




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 14 February 2017

LIQUOR AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (2.34 pm): I present a bill for an act to amend the Liquor Act 1992, the Liquor Regulation 2002 and the Penalties and Sentences Act 1992 for particular purposes. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Liquor and Other Legislation Amendment Bill 2017 [[161](#)].

Tabled paper: Liquor and Other Legislation Amendment Bill 2017, explanatory notes [[162](#)].

The Palaszczuk government has committed to implementing an evidence based policy framework to reduce alcohol fuelled violence in and around licensed premises in Queensland. The government acknowledges the extensive body of national and international research which indicates that reducing late-night liquor service hours significantly decreases alcohol related assaults. That is why the Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016 included amendments that, from 1 July 2016, reduced available liquor service hours to 2 am statewide and 3 am in Queensland's 15 safe night precincts.

However, the Palaszczuk government recognises that evidence is not static, and at times further refining is needed to ensure that the approach being taken represents the most efficient and effective way to achieve harm minimisation objectives. In this regard, independent researchers engaged to conduct an evaluation of the government's tackling alcohol fuelled violence policy found in their six-month interim evaluation report that in Fortitude Valley and safe night precincts across Queensland between July and December 2016 there had been no change to the existing trends in common assaults and serious assaults during the late-night high-risk liquor service period.

The report suggested that the systematic and widespread use of temporary late-night extended hours permits has the potential to compromise the impact of the tackling alcohol fuelled violence policy. As an illustration, researchers observed that since 1 July 2016 there has not been a single weekend night where all venues in the Fortitude Valley precinct have ceased service of alcohol at 3 am. The report also concluded that the current research evidence suggests that the introduction of a lockout is not likely to significantly change current trends in relation to assault and injury. Additionally, the report endorsed the use of ID scanning and banning orders as harm minimisation measures.

Given the findings raised in the report, the government is determined to strengthen the tackling alcohol fuelled violence policy by implementing policies that take into account the latest research evidence in relation to lockouts and address issues identified around the use of temporary late-night extended hours permits. Accordingly, the bill proposes to repeal the lockout retrospectively from 1 February 2017. Without a lockout in place there remains no practical reason to distinguish between safe night precincts and 3 am safe night precincts in the manner originally contemplated by the policy. Accordingly, the bill will also retrospectively repeal the 3 am safe night precinct model from 1 February

2017. As a result, 3 am liquor service hours with no lockout will be available to approved licensees located in all 15 safe night precincts in Queensland. This means the inner west Brisbane safe night precinct, which was not prescribed as a 3 am safe night precinct as of 1 February 2017, will retain its 3 am trading status as will the other 14 safe night precincts.

This approach aligns with the government's aim to promote a vibrant night-time economy throughout Queensland while recognising that safe night precincts are best equipped to deal with an additional hour of liquor service given the additional safety measures in place in these areas. In conjunction with this, from 1 July 2017 licensed premises that are located in a safe night precinct and hold a permanent extended trading hours approval for liquor service beyond midnight will be required to scan IDs using an approved networked ID scanning system commencing from 10 pm and continuing throughout the time that liquor may be sold on the premises.

In response to the independent report's finding that temporary late-night extended hours permits were being used to maintain 5 am business-as-usual service of liquor on the weekends, the bill proposes significant changes to the permit framework. The issuing frequency for temporary late-night extended hours permits will be restricted by halving the number of temporary late-night extended hours permits that may be granted statewide, from 12 to six in a calendar year.

Amendments will also be made to ensure that temporary late-night extended hours permits may not be granted in excess of one per month or on consecutive days, unless in relation to a legitimate multiday event. The number of temporary late-night extended hours permits available in a calendar year to licensees of newly licensed premises will be calculated on a pro rata basis based on the month the licence was granted.

It is intended that the amendments to the maximum number of temporary late-night extended hours permits that may be issued by the Commissioner of Liquor and Gaming to a licensed premises will apply from 1 January 2017. Accordingly, any temporary late-night extended hours permits for dates in 2017 granted prior to the commencement of the new legislation will count towards the maximum of six permits that may be issued. Any permits granted for dates occurring after commencement of the new legislation will be cancelled, and licensees will be given the opportunity to reapply under the new special occasion criteria.

To be considered a 'special occasion', an event must meet the following criteria. It must be an occasion persons independent of the licensee, owner or occupier wish to celebrate on the licensed premises; and it must be either a special public event—meaning a unique or infrequent event of local, state or national significance—or a wedding, birthday or other private occasion being celebrated at a function that is not open to the public.

To introduce additional rigour, the legislation will be amended to provide that a temporary late-night extended hours permit may only be granted during the time the special occasion is happening and, if the Commissioner for Liquor and Gaming considers it appropriate, for a reasonable time before or after the special occasion is happening, to ensure a safe environment in and around licensed premises is maintained. For example, if an extended hours permit is granted to sell liquor on a special occasion such as a significant international sporting match being televised from 1 am to 3 am, the commissioner may grant a permit, for instance, to include liquor trading between midnight and 3.30 am in order to allow for the orderly and practical congregation and dispersal of patrons from the event. However, it is not intended that this will be used by licensees to attempt to merely keep the bar open and encourage patrons to continue drinking. To provide further guidance and certainty for licensees, a head of power will be provided to allow a regulation to prescribe an event or class of events which would or would not be considered as a special public event.

The new temporary late-night extended hours permits framework will ensure that licensees may only be granted temporary late-night extended hours permits for legitimate special occasions of an infrequent nature and not as part of business-as-usual late-night trading. While a maximum of six permits are able to be issued, it is not intended that six permits will necessarily be granted to a licensee in any one calendar year.

The bill also proposes a number of technical amendments to clarify and support the effective operation of the Liquor Act 1992 to support the tackling alcohol fuelled violence policy. To enhance the effective operation of the mandatory ID-scanning provisions that will be in force from 1 July 2017, the bill clarifies that licensees of regulated premises with approved permanent extended trading hours beyond midnight must continue to scan patron IDs when serving liquor beyond their usual late-night hours under a temporary late-night extended hours permit. It is noted that licensees who are not approved for permanent extended trading hours past midnight will continue to be exempt from the requirement to scan patron IDs when serving liquor past midnight under a temporary late-night extended hours permit.

The final minor technical amendment to the Liquor Act supports the safe night precinct framework by clarifying that premises that are no longer located within a safe night precinct as a result of a future boundary change will have their liquor service hours automatically wound back to 2 am. The Commissioner for Liquor and Gaming will be required to give licensees notice prior to the change taking effect.

The bill also makes an amendment to the Penalties and Sentences Act 1992 to allow a sentencing court to impose a banning order on an offender convicted of a prescribed drug offence where the offence was committed in, or in a public place in the vicinity of, licensed premises. The amendment extends upon the existing banning order framework in the Penalties and Sentences Act by applying to offenders convicted of the offences of supplying or trafficking dangerous drugs under the Drugs Misuse Act 1986. The banning order may be imposed if the sentencing court is satisfied that the convicted offender poses an unacceptable risk to the safety, welfare and good order of licensed premises or areas in the vicinity thereof or to the people who attend those premises and areas. This amendment delivers on our commitment to expand upon the existing banning order framework to include convicted drug offenders.

Queenslanders expect their government to listen to the evidence and take action that will reduce the harm caused by alcohol related violence. In this regard, the public have a right to expect balanced policymaking rather than point-scoring. These evidence based, common-sense reforms are necessary to maximise the harm reduction benefits associated with reducing liquor service hours and supporting the development of a safe and vibrant night-life that includes but does not centre solely upon the service of alcohol. 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) (2.44 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

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