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Liquor Amendment Bill 2005 (Qld): A 3am 'Lock Out' for Brisbane's Licensed Premises and State-wide Restrictions on Alcohol Advertising

On 1 March 2005, the Premier, the Hon P Beattie MP, released the Brisbane City Safety Action Plan in response to recent concern regarding late-night violence in Brisbane's CBD.

Two key features of the Safety Action Plan are:

- a 12 month trial of a 'lock out' to prevent patrons from entering licensed premises in the Brisbane City local government area after 3am; and
- a ban on the advertising of free drinks, multiple drinks and/or discounted liquor externally to premises, which will apply throughout Queensland.

The Liquor Amendment Bill 2005 (Qld) proposes amendments to the Liquor Act 1992 (Qld) to give effect to these features of the Safety Action Plan.

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EXECUTIVE SUMMARY

The Liquor Amendment Bill 2005 (Qld), which amends the *Liquor Act 1992* (Qld), gives effect to two key features of the Brisbane City Safety Action Plan, namely:

- a trial, for a 12 month period, of a 'lock out' to prevent patrons from entering licensed premises in the Brisbane City local government area after 3am; and
- a ban, throughout Queensland, on the external advertising of free drinks, multiple drinks and/or discounted liquor.

This Research Brief provides a brief background to the introduction of the Bill (pages 1-2). It also considers, in detail:

- the **new lock out for Brisbane's licensed premises** (**pages 2-7**), including the application of the lock out (**pages 2-3**), how the lock out will work (**pages 3-4**), the effect of breaching the lock out (**page 4**), refusing entry to premises (**pages 4-5**), the operation of existing 3am lock outs in various locations throughout Queensland (**pages 5-6**) and how the proposed lock out for Brisbane will differ from the existing lock outs (**pages 6-7**); and
- the State-wide ban on external advertising of alcohol (pages 7-12), including the new restrictions (pages 7-8), exemptions (pages 8-9), the purpose for the restrictions (page 9), existing regulation of certain practices and promotions (pages 9-11) and the background to the restrictions (pages 11-12).

1 INTRODUCTION

On 22 March 2005, the Hon M Keech MP, Minister for Tourism, Fair Trading and Wine Industry Development, introduced the Liquor Amendment Bill 2005 (Qld) ('the Bill') into the Queensland Legislative Assembly.

The Bill proposes amendments to the *Liquor Act 1992* (Qld) ('the Act') to:

- trial, for a 12 month period, a 'lock out' to prevent patrons from entering licensed premises in the Brisbane City local government area after 3am; and
- ban, throughout Queensland, the external advertising of free drinks, multiple drinks and/or discounted liquor.

2 BACKGROUND

An earlier publication of the Queensland Parliamentary Library contains a comprehensive background to the key events leading to the introduction of the Bill.¹

By way of summary, these events include:

- growing community concern about safety in Brisbane's CBD after dark, particularly following the deaths of two young males earlier this year from injuries sustained as a result of assaults in the early hours of the morning;
- a summit, held on 25 February 2005, which was attended by various parties (including relevant Queensland Government Ministers, the Police Commissioner, the Brisbane Lord Mayor and Deputy Lord Mayor, the Mayor of the Gold Coast, nightclub owners, the Queensland Hotels Association, the taxi industry and Drug Arm) to discuss public order and safety in Brisbane's CBD late at night; and
- the release by the Premier, the Hon P Beattie MP, on 1 March 2005 of a 17-point Brisbane City Safety Action Plan.²

Renee Giskes, *Improving Public Order in Brisbane's CBD*, Queensland Parliamentary Library, Hot Topics 'In the News', www.parliament.qld.gov.au/ConcordDocs/HT0/HT050307RG01.HTM. This publication also contains links to significant documents that relate to the issues addressed by the Bill, and further reading.

Queensland. Brisbane City Safety Action Plan, www.thepremier.qld.gov.au/library/pdf/bc_safety_action_plan.pdf (points 1(a) and 1(c) of the Safety Action Plan are relevant for the purposes of the Bill). Also see Hon P Beattie MP, Premier and Minister for Trade, '17 measures to improve public order among night clubbers', *Ministerial Media Statement*, 1 March 2005. A copy of this Media Statement is included in the Appendix to this Research Brief.

The Bill gives effect to two key features of the Safety Action Plan, namely the 3am lock out and external advertising restrictions mentioned above.

3 LIQUOUR AMENDMENT BILL 2005 (QLD)

The amendments to the Act introduced by the Bill will commence on 29 April 2005 (cl 2(1)).

The provisions relevant to the 3am lock out will be omitted from the Act no later than 12 months after commencement (cl 2(2) and 8, section 15DA of the Acts Interpretation Act 1954 (Qld)). This allows for a trial, of up to 12 months, of the new lock out arrangements.

3.1 3AM LOCK OUT FOR LICENSED PREMISES IN BRISBANE CITY COUNCIL AREA

Clause 5 inserts a new Part 5, Division 5 'Lock out provisions for Brisbane City Council area'.

3.1.1 Application of Lock Out

Applicable Premises

The new division will apply:

- in the area of the Brisbane City Council; and
- to licensed premises under the Act, and premises to which a permit under the Act relates, if the licensee or permittee is authorised under the Act to sell or supply liquor on the premises during all (or any part of) the period between 3am and 7am on a particular day ('trading period') (new s 142AA(1)).

The Brisbane City Safety Action Plan explains that:³

The application of the lock out beyond the central business district ... to cover the Brisbane City Local Government area will ensure a level playing field for licensed premises as well as avoid the problem being shifted elsewhere.

Brisbane City Safety Action Plan, p 1.

Exempt Premises

The following premises will, however, be exempt from the application of the new division:

- a casino under the *Casino Control Act 1982* (Qld) (namely the Conrad Treasury Casino, Brisbane);
- a part of licensed premises used principally for the residential accommodation of guests staying on the premises; and
- licensed premises at the Brisbane Airport (new s 142AA(2)).

