content by volume is less than 3%.

“medium strength beer” means beer in which the alcohol content by volume is 3% or more but less than 4%.

26 Annual return to chief executive for producer/wholesaler licences

A licensee who holds a producer/wholesaler licence must, within 21 days after the end of a financial year, give the chief executive a return stating the particulars shown for the financial year in the licensee’s transactions record.

Maximum penalty—25 penalty units.

27 Details about meals and beverages to be recorded by certain licensees

(1) Subject to subsections (2) and (3), a licensee who holds an on-premises (cabaret) licence, an on-premises (meals) licence or a residential licence must keep records of the following—

- (a) for every day on which liquor is sold on the licensed premises—the amount and type of liquor sold and the sale price for each type;
- (b) for every meal consumed on the premises—the details of the meal, the date and time the meal is ordered, and the sale price;
- (c) wages or other payments to workers involved in sales of liquor, or in the preparation, serving or sales of meals, for which records must be kept under this section.

Maximum penalty—20 penalty units.

Examples of records to be kept—

Cash register tapes or table accounts.

(2) Also, a licensee must, for each financial year, keep records of the totals of beverages and food sales, and the costs of the sales, including, for example, purchases and wages.

Maximum penalty—20 penalty units.

(3) A licensee who holds an on-premises (cabaret) licence must only keep records about sales of liquor and meals ordered between 10 a.m. and 5 p.m.

(4) A licensee who holds a residential licence must only keep records about sales of liquor and meals ordered during relevant trading hours.

(5) In this section—

“relevant trading hours” means ordinary trading hours or those hours extended by an extended hours permit, as if the residential licence were an on-premises (meals) licence relating to a part of the premises stated in the residential licence as ordinarily set aside for dining.

PART 7—ADULT ENTERTAINMENT PERMITS

28 Definitions for pt 7

In this part—

“**permit**” means an adult entertainment permit.

“**permittee**” means the holder of an adult entertainment permit.

29 Authority of permit

For section 103G(2)¹² of the Act, the following are conditions to which each permit is subject—

- (a) the permittee must comply with the management plan submitted by the permittee with the application for the permit;
- (b) the permittee must keep a daily record of the name of the controller for the permittee’s premises and the controller’s hours of duty;
- (c) the permittee must enter the controller’s name and hours of duty into the daily record on every day on which adult entertainment may be performed under the permit;
- (d) the permittee must ensure that spruiking or touting for business involving adult entertainment occurs only on the permittee’s premises and only on parts of the premises from which the spruiking or touting is not audible or visible to a person who is not on the premises;
- (e) the permit does not authorise adult entertainment on Christmas Day or Good Friday.

30 Approved area to conform with requirements

(1) For section 103H(c)¹³ of the Act, the area must consist of an open room or other area that allows a person attending the entertainment to view the entertainment from any part of the room or area.

(2) Without limiting subsection (1), the area must not—

12 Section 103G (Authority of adult entertainment permit) of the Act

13 Section 103H (Approved area to conform with requirements) of the Act

- (a) have any walls or partitions, whether transparent or not, that separate or divide, or could be used to separate or divide, the area; or
- (b) contain furniture that screens, or could be used to screen, a part of the area from the remainder of the area.

31 Application for permit

For section 105(1)(c)¹⁴ of the Act, an application for a permit must specify the full name, and date and place of birth, of each of the following persons for the permit—

- (a) the applicant;
- (b) the nominee;
- (c) associates of the persons mentioned in paragraphs (a) and (b).

32 Proposed management plan

For section 107A(1)(d)¹⁵ of the Act, a proposed management plan must provide for the following matters—

- (a) a layout plan of the proposed area drawn to a scale of 1:100 showing—
 - (i) the liquor service points; and
 - (ii) how the area will be fully enclosed to prevent a person outside the area from seeing inside the area; and
 - (iii) the audience seating area; and
 - (iv) any stage area and how it will be separated from the audience; and
 - (v) the performers' change rooms;
- (b) the minimum number of staff and security persons who will be on duty in the area during performances;
- (c) the name and contact details of the promoter of the adult entertainment.

