

### **LIQUOR LICENSING LAWS IN QUEENSLAND**

Liquor Licensing in Queensland is administered by the Department of Tourism, Small Business and Industry and governed by numerous pieces of government legislation.

### **WHY GET A LIQUOR LICENSE?**

It is essential to obtain the correct license for your premises or business. It is illegal to operate without a valid license and severe penalties can result.

Generally the following licenses apply:

- General Licence– Liquor sold for consumption on and off premises
- On Premises Licence – there are a number of on premises licences each with a different purpose eg. Function rooms, Nightclub.
- Club Licence – a provision of facilities and services eg. RSL clubs
- Special Facility Licence – premises that provide entertainment or service to the public eg. Casinos, Cultural Centres, Tourist developments
- General Purpose Licence – granted to an individual on behalf of a non-proprietary club where proceeds are to be used for the benefit of the community
- Limited Licence– for use ancillary to some other service or event eg. with catering
- Residential – where accommodation is provided eg. a resort
- Producer / Wholesaler – producing liquor for wholesale supply or supplying liquor wholesale

### **WHO MAY HOLD A LIQUOR LICENSE?**

A license may be held by:

- A company or partnership (with an individual as nominee)
- A person over the age of 18 years (with or without a nominee)
- An incorporated association or club (with an individual as nominee)
- An individual on behalf of an unincorporated association or club

Any licensee may hold more than one license however they must have a separate nominee for each premises.

The Chief Executive of the Liquor Licensing division will consider whether all persons involved in the operation of the business are fit and proper persons to hold a license. There are numerous factors that the Chief Executive may consider in deciding whether a person is a fit and proper person.

### **APPLICATION FOR LIQUOR LICENSE**

There are different application forms depending on the license required. The application is processed by the Licensing Administration Unit in Brisbane. It is essential that each application provides all details, requirements and attachments to ensure the application is not returned and/or delayed.

Once an application has being accepted the following steps are required to be undertaken:

- Advertising – the application in the media
- Objections – receiving and disputing any objections to the application
- Interview – with the Licensing Administration Unit
- Determination – by the Licensing Administration Unit

These steps require the applicant to do certain acts which if not done may result in the application being rejected or delayed.

### **TRANSFERRING A LICENSE**

When a licensee is relinquishing their interest in the business to another party it is necessary for an application for transfer of the license to be lodged with the liquor licensing division. The new business operator has no authority to sell or supply liquor until a transfer is approved and the applicant has become the licensee. If a transfer application is not accepted or not made then the business may be considered unlicensed.

A change in the shareholding of a company licensee may also be deemed a transfer and an appropriate application may need to be made.

### **OFFENCES**

Liquor may only be sold from premises to which the permit or license relates. The maximum penalties for breaching the liquor license laws are:

- First Offence                      \$37,500
- Second Offence                    \$52,500
- Third Offence                      \$75,000

There are also penalties applying to the licensee, nominee, manager, staff and to minors.

### **LIQUOR LICENSING ISSUES?**

At Ferguson Cannon Lawyers we can provide you with expert knowledge in all aspects of Liquor Licensing. We have a unique knowledge of the local community together with the various legislation and regulations that regulate the supply of liquor in Queensland. If you are making a new application, making an application to transfer a license, have been charged with an offence or require general information in relation to liquor licensing please do not hesitate to contact our office.

For any enquiries, please contact Tony Pattinson.