Exempt Occasions

The new division will not apply on:

- Anzac Day, to licensed premises that have been granted an extended hours permit for that day under section 102C of the Act; or
- New Year's Day (**new s 142AA(3**)).

3.1.2 How the Lock Out will Work

Under a **new section 142AB**, it will be a condition of a licensee's licence, or a permittee's permit, that a patron of the relevant premises to which the licence or permit relates must not be allowed to enter the premises at or after 3am during the trading period.

Failure by a licensee or permittee to comply with this condition will attract a maximum penalty of 100 penalty units (\$7,500 for individuals and \$37,500 for corporations).

'Patron', in this instance, is defined to include a person entering or seeking to enter the premises to use the areas, facilities or services on offer at the premises. It is explained that:⁴

[T]he person does not have to spend any money to be considered a patron, for example the person may want to enter to dance, use the toilet, or meet up with friends. ... It is not intended to include other people who are entering or seeking to enter the premises when they have legislative authority to enter the premises, for example investigators and Police. Nor emergency personnel or employees who are seeking to enter the premises in their professional capacity.

Liquor Amendment Bill 2005 (Qld), *Explanatory Notes*, p 4.

An example of an 'entry' that is provided for in the new provision is that of a patron who leaves premises and a short time later re-enters the same premises. The later re-entry of the premises is considered a separate entry of the premises by the patron.

In the case of licensed premises, the new condition will not apply in relation to a resident of the premises, or a guest of such a resident while in the resident's company, who is entering the premises. This exemption:⁵

[I]s intended to allow residents of hotels (or other licensed premises that offer accommodation) to order drinks from their room, have access to their mini-bars and ... attend the public bar of the hotel they are staying at. It does not permit patrons to attend the bars of other hotels, just the hotel they are staying at.

3.1.3 Effect of Breaching the Lock Out Condition

A **new section 142AC** provides that the lock out condition will be taken to be included as a reference to a condition:

- specified in a permit, for the purpose of cancellation, suspension or variation of the permit by the chief executive under section 134(1)(a)(ii) of the Act in circumstances where the permittee has contravened a condition specified in the permit; or
- stated in a licence, for the purpose of taking disciplinary action relating to the licence under section 136(1)(a)(iii) of the Act for failure of the licensee to comply with a condition stated in the licence.

3.1.4 Refusing Entry to Premises

Clause 7 inserts a new section 165A(1)(e) which provides an additional ground⁶ under which an authorised person⁷ for premises to which a licence or permit relates may refuse entry of a person to the premises if:

- the new Part 5, Division 5 applies to the premises; and
- it would be a breach of the lock out condition imposed under the new section 142AB for the person to be allowed to enter the premises.

The effect of this new ground for refusal of entry is that:

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⁵ Explanatory Notes, p 4.

Existing grounds for refusal of entry under section 165A(1) are if the person is unduly intoxicated, if they are disorderly or if they are a minor (or suspected to be a minor).

⁷ 'Authorised person' is defined in section 165A(5) to mean the licensee or permittee of the premises, or an employee or agent of such person.

- a person must not enter, or attempt to enter, the premises to which the person is refused entry (s 165A(2));
- an authorised person may use necessary and reasonable force to prevent a person from entering premises if the person attempts to enter the premises despite being refused entry (s 165A(3)); and
- a person who is refused entry must not resist an authorised person who is preventing such entry (s 165A(4)).

Contravention of either subsections (2) or (4) above attracts a maximum penalty of 25 penalty units (\$1,875).

In addition, section 165 of the Act allows an authorised person to require a person to leave the premises if, amongst other grounds, the person has entered the premises despite being refused entry under section 165A. Section 165 also provides that:

- a person must immediately leave premises when required to do so under this provision (s 165(2));
- if a person fails to leave when so required, the authorised person may use necessary and reasonable force to remove the person (s 165(3)); and
- a person must not resist an authorised person who is conducting such removal (s 165(4)).

Again, a contravention of either subsections (2) or (4) above attracts a maximum penalty of 25 penalty units (\$1,875).

Under section 184 of the Act, 'investigators' (both police officers and Liquor Licensing officers) have the powers of an authorised person under sections 165 and 165A.

3.1.5 Background to Imposition of the Lock Out Condition

Operation of Existing 3am Lock Outs in Various Locations

The Brisbane City Safety Action Plan explains the existing operation of 3am lock out conditions for licensed premises in other locations in Queensland:⁸

Since 1995, the Liquor Licensing Division has imposed lock out conditions in a range of locations across the State as a means of controlling behaviour by preventing the movement of patrons between premises.

The 3am lock out that has been applied to some Gold Coast nightclubs has proven to be highly successful. The lock out prevents patrons from entering a nightclub after 3am, patrons can still drink within the facility. Nightclubs on the Gold Coast are then

⁸ Brisbane City Safety Action Plan, p 1.

required to close at 5am. The Queensland Police Service has reported a substantial reduction in crime in 2004 after the lock out condition was imposed on the Gold Coast. Calls to ambulances and assault offences between 3am and 6am were down significantly (compared to the corresponding period in 2003).

The success of this initiative supports the application of a 3am lock out across Brisbane.

In introducing the Bill, the Hon M Keech MP reiterated the positive outcomes of the lock out that is already in operation on the Gold Coast and other parts of Queensland:⁹

A 3am lockout has been imposed on Gold Coast nightclubs with very positive results. The Queensland Police Service has noticed a reduction in crime after the lockout condition was imposed on the Gold Coast. In particular, for the entire Gold Coast district, total assaults were down 2 per cent, with serious assaults – other than on police – down 18 per cent. There was a decrease of between 2 per cent and 14 per cent for non-police related assaults in the 3am to 6am period on the Gold Coast. Within the Surfers Paradise district, calls for police assistance at street disturbances were down 12.9 per cent in the period 3am to 6am. Total calls for assistance due to public drunkenness were down 14 per cent.