14 Section 105 (Requirements for applications) of the Act

15 Section 107A (Restriction on grant of adult entertainment permit) of the Act

33 Suitability of applicant for permit

(1) For section 107B(1)(h)¹⁶ of the Act, any previous conduct of the business of providing adult entertainment by the applicant is a relevant matter.

(2) In this section—

“adult entertainment” includes entertainment provided before the commencement of the *Liquor (Approval of Adult Entertainment Code) Regulation 2000* that would have constituted adult entertainment if the entertainment were provided after the *Liquor (Approval of Adult Entertainment Code) Regulation 2000* commenced.¹⁷

34 Advertising in relation to adult entertainment

(1) A person must not publish, or cause to be published, an advertisement in relation to adult entertainment if the advertisement—

- (a) contain graphics or a photograph; or
- (b) for an advertisement in the print media—is more than 8 cm x 5 cm in size.

Maximum penalty—10 penalty units.

(2) In this section—

“advertisement” includes a coaster, circular, flier, matchbox, napkin or sign.

35 Restriction on number of permits that may be issued

(1) The chief executive may grant only 6 one-off permits in a year for particular premises.

(2) If a person provides, or intends to provide, adult entertainment at particular premises on more than 6 occasions in a year, the person must apply for an annual permit for the premises.

(3) In this section—

16 Section 107B (Suitability of applicant for adult entertainment permit) of the Act

17 *Liquor (Approval of Adult Entertainment Code) Regulation 2000* commenced 1 July 2000.

“one-off permit”, for licensed premises, means a permit to provide adult entertainment for 1 occasion at the premises.

PART 8—FEES

36 Fees

(1) The fees payable under the Act, other than in relation to the Tribunal, are stated in schedule 1.

(2) If an application under the Act, other than in relation to the Tribunal, is not mentioned in schedule 1, a fee of \$80 is payable for the application.

37 Exemption for certain Anzac Day related applications

(1) This section applies to an applicant who makes an application for a general purpose permit, a catering away permit, an extended hours permit or an approval to alter, change or increase the area of licensed premises for an activity on Anzac Day that relates to the commemoration of Anzac Day.

(2) The applicant is exempt from payment of a fee for the application if—

- (a) the applicant is an RSL or Services Club; or
- (b) the applicant has been asked by an RSL or Services Club to provide catering services for the activity for the RSL or Services Club.

PART 8A—RESTRICTED AREAS

37A Declaration of restricted area—Act, s 173G(1)

An area stated in a relevant schedule is a restricted area.

37B Declaration of prohibition of possession of liquor in restricted area—Act, s 173H

(1) Each restricted area is an area to which section 168B¹⁸ of the Act applies.

(2) The prescribed quantity for a restricted area is the quantity stated for the area in a relevant schedule.

PART 9—MISCELLANEOUS**38 Proof of age card**

For section 6(a)(i)(A)¹⁹ of the Act, the department is the department that administers the *Transport Operations (Road Use Management) Act 1995*.

39 Proposed amendment to club rules

Sections 88(1)(b)(i) and 103D(1)(b)(i)²⁰ of the Act do not apply to amendments of the rules of a club other than amendments about the following—

- (a) eligibility for membership of the club;
- (b) categories of membership of the club;
- (c) eligibility for election to the club's management committee;
- (d) voting rights of the club's members;
- (e) functions of the club's management committee;
- (f) payment to an officer or employee of the club;
- (g) the club's non-proprietary status.

18 Section 168B (Prohibition of possession of liquor in restricted area) of the Act

19 Section 6 (Acceptable evidence of age) of the Act

20 Sections 88 and 103D (Requirements of club and secretary) of the Act

40 Prescription of limits for noise that if exceeded constitute unreasonable noise

For the definition “unreasonable noise” in section 187(5)²¹ of the Act, the limits for noise are as follows—

- (a) between 6 a.m. and 10 p.m.—the adjusted maximum sound pressure level LA10, plus adjustments for tonal and impulse components, exceeding the background level LA90 by more than 10 dB(A);
- (b) between 10 p.m. and 6 a.m.—the sound pressure level LOCT10, in a full octave band with centre frequencies from 63 HZ to 2000 HZ, exceeding the background level LOCT90 by more than 8 dB in any octave band.

