



Queensland

Liquor (Artisan Liquor) Amendment Bill 2020



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2020

A Bill

for

An Act to amend the *Liquor Act 1992* to support and regulate the emerging craft beer and artisan spirits industries

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Liquor (Artisan Liquor) Amendment Act 2020</i> .	3 4
Clause 2	Commencement	5
	This Act commences on a day to be fixed by proclamation.	6
Clause 3	Act amended	7
	This Act amends the <i>Liquor Act 1992</i> .	8
Clause 4	Amendment of s 4 (Definitions)	9
	(1) Section 4, definition <i>craft brewery</i> —	10
	<i>omit.</i>	11
	(2) Section 4—	12
	<i>insert—</i>	13
	<i>artisan distillery</i> means premises—	14
	(a) at which spirits are produced under—	15
	(i) a producer/wholesaler licence or an artisan producer licence (spirits); or	16 17
	(ii) an equivalent licence issued under the law of another State; and	18 19
	(b) at which no more than 450,000 litres of spirits are produced in any financial year.	20 21
	<i>artisan producer licence (beer)</i> see section 75B(2).	22 23
	<i>artisan producer licence (spirits)</i> see section 75B(3).	24 25

	<i>artisan spirits</i> means—	1
	(a) spirits produced in an artisan distillery; or	2
	(b) liqueur produced using spirits produced in an artisan distillery.	3 4
	<i>craft brewery</i> means premises—	5
	(a) at which beer is produced under—	6
	(i) a producer/wholesaler licence or an artisan producer licence (beer); or	7 8
	(ii) an equivalent licence issued under the law of another State; and	9 10
	(b) at which no more than 5 million litres of beer are produced in any financial year.	11 12
(3)	Section 4, definition <i>public event</i> , ‘section 101’—	13
	<i>omit, insert</i> —	14
	section 101AA	15
Clause 5	Amendment of s 9 (Ordinary trading hours)	16
(1)	Section 9(1A)—	17
	<i>insert</i> —	18
	(e) premises to which an artisan producer licence relates.	19 20
(2)	Section 9—	21
	<i>insert</i> —	22
	(1D) Subject to subsections (2) and (3), on any day other than Good Friday or Christmas Day, ordinary trading hours of licensed premises to which an artisan producer licence relates are—	23 24 25 26
	(a) for the sale of liquor for consumption on the premises—between 10a.m. and 12 midnight; or	27 28 29

[s 6]

	(b) for the sale of liquor for consumption off the premises, other than the sale of liquor by wholesale—between 10a.m. and 10p.m.; or	1 2 3
	(c) for the sale of liquor by wholesale—the trading hours of the premises under the <i>Trading (Allowable Hours) Act 1990</i> .	4 5 6
Clause 6	Amendment of s 42A (Commissioner may make guidelines)	7 8
	Section 42A(1), example 4, after ‘sections’—	9
	<i>insert—</i>	10
	101AA,	11
Clause 7	Amendment of s 66 (Types of commercial other licence)	12
	Section 66—	13
	<i>insert—</i>	14
	(f) artisan producer licence.	15
Clause 8	Amendment of s 73 (Authority of producer/wholesaler licence)	16 17
	(1) Section 73(2)(a), after ‘craft beer’—	18
	<i>insert—</i>	19
	or artisan spirits	20
	(2) Section 73(2)(a)(i), after ‘section 74A(2)(a)’—	21
	<i>insert—</i>	22
	or 74B(2)(a)	23
	(3) Section 73(2)(b)—	24
	<i>omit, insert—</i>	25
	(b) sell craft beer or artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event, for	26 27 28

	consumption at the event for the purpose of	1
	sampling the craft beer or artisan spirits,	2
	if—	3
	(i) the licence is subject to a condition	4
	mentioned in section 74A(2)(b) or	5
	74B(2)(b); and	6
	(ii) the organiser of the promotional event	7
	has given the licensee written consent	8
	to sell samples of craft beer or artisan	9
	spirits to persons at the event.	10
(4)	Section 73—	11
	<i>insert—</i>	12
	(2A) The authority under subsection (2) applies during	13
	the hours the promotional event takes place unless	14
	a condition of the licence provides otherwise.	15
	(2B) Further, a producer/wholesaler licence authorises	16
	the licensee, if the licensed premises are a craft	17
	brewery or artisan distillery, to sell craft beer or	18
	artisan spirits to the holder of an artisan producer	19
	licence if the producer/wholesaler licence is	20
	subject to a condition mentioned in section	21
	74A(2)(c) or 74B(2)(c).	22
(5)	Section 73(3), ‘or (2)’—	23
	<i>omit, insert—</i>	24
	, (2) or (4)	25
(6)	Section 73(2A) to (3)—	26
	<i>renumber</i> as section 73(3) to (5).	27
Clause 9	Amendment of s 74A (Sale or supply of craft beer at promotional event)	28
	(1) Section 74A, heading—	29
	<i>omit, insert—</i>	30
		31

74A Sale of craft beer	1
(2) Section 74A(2)(b)—	2
<i>omit, insert—</i>	3
(b) sell craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer; or	4 5 6 7 8
(c) sell craft beer to the holder of an artisan producer licence.	9 10
(3) Section 74A—	11
<i>insert—</i>	12
(2A) The authority under subsection (2)(a) and (b) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.	13 14 15 16
(4) Section 74A(3)—	17
<i>omit, insert—</i>	18
(3) The commissioner must not impose a condition under subsection (2) if more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.	19 20 21 22 23 24 25
(5) Section 74A(4), ‘(5)(a) states otherwise, the total volume of craft beer that may be sold and supplied’—	26 27
<i>omit, insert—</i>	28
(6)(a) states otherwise, the total volume of craft beer that may be sold	29 30
(6) Section 74A(5)(b)—	31
<i>omit, insert—</i>	32