Lock outs have been introduced in Townsville and Cairns and a number of other centres. All are successful in reducing crime and antisocial behaviour in or near licensed premises.

On 31 March 2005, it was announced that three nightclubs in Rockhampton's CBD will participate in a six month trial of a 3am lockout. The trial commenced on 1 April 2005.¹⁰

Difference between Existing Lock Outs and Proposed Lock Outs under the Bill

The 3am lock outs already in operation in other parts of Queensland are imposed by the chief executive as a condition of the relevant licence or permit under section 107C of the Act. Section 107C provides the chief executive with wide discretion to impose conditions on licences or permits:

- to ensure appropriate compliance with the Act;
- to give effect to an agreement about the management of premises that has resulted from a particular conference or decision of the tribunal;
- to minimise harm caused by alcohol abuse and misuse and associated violence; or
- to minimise alcohol related disturbances, or public disorder, in a locality.

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Hon M Keech MP, Liquor Amendment Bill 2005 (Qld), *Second Reading Speech*, Queensland Parliamentary Debates, 22 March 2005, pp 672-673, at pp 672-673.

Hon M Keech MP, Minister for Tourism, Fair Trading and Wine Industry Development, '3am lock-outs for Rockhampton nightclubs', *Ministerial Media Statement*, 31 March 2005. A copy of this Media Statement is included in the Appendix to this Research Brief.

Importantly, in circumstances where a lock out is imposed under section 107C of the Act, the relevant licensee or permittee has a right, under section 30 of the Act, to appeal the decision of the chief executive to impose the condition.

In contrast, the lock out condition that will be imposed on licences and permits in the Brisbane City local government area under the new section 142AB will <u>not</u> be appealable, as the condition is imposed under the new section 142AB (rather than by a decision of the chief executive).

3.2 BAN ON EXTERNAL ADVERTISING OF FREE DRINKS, MULTIPLE DRINKS AND/OR DISCOUNTED LIQUOR THROUGHOUT QUEENSLAND

Clause 6 inserts a **new section 148B** 'Control of certain advertising by licensees or permittees'.

3.2.1 Restrictions

A licensee or permittee will be prohibited from advertising or causing to be advertised:

- the availability of free liquor or multiple quantities of liquor (such as '2 drinks for the price of 1') for consumption on the relevant licensed premises or premises to which the permit relates ('advertised premises');
- the sale price of liquor for consumption on the advertised premises; or
- a promotion that is likely to indicate to an ordinary person the availability of liquor, for consumption on the advertised premises, at a price less than that normally charged for the liquor (such as 'happy hours', 'all you can drink' and 'toss the boss') (new s 148B(2)).

Failure by a licensee or permittee to comply with these restrictions will attract a maximum penalty of 100 penalty units (\$7,500 for individuals and \$37,500 for corporations).

Scope of Restrictions

It is important to note that, under these restrictions, free drinks, multiple drinks and/or discounted liquor promotions are not prohibited; only the <u>advertising</u> of such is banned. The Hon M Keech MP has, however, announced a proposed 'Code of Practice' to address the responsible service, supply and promotion of liquor.¹¹

Hon M Keech MP, Minister for Tourism, Fair Trading and Wine Industry Development, 'Statewide ban on binge drinking promos', *Ministerial Media Statement*, 6 March 2005. A copy

Meaning of 'Advertise'

'Advertise', in the context of the new restrictions, is defined to mean advertise in any way whatever including, for example:

- by signage;
- in print;
- orally; or
- electronically (**new s 148B(6)**).

The broad meaning attached to 'advertise' will allow it to be:¹²

[I]nterpreted as broadly as possible, that is; in any way whatsoever. [It] is intended to cover advances in technology as well as ... traditional advertising methods [I]t is intended to cover all written and oral advertising, all sorts of signage external to the premises, the handing out of flyers, advertising over the internet, radio, tv or newspaper, SMS and touting.

The prohibition in relation to advertising multiple quantities of liquor is said to be "drafted extremely broadly due to the infinite number of ways this practice can be carried out".¹³

The prohibition in relation to advertising the sale price of liquor for consumption on the premises was drafted "to avoid statutory interpretation issues over what is a "discount" as liquor prices can vary at different times of the day and on different days of the week".¹⁴

3.2.2 Exemptions

The advertising restrictions mentioned above will not apply to advertising that:

- occurs only within the advertised premises (as already mentioned above); and
- is not visible or audible to a person who is outside the advertised premises (new s 148B(3)).

of this Media Statement is included in the Appendix to this Research Brief. Also see Michael McKenna, 'Licensees up in arms over drink crackdown', *Courier Mail*, 7 March 2005, p 1.

Explanatory Notes, p 5.

Explanatory Notes, p 4.

Explanatory Notes, p 4.

The restrictions apply only where there is consumption of alcohol on licensed premises or premises to which a permit relates; they do not apply to bottle shops. The rationale for this is explained as follows:¹⁵

Advertising for take away liquor is not considered to promote excessive consumption of alcohol, unlike external advertising for [consumption on the premises]. The proposed amendments are not intended to ban advertising of take away liquor as this would be a restriction on trade which could not be justified on public interest grounds.

Further, the holder of an on-premises (meals) licence does not contravene the restriction on advertising the sale price of liquor for consumption on the premises simply by complying with section 74 of the Act (which requires details of the menu and liquor list available to customers on the premises to be displayed in a conspicuous place on the premises and clearly visible from outside the premises) (**new s 148B(4)**).

3.2.3 Purpose for the Restrictions

The new restrictions are imposed with the purpose of:

- maintaining a safe environment for patrons and staff of premises; and
- ensuring liquor is served, supplied and promoted in a way that is compatible with minimising harm from the use of liquor and preserving the peace and good order of the neighbourhood of the premises (new s 148A(1)).

