

liquor reform in Queensland



responsible industry → minimising harm

Final Outcomes *Review of the Liquor Act 1992*

FINAL OUTCOMES

REVIEW OF THE *LIQUOR ACT 1992*

BACKGROUND

A recommendation to review the *Liquor Act 1992* was part of the *17-Point Brisbane City Safety Action Plan* endorsed by the Queensland Government in February 2005. Extensive consultation with industry and the community was conducted in 2006 and a liquor reform framework developed.

The framework included legislative reform, a licence type and fee restructure, and the development of a social marketing campaign. Subsequently, the *Liquor Reform in Queensland* information paper outlining the reform framework was released on 2 December 2007.

A Regulatory Impact Statement (RIS) and Draft Public Benefit Test (DPBT) on seven of the proposed legislative changes was released for public consultation on 14 February 2008.

Over 8,410 submissions to the RIS/DPBT were received by the closing date of 13 March 2008. Responses were analysed and appropriate adjustments made to achieve final policy positions for amendments to the legislation.

On 10 September 2008, the *Liquor and Other Acts Amendment Bill* was passed in Parliament. The aim of the Bill was to implement recommendations arising from the review of the *Liquor Act 1992*, including enhancement of the role of harm minimisation, increasing administrative efficiency, and clarifying existing provisions.

The new emphasis on harm minimisation in the Liquor Act supports the Government's *Tomorrow's Queensland – Q2* plan, through working towards a healthier Queensland. Many of the measures introduced by this legislation, including reduced trading hours, the ministerial banning power, licence fees based on risk, mandatory training for all staff, licensees and managers, the irresponsible supply offence and establishing harm minimisation as the first object of the Act will encourage a changed drinking culture and seek to reduce the amount of alcohol consumed in the community.

The reforms introduced through this legislation will impact on the way the liquor industry is regulated. Therefore commencement for some of the new laws has been staged to ensure there is time for industry to meet their requirements.

18 SEPTEMBER 2008

New provisions including offences for the irresponsible supply of liquor by adults to minors and a Ministerial banning power commenced on assent to reinforce the Government's proactive harm minimisation agenda.

The social marketing campaign on responsible drinking, which commenced in September 2008, addresses industry and community concerns about patron behaviour on licensed premises and binge drinking.

1 JANUARY 2009

The licence type and fee restructure and standard trading hours model will commence on 1 January 2009 to allow for the collection of annual fees for the second half of the 2008-09 financial year. The manager's approval and mandatory training requirements will also commence on 1 January 2009. However, a transition period for current staff will apply until 30 June 2010 to enable them to obtain the required training.

OPERATION OF THE *LIQUOR ACT 1992*

1. Harm minimisation as first object of the Act

To support the introduction of harm minimisation as the first object of the Act:

- Applicants for most new licences will be required to complete a Community Impact Statement (CIS) and Risk Assessed Management Plan (RAMP), which are new to the amended Act. Community club applications will only require a CIS if so directed by the chief executive.
- Variations of licences (including conditions and extended hours) will require a CIS and a RAMP.
- Transfers and variations of licences (including a change in licensed area) will require the applicant to lodge a RAMP.
- Guidelines will be issued by the chief executive to assist applicants to prepare the CIS and RAMP documents.

2. Guidelines

- An amendment to the Act will create a new emphasis on the role of guidelines in assisting applicants in the preparation of their licence and permit applications.
- Guidelines will provide proactive guidance about the way in which the Chief Executive will make decisions on licence applications and any other aspect of the operation of the Act that requires clarification. This will enhance the transparency and accountability of the decision-making process.
- Guidelines will assist in the explanation of
 - risk assessed management plans;
 - community impact statements;
 - the licence conditions attached to new licence types;
 - fee calculation, payments and refunds; and
 - requirements for approved managers.

3. Restructure of licence types

The restructure of available licence types will reduce red tape:

- Current licences will be streamlined under the two main categories of licence – commercial and community licences.
- A number of subcategories will exist under each category of these licence types. The commercial category will consist of commercial hotel, commercial special facility and commercial other. The community category will consist of community club and community other.

Current licence type	New licence type
General	Commercial hotel
Special facility	Commercial special facility
On-premises (meals)	Commercial other
On-premises (cabaret)	
On-premises (tourist)	
On-premises (presentations)	
On-premises (function)	
On-premises (transport)	
On-premises (training)	
On-premises (other activity)	
Limited	
Residential	
Producer/wholesaler	
Club	Community club
Annual restricted club permit	Community other

- To give flexibility for new businesses to be eligible to apply for a liquor licence such as a boutique bar licence, the commercial other licence contains five sub-categories.
- All existing licences will be transitioned into the new licence categories as appropriate. In particular circumstances, licensees will have the option to change licence type if it better suits how they intend to operate in the future and the change is approved by the chief executive.

