




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 1 March 2017

LIQUOR AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.22 pm): I move—

That the bill be now read a second time.

I would like to thank the Legal Affairs and Community Safety Committee for its consideration of the Liquor and Other Legislation Amendment Bill 2017. I note the committee tabled its report on 24 February 2017 recommending passage of the bill, and I now table the government response to the committee report.

Tabled paper: Legal Affairs and Community Safety Committee: Report No. 48—Liquor and Other Legislation Amendment Bill 2017, government response [\[317\]](#).

I would like to thank all those who made written submissions to the committee and presented to the committee hearing. I would also like to thank those parties who provided input into the policy following the government's receipt of the interim evaluation. This consultation assisted the government in considering the course of its response to the evidence.

Let us be clear: the measures implemented in this bill enhance the Palaszczuk government's tackling alcohol fuelled violence policy initiatives to foster cultural change around drinking, encourage responsible drinking practices and create a safer environment in and around licensed premises in Queensland. The interim evaluation report on the first six months of implementation of the tackling alcohol fuelled violence policy noted that there has been a continuation of an existing downward trend in non-domestic assaults statewide. However, the government considers that more can be done to reduce alcohol fuelled violence in Queensland and to realise the full intent of this policy. That is why the government has determined to refine the tackling alcohol fuelled violence policy framework in order to address the findings of the interim evaluation report and implement complementary initiatives that are consistent with the current evidence on effective strategies for reducing alcohol related violence.

International peer reviewed research consistently indicates that for every hour that liquor trade is reduced there is a corresponding reduction in alcohol related harm of up to 22 per cent. By reducing permanent liquor service hours to 2 am statewide and 3 am in safe night precincts, the Palaszczuk government has already implemented the single most effective tool for reducing alcohol related assaults; however, the integrity of the key policy measure—reducing permanent liquor service hours—must be maintained. That is why the government has resolved to enhance the conditions around temporary late-night extended hours permits. The current laws have not allowed fidelity to the intent of the policy.

I note that the statement of reservation by the opposition members of the Legal Affairs and Community Safety Committee opposed changes to the permit system; however, the government takes the view that the current provisions allowing for licensed premises to be granted 12 temporary late-night extended hours permits in a one-year period were intended to enable licensees to offer up to 5 am

liquor service on special occasions. In fact, that is the terminology regularly used by the Office of Liquor and Gaming in relation to these permits; however, the act does not specifically limit the permits to any particular reason.

Since the reduction of permanent liquor service hours on 1 July 2016, licensees have sought permits to allow up to 5 am liquor service on a business-as-usual basis. In order to ensure that temporary late-night extended hours permits are used for genuine special occasions as originally intended, the government considers it necessary to: cap the maximum number of permits that may be granted to a licensee to six; prohibit the granting of permits for two or more consecutive days or more than one per month except in relation to legitimate multiday events; and calculate the cap for new licensees on a pro rata basis taking into account the number of months in a calendar the licence is in effect.

The new criteria add rigour to the application process by requiring licensees seeking a temporary late-night extended hours permit to demonstrate that the permit will relate to a special occasion, being certain private functions or a special public event. By defining 'special public event' as 'unique or infrequent', the bill provides for a permit to be granted only in respect of special public events which do not occur regularly. Further, the requirement for the event to be of local, state or national significance will ensure that these permits are only granted for events that hold genuine importance within our communities. The new criteria also ensure that the Commissioner for Liquor and Gaming may only grant a temporary late-night extended hours permit for hours that are linked to the duration of the event or a reasonable period before and after, if necessary, to ensure a safe environment.

I want to make it clear that temporary extended hours permits to sell liquor beyond the permanently approved liquor trading hours by licensed premises are not a right, and there is no guarantee that a licensee will be granted the maximum number of permits under the new cap. To ensure that these reforms can take place as soon as possible, and consistent with the original intent of the tackling alcohol fuelled violence policy provisions, the new permit regime will apply retrospectively. From assent, all permits granted for future dates will be cancelled and pending applications will have the new special occasion criteria applied. A refund of the application fees for cancelled permits will be provided to licensees.

The stringent nature of these reforms emphasises the strength of the Palaszczuk government's commitment to reducing liquor service hours. This also ensures that the current use of these permits does not extend over coming months despite other changes to the act due to the applications being lodged well in advance. The Commissioner for Liquor and Gaming will consider applications for temporary late-night extended hours permits on a case-by-case basis to determine whether all of the legislative requirements are met. Additionally, the regulation-making power provided in the bill allows for the prescription of an event or class of events which would or would not be considered a special public event. The bill also limits the maximum six permits to a calendar year to enable more efficient administration and understanding of the provisions.

