

Question on Notice

No. 1080

Asked on 14 October 2022

MR T NICHOLLS ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR WOMEN AND MINISTER FOR THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON S FENTIMAN) –

QUESTION:

Will the Attorney-General advise how many investigation briefs have been received by the Office of Liquor and Gaming Regulation Brisbane investigation team from compliance officers with a recommendation for prosecution (reported separately by year for the last three years) for (a) liquor licence breaches, (b) casino licence breaches and (c) how many of those matters have been prosecuted?

ANSWER:

I thank the Member for Clayfield for the question.

I am advised that the Office of Liquor and Gaming Regulation's (OLGR) compliance officers across the state investigate less complex liquor and gaming matters and implement a range of enforcement actions, from education through to issuing compliance orders or infringement notices.

More complex matters are dealt with by OLGR's Investigation Unit which provides a state-wide investigative and enforcement action capability (e.g. prosecution, disciplinary action), whilst also supporting compliance officers to prosecute simpler matters (e.g. unlicensed liquor sales). In certain matters the Investigation Unit will receive referrals from compliance officers recommending prosecution action.

As a model litigant, the decision by OLGR to take prosecution action is guided by its internal policies and procedures, and whether:

- the evidence provides a reasonable prospect of successfully obtaining a conviction;
- it is in the public interest to exercise the discretion to commence prosecution action which includes considering:
 - the seriousness of the offence and the potential impacts (including harm) caused by the offence;
 - the effectiveness of any alternatives to prosecution;
 - the prevalence of the alleged offence and the need for general deterrence; and
 - any precedent which may be set by not instituting proceedings.

Matters recommending prosecution action referred to OLGR's Investigations Unit for the last 3 financial years and 2022-23 year to date are as below:

Financial year	Liquor breaches	Casino breaches	Prosecutions	Investigation Ongoing
2019-2020	1	0	1	0
2020-2021	2	1	3	0
2021-2022	3	3	3 (2 Liquor, 1 Casino)	1 (Casino)
2022-2023 to date	2	2	2 (1 Liquor, 1 Casino)	2 (1 Liquor, 1 Casino)

Note – 2 matters (1 Liquor, 1 Casino) in FY 2021-22 did not progress to prosecution as the evidence did not support this level of enforcement action.