

Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By Rob Katter, Member for Mount Isa

Short title

The short title of the Bill is the Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015.

Policy objectives and the reasons for them

The objectives of the amendments to sections of the Bill, and additional amendments to the *Liquor Act 1992* (Liquor Act), are to further support the objectives of the Bill, as outlined in the original Explanatory Notes. This will be achieved by providing a longer period of time for safe night precincts to determine their preferred operating model.

Achievement of policy objectives

Objective: Providing a longer period of time for safe night precincts to determine their preferred operating model

A number of amendments to the Bill are being made, in order to allow an appropriate transition of safe night precincts to prescribed 3am safe night precincts with a 1am lockout. From 1 July 2016 to 1 February 2017, liquor trading hours for all safe night precincts will be wound back to 3am. No statutory lock out will be in operation during this time.

The transitional period between 1 July 2016 and 1 February 2017 is intended to allow time for licensees operating in safe night precincts to choose their preferred operating model for the safe night precinct from 1 February 2017.

On and after 1 February 2017, licensed premises in prescribed 3am safe night precincts will be able to continue serving liquor until 3am. However, all venues in the 3am safe night precinct will be required to implement a 1am lock out.

Where a safe night precinct has not been prescribed as a 3am safe night precinct by 1 February 2017, licensed premises in that safe night precinct with approval to serve liquor beyond 2am will have their liquor trading hours wound back to 2am, in line with the rest of the State. Licensed premises in safe night precincts that are not prescribed 3am safe night precincts will not be required to implement a lock out.

Alternative ways of achieving policy objectives

Legislative amendment is the only option available to implement the changes to liquor trading hours and lock outs.

Estimated cost for government implementation

Nil.

Consistency with fundamental legislative principles

Clause 18 of the Bill amends the Liquor Act to wind back available liquor trading hours for licensed premises located in safe night precincts that are not prescribed 3am safe night precincts on 1 February 2017, from 3am to 2am. As some licensed premises will have an existing extended liquor trading hours approval to serve liquor until 3am, this wind back of hours will entail the removal of an existing right. This may breach section 4(2)(a) of the *Legislative Standards Act 1992*, as it affects the rights and liberties of individuals.

This potential breach is considered justifiable on the grounds of public interest, due to the potential harm-minimisation benefits of limiting late-night liquor trading, particularly in areas that do not have the full range of initiatives in place to address potential problems. Significant reductions in alcohol-related harm have been experienced following reductions in liquor trading hours in Newcastle, Kings Cross and the Sydney CBD Entertainment Precinct, and reflect research indicating there is an average 20% decrease in assaults for every one hour reduction in liquor trading hours.

Consultation

No specific consultation has been undertaken in relation to the amendments.

Consistency with legislation of other jurisdictions

Not applicable.

Notes on provisions

Clause 1 amends clause 2 of the Bill, to change the commencement of certain provisions in the Bill. These amendments are required to facilitate the staged introduction of changes to liquor trading hours and lock outs, notably that 1am lock outs in 3am safe night precincts will not commence until 1 February 2017.

Clause 2 amends clause 18 of the Bill, to omit the definition of *trading period* from 1 July 2016. The definition of trading period includes a reference to the current statutory State-wide 3am lock out provisions contained in Part 5, Division 5, which are being removed from the Liquor Act.

Clause 3 amends clause 18 of the Bill, to insert a new definition of *trading period* from 1 July 2016. This insertion is required to ensure that *trading period* is still defined for the purposes of Part 5, Division 6 of the Liquor Act (Certain provisions about condition of licences for Brisbane City Council area).

Clause 4 amends clause 18 of the Bill, to insert a new definition of *trading period* from 1 February 2017. This is required as part of the insertion of new provisions to impose a 1am lock out in 3am safe night precincts from 1 February 2017.

Clause 5 amends clause 29 of the Bill to provide that, between 1 July 2016 and 31 January 2017, only a licensed premises located in a safe night precinct can apply for regular extended liquor trading hours between 12am and 3am.

Clause 6 amends clause 29 of the Bill to provide that, on and after 1 February 2017, only a licensed premises located in a 3am safe night precinct can apply for regular extended liquor trading hours between 12am and 3am.

Clause 7 amends clause 34 of the Bill, to omit an example provided in section 107C(2) of the Liquor Act on 1 July 2016. This example relates to the current statutory State-wide 3am lock out provisions, which are being removed from the Liquor Act.