41 Acceptable and unacceptable practices and promotions for the service, supply and promotion of liquor—Act, s 148A

(1) The following are examples of unacceptable practices or promotions that, for section 148A(2)²² of the Act, may encourage rapid or excessive consumption of liquor—

- (a) promoting or conducting an activity that encourages rapid or excessive consumption of liquor or discourages a patron from monitoring or controlling the patron’s consumption of liquor;

Examples for paragraph (a)—

- promoting or conducting skolling games
 - promoting the consumption of drinks known as ‘laybacks’
 - promoting the consumption of liquor from a water pistol
- (b) supplying liquor to a person on condition that the person is required to promote or conduct an activity that encourages rapid or excessive consumption of liquor or discourages a patron from monitoring or controlling the patron’s consumption of liquor;
 - (c) serving, supplying or promoting liquor in a container that encourages rapid or excessive consumption of liquor or

21 Section 187 (Abatement of nuisance or dangerous activity) of the Act

22 Section 148A (Obligations of licensees and permittees relating to the service, supply and promotion of liquor) of the Act

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discourages a patron from monitoring or controlling the patron's consumption of liquor;

Examples for paragraph (c)—

- serving liquor in a yard glass for consumption at 1 draught
 - serving liquor in a test tube shaped glass without providing a stand on which the glass can be placed
- (d) serving, supplying or promoting liquor without taking appropriate action to discourage rapid or excessive consumption of liquor;

Example for paragraph (d)—

promoting free or discounted liquor without providing an appropriate number of staff or security persons to monitor and control patrons' consumption of liquor

- (e) serving or supplying liquor to a patron while holding the patron's financial institution access card or other property pending payment for the liquor, in a way that discourages the patron from monitoring or controlling the patron's purchase of liquor.

Example for paragraph (e)—

holding a patron's financial-institution access card and serving liquor to the patron on account over several days pending payment when the patron next receives social security benefits

(2) The following are examples of acceptable practices or promotions that encourage, for section 148A(3) of the Act, the responsible consumption of liquor—

- (a) deterring the rapid or excessive consumption of liquor;

Example for paragraph (a)—

deterring patrons from taking part in skolling games

- (b) having non-alcoholic and low alcohol beverages available;
- (c) supplying liquor in standardised quantities that can be recognised by patrons;

Examples for paragraph (c)—

- serving spirits in measured nips
 - serving liquor in glasses or jugs marked with measured quantities
 - supplying liquor in prepacked containers labelled with measured quantities
- (d) serving patrons half measures of spirits on request.

(3) The following are examples of acceptable practices for providing and maintaining, for section 148A(4) of the Act, a safe environment in and around premises—

- (a) helping patrons to arrange transport from the premises;

Examples for paragraph (a)—

- arranging the supply and convenient positioning of public telephones displaying telephone numbers for taxis and emergency services
- allowing staff to make telephone calls to arrange transport for patrons

- (b) providing appropriate lighting inside and outside the premises.

(4) An example of an unacceptable practice for providing and maintaining, for section 148A(4) of the Act, a safe environment in and around premises, is promoting or conducting an activity that encourages harassment of patrons or staff.

Example for subsection (4)—

A licensee promotes and conducts a ‘wet T-shirt’ competition during which discounted liquor is served to patrons. The licensee does not provide adequate staff or security persons to monitor or control patrons’ behaviour and some patrons become intoxicated and harass other patrons and staff.

PART 11—TRANSITIONAL AND REPEAL PROVISIONS

54 Definitions for pt 11

In this part—

“**commencement day**” means the day this regulation commences.

“**repealed regulation**” means the *Liquor Regulation 1992*.

55 References to repealed provision

A reference in a instrument to the repealed regulation or a provision of the repealed regulation may, if the context permits, be taken as a reference to this regulation or a provision of this regulation.

56 Pending applications

(1) A pending application under a section of the repealed regulation mentioned in column 1 of the following table is taken to be an application under the section of this regulation mentioned in column 2 of the table shown opposite the column 1 section—

Table

	Column 1	Column 2
1.	section 6H (application for approval to relocate a detached bottle shop)	section 12
2.	section 6J (application for approval to transfer a detached bottle shop)	section 14
3.	section 6M (application for the inclusion of, or change to, a statement in a club licence that the licensed premises includes other premises)	section 17
4.	section 18 (application for approval to alter, rebuild, change or increase the area of licensed premises)	section 21.

