



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 12 November 2015

## **TACKLING ALCOHOL-FUELLED VIOLENCE LEGISLATION AMENDMENT BILL**

### **Introduction**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.30 pm): I present a bill for an act to amend the Bail Act 1980, the Fair Trading Act 1989, the Gaming Machine Act 1991, the Liquor Act 1992, the Liquor Regulation 2002, the Penalties and Sentences Act 1992 and the Police Powers and Responsibilities Act 2000 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015 [[1654](#)].

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The Queensland government is committed to building a safer community and a vibrant night-life by tackling alcohol fuelled violence. Despite previous liquor reforms, alcohol fuelled violence continues to be a problem that claims lives, destroys families, discourages patronage in entertainment precincts and drains valuable resources from our police and emergency services. Queensland cannot afford the human and economic costs related to the abuse and misuse of alcohol. That is why the Palaszczuk government went to the last election with a commitment to make the difficult decisions required to address this complex problem in our community. Unlike the previous LNP government, the Palaszczuk government understands that the majority of Queenslanders support the reduction of late-night liquor trading. We also acknowledge the experiences of other jurisdictions and the extensive body of internationally recognised, peer reviewed research that demonstrates reducing the supply of liquor late at night is an essential key to reducing alcohol fuelled violence. The research could not be clearer: for every hour of reduced liquor trade, there is a significant decrease in alcohol related assaults.

I am pleased to introduce the Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015, which supports the government's comprehensive, multifaceted policy framework aimed at changing the culture around drinking, promoting responsible drinking practices and ensuring a safer environment. The bill amends the Liquor Act 1992 to stop the sale and supply of alcohol at 2 am statewide, with no lockout except in certain prescribed safe-night precincts. The new liquor trading hours will commence on 1 July 2016.

The government recognises that safe-night precincts are uniquely equipped to implement high-visibility policing, late-night transport options and other initiatives for managing the elevated risk of alcohol and drug related risks associated with late-night liquor trading. Accordingly, amendments will provide for safe-night precincts to be prescribed by regulation to allow for 3 am liquor trading with a 1 am lockout, following a thorough consultation and application process. If local boards do not wish their precinct to be subject to the lockout, they may opt to remain a 2 am precinct. If a 3 am safe-night precinct is declared, licensees who currently have approval for liquor trading until 3 am or later will automatically be approved to sell or supply liquor until 3 am from 1 July 2016. However, licensees

without extended liquor trading hours approval for the venue will still be required to apply individually for approval for liquor trading up to 3 am through usual late-night liquor trading application processes. The lockout provisions will apply to all post 1 am liquor traders in the precinct.

In keeping with the pledge to consult widely in delivering these reforms, the Palaszczuk government has listened to industry concerns regarding a statewide 1 am lockout. We have responded by restricting the 1 am lockout policy to areas where 3 am liquor trading, and the concentration of licensed premises, necessitates the use of this important tool to maximise patron safety. Licensees will retain their current ability to apply for up to 12 one-off permits per year to sell or supply liquor beyond their regular approved liquor trading hours.

The Palaszczuk government recognises the importance of supporting a night-time economy that includes but does not revolve solely around alcohol. Therefore, it is intended that licensees will be able to stay open beyond the hours of liquor service to provide other services, such as food, non-alcoholic beverages and entertainment. New provisions commencing on 1 July 2016 will remove the linkage of gaming hours to liquor consumption hours. Gaming applications will be able to be approved for a period of up to two hours after the cessation of the service of liquor at the licensed premises. This will allow gaming services up to 5 am in prescribed safe-night precincts and 4 am outside of prescribed safe-night precincts, upon approval. Furthermore, amendments in the bill enable licensees that offer gaming and adult entertainment to continue to provide those activities for the duration of the approved gaming and adult entertainment hours in effect immediately prior to 1 July 2016, despite the wind back of liquor trading hours on 1 July 2016.

As I indicated in my ministerial statement, to assist in managing the supply of alcohol late at night the bill amends the Liquor Act to prohibit new approvals for the sale of takeaway liquor after 10 pm. From 10 November 2015, any late-night extended trading applications for takeaway sales that were still with the commissioner for determination are void. No new applications can be accepted. These amendments do not apply to existing extended trading approvals for takeaway liquor. Licensees who currently have approval to sell or supply takeaway liquor to 12 midnight may continue to do so.

In line with the government's commitment to promote responsible drinking practices, the bill amends the Liquor Act to allow a regulation to be declared to ban the service of high-alcohol content drinks and alcoholic beverages designed to be consumed rapidly after midnight. However, the bill allows for an exemption to be granted for the operation of small bars specialising in the sale of premium spirits. The definition of premium spirits will be prescribed by regulation. I will be consulting with stakeholders on the type of liquor service that might be prescribed in the regulation as banned or exempt to ensure the responsible service of alcohol can be maintained. In recognition of the heightened controls that exist at licensed premises in airports, casinos and industrial canteens, those venues will not be subject to the new restrictions.

The government also recognises the importance of supporting the Queensland Police Service and the liquor regulator to undertake their roles and pursue prosecution where offences are alleged to have occurred. Therefore, the bill amends the Liquor Act to clarify that the results of breath tests taken in accordance with current police powers are admissible as evidence in prosecutions against a licensee. To be clear, this provision does not open the door for random breathalysing of patrons enjoying a night out. Rather, it means that when a patron has committed relevant assault offences and a blood alcohol reading is taken under existing police powers, the results of the analysis can be used as supplementary evidence in prosecutions where there is other evidence to suggest a licensee has committed an offence by serving an unduly intoxicated or disorderly patron.