3.2.4 Existing Regulation of Certain Practices and Promotions

The restrictions under the new section 148B do not limit the ambit of the existing section 148A which imposes the following obligations on licensees and permittees in relation to the conduct of their business:

- not to engage in a practice or promotion that that may encourage rapid or excessive consumption of alcohol;
- to engage in practices and promotions that encourage the responsible consumption of alcohol; and
- to provide and maintain a safe environment in and around the premises.

Regulation 41 of the Liquor Regulation 2002 (Qld) provides examples of what are acceptable and unacceptable practices or promotions for these purposes.

Explanatory Notes, p 5.

Unacceptable Practices or Promotions Encouraging Rapid or Excessive Consumption of Liquor

The following examples are provided of unacceptable practices or promotions that may encourage rapid or excessive consumption of liquor:¹⁶

- promoting or conducting an activity that encourages rapid or excessive consumption of liquor or discourages a patron from monitoring or controlling the patron's consumption of liquor (such as promoting or conducting skolling games, promoting the consumption of drinks known as 'layback' or promoting the consumption of liquor from a water pistol);
- supplying liquor to a person on condition that the person is required to promote or conduct an activity that encourages rapid or excessive consumption of liquor or discourages a patron from monitoring or controlling the patron's consumption of liquor
- serving, supplying or promoting liquor in a container that encourages rapid or excessive consumption of liquor or discourages a patron from monitoring or controlling the patron's consumption of liquor (for example, serving liquor in a yard glass for consumption at one draught, or serving liquor in a test tube shaped glass without providing a stand on which the glass can be placed);
- serving, supplying or promoting liquor without taking appropriate action to discourage rapid or excessive consumption of liquor (such as promoting free or discounted liquor without providing an appropriate number of staff or security persons to monitor and control patrons' consumption of liquor); and
- serving or supplying liquor to a patron while holding the patron's financial institution access card or other property pending payment for the liquor, in a way that discourages the patron from monitoring or controlling the patron's purchase of liquor (for example, holding a patron's ATM card and serving liquor to the patron on account over several days pending payment when the patron next receives social security benefits).

Acceptable Practices or Promotions Encouraging the Responsible Consumption of Liquor

The following examples are provided of acceptable practices or promotions that encourage the responsible consumption of liquor:¹⁷

- deterring the rapid or excessive consumption of liquor (such as deterring patrons from engaging in skolling games);
- having non-alcoholic and low alcohol beverages available;

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Liquor Regulation 2002 (Qld), regulation 41(1).

Liquor Regulation 2002 (Qld), regulation 41(2).

- supplying liquor in standardised quantities that can be recognised by patrons (for example, serving spirits in measured nips, serving liquor in glasses or jugs marked with measured quantities, or supplying liquor in prepacked containers labelled with measured quantities); and
- serving patrons half measures of spirits on request.

Acceptable and Unacceptable Practices for Providing and Maintaining a Safe Environment in and around Premises

The following examples are provided of acceptable practices for providing and maintaining a safe environment in and around premises:¹⁸

- helping patrons to arrange transport from the premises (such as arranging the supply and convenient positioning of public telephones displaying telephone numbers for taxis and emergency services, and allowing staff to make telephone calls to arrange transport for patrons); and
- providing appropriate lighting inside and outside the premises.

Promoting or conducting an activity that encourages harassment of patrons would be an unacceptable practice.¹⁹ For example, where a licensee promotes and conducts a 'wet T-shirt' competition during which discounted liquor is served to patrons, and the licensee does not provide adequate staff or security persons to monitor or control patrons' behaviour and some patrons become intoxicated and harass other patrons and staff.

3.2.5 Background to Advertising Restrictions

The Hon M Keech MP explained some of the reasons for the introduction of the restrictions as follows:²⁰

... [T]he Liquor Licensing Division had been concerned about the practice of some licensees who drummed up business by encouraging binge drinking.

The vast majority of licensees are responsible, but a small number are actively promoting dangerous consumption practices to gain custom.

Binge drinking greatly increases the risk and incidence of injury, assault, public disorder and other problems.

²⁰ 'Statewide ban on binge drinking promos', Ministerial Media Statement.

Liquor Regulation 2002 (Qld), regulation 41(3).

Liquor Regulation 2002 (Qld), regulation 41(4).

... [P]romotions [are] particularly common on the Gold Coast, in Brisbane, the Sunshine Coast, Cairns and Townsville.

The ban is aimed at providing a safer environment for patrons and the public on and near licensed premises

There were also reports, for example, of:

- venues conducting "five drinks for \$5" campaigns and "two-for-one shooters, cocktails and basic spirits";²¹
- "students and backpackers on "booze cruises" ... given voucher books that contain up to \$100 worth of free drinks along with T-shirts carrying the slogan "Don't just think drink!"";²² and
- students at various university campuses being distributed flyers advertising cheap drink deals.²³

The Premier, the Hon P Beattie MP, also stated that a "majority of those who attended [the public order summit on 25 February 2005] backed a proposed ban on the two-for-one promotions and other cheap drink deals".²⁴

Since the announcement of the proposed advertising ban, some venues have reportedly already reconsidered their practices. For example, one venue which had previously offered a promotion of four free drinks as part of a regular weekly event now instead offers patrons free popcorn, soft drinks and a bean bag.²⁵

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Darrell Giles and Daryl Passmore, 'Blitz on cheap grog at city clubs', *Sunday Mail*, 27 February 2005, p 4.

Paul Weston, Lucy Carne and Dan Koch, 'Booze bans roll out across state', Courier Mail, 6 March 2005, p 5.

Paul Weston, Lucy Carne and Dan Koch, 'Booze bans roll out across state'.

Darrell Giles and Daryl Passmore, 'Blitz on cheap grog at city clubs'.