(2) Also, a pending application under section 9 of the repealed regulation for the grant of a licence, or an extended hours permit that would extend trading hours on a regular basis, in relation to premises in a community area of a Council is taken to be an application under section 44.

(3) In this section—

“pending application” means an application made under the repealed regulation and not decided immediately before the commencement day.

57 Production of licence after alteration, rebuilding, change or increase after approval under section 18A of repealed regulation

(1) This section applies if—

- (a) a licensee received an approval under section 18A of the repealed regulation; and
- (b) the approval was an approval to alter, rebuild, change or increase the area of the licensee’s licensed premises other than for an

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event or occasion to be held at the licensee's licensed premises; and

- (c) the licensee has not given the licensee's licence to the chief executive under section 18B of the repealed regulation before the commencement day.

(2) For the licensee and the chief executive, section 23 applies to the approval as if it were an approval under section 22.

58 Repeal

The *Liquor Regulation 1992* is repealed.

SCHEDULE 1**FEES**

section 36

\$

Licences**1.(1) Application for—**

- | | |
|--|----------|
| (a) a general licence | 1 222.00 |
| (b) a residential licence. | 1 222.00 |
| (c) an on-premises licence | 1 222.00 |
| (d) a club licence. | 1 222.00 |
| (e) a special facility licence | 1 222.00 |
| (f) a limited licence | 129.00 |
| (g) a producer/wholesaler licence. | 1 222.00 |

(2) However, no fee is payable under subitem (1)(c) if the primary purpose of the premises to which the licence relates is the purpose stated in section 69(1)(g) of the Act.

2. Application—

- | | |
|---|--------|
| (a) for a temporary variation for 1 occasion. | 30.00 |
| (b) to vary a licence in another way | 118.00 |
| (c) to transfer a licence. | 214.00 |
| (d) for the chief executive's approval to change the
area of licensed premises | 56.00 |
| (e) for a duplicate licence. | 82.50 |
| (f) for a temporary authority under section 125 of
the Act. | 56.00 |
| (g) for renewal of a temporary authority under
section 125 of the Act | 56.00 |
| (h) for approval to alter, rebuild, change or increase
the area of licensed premises | 56.00 |
| (i) for approval of a temporary change to licensed
premises for 1 occasion. | 30.00 |

SCHEDULE 1 (continued)

	\$
(j) to renew a provisional licence	56.00
(k) to renew a staged development approval	56.00

Permits**3. Application for—**

(a) an extended hours permit—	
(i) that would extend trading hours on a regular basis	118.00
(ii) in any other case	30.00
(b) a general purpose permit	30.00
(c) a restricted club permit (for each period of 3 months, or part of 3 months, for which the permit is sought)—	
(i) if the times for the sale of liquor under the permit total not more than 10 hours a week	59.00
(ii) if the times for the sale of liquor under the permit total more than 10 hours but not more than 21 hours a week	119.00
(d) an adult entertainment permit—	
(i) to provide adult entertainment for 1 occasion	221.00
(ii) to provide adult entertainment for a year	328.00
(iii) to extend, on a regular basis, the hours during which adult entertainment may be provided	118.00
(iv) to change the controller for the permit	111.00
(v) to make another change to an existing permit—	
(A) with a site inspection	166.00
(B) without a site inspection	56.00
(vi) variation of hours during which adult entertainment may be provided for 1 occasion	30.00
(e) a catering away permit for more than 1 occasion	56.00

SCHEDULE 1 (continued)

	\$
(f) a variation of a catering away permit for more than 1 occasion	56.00
(g) a catering away permit for 1 occasion	30.00
(h) a variation of a catering away permit for 1 occasion	30.00
4. Application to renew an extended hours permit	30.00
5. Application for a duplicate permit	82.50
Miscellaneous applications	
6. Application for—	
(a) acceptance of the nomination of a new or additional nominee	214.00
(b) approval to let, sublet or enter into a franchise or management agreement for all or part of licensed premises	214.00
(c) authority under section 131A of the Act to conduct business on licensed premises	214.00
(d) approval under section 148(d) of the Act for the gratuitous supply of liquor for a particular event or occasion in any part of the licensed premises.	30.00
(e) approval under section 152 of the Act to conduct a business or supply a service on licensed premises	56.00
(f) approval to change the name of licensed premises	56.00
(g) an extension of the times stated in a restricted club permit for the sale and consumption of liquor	30.00
(h) approval of premises under section 59(1)(d) of the Act for the sale of liquor under authority of a general licence	646.00
(i) transfer of a detached bottle shop	111.00
(j) relocation of a detached bottle shop	111.00

