

Queensland



Explanatory Notes for SL 2002 No. 212

Liquor Act 1992

LIQUOR REGULATION 2002

Short title

Liquor Regulation 2002

Authorising Law

Section 235 of the *Liquor Act 1992* (the Act).

Objectives of the legislation

The objective of the regulation is to—

- (a) provide requirements for applications for licences and permits under the Liquor Act;
- (b) detail certain obligations of licensees and permittees;
- (c) prescribe fees for activities under the Act.

Reasons for the subordinate legislation

Under the *Statutory Instruments Act 1992*, subordinate legislation expires on the 1 September first occurring after the 10th anniversary of its making. Therefore the *Liquor Regulation 1992* will expire on 1 September 2002.

The existing regulation has been reviewed in relation to its continuing relevance and amendments have been included to effect minor administrative changes and deletions to update the regulation to reflect current industry practices.

Consistency with authorising law

The *Liquor Act 1992* provides for a business licensing regime for the sale of liquor. The Act anticipates, with the provision for a head of power for regulations relating to fees, activities and applications that these matters will be subject to periodic review to provide a flexible practical system for regulation as described in the objects of the Act.

Estimated cost of government implementation.

Any expenditure associated with the implementation of the regulation will be met through existing budget allocations.

Fundamental legislative principles

The proposed regulation is consistent with fundamental legislative principles.

Consultation**(a) Community**

A regulatory impact statement was released regarding application fees which affect the community.

(b) Government

The Department of Premier and Cabinet, Queensland Treasury and the Business Regulation Reform Unit of the Department of State Development were consulted in relation to the 10 year review of the regulations and the preparation of the regulatory impact statement.

The Office of Parliamentary Counsel has drafted the regulation.

(c) Industry

The regulation will re-instate provisions which have been in operation for up to 10 years and which have been the subject of consultation in terms of their initial drafting and successive review.

Results of consultation

There is general agreement regarding the provisions of the *Liquor Regulation 2002*.

NOTES ON PROVISIONS**Part 1—Preliminary**

Provides for the short title of the regulation and the definitions which are contained in the dictionary in schedule 2.

Part 2—Requirements in respect of various applications

This part prescribes details relating to applications for new liquor licences, transfers of licence, permits and event management plans for catering away permits. The details include timing for permit applications, details to accompany applications and requirements to be addressed in a management plan.

Part 3—Detached bottle shops

This part details the requirements for detached bottle shops, their transfer and relocation including the maximum size and distance from the main hotel premises.

Part 4—Club licences and other premises

Details the requirements for applications by club licensees for approval to sell and supply liquor on adjacent sporting fields on an infrequent basis in conjunction with activities such as home games or training.

Part 5—Alteration of licensed premises

This part describes the requirements and process for altering, rebuilding or changing the area of licensed premises, either permanently or for a single occasion.

Part 6—Obligations of licensees and permittees

This part details the business records to be reported to the chief executive in certain circumstances by specified licensees.

Part 7—Adult entertainment permits

Prescribes standard conditions for adult entertainment permits, the way advertising may be conducted, how approved areas are to conform with the Act and details required in proposed management plans.

Part 8—Fees

Details exemptions from the payment of fees for activities under the Act and a standard fee for applications where no other fee is prescribed.

Part 9—Miscellaneous

Contains a range of provisions including—

- (a) the approved department that issues a proof of age card acceptable under the Act;
- (b) the type of change to club rules for which a club must seek the prior approval of the chief executive when altering;
- (c) a technical definition for unreasonable noise; and
- (d) the obligations of licensees and permittees for the responsible service, supply and promotion of liquor.

Part 10—Applications concerning area of Council

This part provides a separate process for applications for a new licence or permit in a community area. Other applications are to be dealt with under part 5 of the Act. The sections detail appropriate consultation to be conducted within a community and the way in which a Council may make comments and recommendations on an application.

Part 11—Transitional and repeal provisions

Repeals the existing regulation and clarifies how to proceed with applications and offence proceedings pending under the repealed regulation.

Schedule 1—Fees

This schedule sets out the fees payable for applications relating to licences, permits, appeals and record searches under the Act.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Tourism, Racing and Fair Trading.