Leah Whitting, 'Pub pushes popcorn in booze-free promo', *Sunday Mail*, 27 March 2005, p 44.

APPENDIX A – MINISTERIAL MEDIA STATEMENTS

The Hon. Peter Beattie MP, Premier & Minister for Trade

1 March 2005

17 Measures To Improve Public Order Among Night Clubbers

The night club lock-out strategy which has resulted in a reduction of violent incidents on the Gold Coast will be tested in Brisbane for 12 months from next month, Premier Peter Beattie announced today (Tuesday).

"This is just one part of a comprehensive, 17-point Brisbane City Safety Action Plan which was finalised late last night after Cabinet's agreement earlier in the day," said Mr Beattie.

"The plan includes major changes to licensing legislation, more police and new police strategies, better transport arrangements, creating a safer environment, and continuing to examine developments.

"The lock out condition will be placed on all licensed premises that trade after 3am in the Brisbane City Local Government area to ensure all clubs are treated equally as well as to avoid the problem being shifted elsewhere.

"The Liquor Act will be amended to prevent patrons from entering a nightclub after 3am but will allow them to continue drinking within the club until it closes.

"Queensland Police Service reported a substantial reduction in crime after the lockout condition was imposed on the Gold Coast. Calls to ambulances and assault offences between 3am and 6am were down significantly.

"In addition, the State Government will impose tougher licence conditions, which already apply to some venues, on all licensed premises that trade after 1 am.

"These include:

- The licensee must employ crowd controllers in sufficient numbers who will also be required to maintain surveillance outside the premises for at least an hour after closing time;
- The installation of Closed Circuit Television at each public entrance and exit. If the video cameras are not operational and recording the premises must close at 1am.

"These measures will become effective after September this year after consultation with the industry to try to avoid unintended consequences.

"Advertising free or discounted liquor by pubs and clubs will be banned.

"Extreme discounts, free drink promotions and other drink promotions targeting young people perpetuate a culture of binge drinking which greatly increases the risk and incidence of injury, assault, public disorder, and other problems.

"The practice is usually driven by one or two licensees in a locality with others then being driven by competitive pressures to follow.

"The Government will amend the Liquor Act 1992 to prohibit the advertisement of free drinks, multiple drinks and discounted liquor for consumption on premises (except where the advertising is inside the premises).

"This amendment will become effective next month. If necessary, authorisation for this action will be sought from the Australian Competition and Consumer Commission.

"We will immediately fund four additional compliance and enforcement officers in the Brisbane region and the provision of further officers throughout Queensland will be considered as part of the 2005-06 Budget.

"The officers will ensure that licensees are meeting obligations under the Liquor Act, including the provision of a safe environment for patrons and staff, ensuring liquor is not supplied to minors and people who are unduly intoxicated or disorderly and ensuring liquor is served responsibly.

"As part of a comprehensive review of the Liquor Act, an investigation will be conducted into whether licensees should pay more for late night trading permits. The additional cost of providing police officers, public transport services and liquor licensing officers late on Friday and Saturday nights is significant.

"Legislative amendments from this review will be operational by the second half of 2006.

"An additional Tactical Crime Squad, consisting of 14 officers, will double the number of Tactical Crime Squad officers already operating from Brisbane Central District.

"Two extra positions of Sergeant will be created, one in the City and one in the Valley, to identify ways of improving collaboration between police and security service providers. The effectiveness of this initiative will be reviewed after 12 months.

"A new paddy wagon capable of holding six people will be added to the current group of such vehicles, enabling police to transport up to 15 intoxicated people at any time.

"The Police Minister will investigate the feasibility of dogs being used to detect amphetamines in nightclubs and other hot spots.

"The liquor enforcement and pro-active strategies project involves the Queensland Police Service systematically identifying and gathering intelligence on hotspots where assaults and other disturbances occur in the Brisbane CBD.

"A Brisbane Central District Liquor Unit will adopt this initiative by the end of May.

Queensland Police Service will establish a senior link with Brisbane City Council for CBD crime and safety issues and also to help the council in researching and preparing applications to the Minister for Police and Corrective Services for move on powers in appropriate areas.

"Areas that the Police believe would be appropriate include the entire CBD, including King George Square and Brisbane Botanic Gardens and also areas such as Kurilpa Point.

"We will review the Bail and Police Powers and Responsibilities Act by the end of this year and update them as needed to support contemporary policing methods.

"The State Government and the city council will explore with bus operators and Queensland Rail how late night public transport services can be improved after midnight on Fridays and Saturdays.

"The council provided money to hire marshals and security guards at seven locations in the CBD and Fortitude Valley in a successful trial due to end on 24 March.

"The council has advised Queensland Transport it will examine safety and security at cab ranks, as well as location and amenity.

"There may be a need for customers to pay extra if they use a rank safeguarded by a marshal.

"The Security Improvement Program is an initiative of the Queensland Government under the Queensland Crime Prevention Strategy.

"The Program predominantly focuses on situational approaches such as improved street and security lighting, and physical surveillance of public areas.

"Since the start of the program in 1998-99, the Government has provided \$2,662,875 to the city council, including \$236,789 for CCTV in the central business district, \$100,000 for lighting and surveillance in King George Square and \$112,850 for CCTV in Fortitude Valley.

"The next round of funding opens in April 2005 and closes on 31 August 2005.

"The Queensland Government will fund an examination of the CBD to work out where additional lighting and redesign would help to minimise crime.

"We will establish a taskforce with industry and non-Government organisations to monitor the implementation of the Action Plan and to help in the consultation process during the review of the Liquor Act."

Contact: 3224 4500

March 1, 2005.

Brisbane City Safety Action Plan

1. Managing alcohol

a. Introduce a lock out condition on all licensed premises that trade after 3am in Brisbane

Since 1995, the Liquor Licensing Division has imposed lock out conditions in a range of locations across the State as a means of controlling behaviour by preventing the movement of patrons between premises.

