



Queensland

# Liquor Amendment Act 2005

Act No. 13 of 2005









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An Act to amend the *Liquor Act 1992*

[Assented to 22 April 2005]

**The Parliament of Queensland enacts—****1 Short title**

This Act may be cited as the *Liquor Amendment Act 2005*.

**2 Commencement**

- (1) This Act, other than section 8, commences on 29 April 2005.
- (2) Section 8 commences on a day to be fixed by proclamation.

**3 Act amended**

This Act amends the *Liquor Act 1992*.

**4 Amendment of s 4 (Definitions)**

Section 4—

*insert—*

‘*resident*, in relation to licensed premises or premises to which a permit relates, means a resident of the premises.

*trading period*, for part 5, division 5, see section 142AA(1).’.

**5 Insertion of new pt 5, div 5**

Part 5, after section 142—

*insert—*

**‘Division 5 Lock out provisions for Brisbane City Council area****‘142AA Application of div 5**

- (1) This division applies in the area of the Brisbane City Council to licensed premises and premises to which a permit relates if the licensee or permittee is authorised under this Act to sell or supply liquor on the premises during all or any part of the

period starting at 3 a.m. on a day and ending at 7 a.m. on the day (the *trading period*).

- ‘(2) However this division does not apply to—
- (a) a casino under the *Casino Control Act 1982*; or
  - (b) that part of licensed premises used principally for the residential accommodation of guests staying on the premises; or
  - (c) licensed premises at Brisbane Airport, Airport Drive, Brisbane.
- ‘(3) Also, this division does not apply—
- (a) on Anzac Day to licensed premises if an extended hours permit for that day has been granted for the premises under section 102C; or
  - (b) on New Year’s Day.
- ‘(4) For subsection (1), it is immaterial whether or not the trading period is part of another period during which the licensee or permittee is authorised under this Act to sell or supply liquor on the premises mentioned in the subsection.

#### **‘142AB Licences and permits subject to lock out condition**

- ‘(1) It is a condition of the licensee’s or permittee’s licence or permit that a patron of the licensed premises or the premises to which the permit relates must not be allowed to enter the premises at or after 3 a.m. during the trading period.

*Example of an entry—*

A patron of licensed premises leaves the premises and a short time later re-enters the premises. The re-entry is a separate entry of the premises.

- ‘(2) For licensed premises, the condition does not apply in relation to a resident, or a guest of a resident while in the resident’s company, who is entering the premises.
- ‘(3) The licensee or permittee must comply with the condition.
- Maximum penalty—100 penalty units.

‘(4) In this section—

*patron*, in relation to licensed premises or premises to which a permit relates, includes a person entering or seeking to enter the premises to use the areas, facilities or services on offer at the premises.

#### ‘142AC Application of ss 134 and 136 to lock out condition

‘For this Act—

- (a) a reference in section 134(1)(a)(ii) to a condition specified in the permit; or
- (b) a reference in section 136(1)(a)(iii) to a condition stated in the licence;

is taken to include a reference to a condition of the permit or licence imposed under section 142AB.’.

#### 6 Insertion of new s 148B

After section 148A—

*insert—*

#### ‘148B Control of certain advertising by licensees or permittees

- ‘(1) This section has the same purpose as the purpose mentioned in section 148A(1).
- ‘(2) A licensee or permittee must not advertise or cause to be advertised—
  - (a) the availability of the following for consumption on the licensee’s licensed premises or the premises to which the permittee’s permit relates (each the *advertised premises*)—
    - (i) free liquor;
    - (ii) multiple quantities of liquor; or

*Example—*

2 drinks for the price of 1

- (b) the sale price of liquor for consumption on the advertised premises; or

- (c) a promotion that is likely to indicate to an ordinary person the availability of liquor, for consumption on the advertised premises, at a price less than that normally charged for the liquor.

*Examples of promotions for paragraph (c)—*

- ‘happy hours’
- ‘all you can drink’
- ‘toss the boss’

Maximum penalty—100 penalty units.

- ‘(3) A person does not contravene subsection (2) if—
- (a) the advertising happens only within the advertised premises; and
- (b) the advertisement is not visible or audible to a person who is outside the advertised premises.
- ‘(4) The holder of an on-premises (meals) licence does not contravene subsection (2)(b) merely by complying with section 74.<sup>1</sup>
- ‘(5) This section does not limit section 148A.
- ‘(6) In this section—
- advertise*** means advertise in any way whatever including, for example, in any of the following ways—
- (a) by signage;
- (b) in print;
- (c) orally;
- (d) electronically.’.

## 7 Amendment of s 165A (Refusing entry to premises)

Section 165A(1)—

*insert—*

- ‘(e) part 5, division 5, applies to the premises and it would be a breach of the condition imposed under

<sup>1</sup> Section 74 (Display of menu and liquor list)

section 142AB<sup>2</sup> if the person were allowed to enter the premises.’.

**8 Omission of provisions relating to the lock out for the Brisbane City Council area**

- (1) Section 4, definition *trading period*—  
*omit.*
- (2) Part 5, division 5—  
*omit.*
- (3) Section 165A(1)(e)—  
*omit.*

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<sup>2</sup> Part 5 (Grant, variation and transfer of licences and permits), division 5 (Lock out provisions for Brisbane City Council area) and section 142AB (Licences and permits subject to lock out condition)