4. Licence fees restructure – (see fee table on last page)

- All liquor licences will be subject to an annual fee prescribed in a self-assessment table based on the risk posed by the operation of the business.
- Following representations from industry a proportional model for annual fees was developed. Under this arrangement, licensees who wish to trade late only on a Friday and Saturday will incur a proportional annual fee. A proportional annual fee will also be available for early morning weekend trading.
- Subsequent adjustments to the self-assessment fee table have been made to ensure it is equitable and simple for licensees to follow.
- The first annual fee will be due at the end of January 2009 for the half-year period 1 January 2009 to 30 June 2009. From then on, annual fees are due on 1 July of each year and are payable by the end of July each year.
- The fee will be self-assessed by licensees in accordance with the fee table (copy is attached below), which will be contained in the *Liquor Regulation 2002*.

5. Ordinary trading hours

- Ordinary trading hours will be 10am to 12am.
- Current ordinary trading hours, extended hours after 12am and current licence conditions will carry over to the new licence type during the licence transition. However, existing on-premises cabaret licences will no longer be permitted to trade after midnight into Good Friday, Christmas Day and Anzac Day.

6. Extended trading hours

- All extended hours prior to 10am will expire at midnight on 31 December 2008.
- Pre-10am trading will be available in two periods – 7am to 9am and 9am to 10am.
- 7am to 9am will only be available to clubs that can prove a community need for the hours such as bowls and golf clubs where their sport is played during those hours.
- For other licensees, 7am to 9am trading will be restricted to functions only.
- 9am to 10am will be available to all licensees but they must prove a community need for trade during this period.
- Additional fees are payable for both 7am to 9am and 9am to 10am trading.
- Clubs will be able to lodge a joint application for 7am to 9am and 9am to 10am trading. Clubs that wish to trade during these periods from 1 January 2009 will need to submit Community Impact Statements and Risk Assessed Management Plans well beforehand.
- One-off permits for pre-10am trading will be restricted to four per year.
- There will be two periods of extended hours trading after midnight – 12am to 3am and 3am to 5am.

- Additional fees are payable for both periods.
- One-off permits for post-12am trading will be restricted to 12 per year.

7. Approved managers

- The new position of approved manager will increase professionalism throughout the industry and replaces the current nominee position. This change will contribute to minimising harm on licensed premises and clarify the responsibilities and obligations of all involved in the supervision and management of the business.
- An individual licensee or an approved manager must be on site or reasonably available during ordinary trading hours but must be on site during any period of approved extended trading hours.
- Reasonably available will be defined as the ability to be readily contactable by staff and the capacity to attend the premises within one hour of being contacted.
- If a licensee is able to be on site or reasonably available during ordinary trading hours and on site during any period of approved extended trading hours an approved manager will not be mandatory.
- Licensees may employ as many approved managers as they consider necessary to meet the criteria to be reasonably available or on site.
- Licensees must keep a register of approved managers and the approved manager must sign on and off at the start and close of each shift.
- On 1 January 2009, all current nominees will be deemed to be approved managers until they complete the RMLV and RSA training (if not already obtained) and apply to be approved managers or when they leave their current employment. As at 30 June 2010, all deemed approvals will expire.
- Applicants for licences and for approved managers who apply after 1 January 2009 will be required to have Responsible Management of a Licensed Venue (RMLV) and RSA training completed prior to any final approval being granted.
- A manager's approval remains in force for five years.

8. Mandatory training

- All staff involved in the service and supply of liquor will require a current certificate in Responsible Service of Alcohol (RSA) training within 30 days of commencing employment.
 - For all new staff employed after 1 January 2009 RSA training is compulsory.
 - Staff at licensed premises employed prior to 1 January 2009 will have until 30 June 2010 to complete the training.
- RSA training for volunteers will not be mandatory provided an RSA-trained individual is reasonably available to supervise. A licensee or permittee must take reasonable steps to ensure that this supervision is provided.

- The Government is also developing a scheme to subsidise some training for volunteers at small community clubs.

9. Ministerial banning power

- A permanently prohibited liquor product will be prescribed in the *Liquor Regulation 2002*.
- The Minister will also have the ability to ban a product immediately on an interim basis for a period of 42 days.
- Details of banned products will be published on the internet, and fines will apply for the sale of banned products.

10. Expanded definition of liquor

- The definition of liquor will be expanded to include novelty alcohol products prescribed under a regulation.

