

Liquor (Artisan Liquor) Amendment Regulation 2021

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Shannon Fentiman, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence provide this human rights certificate with respect to the *Liquor (Artisan Liquor) Amendment Regulation 2021* (Amendment Regulation) made under the *Liquor Act 1992*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Liquor (Artisan Liquor) Amendment Act 2021* (Amendment Act), which commences on 4 May 2021, amends the *Liquor Act 1992* (Liquor Act) to introduce a new ‘commercial other – artisan producer licence’ (artisan producer licence) for eligible craft brewers and artisan distillers. An artisan producer licence will allow licensees to:

- sell craft beer or artisan spirits produced on the licensed premises for consumption at the venue, as takeaway (including via online orders), and as wholesale; and
- sell other Queensland craft beer, artisan spirits and wine for on-premises consumption, up to 30% of yearly sales.

To ensure the licence is only available to genuine boutique producers, craft brewers must produce between 2,500 and five million litres of beer per year to be eligible for the licence, while artisan distillers must produce between 400 and 450,000 litres of spirits per year. The maximum limits include beer or spirits produced by any company which is related to the licensee.

In addition, artisan producer licensees must not be 20% or more owned by a large brewer (producing more than 40 million litres of beer per year) or a large distiller (producing more than 2 million litres of spirits per year).

The Amendment Act also enhances the existing framework under the Liquor Act which allows eligible licensees and permittees to market their artisan liquor at promotional events, such as farmers markets. These enhancements include creation of a new artisan spirits producer permit, and allowing approved licensees and permittees to sell samples of their liquor at promotional events, rather than being required to give them away for free.

The Amendment Act also makes a number of amendments to the regulatory framework in support of the new artisan producer licence and enhanced promotional events framework. This includes changes to record-keeping and annual return requirements, to demonstrate ongoing eligibility for the artisan producer licence; compliance with the authorities of the licence; and compliance with requirements for attendance at promotional events.

To support these changes, a number of consequential and supporting amendments are required to be made to the *Liquor Regulation 2002* (Liquor Regulation). These amendments are necessary to ensure the full regulatory framework for artisan liquor will be in place from 4 May 2021. The required consequential and supporting amendments are outlined below.

Fees

The amendments will:

- ensure an annual base liquor licence fee of \$1,050 applies for an artisan producer licence (section 202 of the Liquor Act);
- ensure an application fee of \$72.95 per day of an event applies to an application for an artisan spirits producer permit (section 105(1)(d) of the Liquor Act); and
- waive the 2020-21 annual liquor licence fee for existing licensees wishing to transition to the artisan producer licence, for licensees whose licence fees were already waived by the *Liquor (Fee Relief) and Other Legislation Amendment Regulation 2020*.

Record-keeping and annual return requirements

The amendments will prescribe the following particulars that must be included in an annual return lodged by an artisan producer licensee (section 203(4) of the Liquor Act):

- the quantity of liquor produced at the licensed premises;
- the value of total sales by the licensee of the licensee's own liquor;
- the value of total sales by the licensee of liquor produced other than at the licensed premises;
- if the licensee is a corporation:
 - who owns the corporation's shares; and
 - who may cast votes, or on whose behalf votes may be cast, at the corporation's general meetings; and
 - the quantity of liquor produced by each entity that owns at least 20% of the corporation's shares or who may cast at least 20% of the votes at the corporation's general meetings.

The amendments will also prescribe the following particulars and documents that must be included in an annual return lodged by an artisan producer licensee or producer/wholesaler licensee where the licensee attended a promotional event (section 203(4) of the Liquor Act):

- the name of the promotional event;
- the date of the promotional event;
- a copy of the organiser's written consent for the licensee to sell liquor at the promotional event;

- the value of total sales of liquor sold at all promotional events for consumption away from the event; and
- the value of total sales of liquor sold at all promotional events for the purpose of sampling the liquor.

Further, the amendments will prescribe the following particulars that must be contained in a transactions record kept by an artisan producer licensee (section 217(2)(b)(i) of the Liquor Act):

- the quantity of liquor sold;
- the type of liquor sold;
- the sale price of liquor sold; and
- whether or not the liquor was produced on the licensed premises.

Promotional events

The amendments will:

- limit the maximum size of individual samples of craft beer and artisan spirits that can be sold by approved licensees and permittees at promotional events. Samples will be limited to 150 millilitres of craft beer or 15 millilitres of artisan spirits (sections 74A(7)(b), 74B(7)(b), 75H(4)(b), 75I(4)(b), 103ZA(2)(b) and 103ZF(2)(b) of the Liquor Act); and
- ensure a minimum 21 day timeframe applies in respect of when an application for an artisan spirits producer permit must be made.

Patron facilities

The amendments will ensure artisan producer licensees must make free, clean and potable drinking water available to each patron of the licensed premises.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

No human rights have been identified as being engaged by the Amendment Regulation.

Conclusion

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

SHANNON FENTIMAN MP
Attorney-General and Minister for Justice
Minister for Women
Minister for Prevention of Domestic and Family Violence