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|------|---|----------------------|
| (b) | for craft beer that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer— | 1
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4 |
| (i) | the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or | 5
6
7 |
| (ii) | the volume of each of the individual samples that may be sold to persons at the event. | 8
9
10 |
| (7) | Section 74A—
<i>insert</i> — | 11
12 |
| (5A) | Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for craft beer that may be sold to persons at a promotional event for consumption at the event— | 13
14
15
16 |
| (a) | the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or | 17
18
19 |
| (b) | the volume of each of the individual samples that may be sold to persons at the event. | 20
21 |
| (8) | Section 74A(2A) to (6)—
<i>renumber</i> as section 74A(3) to (8). | 22
23 |

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|------------------|--|----------------------|
| Clause 10 | Insertion of new s 74B | 24 |
| | After section 74A— | 25 |
| | <i>insert</i> — | 26 |
| | 74B Sale of artisan spirits | 27 |
| (1) | This section applies if the commissioner is satisfied licensed premises for a producer/wholesaler licence are an artisan distillery. | 28
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| (2) | The commissioner may impose a condition on the licence authorising the licensee to— | 32
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[s 10]

- (a) sell artisan spirits, produced by the licensee at the artisan distillery, to persons at a promotional event, for consumption away from the event; or
 - (b) sell artisan spirits, produced by the licensee at the artisan distillery, to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits; or
 - (c) sell artisan spirits to the holder of an artisan producer licence.
- (3) The authority under subsection (2)(a) and (b) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.
- (4) The commissioner must not impose a condition under subsection (2) if more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.
- (5) For subsection (2)(a), unless a further condition imposed on the licence under subsection (6)(a) states otherwise, the total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres.
- (6) If the commissioner imposes a condition under subsection (2), the commissioner may also impose further conditions on the licence in relation to the following—
- (a) the total volume of the licensee’s artisan spirits that may be sold to each person at a promotional event for consumption away from the event;

	(b)	for artisan spirits that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits—	1 2 3 4
	(i)	the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or	5 6 7
	(ii)	the volume of each of the individual samples that may be sold to persons at the event.	8 9 10
	(7)	Unless a further condition imposed on the licence states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—	11 12 13 14
	(a)	the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or	15 16 17
	(b)	the volume of each of the individual samples that may be sold to persons at the event.	18 19
	(8)	This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a licence.	20 21 22
Clause 11		Amendment of s 75 (Restriction on sale of liquor under producer/wholesaler licence)	23 24
		Section 75(2)(c)—	25
		<i>omit, insert—</i>	26
	(c)	to the extent the holder is authorised under section 73(2) to sell craft beer or artisan spirits produced by the holder to persons at a promotional event—sell the craft beer or artisan spirits to persons at the event.	27 28 29 30 31

Clause 12	Amendment of s 75A (Venue of promotional event not licensed premises for producer/wholesaler licence)	1 2
(1)	Section 75A(1), ‘sell or supply craft beer’— <i>omit, insert—</i> sell craft beer or artisan spirits	3 4 5
(2)	Section 75A(2)— <i>omit, insert—</i> (2) The place at which the licensee sells craft beer or artisan spirits at the promotional event is not licensed premises.	6 7 8 9 10
(3)	Section 75A(3)(a), ‘may be sold or supplied’— <i>omit, insert—</i> or artisan spirits may be sold	11 12 13
(4)	Section 75A(3)(b), ‘or supplying craft beer’— <i>omit, insert—</i> craft beer or artisan spirits	14 15 16
(5)	Section 75A(5), definition <i>relevant part 6 provision</i> , paragraph (e), ‘section 150’— <i>omit, insert—</i> sections 150 to 150B	17 18 19 20
Clause 13	Insertion of new pt 4, div 4, sdiv 7	21
	Part 4, division 4— <i>insert—</i>	22 23
	Subdivision 7 Artisan producer licence	24
	75B Types of artisan producer licence	25
(1)	An artisan producer licence may be granted to conduct a business with either or both of the following principal activities—	26 27 28

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- (a) producing and selling craft beer under section 75C; 1
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- (b) producing and selling artisan spirits under section 75E. 3
4
- (2) An artisan producer licence granted to conduct a business with the principal activity of producing and selling craft beer under section 75C is an *artisan producer licence (beer)* (whether or not the business also has the principal activity of producing and selling artisan spirits under section 75E). 5
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- (3) An artisan producer licence granted to conduct a business with the principal activity of producing and selling artisan spirits under section 75E is an *artisan producer licence (spirits)* (whether or not the business also has the principal activity of producing and selling craft beer under section 75C). 12
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- (4) The authority under an artisan producer licence to sell liquor does not apply unless a business is conducted on the licensed premises with 1 or both of the principal activities mentioned in subsection (1). 19
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- (5) An artisan producer licence may be granted and held to carry out the principal activity of producing and selling craft beer under section 75C and the principal activity of producing and selling artisan spirits under section 75E at the same licensed premises. 24
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- 75C Principal activity of a business under an artisan producer licence (beer)** 30
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- (1) The principal activity of a business conducted under an artisan producer licence (beer) is the production and sale of craft beer on the licensed premises for the licence in the following circumstances— 32
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[s 13]