11. Irresponsible supply

- It will be an offence for anyone other than a responsible adult to supply liquor to a minor in a private place.
- Any supply to a minor in a private place must not be 'irresponsible'. The maximum penalty for irresponsible supply is \$6000.
- Police officers will have the power to seize alcohol which they suspect has been involved in the irresponsible supply offence, a power which also applies to several other current offences relating to the possession of liquor.
- The seized alcohol is automatically forfeited to the State and may be disposed of.
- Maximum penalties for the supply of liquor to a minor in a public place or on licensed premises have been doubled to \$6000.

12. Emergency closure provisions

- If a magistrate is unavailable, the chief executive for liquor licensing will be able to issue a temporary order for the closure of premises in the event of riot or tumult.

13. Liquor accords

- Recognising accords in the legislation is a first step to formally acknowledge that accords are an effective and sustainable approach to dealing with alcohol misuse and alcohol-related issues in local areas.

CONSULTATION

- Industry participants and other relevant stakeholders were consulted. The Government consulted with the Queensland Hotels Association, Clubs Queensland, Queensland Cabarets Association, Restaurant & Catering Queensland, Brisbane City Council, Gold Coast City Council, Golf Queensland, Valley Chamber of Commerce, and the Local Government Association Queensland.

OFFICE OF LIQUOR, GAMING AND RACING

FUTURE DIRECTIONS

Integration of Liquor, Gaming and Racing

- The formation of the Office of Liquor, Gaming and Racing (OLGR) in July 2008 has presented the opportunity for major streamlining in the liquor and gaming licensing areas. A combined liquor and gaming database is in the development stage and will enhance the licensing process, particularly for licence applications which require both liquor and gaming approval. Combined applications for liquor and gaming licences are being developed and a community impact statement to address both areas will also be made available.

Marketing campaign

- The Government is committed to “changing the way we drink” through the implementation of a “safer drinking cultures” marketing campaign. A total of \$3.8M will initially be provided to conduct the campaign, which is aimed at improving community attitudes towards alcohol consumption.
- The *National Alcohol Strategy 2006-2009* calls for marketing campaigns to reduce the consumption of alcohol. The *Safe Youth Parties Taskforce* and the *Youth Violence Taskforce* have also supported social marketing campaigns to develop an understanding of alcohol-related harm.
- The campaign is aimed at 2 specific target audiences – youths aged 18-25 years and parents who supply alcohol to their underage children.
- The main objectives of the campaign targeted at young people are to decrease violence and the acceptability of binge drinking.
- The key objectives of the campaign aimed at adults are to:
 - stop parents from supplying alcohol to underage drinkers in unsupervised environments;
 - reduce the role of family and friends in supplying alcohol to minors; and
 - encouraging the family and friends of young people to play a positive role in influencing drinking decisions.

Website

- All liquor, gaming and racing information is now available from www.olgr.qld.gov.au.
- Information on the reforms will frequently be released on this site in the coming months.
- Email enquiries on the liquor reforms may be directed to liquor.reform@treasury.qld.gov.au

Annual fee self-assessment table

Criteria	Scale	Risk	Fee	Tick box	Amount
Base fee					
Commercial	Hotel		\$2 700		
	Detached bottle shop (for each shop)		\$3 000		
	Special facility (5am-12midnight trading up to 10 outlets; for each extra outlet above 10 add \$1000)		\$10 000		
	Special facility (10am-12midnight trading up to 10 outlets; for each extra outlet above 10 add \$1000)		\$7 500		
	Other		\$500		
Community	Club (large >2000 members)		\$2 200		
	Club (small <2000 members)		\$500		
	Other		\$250		
	Subtotal:				
Trading hours					
Morning trading	7am to 9am (clubs by exception – functions allowed)	Low	\$1 000		
	7am to 9am (clubs by exception – functions allowed) (weekends only)	Low	\$750		
	7am to 9am (functions)	Low	\$1 000		
	7am to 9am (functions) (weekends only)	Low	\$750		
	9am to 10am (by exception – for community need)	Low	\$500		
	9am to 10am (by exception – for community need) (weekends only)	Low	\$375		
Ordinary trading	10am to 12midnight	No	\$0		
Late trading	12am to 3am (general trade)	High	\$7 500		
	12am to 3am (general trade) (weekends only)	High	\$5 625		
	3am to 5am (general trade)	Elevated	\$10 000		
	3am to 5am (general trade) (weekends only)	Elevated	\$7 500		
	Subtotal:				
Provision of meals					
	Not applicable	No	\$0		
	Meals (available up to 2hrs prior to closing)	No	\$0		
	No meals/meals not available up to 2 hrs prior to closing	High	\$1 000		
	Subtotal:				
Compliance history					
	Positive management history	No	\$0		
	Infringement notices	Medium	\$5 000		
	Prosecution/ disciplinary action	Very High	\$10 000		
	Major trauma	Encumbrance	\$20 000		
	Subtotal:				
TOTAL					