



Queensland

# **Liquor Amendment Regulation (No. 2) 2006**

## **Explanatory Notes for SL 2006 No. 66**

made under the

*Liquor Act 1992*

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### **Short Title**

*Liquor Amendment Regulation (No. 2) 2006* (the Regulation).

### **Authorising Law**

Sections 142AL(b) and section 235(2)(b) of the *Liquor Act 1992* (Liquor Act).

### **Objectives of the Legislation**

The objective is to amend the regulation to prescribe activities that may encourage rapid or excessive consumption of liquor or promote intoxication, which are prohibited under section 142AL(b) of the Liquor Act.

### **Reasons for the subordinate legislation**

The *Liquor and Other Acts Amendment Bill 2005* (the Bill) contained an amendment to the Liquor Act to prohibit irresponsible drinking practices. The new section 142AL of the Liquor Act is due to commence on 1 April 2006 and provides for the prohibition of drinking competitions and games that require patrons to drink on the premises or award discounted or free

liquor as a prize, and any other activity, prescribed under a regulation, that may encourage the rapid or excessive consumption of liquor or promote intoxication.

The purpose of the regulation is to prescribe activities that may encourage the rapid or excessive consumption of liquor or promote intoxication. The prescribed activities include events or promotions that entitle patrons to free or discounted liquor, a promotional activity that offers a reward other than liquor if a person would have to drink more than four standard drinks on any day to win, and happy hours that fall outside the restrictions outlined in relation to duration and frequency.

### **Consistency with authorising law**

The Regulation is consistent with subsection 235(2)(b) of the Liquor Act which provides that a regulation may be made with respect to obligations of holders of licences or permits, or holders of particular licences or permits.

### **Estimated cost of government implementation**

Any financial impact from the development and implementation of this regulation will be met from the Department of Tourism, Fair Trading and Wine Industry Development's (DTFTWID) existing budget allocations.

### **Fundamental legislative principles**

The amendment does not raise issues relating to Fundamental Legislative Principles.

### **Consultation**

#### **(a) Community Consultation**

The *Brisbane City Safety Action Plan* (Action Plan) arose from a summit, hosted by the Premier and Minister for Trade on 25 February 2005, to discuss safety concerns and possible solutions to the problem of violence in and around licensed premises in Brisbane. The summit was attended by Ministers, the Lord Mayor of Brisbane, the Lord Mayor of the Gold Coast, licensees, industry representatives, the Queensland Police Service and not-for-profit community organisations. Key issues raised were policing,

licensing arrangements, the success of the lock out provision on the Gold Coast and advertising of discount drinks.

The Brisbane City Safety Action Plan Taskforce, chaired by the Director General of the Department of Tourism, Fair Trading and Wine Industry Development has been consulted on the proposed amendments relating to the implementation of the Brisbane City Safety Action Plan. The Taskforce includes representatives from key stakeholder groups including industry organisations, industry businesses, community groups and the BCC.

A stakeholder workshop was held on 7 December 2005 to work with stakeholders to ascertain workable restrictions, which addressed the issues under the Action Plan, yet did not limit responsible and legitimate happy hours at licensed premises that operate after 1am. The option that stakeholders endorsed at the workshop was canvassed in a Regulatory Impact Statement (RIS) and put forward as the preferred option. The RIS was released for public consultation on 10 February 2006 with a closing date for submissions of 13 March 2006.

### **(b) Results of Consultation**

There has been broad general support for the regulation amendments. There were ten responses received to the RIS. These break down into: two members of the public, two producers (Lion Nathan Limited and Foster's Group), a number of industry groups (Queensland Hotels Association, Clubs Queensland, Restaurant and Catering Queensland, Liquor Stores Association of Victoria Inc and Tabcorp Casino Division) and a government department (Queensland Health).

The submissions raised several issues for consideration including:

- limiting happy hours to one per 24 hour period, or abolishing them altogether;
- extending the provisions to cover all premises, including those that do not trade past 1am;
- concern about the application of the regulation to the entire BCC area rather than just the CBD and Fortitude Valley precincts;
- exemption of clubs from the requirements; and
- concerns about promotional practices for new and existing products (eg free samples, 'Buy 1, Get 1 Free', 'Buy 3, Get 1 Free', drink cards, etc).

While the submissions raised a number of issues of concern to the stakeholders, they did not raise any issues that had not previously been considered in drafting the regulation.

### **(c) Changes made due to Consultation**

No changes were made to the regulation as a result of the consultation process.

## **Notes on Provisions**

Clause 1 sets out the short title by which the Regulation will be known.

Clause 2 provides the commencement date for the Regulation which will be 28 April 2006.

Clause 3 identifies the Liquor Regulation will be amended.

Clause 4 inserts a new section 37H in Part 8B of the Regulation, after section 37G.

New section 37H prescribes the activities that must not be conducted on the licensed premises because they encourage the rapid and excessive consumption of liquor or promote intoxication as required in subsection 142AL(1)(b) of the Act.

Subsection 37H(1)(a) states that any event or occasion in which a person's membership of a group, or participation in the event or occasion, entitles the person to free or discounted liquor is prohibited.

Subsection 37H(1)(b) states that a promotional or other activity that offers a person free or discounted liquor as a reward is prohibited.

Subsection 37H(1)(c) outlines that a promotional or other activity that offers a person a reward, other than free or discounted liquor, if the person would need to drink more than four standard drinks in one day to receive the reward is prohibited.

Subsection 37H(2)(a) outlines the requirements for the duration of happy hours held between 7am and 9pm on any day. It prohibits premises from holding a happy hour that is more than two hours during this trading period.

Subsection 37H(2)(b) outlines the requirements for the duration of happy hours held between 9pm and 1am on any day. It prohibits premises from holding a happy hour that is more than one hour during this trading period.

Subsection 37H(2)(c) prohibits the staging of a happy hour after 1am.

Subsection 37H(2)(d) outlines the requirements for the frequency of happy hours. It prohibits premises from having happy hours without at least a one hour break between the end of one happy hour and the beginning of the next.

Subsection 37H(2)(e) prohibits having a happy hour that starts before 9pm and ends after 9pm.

Subsection 37H(3) provides definitions for happy hour and standard drink.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Tourism, Fair Trading and Wine Industry Development.