

## Liquor licensing update

### Producer's Licence changes now taking effect

March, 2010

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Our *Finlaysons Client Alert* of November 2009 discussed impending changes to liquor licensing laws. A “start date” has now been set for those changes.

The changes to Producer's Licences will provide greater flexibility and new business opportunities for licensees.

#### **When do changes to Producer's Licences take effect?**

Legislation was passed in late 2009 to amend the *Liquor Licensing Act*. The major changes are to Producer's Licences, and also to licensees' obligations generally regarding the responsible service of alcohol.

When the legislation was passed, the “commencement date” for the changes was left to be set at a later time.

That commencement date has now been set as **3 May 2010**.

#### **What will change?**

There will be important new trading rights and opportunities for Producer's Licences. Some of these will take effect automatically, and others will only be able to be exploited by a licensee by applying to the licensing authority.

The important Producer's Licence changes include:

- the addition of a right to sell any liquor (not just the licensee's own product) for consumption with a meal in approved “dining areas”;
- the right to apply to have one licence cover premises at two separate locations (where one is “production premises”);
- the right to have multiple Producer's Licences in a single location – enabling groups of licensees to create “collective” cellar doors;
- the right to seek additional authorities on the Producer's Licence to allow “off site” sales at specific locations – such as at regular “farmers' markets”; and
- the right to seek some relaxation of the usual “own product” restrictions, in hardship cases.

Our first *Finlaysons Client Alert* of November 2009, regarding Producer's Licences, discusses these upcoming changes in more detail:

[www.finlaysons.com.au/news/documents/Alert-200911-ProducersLicenses.pdf](http://www.finlaysons.com.au/news/documents/Alert-200911-ProducersLicenses.pdf)

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Aside from specific amendment to the Producer's Licence provisions, the 3 May 2010 changes include amended enforcement provisions, and new obligations on licensees in respect of service to "intoxicated" or "noticeably impaired" patrons.

Our second *Finlaysons Client Alert* of November 2009, which dealt with compliance issues, includes a discussion of these other changes:

[www.finlaysons.com.au/news/documents/Alert-200911-LiquorLicensing.pdf](http://www.finlaysons.com.au/news/documents/Alert-200911-LiquorLicensing.pdf)

#### **What next?**

Holders of Producer's Licences (and those contemplating applying for such a licence) should undertake an immediate review of their business structures and their licensing needs, in order to identify how best to take advantage of the changes to the licensing laws.

Taking full advantage of the new opportunities may in some cases entail major changes to business structures, such as opening additional licensed premises, or exploring opportunities to engage with other licensees to create "collective" cellar doors. It is important that licensees give proper consideration to the broader legal and accounting issues that will need to be addressed in parallel with any licensing changes, in order to appropriately structure and protect their businesses.

As the commencement date for the licensing changes is now "just around the corner", there is no time like the present for current and prospective licensees to review their business needs, and to start taking steps to be in a position to lodge any licensing applications at the earliest opportunity.

#### **Contacts:**

Please do not hesitate to contact us if you have any queries or would like to discuss licensing issues. For further information or advice, please contact:

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