

# Liquor Amendment Regulation (No. 4) 2014

Explanatory notes for SL 2014 No. 261

made under the

*Liquor Act 1992*

## General Outline

### Short title

*Liquor Amendment Regulation (No. 4) 2014*

### Authorising law

Sections 156B(3), 173NC and 235 of the *Liquor Act 1992*

### Policy objectives and the reasons for them

The policy objectives are to:

- prevent alcoholic jelly products, which could be associated with non-alcoholic jelly products and which are considered to have a particular appeal to minors, from being sold or supplied in a manner that would allow minors to obtain these products;
- prevent alcoholic jelly products from being supplied in packaging that mimics drug use and encourages the rapid or excessive consumption of alcohol; and
- establish local boards for Broadbeach CBD safe night precinct and Ipswich safe night precinct to manage the delivery of initiatives aimed at addressing alcohol and drug-related violence.

### Achievement of policy objectives

The *Liquor Amendment Regulation (No. 4) 2014* (the Amendment Regulation) achieves the policy objectives regarding harm minimisation by:

- prohibiting licensees from selling or supplying alcoholic jelly shots, except for consumption on the licensed premises where minors are not permitted to consume liquor; and
- prohibiting the sale or supply of alcoholic jelly shots in syringes or syringe-like packaging whose small size and association with drug use are considered to encourage irresponsible drinking practices.

The Amendment Regulation achieves the policy objective of establishing local boards for Broadbeach CBD safe night precinct and Ipswich CBD safe night precinct by prescribing the Safe Night Broadbeach CBD Precinct Inc and Safe Night Ipswich CBD Precinct Inc as incorporated local board associations. These local board associations will enable a wide range of stakeholders, including liquor licensees, local business and Chambers of Commerce, State and local government agencies and community support providers to work together to achieve the objective of ensuring safe and supportive environments through initiatives that address community safety issues and amenity.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of minimising the harm and potential for harm from alcohol abuse and misuse as prescribed in section 3 of the *Liquor Act 1992*.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The option of prescribing all alcoholic jelly products sold for consumption on or off licensed premises as undesirable liquor products was considered. However, it is not considered proportional as it is possible to prevent minors from obtaining alcoholic jelly shots by simply prohibiting the sale of these liquor products for off-premises consumption and prohibiting the use of syringes or syringe-like packaging that are considered to pose specific harms.

The option of declaring a particular known brand of alcoholic jelly as an undesirable liquor product was considered. It was rejected because alcoholic jelly products produced under another name or with slight variations in manufacturing or packaging could circumvent the regulation.

## **Benefits and costs of implementation**

There will be no cost to the Government to implement the Amendment Regulation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles. The *Liquor Act 1992* invests the Minister with authority to recommend that the Governor in Council make a regulation to declare a liquor product or class of products an undesirable liquor product. While the Amendment Regulation will prevent licensees from selling alcoholic jelly products for consumption off licensed premises, this is justified as being in the public interest because jelly is associated with young people and is considered to have special appeal to minors. Furthermore, the restriction on syringes and syringe-like packaging is justified because of their association with illegal drug use and their potential to encourage rapid or excessive liquor consumption.

The prescription of local board associations for safe night precincts is consistent with fundamental legislative principles.

## Consultation

Hello Jello Pty Ltd, Queensland Hotels Association (QHA), Clubs Queensland and Cabarets Queensland were consulted in relation to the making of this Amendment Regulation.

No response was received from Cabarets Queensland.

The QHA agrees that *Hello Jello* is deficient in terms of the *Liquor Act 1992* and supports declaring it an undesirable liquor product. Clubs Queensland also supports declaring jelly liquor products an undesirable liquor product. Hello Jello Pty Ltd opposed declaring *Hello Jello* an undesirable liquor product.

A range of stakeholders, including licensees in Broadbeach and Ipswich, have been consulted in settling both the geographical boundaries of safe night precincts in Broadbeach CBD and Ipswich CBD and the composition of local boards.

The Office of Best Practice Regulation (OBPR) within the Queensland Competition Authority has been consulted. OBPR has confirmed that the Amendment Regulation is excluded from the Regulatory Impact Statement system.