- (a) at least 2,500 litres of beer is produced, in each financial year, at the licensed premises; 1
2
- (b) no more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State; 3
4
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8
- (c) if the licensee does not also carry out the principal activity of producing and selling artisan spirits under section 75E—at least 70% of the licensee’s liquor sales measured by value of sales, in each financial year, are for craft beer produced on the licensed premises; 9
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- (d) if the licensee also carries out the principal activity of producing and selling artisan spirits under section 75E—at least 70% of the licensee’s liquor sales measured by value of sales, in each financial year, are for craft beer and artisan spirits produced on the licensed premises; 16
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- (e) if the licensee is a corporation—the licensee is not related to a large brewer. 23
24
- (2) For subsection (1)(d), the amount for which an entire cocktail is sold is counted in calculating the licensee’s liquor sales. 25
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- (3) For subsection (1)(e), a licensee that is a corporation is related to a large brewer if— 28
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 - (a) 20% or more of the corporation’s shares are owned by, or held in trust for, a large brewer or a subsidiary of a large brewer; or 30
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32
 - (b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, a large brewer or a subsidiary of a large brewer. 33
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- (4) In this section— 37

large brewer means a brewer that produces more than 40 million litres of beer in any financial year.

- 75D Authority of artisan producer licence (beer)**
- (1) An artisan producer licence (beer) authorises the licensee, during ordinary trading hours or approved extended trading hours—
- (a) to sell the following liquor on the licensed premises for consumption on the premises—
- (i) craft beer produced on the premises;
- (ii) craft beer produced off the premises under—
- (A) another artisan producer licence (beer); or
- (B) a relevant producer/wholesaler licence;
- (iii) artisan spirits produced off the premises under—
- (A) an artisan producer licence (spirits); or
- (B) a relevant producer/wholesaler licence;
- (iv) wine produced under the authority of a licence under the *Wine Industry Act 1994*; and
- (b) to sell craft beer produced on the premises for consumption off the premises; and
- (c) to sell craft beer, produced on the premises, by wholesale on the premises for consumption off the premises; and
- (d) to take orders for craft beer, produced on the premises, online from the licensee’s website for consumption off the premises.

[s 13]

- (2) Also, an artisan producer licence (beer) authorises the licensee to sell craft beer to persons at a promotional event, under a condition of the licence mentioned in section 75H, with the written consent of the organiser of the promotional event.
- (3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.
- (4) The authority under subsection (2) applies during the hours the promotional event takes place unless a condition of the licence provides otherwise.
- (5) In this section—
relevant producer/wholesaler licence means a producer/wholesaler licence that contains a condition mentioned in section 74A(2)(c) or 74B(2)(c).

75E Principal activity of a business under an artisan producer licence (spirits)

- (1) The principal activity of a business conducted under an artisan producer licence (spirits) is the production and sale of artisan spirits on the licensed premises for the licence in the following circumstances—
- (a) at least 400 litres of spirits is produced, in each financial year, at the licensed premises;
- (b) no more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State;
- (c) if the licensee does not also carry out the principal activity of producing and selling craft beer under section 75C—at least 70%

- of the licensee's liquor sales measured by value of sales, in each financial year, are for artisan spirits produced on the licensed premises;
- (d) if the licensee also carries out the principal activity of producing and selling craft beer under section 75C—at least 70% of the licensee's liquor sales measured by value of sales, in each financial year, are for craft beer and artisan spirits produced on the licensed premises;
- (e) if the licensee is a corporation—the licensee is not related to a large distiller.
- (2) For subsection (1)(c) and (d), the amount for which an entire cocktail is sold is counted in calculating the licensee's liquor sales.
- (3) For subsection (1)(e), a licensee that is a corporation is related to a large distiller if—
- (a) 20% or more of the corporation's shares are owned by, or held in trust for, a large distiller or a subsidiary of a large distiller; or
- (b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, a large distiller or a subsidiary of a large distiller.
- (4) In this section—
- large distiller* means a distiller that produces more than 2 million litres of spirits in any financial year.

75F Authority of artisan producer licence (spirits)

- (1) An artisan producer licence (spirits) authorises the licensee, during ordinary trading hours or approved extended trading hours—

[s 13]

- (a) to sell the following liquor on the licensed premises for consumption on the premises—
 - (i) artisan spirits produced on the premises;
 - (ii) cocktails made using at least 1 of the artisan spirits produced on the premises;
 - (iii) artisan spirits produced off the premises under—
 - (A) another artisan producer licence (spirits); or
 - (B) a relevant producer/wholesaler licence;
 - (iv) craft beer produced off the premises under—
 - (A) an artisan producer licence (beer); or
 - (B) a relevant producer/wholesaler licence;
 - (v) wine produced under the authority of a licence under the *Wine Industry Act 1994*; and
 - (b) to sell artisan spirits produced on the premises for consumption off the premises; and
 - (c) to sell artisan spirits, produced on the premises, by wholesale on the premises for consumption off the premises; and
 - (d) to take orders for artisan spirits, produced on the premises, online from the licensee’s website for consumption off the premises.
- (2) Also, an artisan producer licence (spirits) authorises the licensee to sell artisan spirits to persons at a promotional event, under a condition

of the licence mentioned in section 75I, with the
written consent of the organiser of the
promotional event.

