



Changes to the Liquor Act – will there be boutique bars?

Boutique Bars in Queensland

On 1 January 2009 new laws came into effect which will restructure the types of liquor licences available in Queensland and increase the flexibility of the liquor licensing system.

Among the changes is the introduction of a “bar licence”. *Section 70 of the Liquor Act 1992 (the Act)* has been enacted and provides the new type of licence, the bar licence, which is for a venue that is licensed to serve liquor but that has the capacity to seat not more than 60 patrons at any one time. The bar licence is a subset licence of the new licence category “Commercial other licence” which replaces the “General licence” which was granted pursuant to the old provisions of the Act.

By introducing boutique venues the government is aiming to change the drinking culture in Queensland

Similar licences are available in both Victoria and New South Wales. They have been credited with establishing the European style culture in those cities (in particular Melbourne which has had “laneway bars” for many years) with smaller boutique venues being established in an effort to move patrons away from large “beer barns”. By introducing boutique venues the government is aiming to change the drinking culture of Queensland. As stated by the honourable Mr Wendt, member from Ipswich West “it is anticipated that these convivial establishments, with a capacity of 60 patrons, will enhance the ambience of a city and potentially foster the growth of live music and cultural venues across the state”.

Of course as with any major change in licensing regulation there are both advantages and disadvantages for prospective venue owners.

Advantages of the bar licence include:

- Reduced annual liquor licence fees from \$2,784.00 to \$516.00 for the venue owner;
- No requirement for on premises toilets; and
- No requirement for meals to be available on premises.

Disadvantages of the bar licence include:

- Whilst the Act provides that the venue is only to have capacity to seat 60 patrons the total number of patrons allowed in the venue at one time has not yet been established (i.e. it is not known how many “standing patrons” will be permitted in the boutique bars in addition to the seated patrons prescribed by the Act);
- The same opening hours of 10am to 12pm as for other commercial licensed venues;
- No change to local council criteria for licensed venues to take account of the bar licence;

- No reduction in other liquor licence fees (other than the annual liquor licence fee) including fees for a permit to trade after midnight (which is currently \$7,500.00 to trade from midnight to 3am (\$5,625.00 if the permit is only for weekends) and \$10,000.00 for a permit to trade from 3am to 5am (\$7,500.00 if the permit is only for weekends); and
- No reduction in the amount of fines that can be levied by the Department of Liquor, Gaming and Racing for infringements of the Act. Guidelines introduced by the Department of Liquor and Gaming

Also included in the changes to the Act were changes introduced to allow the Department of Liquor, Gaming and Racing to develop guidelines for the administration of the Act and to assist venue operators navigate the intricacies of the Act and its administration.

These guidelines are currently been established and various interest groups have been requested to make submissions on behalf of the industry and community. This will ensure that the guidelines that are established are fair and address the concerns of not only the community at large, but potential operators of boutique bars who currently face the same barriers to entry into the market as the larger “beer barns” (these barriers include the high cost of approval from local councils to operate a licensed venue and licence application fees in particular for licensed venues that intend to trade from midnight to 5am).

To this end B³ (**Brisbane Boutique Bars**) has been established to voice the concerns of persons intending to open a boutique venue and to lobby the Brisbane City Council and Department of Liquor, Gaming and Racing to ensure that potential venue owners may establish a boutique venue in Brisbane with minimal cost whilst ensuring that the venue integrates with the local community. Rostron Carlyle is proud to be affiliated with B³ and look forward to assisting the group and boutique venue operators in establishing a regime that allows for the new bar licences to be used to their full advantage.

Given the radical changes to the Act and the exact requirements of these new venue types is likely to remain unsettled for some time. Rostron Carlyle is able to assist venue operators for both Boutique bars and all other types of licensed premises in all facets of their compliance with the Act. We will keep you updated on the changes to the Act and the establishment of guidelines by the Department of Liquor, Gaming and Racing.

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Expertise

Rostron Carlyle's commercial law practice has extensive experience in assisting clients in the acquisition and sale of venues regulated by the Act and assisting new venue operators in establishing their business in compliance with the Act.

Not only will you find that Rostron Carlyle can assist you in satisfying the requirements of the Act but our Property Law Practice also has extensive experience in assisting clients in negotiating and drafting leases for their new businesses including venues to be licensed pursuant to the Act.

A Rostron Carlyle lawyer will be a person that you can relate to. We'll talk your language. Most importantly, a relationship with a Rostron Carlyle lawyer will be **"a relationship you can rely on"**.