



Queensland

Liquor Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 145

made under the
Liquor Act 1992

General outline

Short title

Liquor Amendment Regulation (No. 1) 2013.

Authorising law

- Sections 4 and 13 of the *Liquor Act 1992* (Liquor Act).

Policy objectives and the reasons for them

The policy objectives of this amendment regulation are to amend the *Liquor Regulation 2002* (Liquor Regulation) to prescribe criteria to give clear parameters as to what constitutes a small regional show consistent with the definition and intent provided in the Liquor Act.

Sections 4 and 13 of the Liquor Act exempt community groups from having to obtain a licence or permit in order to sell liquor at a fundraising event if they meet certain criteria, including: the sale of liquor being ancillary to the fundraising event, with the net proceeds being used for the benefit of the community; and the eligible entity ensuring the sale of liquor does not create an unsafe environment at the event.

In particular, the exemption provisions allow for small shows in regional areas to be exempted from applying for a licence or permit, even if they do not meet the restrictions that apply to other exempted events, which require the events to start and end on one day and for the sale of liquor to occur for no more than eight hours in one day.

The purpose of the exemption for small regional shows is to reduce red tape on small country shows, which are integral to the cultural fabric of the local community.

Consequently, section 4 of the Liquor Act defines a small regional show as: 'a function that is an agricultural, horticultural, industrial or pastoral show or exhibition, held at a rural place in Queensland, if the show or exhibition meets criteria prescribed under a regulation for this definition relevant to minimising adverse effects on:

- (a) the health or safety of members of the public; and
- (b) the amenity of the community'.

Section 4 of the Liquor Act also provides examples of criteria that may be prescribed under a regulation, including:

- the maximum number of persons expected to attend the show or exhibition having regard to attendance at the show or exhibition in previous years;
- the maximum period during which liquor is to be sold at the show or exhibition;
- the maximum duration of the show or exhibition.

Therefore, amendment is required to be made to the Liquor Regulation in order to provide the supporting criteria as authorised by the Liquor Act.

Achievement of policy objectives

The policy objectives are achieved by inserting a new section 38AA of the Liquor Regulation to provide the supporting criteria for what constitutes a small regional show.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the objectives of the Liquor Act.

Inconsistency with policy objectives of other legislation

The subordinate legislation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The purpose of the amendment to exempt small regional shows is to reduce red tape on small country communities, which are integral to the cultural fabric of the local community, by removing the administrative burden associated with applying for community liquor permits (CLPs) for their annual shows.

The amendments will also reduce the administrative burden on the Office of Liquor and Gaming Regulation (OLGR) to process CLP applications for these shows.

The amendment is consistent with the example criteria provided in the Liquor Act and allows for small country shows to be exempted from requiring a liquor permit. It also ensures that larger events, such as shows in regional cities like Bundaberg and Rockhampton, which, due to their size, may have an adverse affect on public health and amenity, retain the requirement to apply for a licence or permit to sell/supply liquor.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation (OBPR) was consulted regarding the exemption from the Regulatory Impact System (RIS). OBPR has advised that the proposals are excluded from the RIS system as they make consequential amendments.

Consultation was undertaken with all affected stakeholders in regards to exemptions for fundraising events during the development of the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013. Consultation was conducted with the Queensland Chamber of Agricultural Societies (QCAS) and OLGR in the development of the provisions of the regulation.

Notes on provisions

Clause 3 inserts a new section 38AA, which provides the criteria for what constitutes a small regional show for the purposes of the definition provided within section 4 of the Liquor Act.

The relevant show must be organised by a member society of QCAS. Membership with QCAS has been made a part of the criteria as it is the overarching governing body for the large majority of Queensland's show societies, and maintains strict affiliation requirements for its members.

Under these requirements, each society is responsible for organising and staging an annual show which includes holding exhibitions for the purpose of having competitive displays of any livestock, primary industry products or other associated products pertaining to the area, and promotes the development of pastoral, agricultural, horticultural, mining, education and industrial resources of the surrounding district and possibly the State. The exemption applies to any eligible entity (as defined in the Liquor Act), that sells/supplies liquor at a small regional show that meets the criteria, not just the show society responsible for organising the event.

The small regional show exemption provisions contained in the regulation only apply to one show or exhibition per year held by each show society, provided the remaining criteria are also met. Under existing QCAS rules, show societies must hold a regional show on an annual basis in order to maintain their membership and as such, the regulation ensures that the exemption only applies to these annual shows.

Where the show society anticipates no more than 2,000 people through the gates each day the show is held the exemption will apply. Attendance figures do not include any show or support staff responsible for the operation of the show or exhibition. A reasonable estimate of the attendance figures expected at the show or exhibition each day would be calculated based on attendance figures recorded in relation to the society's previous annual shows. Attendance rates higher than 2,000 people per day are considered to constitute a high risk event under current OLGR guidelines and would not qualify for the exemption from applying for a community liquor permit.

The show must operate for no longer than a three day period and alcohol cannot be sold for more than 14 hours per day over the course of the event. This is consistent with small regional shows currently operating under a CLP.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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