(3) The authority under subsection (1) or (2) is
subject to this Act and the conditions stated in a
particular licence.

(4) The authority under subsection (2) applies during
the hours the promotional event takes place unless
a condition of the licence provides otherwise.

(5) In this section—

relevant producer/wholesaler licence means a
producer/wholesaler licence that contains a
condition mentioned in section 74A(2)(c) or
74B(2)(c).

75G Restriction on grant of artisan producer licence

The commissioner may grant an artisan producer
licence if—

(a) the commissioner is satisfied that the
business to be conducted under the licence
on the licensed premises will have the
principal activity as mentioned in section
75C(1) or 75E(1); and

(b) for an artisan producer licence with the
principal activity mentioned in section
75C(1)—the licensee holds a brewery
licence within the meaning of the *Excise Act
1901* (Cwlth), section 77A in relation to the
sale by the licensee of the licensee's liquor;
and

(c) for an artisan producer licence with the
principal activity mentioned in section
75E(1)—the licensee holds a manufacturer
licence within the meaning of the *Excise Act*

[s 13]

1901 (Cwlth), section 4 in relation to the 1
sale by the licensee of the licensee's liquor. 2

75H Sale of craft beer at promotional event 3

- (1) The commissioner may impose a condition on an 4
artisan producer licence (beer) authorising the 5
licensee to— 6
- (a) sell craft beer, produced by the licensee on 7
the licensed premises, to persons at a 8
promotional event for consumption away 9
from the event; or 10
- (b) sell craft beer, produced by the licensee on 11
the licensed premises, to persons at a 12
promotional event for consumption at the 13
event for the purpose of sampling the craft 14
beer. 15
- (2) The total volume of craft beer that may be sold to 16
each person at the promotional event, for 17
consumption away from the event, is 9 litres 18
unless a further condition imposed on the artisan 19
producer licence (beer) under subsection (3) 20
states otherwise. 21
- (3) If the commissioner imposes a condition on the 22
licence under subsection (1), the commissioner 23
may also impose further conditions on the licence 24
in relation to— 25
- (a) the total volume of craft beer that may be 26
sold to each person at a promotional event 27
for consumption away from the event; or 28
- (b) the total volume of craft beer that may be 29
sold to each person at the event for the 30
purpose of sampling; or 31
- (c) the volume of each of the individual samples 32
that may be sold to persons at the event. 33
- (4) Unless a further condition imposed on the licence 34
states otherwise, a regulation may prescribe, for 35

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|--|----------------------------------|
| craft beer that may be sold to persons at a promotional event for consumption at the event— | 1
2 |
| (a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or | 3
4
5 |
| (b) the volume of each of the individual samples that may be sold to persons at the event. | 6
7 |
| (5) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on the licence. | 8
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| (6) A condition imposed under this section applies to craft beer produced by the licensee at the licensee's licensed premises. | 11
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| 75I Sale of artisan spirits at promotional event | 14 |
| (1) The commissioner may impose a condition on an artisan producer licence (spirits) authorising the licensee to— | 15
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17 |
| (a) sell artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event for consumption away from the event; or | 18
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20
21 |
| (b) sell artisan spirits, produced by the licensee on the licensed premises, to persons at a promotional event for consumption at the event for the purpose of sampling the artisan spirits. | 22
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24
25
26 |
| (2) The total volume of artisan spirits that may be sold to each person at the promotional event, for consumption away from the event, is 1.5 litres unless a further condition imposed on the artisan producer licence (spirits) under subsection (3) states otherwise. | 27
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29
30
31
32 |
| (3) If the commissioner imposes a condition on the licence under subsection (1), the commissioner may also impose further conditions on the licence | 33
34
35 |
-

[s 13]

- in relation to— 1
- (a) the total volume of artisan spirits that may 2
be sold to each person at a promotional 3
event for consumption away from the event; 4
or 5
 - (b) the total volume of artisan spirits that may 6
be sold to each person at the event for the 7
purpose of sampling; or 8
 - (c) the volume of each of the individual samples 9
that may be sold to persons at the event. 10
- (4) Unless a further condition imposed on the licence 11
states otherwise, a regulation may prescribe, for 12
artisan spirits that may be sold to persons at a 13
promotional event for consumption at the event— 14
- (a) the total volume of artisan spirits that may 15
be sold to each person at the event for the 16
purpose of sampling; or 17
 - (b) the volume of each of the individual samples 18
that may be sold to persons at the event. 19
- (5) This section does not limit the power of the 20
commissioner, under part 5, to impose, amend or 21
revoke conditions on the licence. 22
- (6) A condition imposed under this section applies to 23
artisan spirits produced by the licensee at the 24
licensee’s licensed premises. 25

**75J Venue of promotional event not licensed 26
premises for artisan producer licence 27**

- (1) This section applies if the licensee for an artisan 28
producer licence is authorised under section 29
75D(2) to sell craft beer, or section 75F(2) to sell 30
artisan spirits, to persons at a promotional event. 31
- (2) The place at which the licensee sells craft beer or 32
artisan spirits at the promotional event is not 33
licensed premises. 34