The 3am lock out that has been applied to some Gold Coast night clubs has proven to be highly successful. The lock out prevents patrons from entering a nightclub after 3am, patrons can still drink within the facility. Nightclubs on the Gold Coast are then required to close at 5am. The Queensland Police Service has reported a substantial reduction in crime in 2004 after the lockout condition was imposed on the Gold Coast. Calls to ambulances and assault offences between 3am and 6am were down significantly (compared to the corresponding period in 2003).

The success of this initiative supports the application of a 3am lock out across Brisbane. The application of the lock out beyond the central business district (CBD) to cover the Brisbane City Local Government area will ensure a level playing field for licensed premises as well as avoid the problem being shifted elsewhere.

The 3am lock out will be trialed in Brisbane for 12 months.

This change can be delivered through amending the Liquor Act 1992 and will be effective in April 2005. The Government will remove the existing appeals mechanism for lock outs in Brisbane.

b. Impose tougher license conditions on licensed premises that trade after 1 am

The Government will toughen the conditions that apply to licensed premises in Brisbane trading after 1am. This will include imposing the following standard conditions on licensed premises in Brisbane trading after 1am (some of these conditions already apply to some licensed venues):

- The licensee must develop and display a House Policy approved by the Liquor Licensing Division relating to staff obligations and procedures concerning the withholding of liquor supply, security and fire safety arrangements for staff and patrons;
- The licensee must employ crowd controllers in sufficient numbers. In addition, crowd controllers licensed under the Security Providers Act 1993 must maintain surveillance outside the premises for at least 1 hour after the designated closing time of the premises (which includes the 30 minute "grace period" that commences at closing time);
- The prohibition of competitions that involve contestants consuming liquor on the premises;

- The licensee/nominee, duty managers and appropriate staff on duty at any time, must have completed a course in the Responsible Service of Alcohol. Staff must complete the course within one month of commencing employment at the premises; and
- The installation of Closed Circuit Television (CCTV) at each public entrance and exit. If the video cameras are not operational and recording the premises must close at 1am.

These measures will become effective after September 2005 and will be achieved through amendments to the Liquor Act 1992. Consultation with stakeholders will inform the final package of measures.

c. Prohibit advertising of free or discounted liquor consumed on the premises

Dangerous new trends are apparent with an increase in the number of young people who are binge drinking. Binge drinking greatly increases the risk and incidence of injury, assault, public disorder, and other problems.

Extreme discounts, free drink promotions and other drink promotions targeting young people perpetuate a culture of binge drinking. The practice is usually driven by one or two licensees in a locality with others then being driven by competitive pressures to follow.

The Government will amend the Liquor Act 1992 to prohibit the advertisement of free drinks, multiple drinks and discounted liquor for consumption on premises (except where the advertising is inside the premises, provided any advertising or promotion on the premises is not audible or visible outside). This amendment will become effective in April 2005. If necessary, authorisation for this action will be sought from the Australian Competition and Consumer Commission.

d. Provide additional liquor licensing compliance and enforcement officers

The Government will provide additional liquor licensing compliance and enforcement officers within the Brisbane area. We will immediately fund four additional compliance and enforcement officers within the Brisbane region and the provision of further officers throughout Queensland will be considered as part of the 2005-06 Budget.

The officers will be employed to ensure that licensees are meeting their obligations under the Liquor Act 1992 including the provision of a safe environment for patrons and staff, ensuring liquor is not supplied to minors and persons who are unduly intoxicated or disorderly and ensuring liquor is served responsibly.

e. Conduct a comprehensive review of the Liquor Act 1992

The Liquor Act 1992 requires revision to ensure that it reflects recent community attitudes including concerns of alcohol abuse and binge drinking. The review will also need to consider how the nature of venues that serve alcohol has changed, recent changes in serving practises and the rapid growth of the tourism and hospitality industry.

The Liquor Licensing Division will be responsible for conducting this review. The review will be the subject of significant consultation with the liquor and hospitality industry, tourism operators, health and welfare workers and all other interested stakeholders.

Also as part of the review, an investigation will be conducted into whether licensees should pay more for late night trading permits. It is reasonable to expect industry to contribute to the management of problems caused by alcohol abuse. The additional cost of providing police officers, public transport services and liquor licensing officers late on Friday and Saturday nights is significant.

Legislative amendments from the review will be operational by the second half of 2006.

2. Strengthening Policing

a. Allocate additional police officers

In 2005, there will an additional Tactical Crime Squad which consists of 14 officers allocated to the Brisbane Central District. This will supplement the existing 14 Tactical Crime Squad officers already operating from the Brisbane Central District. This will provide 28 Tactical Crime Squad officers who will be allocated flexibly to hot spots.

The Government will facilitate cooperation between police and security service providers. New Sergeant positions will be created in the City and Valley to act as security industry liaison officers. These officers will identify ways of improving collaboration between police officers and security service providers. This liaison will also assist to improve co-ordination and communication between the Queensland Police Services and security providers. The effectiveness of this initiative will be evaluated after 12 months.

The capacity of the vehicle used to remove intoxicated persons is to be increased to six people. This will allow police to more efficiently remove intoxicated persons.

Consultation has indicated that violence is often fuelled by a dangerous cocktail of alcohol and drugs, especially amphetamines. As a result, the Police Minister will investigate the feasibility of police assisted detection dogs being used to detect amphetamines in nightclubs and other hot spots.

b. Establish a Brisbane Central District Liquor Unit and launch the liquor enforcement and pro-active strategies (LEAPS) project within the Brisbane CBD

The liquor enforcement and pro-active strategies (LEAPS) project involves the Queensland Police Service systematically identifying and gathering intelligence on hotspots (where assaults and other disturbances occur) within the Brisbane CBD.

While already underway it will increasingly be integrated into police operations.

