

Liquor Amendment Regulation (No. 2) 2016

Explanatory notes for SL 2016 No. 147

made under the

Liquor Act 1992

General Outline

Short Title

Liquor Amendment Regulation (No. 2) 2016

Authorising law

Section 100, 105(1)(d), 142ZZF and 235 of the *Liquor Act 1992*.

Policy objectives and the reasons for them

Amendments commenced by Proclamation 1 September 2016, amended the *Liquor Act 1992* (Liquor Act), in part, to:

- create a new craft beer producer permit system to enable craft beer producers to sell their product at promotional events; and
- require licensees to apply for approval from the Liquor and Gaming Commissioner to sell, supply or allow the consumption of alcohol in the car park of the licensed premises at specified times, as part of a special event or occasion.

It is the Government's policy to levy fees in order to recover costs incurred in relation to services provided. The *Liquor Regulation 2002* (Liquor Regulation) prescribes fees for various matters, including application fees for approvals, permits and variations under the Liquor Act. These fees are calculated on a cost-recovery basis designed to ensure licensees contribute fairly and appropriately to the on-going costs of monitoring and regulating the liquor industry in Queensland. Fees are subject to indexation on 1 July each year.

Accordingly, the objective of the *Liquor Amendment Regulation (No. 2) 2016* (Amendment Regulation) is to amend the Liquor Regulation to prescribe an application fee for a craft beer producer permit, and an application fee for occasions requiring a car park approval, to facilitate implementation of amendments arising from the *Tackling Alcohol-Fuelled Violence Amendment Act 2016* (Amendment Act).

Achievement of policy objectives

Section 235(2)(c) of the Liquor Act provides that a regulation may prescribe application fees.

The Regulation Amendment achieves the policy objectives by amending Schedule 1 of the Liquor Regulation to prescribe that the application fee for a craft beer producer permit is \$65.40, for each day the permittee intends to sell or supply craft beer under the permit at a promotional event. The Regulation Amendment also achieves the policy objectives by prescribing an application fee for each occasion occurring within the duration of a car park approval as \$65.40. An occasion is for a period of not more than three consecutive days.

Prescribing application fees for a craft beer producer permit for each day of sale, and for an occasion requiring a car park approval is considered appropriate as it is consistent with the Government's *Principles for Fees and Charges* guideline, and is calculated based on full cost recovery. The fee amounts are based on existing application fees prescribed in the Liquor Regulation.

The Regulation Amendment also achieves the policy objectives by amending section 5(1) of the Liquor Regulation to prescribe the minimum timeframe (21 days) for lodgement of applications before the craft beer producer permit and car park approval take effect. This is consistent with other comparable applications prescribed in the Liquor Regulation.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Liquor Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Prescribing new application fees for a craft beer producer permit and a car park approval captures the benefit of ensuring costs associated with processing and determining applications are borne by licensees and applied in a consistent manner across all applicants.

The costs associated with implementing system changes associated with these new applications will be funded through the existing departmental budget allocations.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Extensive consultation with community and industry stakeholders was undertaken in relation to the provisions of the Amendment Act. While no specific consultation has taken place regarding the relevant application fees, the fees are consistent with the current liquor licensing fees framework and are based on existing fees prescribed in the Liquor Regulation.

The Department of the Premier and Cabinet and Queensland Treasury were consulted and did not raise any issues.

The Office of Best Practice Regulation was consulted and advised no further analysis and assessment is required under the Regulatory Impact Statement system.