Clause 15	Amendment of s 100 (Available permits)	1
	Section 100—	2
	<i>insert—</i>	3
	(h) an artisan spirits producer permit.	4
Clause 16	Amendment of s 101 (Definitions for div 2)	5
	(1) Section 101, definition <i>licence—</i>	6
	<i>insert—</i>	7
	(e) artisan producer licence.	8
	(2) Section 101, definition <i>public event—</i>	9
	<i>omit, insert—</i>	10
	<i>public event</i> see section 101AA.	11
Clause 17	Insertion of new s 101AA	12
	After section 101—	13
	<i>insert—</i>	14
	101AA Meaning of <i>public event</i>	15
	(1) A <i>public event</i> , in relation to a licensee, means an	16
	event or occasion held at premises other than the	17
	licensee’s main premises, that is not a private	18
	event.	19
	<i>Examples of a public event—</i>	20
	a festival, public ball, race meeting, rock concert	21
	(2) The commissioner may make a guideline under	22
	section 42A that includes examples of public	23
	events.	24
Clause 18	Amendment of s 103B (Authority of commercial public event permit)	25
	Section 103B—	26
	<i>insert—</i>	27
		28

	(3) The authority of a commercial public event permit for an artisan producer licence is restricted to the sale of craft beer or artisan spirits produced by the licensee on the licensee's premises.	1 2 3 4
Clause 19	Amendment of s 103W (Authority of craft beer producer permit)	5 6
	(1) Section 103W(1)(b)— <i>omit, insert—</i>	7 8
	(b) sell craft beer, produced by the permittee at the permittee's craft brewery, to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer, if the organiser of the promotional event has given the permittee written consent to sell samples of craft beer to persons at the event.	9 10 11 12 13 14 15 16
	(2) Section 103W— <i>insert—</i>	17 18
	(1A) The authority under subsection (1) applies during the hours the promotional event takes place unless a condition of the permit provides otherwise.	19 20 21
	(3) Section 103W(3), 'and supplied'— <i>omit.</i>	22 23
	(4) Section 103W(1A) to (4)— <i>renumber</i> as section 103W(2) to (5).	24 25
Clause 20	Amendment of s 103X (Restriction on grant of craft beer producer permit)	26 27
	(1) Section 103X(1)(b), 'or supply'— <i>omit.</i>	28 29
	(2) Section 103X(2)— <i>omit, insert—</i>	30 31

[s 21]

	(2) However, the commissioner may only grant a craft beer producer permit if no more than a combined total of 5 million litres of beer is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.	1 2 3 4 5 6 7
Clause 21	Amendment of s 103Z (Premises to which craft beer producer permit relates)	8 9
	(1) Section 103Z(a), ‘or supplied’— <i>omit.</i>	10 11
	(2) Section 103Z(b), ‘or supplying’— <i>omit.</i>	12 13
Clause 22	Amendment of s 103ZA (Conditions on craft beer producer permits)	14 15
	(1) Section 103ZA(1)(b)— <i>omit, insert—</i>	16 17
	(b) for craft beer that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the craft beer—	18 19 20 21
	(i) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or	22 23 24
	(ii) the volume of each of the individual samples that may be sold to persons at the event.	25 26 27
	(2) Section 103ZA— <i>insert—</i>	28 29
	(1A) Unless a condition imposed on the permit under subsection (1)(b) states otherwise, a regulation may prescribe, for craft beer that may be sold to	30 31 32

	persons at a promotional event for consumption at the event—	1 2
	(a) the total volume of craft beer that may be sold to each person at the event for the purpose of sampling; or	3 4 5
	(b) the volume of each of the individual samples that may be sold to persons at the event.	6 7
(3)	Section 103ZA(1A) and (2)— <i>renumber</i> as section 103ZA(2) and (3).	8 9
Clause 23	Insertion of new pt 4A, div 9	10
	Part 4A—	11
	<i>insert</i> —	12
	Division 9 Artisan spirits producer permits	13 14
	103ZB Authority of artisan spirits producer permit	15
	(1) An artisan spirits producer permit authorises the permittee to—	16 17
	(a) sell artisan spirits, produced by the permittee at the permittee’s artisan distillery, to persons at a promotional event, with the written consent of the organiser of the event, for consumption away from the event; or	18 19 20 21 22
	(b) sell artisan spirits, produced by the permittee at the permittee’s artisan distillery, to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits, if the organiser of the promotional event has given the permittee written consent to sell samples of artisan spirits to persons at the event.	23 24 25 26 27 28 29 30
	(2) The authority under subsection (1) applies during	31

[s 23]

- the hours the promotional event takes place unless 1
a condition of the permit provides otherwise. 2
- (3) An artisan spirits producer permit applies— 3
- (a) if the permit is granted for a single 4
promotional event—during the promotional 5
event; or 6
- (b) if the permit is granted for a recurring 7
promotional event—during each occurrence 8
of the event— 9
- (i) while the permit is in force; and 10
- (ii) only if, for each occurrence— 11
- (A) the same place is used; and 12
- (B) the type of event remains the 13
same. 14
- Example of a recurring promotional event—* 15
a fortnightly farmers market 16
- (4) For subsection (1)(a), unless a condition imposed 17
on the permit states otherwise, the total volume of 18
artisan spirits that may be sold to each person at 19
the promotional event, for consumption away 20
from the event, is 1.5 litres. 21
- (5) An artisan spirits producer permit is subject to the 22
conditions stated in the permit. 23

**103ZC Restriction on grant of artisan spirits 24
producer permit 25**

- (1) The commissioner may grant an artisan spirits 26
producer permit only— 27
- (a) to the operator of an artisan distillery; and 28
- (b) if the commissioner is satisfied the operator 29
will only sell, to persons at the promotional 30
event that is the subject of the permit, artisan 31
spirits produced at the operator’s artisan 32
distillery. 33

-
- (2) However, the commissioner may only grant an artisan spirits producer permit if no more than a combined total of 450,000 litres of spirits is produced, in each financial year, by the licensee and any related body corporate of the licensee under any licence, including a licence issued under the law of another State.