This intelligence will be used by the Queensland Police Service to improve knowledge, understanding and surveillance of these hotspots.

Hotspots will then be targeted by combined teams of police and liquor licensing officers.

This initiative will be fully implemented by 31 May 2005.

c. Continue the reorganisation of the Queensland Police Service's Brisbane City Division rostering.

The aim of intelligence driven police rostering is to effectively utilise available human resources by linking the deployment of personnel to identified peak calls for service. Intelligence-driven police rostering, as the name suggests, uses a broad range of information gained through intelligence processes to predict the policing demand at particular times. Such practices lead to increased visibility of uniformed police and enhanced public safety.

The Queensland Police Service is committed to expanding the research base and use of intelligence-driven police rostering in the CBD.

d. Establish a direct senior liaison point of contact between the Queensland Police Service and Brisbane City Council (BCC)

Improved liaison will improve relations and understanding between the Queensland Police Service and BCC, enable a more timely response to crime and safety issues, and enable resources to be more appropriately targeted.

The Queensland Police Service has nominated a Police Inspector position, the Inspector, Brisbane Central District Support, to act as the senior liaison and point of contact with the BCC for CBD crime and safety issues.

A direct point of contact will also assist the BCC in researching and preparing applications to the Minister for Police and Corrective Services for the creation of notified areas under the Police Powers and Responsibilities Act 2000 of areas under Council control.

BCC has never made an application for move on powers in the Brisbane area. Notified areas provide police with the authority to use move on powers in response to public safety issues. Areas that the Police would like Council to make application for are the entire CBD; including King George Square and Brisbane Botanic Gardens and also areas such as Kurilpa Point.

This initiative will be ongoing and will commence as soon as the BCC nominates a senior contact officer. The appointment of a senior officer will ensure direct and high level contact with the BCC.

e. Review of the Bail Act 1990

We will review the Bail Act 1990 and the Police Powers and Responsibilities Act 2000 and update them to support contemporary policing methods.

The review will be completed by the end of 2005.

3. Improving Transport

a. Explore with BCC, other bus operators and Queensland Rail how late night public transport services can be improved

Limited options for people to leave the CBD and Fortitude Valley precincts after leaving licensed premises has been identified as a contributing factor to violence in the inner city area.

There are many people who are unable or unwilling to obtain a taxi and who wait on the streets until public transport services commence in the morning. The provision of additional late night public transport services will get people home faster and safer.

The State Government in association with BCC, other bus operators and Queensland Rail will explore how public transport services after midnight on Friday and Saturday nights can be improved. Decisions will need to be informed by an analysis of demand for the service, appropriate public transport security measures and potentially the capacity for patrons to contribute more towards what is a more expensive service.

Additional services could begin to roll out from the middle of 2005.

b. Develop in consultation with the BCC and industry measures to improve taxi rank security and boost the number of cabs at peak times.

Efforts to improve safety and security at ranks have generally focussed on extremely busy periods such as New Years Eve, Christmas and major events such as the Rugby World Cup.

This year, BCC contributed funds to hire marshals and security guards at seven locations in the CBD and Fortitude Valley. This trial is continuing until 24 March 2005 and has been very successful to date.

It is understood that BCC has agreed to provide some additional funding for marshals. BCC has advised Queensland Transport that a review of taxi ranks will be conducted during 2005. This review will examine safety and security as well as location and amenity.

It is important to look at mechanisms to ensure the long term viability of taxi rank marshals. This could include an additional fee paid by patrons if taxi ranks have security and marshals in place.

Measures to improve the availability of taxis during peak periods will be developed by the State Government in consultation with the industry and BCC. The objective is for initiatives to begin to roll out by mid 2005 or earlier where achievable.

- 4. Creating a Safer Environment
- a. Continue the Queensland Government's Security Improvement program

The Security Improvement Program is an initiative of the Queensland Government under the Queensland Crime Prevention Strategy - Building Safer Communities.

[©] The State of Queensland (Department of the Premier and Cabinet) 2002.

The Program predominantly focuses on situational approaches such as improved street and security lighting, and physical surveillance of public areas.

The objectives of the program are to assist local governments to reduce or prevent crime through investment in enhanced security infrastructure and equipment in public places, provide communities with a safe and secure environment in which to live, and reduce the incidence of crime and improve personal safety and property security in public places.

Since the inception of the program in 1998-99, the Government has committed \$2,662,875 to BCC for various safety and security initiatives.

Of this amount, \$236,789 has been committed for CCTV in the central business district, \$100,000 for lighting and surveillance in King George Square and \$112,850 for CCTV in the Fortitude Valley. The remainder of the funds have been used for various lighting projects and public toilet upgrades including in suburban Brisbane.

The State Government will continue to fund this project. The next round of funding opens in April 2005 and closes on 31 August 2005.

b. Fund an environmental scan of the built environment of the Brisbane CBD

The Queensland Government will fund an examination of the CBD and make recommendations as to where additional lighting and redesign would help to minimise the incidence of crime. The study will be based on established crime prevention principles.

The study will include an analysis of the major thoroughfares e.g. from large nightclubs to public transport facilities including taxi ranks.

- 5. Working together
- a. Establish a Taskforce to monitor the implementation of the Action Plan

A Taskforce will be established with representatives from Government, industry and non-Government organisations to monitor progress in implementing the Action Plan.

The Taskforce will also consider how communication between licensed premises and non-Government organisations providing support services can be improved. Further the Taskforce will assist with consultation during the review of the Liquor Act 1992.

b. Implement a Code of Practice for the Responsible Service, Supply and promotion of liquor

A draft Code of Practice for the Responsible Service, Supply and Promotion of Liquor has been developed by a working party including the Department of Tourism, Fair Trading and Wine Industry Development, Clubs Queensland, RSL and Services Clubs Associations, Queensland Health, Queensland Police and the Queensland Hotels Association.