To ensure more effective operation of alcohol related violence initiatives, the bill amends the Police Powers and Responsibilities Act 2000 to bring the handling process for specimens of saliva for particular offences in line with the handling process for specimens of blood. The bill also makes a number of amendments to the Bail Act 1980 and the Penalties and Sentences Act 1992. The Bail Act amendments redefine the nature of a drug and alcohol assessment referral bail condition, otherwise known as a DAAR condition. A DAAR condition requires a defendant to complete a two-hour counselling session that seeks to assess a defendant's drug and alcohol use and to offer information about treatment options. Completion of a DAAR condition is currently mandatory for people charged with one of eight prescribed violent offences alleged to have been committed in a public place while intoxicated. The changes under the bill will ensure that this important bail condition can apply to those most likely to benefit from the program. The bill removes the mandatory nature of the condition to significantly broaden its application by allowing the court the discretion to include the DAAR condition as part of a grant of bail for any offence to which the Bail Act applies. This means it will no longer be anchored solely to eight offences.

Further, in recognition of the therapeutic and rehabilitative nature of a DAAR, the bill no longer makes it an offence to fail to complete a DAAR condition. The bill also provides that it is no longer an offence to breach a condition that the defendant participate in a therapeutic or rehabilitative bail condition. These changes recognise the challenges associated with overcoming addiction. The changes will also support the reinstatement of specialist courts which will include access to intervention programs through a condition of bail. Additionally, the bill amends the Penalties and Sentences Act to extend the availability of a DAAR course as a condition of a recognisance order at sentence.

A number of the amendments included in the Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill, introduced by the member for Mansfield in May 2015, are consistent with the government's overarching policy framework. Therefore, the government has adopted reforms from the private member's bill that are considered to improve operational efficiency and provide greater clarity around the provisions of the Liquor Act.

A number of the provisions of the Tackling Alcohol-Fuelled Violence Legislation Amendment Bill are intended to support more effective regulation of the liquor industry. Amendments to the Liquor Act formally grant all police officers the powers of an investigator under the act. This will simplify the work of police by removing the need for officers to be individually designated as such by an instrument of delegation. Amendments allow investigators to issue a person with a notice to produce documents in their possession or control that are relevant to the administration or enforcement of the Liquor Act.

In order to minimise the risk of minors obtaining liquor, amendments clarify the types of documentation that may be accepted as proof of age for the purposes of purchasing alcohol and strengthen existing requirements around when an entity can be approved to issue identification documentation.

The bill amends the Liquor Act to ensure that the commissioner gives written notice of an approved manager's suspension or cancellation to the licensee who employs the approved manager. The bill also includes amendments intended to create a safer environment in and around licensed premises. To reduce the risk of alcohol related violence in events, such as sporting carnivals and music festivals, amendments prohibit persons from taking liquor into or away from activities conducted under a community liquor permit or commercial public events permit.

The bill amends the Liquor Act to reinstate the ability for the requirements of a risk assessed management plan to be specified under a regulation, which was inadvertently removed by the previous government. Amendments to the Liquor Act ensure that licensees whose car park is designated as part of the licensed premises must seek the approval of the Commissioner for Liquor and Gaming before holding an event where alcohol is supplied or consumed in the car park. This requirement would override existing approvals or conditions on a licence.

Other provisions of the bill provide relief from unnecessary regulatory burden that may be lifted without risk of harm to the community. The bill makes amendment to the Liquor Act so that Brisbane licensees need only enter information regarding incidents into the incident register under the Liquor Act if the incident is not recorded in the crowd controller register. Amendments extend the risk assessed management plan exemption to subsidiary on-premises licensees whose principal activity is a florist or gift baskets.

The bill amends the Liquor Act to clarify that food additives or substances used as ingredients in food preparation are not subject to the act. This exclusion of food additives only applies to those substances that must be consumed as an addition to or ingredient of another substance. If a substance is labelled as a food additive or ingredient, but is palatable and generally intended to be consumed without being altered or modified, it will not be exempt, such as table wine that is packaged and labelled as cooking wine.

Other provisions of the bill boost tourism and promote Queensland's national and international profile as a destination of choice, whilst still providing for the minimisation of alcohol related harm. In recognition that Queensland is home to a vibrant and growing craft beer industry, amendments to the Liquor Act place craft beer producers on an equal footing with wine producers by allowing the sale of craft beer at promotional events, such as food and wine festivals.

Amendments allow bed and breakfast premises to cater for up to eight adult guests and remain exempt from the Liquor Act. Amendments also support community clubs by allowing these licensees to sell takeaway liquor to club guests and visitors.

Finally, the bill repeals section 96 of the Fair Trading Act to ensure that provisions around directors' liability are consistent with the broader Queensland policy and the executive officer liability

provisions in other Australian jurisdictions. On 1 November 2013, the Directors' Liability Reform Amendment Act 2013 implemented the policy that state legislation should only include directors' liability provisions when appropriately justified and, generally, without onus of proof reversal clauses.

Queenslanders support the government in tackling alcohol fuelled violence to make our community safer. The reforms introduced in this bill demonstrate that the Palaszczuk government is getting on with the job and delivering on our commitment to tackle violence in Queensland. We will continue to consult and work in partnership with community groups and licensees to improve safety and amenity in and around licensed venues. Safer venues, safer entertainment precincts and safer communities are good for business, good for tourism, good for patrons and good for Queensland. I commend the bill to the House.

### **First Reading**

**Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.45 pm): 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.

### **Referral to the Legal Affairs and Community Safety Committee**

**Mr DEPUTY SPEAKER** (Mr Furner): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

### **Portfolio Committee, Reporting Date**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.45 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Tackling Alcohol-Fuelled Violence Legislation Amendment Bill by 8 February 2016.