103ZD Duration of artisan spirits producer permit

An artisan spirits producer permit—

- (a) is issued for the term stated in it, of not longer than 3 months, unless it is sooner surrendered, suspended or cancelled under this Act; and
- (b) is not renewable; and
- (c) is not transferable.

103ZE Premises to which artisan spirits producer permit relates

The following area is taken to be the premises to which an artisan spirits producer permit relates—

- (a) if the commissioner imposes a condition on the permit defining the area, at the venue of the promotional event the subject of the permit, in which the artisan spirits may be sold by the permittee to persons at the event—the area defined in the condition;
- (b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the permittee for the purpose of selling artisan spirits produced by the permittee to persons at the event.

103ZF Conditions on artisan spirits producer permits	1
	2
(1) The commissioner may impose conditions on an artisan spirits producer permit in relation to the following—	3
	4
	5
(a) the total volume of the permittee’s artisan spirits that may be sold to each person at a promotional event for consumption away from the event;	6
	7
	8
	9
(b) for artisan spirits that may be sold to persons at a promotional event, for consumption at the event for the purpose of sampling the artisan spirits—	10
	11
	12
	13
(i) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or	14
	15
	16
(ii) the volume of each of the individual samples that may be sold to persons at the event.	17
	18
	19
(2) Unless a condition imposed on the permit under subsection (1)(b) states otherwise, a regulation may prescribe, for artisan spirits that may be sold to persons at a promotional event for consumption at the event—	20
	21
	22
	23
	24
(a) the total volume of artisan spirits that may be sold to each person at the event for the purpose of sampling; or	25
	26
	27
(b) the volume of each of the individual samples that may be sold to persons at the event.	28
	29
(3) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a permit.	30
	31
	32

Clause 24	Replacement of s 148AB (Restriction on sale of craft beer)	33
		34
	Section 148AB—	35

omit, insert—

148AB Restriction on sale of craft beer and artisan spirits

- | | |
|--|----------------------|
| | 1 |
| | 2 |
| | 3 |
| (1) This section applies to a licensee's or permittee's sale of craft beer or artisan spirits to persons at a promotional event. | 4
5
6 |
| (2) If the sale of craft beer or artisan spirits is for consumption away from the promotional event, the licensee or permittee must not sell the craft beer or artisan spirits in unsealed containers. | 7
8
9
10 |
| Maximum penalty—100 penalty units. | 11 |
| (3) The licensee or permittee must not sell the craft beer or artisan spirits in a volume that exceeds— | 12
13 |
| (a) for a producer/wholesaler licence— | 14 |
| (i) if the commissioner imposed a limit under section 74A(6)(a) or (b)(i) or (ii) or 74B(6)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or | 15
16
17
18 |
| (ii) otherwise—the limit provided under a regulation made under section 74A(7)(a) or (b) or 74B(7)(a) or (b); or | 19
20
21 |
| (b) for an artisan producer licence (beer)— | 22 |
| (i) if the commissioner imposed a limit under section 75H(3)(a), (b) or (c)—the limit imposed by the commissioner; or | 23
24
25
26 |
| (ii) otherwise—the limit provided under a regulation made under section 75H(4)(a) or (b); or | 27
28
29 |
| (c) for an artisan producer licence (spirits)— | 30 |
| (i) if the commissioner imposed a limit under section 75I(3)(a), (b) or (c)—the limit imposed by the commissioner; or | 31
32
33 |

[s 25]

	(ii) otherwise—the limit provided under a regulation made under section 75I(4)(a) or (b); or	1 2 3
	(d) for a craft beer producer permit—	4
	(i) if the commissioner imposed a limit under section 103ZA(1)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or	5 6 7 8
	(ii) otherwise—the limit provided under a regulation made under section 103ZA(2)(a) or (b); or	9 10 11
	(e) for an artisan spirits producer permit—	12
	(i) if the commissioner imposed a limit under section 103ZF(1)(a) or (b)(i) or (ii)—the limit imposed by the commissioner; or	13 14 15 16
	(ii) otherwise—the limit provided under a regulation made under section 103ZF(2)(a) or (b).	17 18 19
	Maximum penalty—100 penalty units.	20
Clause 25	Insertion of new ss 150A and 150B	21
	After section 150—	22
	<i>insert—</i>	23
	150A Notification of change—artisan producer licence (beer)	24 25
	(1) This section applies if the holder of an artisan producer licence (beer) is a corporation.	26 27
	(2) The licensee must give the commissioner written notice under this section if—	28 29
	(a) a non-large brewer to which the licensee is related becomes a large brewer; or	30 31
	(b) the licensee becomes related to a brewer that is a large brewer.	32 33