The Code of Practice is a proactive industry approach to ensure liquor is served in a responsible manner and details how licensees and staff can identify and control the risks associated with the supply of liquor. The Code, among other things, indicates that premises should not promote drinking games or serve alcohol in other than standard measures.

The Code of Practice is being finalised and should be ready for implementation in April 2005.

c. Develop compulsory best practice accords between licensees for the central business district

Individual licensees need to work co-operatively with each other to ensure that approaches that benefit the industry as a whole and the broader community can be developed. An accord between licensees would support the responsible service of alcohol, encourage improvements in safety and security and would involve improved communication and co-operation between licensees and the community.

Local accords should build upon existing initiatives under the Valley Alcohol Management Partnership and the City Liquor Industry Partnership.

The Department of Tourism, Fair Trading and Wine Industry Development (in association with the Department of Communities) will be responsible for driving the development of accords and making them compulsory under licensing arrangements.

The Hon. Margaret Keech MP, Minister for Tourism, Fair Trading & Wine Industry Development

6 March 2005

Statewide Ban On Binge Drinking Promos

Dangerous drinking practices used by licensees to drum up trade will be banned statewide by the Beattie Government within weeks.

Liquor Licensing Minister Margaret Keech said today the advertising ban proposed for Brisbane's CBD as part of the 17-point Brisbane City Safety Action Plan would be extended to licensed premises across the state.

"This is part of a new get-tough approach by the Beattie Government to curb alcohol-related incidents and anti-social behaviour on and near licensed premises," Mrs Keech said.

"In the lead-up to the ban coming into effect, I have instructed Liquor Licensing to implement a strict enforcement regime in relation to risky, unsafe and irresponsible service of alcohol practices, with a particular focus on discount drink promotions and the service of intoxicated and under-age persons."

"From next month, all licensees will be banned from advertising or promoting practices that encourage binge drinking.

"There will be bans on touting and circulating free and discount drink cards off premises, a ban on signs, banners and other visible and audible messages that can be seen or heard from outside the premises, and bans on internet, SMS text, 'worm messaging' and related off-premises marketing of cheap, heavily discounted and/or free liquor

"Any licensee who breaches the law faces a fine of up to \$37,500 for serving unduly intoxicated patrons and up to \$7500 per offence for irresponsible service of alcohol or promotion of binge drinking or other dangerous consumption practices.

"Staff members, or anyone else, buying and supplying liquor to a person who is unduly intoxicated faces a fine of up to \$6000."

Mrs Keech said the Liquor Licensing Division had been concerned about the practice of some licensees who drummed up business by encouraging binge drinking.

"We will be amending the Liquor Act to prohibit the advertisement outside the premises of free drinks, multiple drinks and discounted liquor for consumption on premises," she said.

"And irresponsible practices will be banned on premises.

"The vast majority of licensees are responsible, but a small number are actively promoting dangerous consumption practices to gain custom.

"Binge drinking greatly increases the risk and incidence of injury, assault, public disorder and other problems."

Mrs Keech said promotions were particularly common on the Gold Coast, in Brisbane, the Sunshine Coast, Cairns and Townsville.

"The ban is aimed at providing a safer environment for patrons and the public on and near licensed premises," she said.

Mrs Keech also wants all licensees to be bound by a Code of Practice for the responsible service, supply and promotion of liquor.

The Code would commit the liquor and hospitality industry to:

- * Assess the risk of all promotions and practices in accordance with the risk assessment guidelines before the practice or promotion starts
- * Develop a management plan where any high risk is identified to demonstrate any risks that can be controlled before the practice or promotion is commenced
- * Not conduct promotions and practices if: there is any unacceptable risk; or
- * Any high risk cannot be adequately controlled
- * Immediately cease any practice or promotion that is underway if patrons:
- * Consume liquor rapidly or excessively; or
- * Engage in unsafe behaviour.

"Ultimately, whether or not a promotion or practice is lawful will depend on how the actual promotion or practice is conducted by the licensee and their staff, whether the risks have been satisfactorily controlled, and the response of patrons," Mrs Keech said.

"The Code outlines what is considered to be rapid and excessive consumption of alcohol, what is acceptable and unacceptable practices or promotions and includes risk assessment guidelines for licensees and staff."

MINISTER KEECH WILL BE AVAILABLE FOR RADIO INTERVIEWS BETWEEN 8AM AND 9AM TODAY.

Media contact: David Smith 3225 1005 / 0409 496 534

The Hon. Margaret Keech MP, Minister for Tourism, Fair Trading & Wine Industry Development

31 March 2005

3am Lock-Outs For Rockhampton Nightclubs - QLD

Three late trading nightclubs in the Rockhampton CBD will trial a 3am lock-out for six months from tomorrow, Liquor Licensing Minister Margaret Keech said today.

Mrs Keech said the lock-outs were a joint initiative of the Liquor Licensing Division, Queensland Police, Rockhampton City Council and the management of the premises involved, the Stadium, Jungle on East and Teaze nightclubs.

"The initiative is aimed at improving public and patron safety in and around the three nightclubs and the CBD and is supported by the Rockhampton City Council and Rockhampton police," Mrs Keech said.

"While each of the three licensees agree to the lock-outs, and recognise they are a positive step forward in improving safety, the lock-out is conditioned to each licence and will be reviewed as part of the six-monthly renewal process for the late trading premises.

"I commend the licensees for their support of this initiative and their desire to make Rockhampton a safer place for patrons and the community in general."

Mrs Keech said clubs had erected notices on the premises advising patrons of the commencement of the lock-out.

"The lock-out means patrons are not permitted entry or re-entry to the premises after 3am and before closing at 5am," she said.

"Queensland Police Service research shows the introduction of lock-outs has resulted in a significant reduction in adverse behaviour and activity on the Gold Coast.

"It is hoped the Rockhampton lock-outs will have a similar positive impact."

Media contact: David Smith 3225 1005 / 0409 496 534

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