Clause 7 also amends clause 34 of the Bill to insert a new example into section 107C(2) on 1 February 2017. This example refers to one of the new provisions being inserted to impose a 1am lock out in 3am safe night precincts from 1 February 2017.

Clause 8 inserts a new section 37A, to omit the current statutory State-wide 3am lock out provisions, contained in Part 5, Division 5 of the Liquor Act, from 1 July 2016. No statutory lock out will apply between 1 July 2016 and 1 February 2017.

Clause 9 amends clause 38 of the Bill, to insert the new statutory 1am lock out on 1 February 2017.

Clause 10 amends clause 48 of the Bill to provide that, between 1 July 2016 and 31 January 2017, a corporate licensee or permittee located in a safe night precinct is required to take reasonable steps to ensure an approved manager is present during approved extended liquor trading hours between 12am and 3am.

Clause 11 amends clause 48 of the Bill to provide that, on or after 1 February 2017, a corporate licensee or permittee located in a 3am safe night precinct is required to take reasonable steps

to ensure an approved manager is present during approved extended liquor trading hours between 12am and 3am.

Clause 12 amends clause 48 of the Bill to provide that, between 1 July 2016 and 31 January 2017, an individual licensee or permittee located in a safe night precinct is required to be present, or take reasonable steps to ensure an approved manager is present, during approved extended liquor trading hours between 12am and 3am.

Clause 13 amends clause 48 of the Bill to provide that, on or after 1 February 2017, an individual licensee or permittee located in a 3am safe night precinct is required to be present, or take reasonable steps to ensure an approved manager is present during approved extended liquor trading hours between 12am and 3am.

Clause 14 inserts a new clause 52A into the Bill. Clause 52A amends section 165A(1)(e) of the Liquor Act on 1 July 2016, to remove references the current statutory State-wide 3am lock out in Part 5, Division 5 of the Liquor Act.

Clause 52A also amends section 165A(1)(e) of the Liquor Act on 1 February 2017, to insert an example to clarify that entry to a venue may be refused if patrons try to enter the venue after the 1am lock out.

Clause 15 amends clause 62 of the Bill, to provide that subsection (2) of new section 336 (being extended liquor trading hours able to be granted by the Commissioner) applies (see clause 16 below) if an application for extended liquor trading hours, that includes hours between 2am and 5am, has been made but not decided before 1 July 2016.

Clause 16 amends clause 62 of the Bill to provide that, prior to 1 February 2017, the Commissioner may only grant extended liquor trading hours between 12am and 3am for premises located in safe night precincts.

Clause 16 also amends clause 62 to provide that, where an application for extended liquor trading hours, that includes liquor trading hours between 2am and 5am, has been made but not decided before 1 February 2017, the Commissioner may only grant extended liquor trading hours between 12am and 3am for premises located in 3am safe night precincts.

Clause 17 amends clause 62 of the Bill, to provide that subsection (2) of new section 337 (being the effect of extended liquor trading hours approvals) applies (see clause 18 below) if an extended liquor trading hours approval that included liquor trading hours between 2am and 5am was in effect immediately before 1 July 2016.

Clause 18 amends clause 62 of the Bill to provide that, between 1 July 2016 and 31 January 2017, an extended liquor trading hours approval only has effect between 12am and 3am if the premises is located in a safe night precinct.

Clause 18 also amends clause 62 to provide that, from 1 February 2017, an extended liquor trading hours approval only has effect between 12am and 3am if the premises is located in a 3am safe night precinct.

Clause 19 amends clause 62 of the Bill to provide that, where an undecided court or tribunal proceeding relates to an extended liquor trading hours approval, any decision made before

1 February 2017 only has effect to the extent it authorises liquor trading between 12am and 3am in a safe night precinct, or 12am and 2am outside a safe night precinct.

Clause 19 also amends clause 62 of the Bill to provide that, where an undecided court proceeding relates to an extended liquor trading hours approval, any decision made on or after 1 February 2017 only has effect to the extent it authorises liquor trading between 12am and 3am in a 3am safe night precinct, or 12am and 2am outside a 3am safe night precinct.

Clause 20 amends clause 62 of the Bill, to correct the heading of section 341 to refer to “previous” section 153A.