Maximum penalty—100 penalty units.	1
(3) A notice under subsection (2)(a) must be given within 14 days of the end of the financial year in which the brewer becomes a large brewer.	2 3 4
(4) A notice under subsection (2)(b) must be given within 14 days of the day the licensee becomes related to the large brewer.	5 6 7
(5) For subsection (2), a licensee that is a corporation is related to a brewer if—	8 9
(a) 20% or more of the corporation’s shares are owned by, or held in trust for, the brewer or a subsidiary of the brewer; or	10 11 12
(b) 20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, the brewer or a subsidiary of the brewer.	13 14 15 16
(6) In this section—	17
<i>large brewer</i> means a brewer that produces more than 40 million litres of beer in any financial year.	18 19
<i>non-large brewer</i> means a brewer other than a large brewer.	20 21
150B Notification of change—artisan producer licence (spirits)	22 23
(1) This section applies if the holder of an artisan producer licence (spirits) is a corporation.	24 25
(2) The licensee must give the commissioner written notice under this section if—	26 27
(a) a non-large distiller to which the licensee is related becomes a large distiller; or	28 29
(b) the licensee becomes related to a distiller that is a large distiller.	30 31
Maximum penalty—100 penalty units.	32
(3) A notice under subsection (2)(a) must be given	33

[s 26]

	within 14 days of the end of the financial year in which the distiller becomes a large distiller.	1 2
(4)	A notice under subsection (2)(b) must be given within 14 days of the day the licensee becomes related to the large distiller.	3 4 5
(5)	For subsection (2), a licensee that is a corporation is related to a distiller if—	6 7
(a)	20% or more of the corporation’s shares are owned by, or held in trust for, the distiller or a subsidiary of the distiller; or	8 9 10
(b)	20% or more of the votes that may be cast at a general meeting of the corporation are able to be cast by, or on behalf of, the distiller or a subsidiary of the distiller.	11 12 13 14
(6)	In this section—	15
	<i>large distiller</i> means a distiller that produces more than 2 million litres of spirits in any financial year.	16 17 18
	<i>non-large distiller</i> means a distiller other than a large distiller.	19 20
Clause 26	Amendment of s 155 (Minors on premises)	21
	Section 155(4), definition <i>exempt minor</i> , paragraph (d), after ‘craft beer producer permit’—	22 23
	<i>insert—</i>	24
	, artisan spirits producer permit	25
Clause 27	Amendment of s 155AC (Application of div 1A)	26
	Section 155AC(1)(b)—	27
	<i>insert—</i>	28
	(iii) an artisan spirits producer permit relates.	29 30

Clause 28	Amendment of s 172 (Offer to purchase liquor made elsewhere than at licensed premises)	1 2
	(1) Section 172(2)—	3
	<i>omit, insert—</i>	4
	(2) Subsection (1) does not apply to orders taken or received for—	5 6
	(a) the wholesale sale of liquor to a person mentioned in section 75(1) by the holder of a producer/wholesaler licence or artisan producer licence; or	7 8 9 10
	(b) the sale of craft beer at a promotional event by the holder of—	11 12
	(i) a producer/wholesaler licence authorised under section 73(2)(a) to sell craft beer at the event; or	13 14 15
	(ii) an artisan producer licence (beer) authorised under section 75H(1)(a) to sell craft beer at the event; or	16 17 18
	(iii) a craft beer producer permit; or	19
	(c) the sale of artisan spirits at a promotional event by the holder of—	20 21
	(i) a producer/wholesaler licence authorised under section 73(2)(a) to sell artisan spirits at the event; or	22 23 24
	(ii) an artisan producer licence (spirits) authorised under section 75I(1)(a) to sell artisan spirits at the event; or	25 26 27
	(iii) an artisan spirits producer permit; or	28
	(d) the sale of craft beer by the holder of an artisan producer licence (beer) online from the licensee’s website; or	29 30 31
	(e) the sale of artisan spirits by the holder of an artisan producer licence (spirits) online from the licensee’s website.	32 33 34

[s 29]

- (2) Section 172(4), after ‘producer permit’— 1
insert— 2
or artisan spirits producer permit 3

Clause 29 Amendment of s 203 (Filing of returns) 4

- (1) Section 203(3), from ‘in relation to’ to ‘the licence period.’— 5
omit, insert— 6
in relation to— 7
(a) all liquor sold under authority of the licence 8
during the licence period; and 9
(b) promotional events attended by the licensee 10
during the licence period. 11
- (2) Section 203— 12
insert— 13
(3A) Further, the licensee under an artisan producer 14
licence must, within 21 days after the end of a 15
licence period, file with the commissioner a return 16
in relation to— 17
(a) all liquor sold under authority of the licence 18
during the licence period; and 19
(b) all liquor produced under authority of the 20
licence during the licence period; and 21
(c) if the licensee is a corporation— 22
(i) the ownership of the licensee; and 23
(ii) the owner’s production, if any, of 24
liquor; and 25
(d) promotional events attended by the licensee 26
during the licence period. 27
Maximum penalty—25 penalty units. 28
- (3) Section 203(4) and (5), ‘or (3)’— 29
omit, insert— 30

