

MOTION**~~Occupational Licensing National Law (Queensland) Bill~~**

~~Hon. CR DICK (Greenslopes—ALP) (Acting Leader of the House) (2.31 pm), by leave, without notice: I move—~~

~~That, notwithstanding standing order 165(1), the Treasurer be permitted to present from Her Excellency the Governor a message recommending an appropriation for the Occupational Licensing National Law (Queensland) Bill, which has already been read a first time.~~

~~Motion agreed to.~~

~~OCCUPATIONAL LICENSING NATIONAL LAW (QUEENSLAND) BILL~~**~~Message from Governor~~**

~~Hon. AP FRASER (Mount Coot thā—ALP) (Treasurer and Minister for Employment and Economic Development) (2.31 pm): I present a message from the Governor.~~

~~The Deputy Speaker (Mr Kilburn) read the following message—~~

~~MESSAGE~~

~~OCCUPATIONAL LICENSING NATIONAL LAW (QUEENSLAND) BILL 2010~~

~~Constitution of Queensland 2001, section 68~~

~~I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intitled—~~

~~A Bill for an Act to provide for a national law to regulate the licensing of particular occupations and for related purposes.~~

~~(sgd)~~

~~GOVERNOR~~

~~Date: 25 OCT 2010~~

~~Tabled paper: Message, dated 25 October 2010, from Her Excellency the Governor recommending the Occupational Licensing National Law (Queensland) Bill.~~

LIQUOR AND OTHER LEGISLATION AMENDMENT BILL**First Reading**

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.32 pm): I present a bill for an act to amend the Adult Proof of Age Card Act 2008, the Bail Act 1980, the Gaming Machine Act 1991, the Liquor Act 1992, the Liquor Regulation 2002 and the Penalties and Sentences Act 1992 for particular purposes and to make consequential amendments of the Police Service Administration Act 1990 and the Public Service Act 2008. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Liquor and Other Legislation Amendment Bill.

Tabled paper: Liquor and Other Legislation Amendment Bill, explanatory notes.

Second Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.33 pm): I move—

That the bill be now read a second time.

The introduction of the Liquor and Other Legislation Amendment Bill 2010 enables important liquor reforms for Queensland. One of the government's Toward Q2 commitments is to support safe and caring communities. In 2008 the government undertook significant alcohol reform, including making harm minimisation the first object of the Liquor Act 1992. During 2009 and 2010 the government further amended the Liquor Act to ensure that the industry's regulation is consistent with the public interest objective of minimising harm caused by alcohol abuse and misuse. This bill builds and expands on that approach. In developing this bill, the government has balanced the interests and expectations of industry and community whilst ensuring that the potential harm from liquor is minimised as much as possible. However, the reforms do not seek to remove the right of Queenslanders to enjoy themselves and partake of alcohol in a responsible manner, nor prevent liquor licensees from making a living and employing their fellow Queenslanders.

On 4 August 2009 this parliament requested that the Law, Justice and Safety Committee conduct an inquiry into alcohol related violence in Queensland with a focus on community safety and preventative measures that might reduce levels of alcohol related violence. The final report of the parliamentary committee was tabled on 18 March 2010 with 68 recommendations to reduce the incidence and impacts, both social and economic, of alcohol related violence in Queensland. After comprehensive consultation with community and industry, the government's response to the committee's report was tabled in parliament on 30 August 2010. This bill implements part of the government's response to the inquiry.

The central policy principle of the government's response was a commitment to a place based management approach targeting key late-night entertainment areas where issues such as crowding, queuing, traffic and inadequate amenities impact upon safety. These entertainment precincts—to be known as drink safe precincts—will be managed similar to a major sporting event, with coordinated use of police and other state and local government resources. Drink safe precincts will be piloted in Fortitude Valley, Surfers Paradise and Townsville for two years from December 2010, with the government committing funding of \$4.267 million for the first year. Existing trading hours and lockout times will remain to provide certainty to licensees and patrons and give the new approach a chance to work. If the pilots are successful, there is potential to implement them in other areas throughout Queensland as required. The bill allows for these drink safe precincts to be prescribed in a regulation.

The bill also provides for new powers to ban people from specified areas. It establishes a civil banning order regime under the Liquor Act which enables the court to issue a banning order upon adults who engage in prescribed behaviour within a drink safe precinct and where the order is necessary to ensure the safety, welfare and good order of licensed premises, and the surrounding public areas, within a drink safe precinct. They may be up to 12 months in duration. A civil ban applied to persons not charged with an offence may be perceived as harsh, but the government is determined to protect the public from individuals who perpetrate alcohol related violence in our community. It is intended that during the drink safe precinct pilots the civil banning regime will be monitored to ensure that it achieves its desired effect whilst minimising the impact on the rights and liberties of persons.

The bill also amends the Penalties and Sentences Act to create a banning order as a sentencing option in its own right. This option is not limited to offending within a drink safe precinct. It may be imposed if the offender is convicted of an offence that involved violence to a person or property which occurred in or around licensed premises and the court is satisfied that, unless the order is made, the offender poses an unacceptable risk to the safety, welfare and good order of licensed premises. The bill also amends the Bail Act 1980 to specify a 'special condition' to a grant of bail can include a banning order. It places a mandatory requirement on the bail granting authority to consider including a banning condition in certain circumstances.