SCHEDULE 1 (continued)

	\$
(k) inclusion in a licence of a statement that the licensed premises includes other premises	56.00
(l) change of statement in a licence that the licensed premises includes other premises	56.00
(m) inclusion in a licence of a statement that the licensee may sell and supply liquor to or for persons genuinely attending a function on the licensed premises	56.00
(n) inclusion in a general licence, on-premises licence or residential licence of a statement that the licensee may sell liquor on premises other than the licensed premises described in the licence for consumption on the premises on which the liquor is sold	56.00
 Particulars of interest in licence	
7. Giving particulars of an interest in a licence to the chief executive under section 44A(2) of the Act	56.00
 Summons to witness	
8. Application for a notice under section 27(1) of the Act.	23.80
 Filing notice of appeal	
9. Filing notice of an appeal under section 31(2) of the Act—	
(a) for an appellant who has a direct or indirect financial interest in licensed premises that may be affected by the outcome of the appeal	207.00
(b) for any other appellant	51.50
 Inspection of register	
10. Inspection of the register	23.80

SCHEDULE 1A**AURUKUN**

sections 37A and 37B

1 Area declared to be a restricted area

The area of the Shire of Aurukun, other than the licensed premises at the corner of McKenzie and Tal Tal Streets, Aurukun.

2 Prescribed quantity

The prescribed quantity for the restricted area is zero.

SCHEDULE 1B**DOOMADGEE**

sections 37A and 37B

1 Area declared to be a restricted area

The community area²³ of the Doomadgee Aboriginal Council, other than—

- (a) the land described as lot 1 on crown plan PK 3 and roads within the external boundaries of the lot; and
- (b) the road known as The Savannah Way.

2 Prescribed quantity

The prescribed quantity for the restricted area is—

- (a) for beer—27 L; and
- (b) for spirits or wine—zero.

²³ See also the *Community Services (Aborigines) Regulation 1998*, schedule 1A (Declaration of council areas).

SCHEDULE 1C**NAPRANUM**

sections 37A and 37B

1 Area declared to be a restricted area

The community area²⁴ of the Napranum Aboriginal Council, other than the following areas—

- (a) the licensed premises known as the Napranum Tavern, at 1 Albatross Road, Napranum;
- (b) the part of the road known as the Peninsula Development Road within the external boundaries of the land described as lot 2 on crown plan WP50.

2 Prescribed quantity

The prescribed quantity for the restricted area is zero.

²⁴ See also the *Community Services (Aborigines) Regulation 1998*, schedule 1A (Declaration of council areas).

SCHEDULE 1D**LOCKHART RIVER**

sections 37A and 37B

1 Area declared to be restricted area

Each of the following areas is a restricted area—

- (a) the community area of the Lockhart River Aboriginal Council other than the parts of the roads known as Frenchman's Road and Portland Roads Road within the external boundaries of the land described as lot 16 on plan 104551;
- (b) the Lockhart River Airport.

2 Prescribed quantity

(1) The prescribed quantity for the restricted area, other than the canteen, is zero.

(2) The prescribed quantity for the canteen is—

- (a) for beer—any quantity; and
- (b) for spirits or wine—zero.

(3) In this section—

“canteen” means the licensed premises known as the Lockhart River Aboriginal Community Canteen, at Maathoy Street, Lockhart River.

SCHEDULE 1E**WOORABINDA**

sections 37A and 37B

1 Area declared to be restricted area

The community area of the Woorabinda Aboriginal Council, other than the following areas—

- (a) the licensed premises known as the Mimosa Social Club at Rankin Street, Woorabinda;
- (b) the part of the road known as Aphis Creek Road within the external boundaries of the land described as lot 1 on plan LR146;
- (c) the part of the road known as the Dawson Highway within the external boundaries of the land described as lot 9 on plan BH194;
- (d) the football grounds at Carbine Street, Woorabinda;
- (e) the place known as the stockyards meeting place at Rankin Street, Woorabinda.