	, (3) or (4)	1
(4)	Section 203(6), ‘subsection (5)’—	2
	<i>omit, insert</i> —	3
	subsection (6)	4
(5)	Section 203(6), penalty, ‘subsection (6)’—	5
	<i>omit, insert</i> —	6
	subsection (7)	7
(6)	Section 203(3A) to (6)—	8
	<i>renumber</i> as section 203(4) to (7).	9
Clause 30	Amendment of s 217 (Records to be kept by licensee)	10
(1)	Section 217(1), ‘the <i>transactions</i> ’—	11
	<i>omit, insert</i> —	12
	a <i>transactions</i>	13
(2)	Section 217—	14
	<i>insert</i> —	15
	(1A) Also, a licensee under an artisan producer licence	16
	must make and maintain a true and up-to-date	17
	record (a <i>production record</i>) of volumes of liquor	18
	produced by the licensee.	19
	Maximum penalty—350 penalty units.	20
(3)	Section 217(2), ‘The transactions record’—	21
	<i>omit, insert</i> —	22
	A transactions record or production record	23
(4)	Section 217(4A), ‘licensee under a producer/wholesaler	24
	licence, or a permittee under a craft beer producer permit,	25
	(each a <i>producer</i>)’—	26
	<i>omit, insert</i> —	27
	permittee under a craft beer producer permit (a	28
	<i>producer</i>)	29

(5) Section 217(4A)(b)—	1
<i>omit, insert—</i>	2
(b) sells, to persons at the event, craft beer produced by the producer for the purpose of sampling the craft beer.	3 4 5
(6) Section 217, after subsection (4A)—	6
<i>insert—</i>	7
(4AA) A permittee under an artisan spirits producer permit (also a producer) must make and maintain a correct and up-to-date record (also a promotional events record) of each promotional event at which the producer—	8 9 10 11 12
(a) sells, to persons at the event, artisan spirits produced by the producer for consumption away from the event including, for example, by taking or receiving, or causing or permitting an agent or employee to take or receive, orders for the producer’s artisan spirits; or	13 14 15 16 17 18 19
(b) sells, to persons at the event, artisan spirits produced by the producer for the purpose of sampling the artisan spirits.	20 21 22
Maximum penalty—350 penalty units.	23
(7) Section 217(4B)(b), ‘section 73(2)(a)(ii) or (b)(ii), or section 103W(1)(a) or (b)’—	24 25
<i>omit, insert—</i>	26
section 103W(1) or 103ZB(1)	27
(8) Section 217(4B)(c), after ‘craft brewery’—	28
<i>insert—</i>	29
or artisan distillery	30
(9) Section 217(5)(a), after ‘transactions record’—	31
<i>insert—</i>	32
or production record	33

Clause 31	Amendment of s 228C (Inconsistency with authority to sell or supply craft beer and authority under commercial special facility licence)	1 2 3
	(1) Section 228C, heading, ‘or supply craft beer’—	4
	<i>omit, insert</i> —	5
	craft beer or artisan spirits	6
	(2) Section 228C(1)(a)—	7
	<i>omit, insert</i> —	8
	(a) the sale of craft beer or artisan spirits to persons at a promotional event is authorised under any of the following—	9 10 11
	(i) a producer/wholesaler licence;	12
	(ii) an artisan producer licence;	13
	(iii) a craft beer producer permit;	14
	(iv) an artisan spirits producer permit; and	15
 Clause 32	 Insertion of new pt 12, div 22	 16
	Part 12—	17
	<i>insert</i> —	18
	Division 22	19
	Transitional provisions for Liquor (Artisan Liquor) Amendment Act 2020	20 21
	355 Transition to artisan producer licence	22
	(1) The holder of a licence (an <i>existing licence</i>) may, on or before 30 June 2021, apply to the commissioner to transition the licence to an artisan producer licence.	23 24 25 26
	(2) The following sections apply to the application—	27
	(a) sections 105 and 105A;	28
	(b) sections 116 to 118;	29

- (c) sections 118A to 121; 1
- (d) sections 122 to 124. 2
- (3) However, no fee is payable under section 3
105(1)(d) in relation to the application if the 4
existing licence is a producer/wholesaler licence. 5
- (4) The commissioner may grant the application only 6
if satisfied the licensee is eligible for an artisan 7
producer licence under this Act. 8
- (5) If the commissioner grants the application— 9
- (a) the existing licence ceases to apply to the 10
licensee and the licensed premises; and 11
- (b) an artisan producer licence applies to the 12
licensee and the licensed premises; and 13
- (c) the conditions applying to the existing 14
licence apply to the artisan producer licence; 15
and 16
- (d) a permit granted under this Act to the 17
licensee continues to be held by the 18
licensee; and 19
- (e) to the extent that extended trading hours 20
may be approved for an artisan producer 21
licence under this Act, any extended trading 22
hours approval for the existing licence is 23
taken to be an extended trading hours 24
approval for the artisan producer licence. 25
- Example—* 26
- A producer/wholesaler licence has extended 27
trading hours approval for trading until 2a.m. The 28
extended trading hours approval for the 29
replacement artisan producer licence will be until 30
1a.m. 31
- (6) Section 107C applies for the purpose of the 32
commissioner imposing conditions on the artisan 33
producer licence. 34
- (7) Subsection (5)(c) does not prevent the 35
commissioner from changing the conditions 36

mentioned in that subsection.

1

356 No fee payable for application for s 74A(2)(c) condition

2

3

(1) This section applies if—

4

(a) a producer/wholesaler licence contains a condition mentioned in section 74A(2)(a) or repealed section 74A(2)(b); and

5

6

7

(b) the holder of the licence applies, on or before 30 June 2021, for a condition mentioned in section 74A(2)(c) to be imposed on the licence.

8

9

10

11

(2) No fee is payable under section 105(1)(d) for the application for the condition to be imposed.

12

13

(3) In this section—

14

repealed section 74A(2)(b) means section 74A(2)(b) as in force from time to time before the commencement.

15

16

17