The bill includes amendments to the Liquor Act and the Gaming Machine Act to expand the responsibility of the Queensland Gaming Commission so that it becomes the Queensland Liquor and Gaming Commission and makes key liquor licensing decisions of significant community impact, including decisions on new hotel licences, nightclubs and extended trading hours. The expanded role of the commission will build on the significant expertise and success that has ensured an appropriate balance in the provision of gambling services. This is a streamlining process that was commenced with the government's April 2000 policy direction for gambling in Queensland which called for synergies in liquor and gaming licensing processes to avoid duplication. The government is committed to reducing the regulatory burden for industry and the community to promote productivity, foster innovation and increase competitiveness.

The bill also amends the Liquor Act to allow standard licence conditions to be prescribed in a regulation. This will allow for a more efficient method of regulating licensees, with common conditions—for example, safety initiatives—being applied in a standard manner rather than individually for each licence. The bill provides for a retitling of the 'objectives' of the Liquor Act to the 'main purposes' of the Liquor Act. It provides for a new main purpose of the act which is to regulate the liquor industry, and areas surrounding licensed premises, in a way compatible with three outcomes.

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The first of these outcomes is the minimisation of harm, and the potential harm, from alcohol abuse, misuse and associated violence. The second is the minimisation of adverse impacts on the health or safety of members of the public. The third is one that minimises adverse impacts on the amenity of the community.

Placing these matters as the main purposes of the Liquor Act is intended to strengthen the commission's and chief executive's ability to have regard to these primary policy objectives when making decisions. To ensure commission decisions take into account the concerns of the whole community, the bill provides an amendment to the Liquor Act that allows the responsible minister to make a direct objection to an application of significant community impact. The commission must have regard to any ministerial objection when it considers the application.

The bill also provides the commission with the power to delegate its decision-making authority. It is intended this will allow the commission to delegate decisions of minimal impact or risk to allow the

commission to focus on higher risk applications and to ensure the timeliness of decision making. For example, the commission may wish to delegate temporary, one-off applications to extend the licensed area, increase trading hours or vary the conditions of licence to allow amplified music for a special event or function, for example, on Australia Day or New Year's Eve. The commission will specify which minor decisions will be delegated to the chief executive in an instrument of delegation made by the commission.

The bill extends the current moratorium on extended trading hours, currently due to expire at midnight on 15 December 2010, until 31 December 2013. This extension allows time for evidence from the evaluation of the drink safe precinct pilots to inform government policy regarding harm minimisation strategies. The bill also amends the Liquor Act to provide new trading hours for bottle shops and other takeaway liquor outlets. New applications relating to bottle shops and takeaway liquor outlets will be restricted to ordinary trading hours between 10 am and 10 pm, with the ability to apply for extended trading hours between 9 am and 10 am, and 10 pm and midnight, if there is demonstrated community need. It is intended that the threshold for the commission in deciding what constitutes demonstrated community need will be a balance of factors, including demand that may result from the premises being located in a tourist or dining area, but also community amenity and safety and the social impact of the extended trading hours on the local area. Also, the bill, consistent with the government response to the parliamentary inquiry, prescribes the definition of 'amenity' in the Liquor Act to provide further clarity in decision making by the commission or chief executive.

The bill also amends the Adult Proof of Age Card Act 2008 to allow a person who is at least 17 years and 11 months to apply for an adult proof of age card. The amendments provide that if an applicant is under 18 years the chief executive must not issue the adult proof of age card until the applicant is at least 18 years of age. The Queensland government is introducing a more reliable, secure and durable adult proof of age card to replace the existing Card 18+. In contrast to a Card 18+, an adult proof of age card will no longer be issued over the counter but will be mailed from a secure central location. These amendments provide a means by which a person can obtain an adult proof of age card on or immediately following their 18th birthday.

The amendments in the bill demonstrate this government's ongoing and evident commitment to reducing harm, and the potential for harm, from alcohol in the community. It also provides another example of our commitment to reducing the regulatory burden on business and the community. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

~~PENALTIES AND SENTENCES (SENTENCING ADVISORY COUNCIL) AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 27 October (see p. 3935), on motion of Mr Dick~~

~~That the bill be now read a second time.~~

~~**Mr FINN** (Yeerongpilly—ALP) (2.43 pm): I rise to speak in support of this reforming legislation and I commend the Attorney General for introducing this bill to the House. Public confidence in the criminal justice system is integral to the operation of this bill. That is what it is all about. It has been disappointing to listen to this debate in the chamber with member after member of the opposition seeking to decline public confidence through ridicule of our judges and magistrates for sentences that they have imposed. Prior to today's debate, the recent debate on the Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Bill 2009 was similarly a disgrace. We heard members opposite constantly decrying sentences as a slap on wrist or of weak judges and magistrates imposing pathetic sentences. Yet did the members opposite ever name the weak judges or tell us what the weak penalties were? No. They were deafening in their silence.~~

~~The fact is that everyone in this House supports tough penalties for violent offenders and sex offenders and for crimes against children. Indeed, participation in the Australian democracy requires acceptance of a criminal justice system that can imprison people for crimes against society and on both sides of this House there is no tolerance for criminal activity. On many occasions I have spoken in this place of my dismay at the preparedness of members opposite to engage in low rent law and order fearmongering. This fearmongering, which effectively says to the community, 'You are at great risk of being a victim of being hurt, killed or raped and the offender will get off lightly,' is totally irresponsible. It is disgraceful.~~

~~Laws must be enforced and sentencing must be adequate. Indeed, sentencing must be very tough for serious crimes. But our responsibility as community leaders is not to foster fear of crime in the community. The tactic of fearmongering is a tool of both the dictator and the directionless and it is our responsibility as members of parliament to lead. But the great tragedy of fearmongering is often that~~