I note the statement of reservation regarding lockouts. Our government has been consistent in advocating an holistic policy package for tackling alcohol fuelled violence. These comprehensive measures are premised upon a key action: the reduction of late-night liquor service hours in Queensland. The interim evaluation report examined existing research and cites two studies published in 2016 which indicate that, in their own right, lockout provisions do not reduce alcohol related violence. The interim evaluation report also advised that enforcing the lockout would not have a significant effect on existing alcohol fuelled violence trends in Queensland.

After careful consideration of the interim evaluation report and evidence available, the government has decided not to implement the 1 am lockout provisions. We want to allow the 3 am trading hours and the 2 am trading hours laws an opportunity to work. Based on the interim evaluation report's endorsement of ID scanning to enforce banning orders, the government has announced that from 1 July 2017 relevant licensed premises in safe night precincts will be required to operate an approved ID-scanning system where their normal liquor trading hours are beyond midnight. Given the link between the statutory 1 am lockout and the 3 am safe night precincts, the government's preferred approach is to provide for consistency in the availability of 3 am liquor service in all 15 safe night precincts in Queensland.

The government acknowledges the value of place based liquor management strategies, and we will continue to work with safe night precinct local boards to develop and implement harm-reduction measures that cater for the specific needs of each precinct during the implementation period. Importantly, the evaluation in 2018 will be undertaken in the proper regulatory environment, informed by evidence from independent research experts.

The bill also includes amendments to the Penalties and Sentences Act 1992 to allow a sentencing court to impose a banning order on offenders 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 delivers on our commitment to expand upon the existing banning order framework, which currently applies to offenders convicted of offences of violence committed in, or in a public place in the vicinity of, licensed premises to also include convicted drug offenders. The bill extends the existing framework to apply to an offender who is convicted of an offence against section 5, Trafficking in Dangerous Drugs, or section 6, Supplying Dangerous Drugs, of the Drugs Misuse Act 1986.

To further support the changes to the tackling alcohol fuelled violence policy, the bill makes technical changes in relation to future changes to the boundaries of safe night precincts and the times during which licensees need to scan patron IDs. These amendments clarify the operation of the Liquor Act and do not alter the existing process for safe night precinct boundary changes or the intended operation of the ID-scanning provisions that are in the act.

In addition to these amendments to support the tackling alcohol fuelled violence policy, as flagged by Minister Grace I will also be moving amendments during consideration in detail to the Trading (Allowable Hours) Act 1990 to establish Easter Sunday as an open trading day for all non-exempt shops in South-East Queensland. An employee will be required to work on Easter Sunday only if they have freely elected to work. This will complement legislative amendments already passed as part of the Industrial Relations Act 2016 which make Easter Sunday a public holiday from 2017. Easter Sunday falls on 16 April this year.

In 2016 the government approved an independent review of Queensland's shop trading hours. One of the recommendations of the review is that the government consider standardisation of those public holidays that are to be treated as closed days for non-exempt shops across the state. Under the current trading hours arrangements, non-exempt shops in South-East Queensland and regional areas without seven-day trading are required to be closed on five public holidays each year: Good Friday, Easter Sunday, Anzac Day, Labour Day and Christmas Day. In the major population centres and tourist areas outside South-East Queensland, the restriction applies to only four public holidays: Good Friday, Anzac Day, Labour Day and Christmas Day.

It makes sense to standardise closed trading days across Queensland, as this will provide consumers, businesses and workers with greater certainty. Maintaining Easter Sunday as an additional closed trading day throughout the state would impose economic costs through lower consumer welfare, employment and retail sales, affecting a peak time for tourism and visitors to the state. It would also be a backward step considering many areas outside of South-East Queensland are able to trade on Easter Sunday.

In closing, the liquor reforms implemented by the bill are necessary to support the integrity of the government's policy to reduce liquor service hours. When we say last drinks at 2 am statewide and 3 am in safe night precincts, we mean that liquor service ends at those times. When licensees are able to continually sell liquor beyond these times as a general business practice, it not only compromises the harm-reduction benefits of the tackling alcohol fuelled violence policy; it also undermines the government's efforts to facilitate cultural change.

As I said in my introductory speech, Queenslanders expect their government to listen to the evidence and take action that will reduce the harm caused by alcohol related violence. Further, the public have a right to expect balanced policymaking rather than pointscoreing. We remain determined to tackle alcohol fuelled violence. The amendments in the bill reflect the evidence and bring us closer to our goal: a vibrant and safe night-life across Queensland. Once again, I thank the committee for its consideration of this important bill, and I commend the bill to the House.