2 Prescribed quantity

The prescribed quantity for the restricted area is—

- (a) for beer—18 L; and
- (b) for spirits mixed with a beverage in which the concentration of alcohol is no more than 5.5% of the beverage—9 L; and
- (c) for spirits other than spirits mentioned in paragraph (b)—zero; and
- (d) wine—2 L.

SCHEDULE 1F**WUJAL WUJAL**

sections 37A and 37B

1 Area declared to be restricted area

(1) The community area of the Wujal Wujal Aboriginal Council, other than the following areas—

- (a) the car park near the Bloomfield Falls;
- (b) the part of the road known as the Bloomfield Track within the external boundaries of the land described as lot 42 on plan SR837;
- (c) the parts of the roads known as Douglas Street and the Rossville-Bloomfield Road within the external boundaries of the land described as lot 4 on plan SR836;
- (d) the road directly connecting the road known as Douglas Street and the Bloomfield Falls.

(2) To remove any doubt it is declared that the road mentioned in subsection (1)(d) does not include the road that is known as the service road for Douglas Street.

2 Prescribed quantity

The prescribed quantity for the restricted area is zero.

SCHEDULE 2**DICTIONARY**

section 3

“main licensed premises” see section 7(1)(a).

“occasion”, for a permit to provide adult entertainment, means a period of not more than 3 consecutive days.

“planning scheme” see the *Integrated Planning Act 1997*, section 2.1.1.

“relevant local government”, for premises, means the local government for the area in which the premises are located.

“relevant schedule” means a schedule other than schedule 1 or 2.

“transactions record” see section 217 of the Act.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated	45
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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 October 2003. Future amendments of the Liquor Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2002	
1A	to 2002 SL No. 326	6 December 2002	
1B rv	to 2002 SL No. 356	30 December 2002	
1C	to 2003 SL No. 98	9 June 2003	
1D	to 2003 SL No. 143	1 July 2003	
1E	to 2003 SL No. 231	26 September 2003	
1F	to 2003 SL No. 231	1 October 2003	provs exp 30 September 2003
1G	to 2003 SL No. 231	3 October 2003	

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Liquor Regulation 2002 SL No. 212

made by the Governor in Council on 22 August 2002

notfd gaz 23 August 2002 pp 1478–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2002 (see s 2)

exp 1 September 2012 (see SIA s 54)

Note— A regulatory impact statement and explanatory note were prepared

amending legislation—

Liquor (Tribunal) Regulation 2002 SL No. 326 pts 1, 3

notfd gaz 6 December 2002 pp 1162–6

ss 1–2 commenced on date of notification

remaining provisions commenced 6 December 2002 (see s 2)

Liquor Amendment Regulation (No. 2) 2002 SL No. 356

notfd gaz 13 December 2002 pp 1266–9
 ss 1–2 commenced on date of notification
 remaining provisions commenced 30 December 2002 (see s 2)

Liquor Amendment Regulation (No. 1) 2003 SL No. 98

notfd gaz 30 May 2003 pp 371–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 9 June 2003 (see s 2)
 Note— An explanatory note was prepared

Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2003 SL No. 143 ss 1–3 sch

notfd gaz 27 June 2003 pp 749–56
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2003 (see s 2)

Liquor Amendment Regulation (No. 4) 2003 SL No. 231

notfd gaz 26 September 2003 pp 298–9
 commenced on date of notification

Liquor Amendment Regulation (No. 2) 2003 SL No. 167

notfd gaz 3 October 2003 pp 382–5
 commenced on date of notification
 Note—An explanatory note was prepared

7 List of annotations

Decision by chief executive for application under s 21 other than application for an occasion approval

s 22 amd 2003 SL No. 167 s 3

Suitability of applicant for permit

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PART 8—FEES**Fees**

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PART 8A—RESTRICTED AREAS

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Acceptable and unacceptable practices and promotions for the service, supply and promotion of liquor—Act, s 148A

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PART 10—APPLICATIONS CONCERNING AREA OF COUNCIL

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