

**LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE**  
**REPORT NO. 70 ON THE SAFE NIGHT OUT LEGISLATION AMENDMENT BILL 2014**  
**QUEENSLAND GOVERNMENT RESPONSE**

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**INTRODUCTION**

On 6 June 2014, the Safe Night Out Legislation Amendment Bill 2014 (the Bill) was introduced into the Parliament.

The Bill was subsequently referred to the Legal Affairs and Community Safety Committee (the Committee). On 18 August 2014, the Committee tabled its report in relation to the Bill.

The Queensland Government response to the Committee's recommendations and points of clarification is provided below.

**RESPONSE TO RECOMMENDATIONS:**

**Recommendation 1**

The Committee recommends the Safe Night Out Legislation Amendment Bill 2014 be passed.

**Queensland Government response**

The Queensland Government thanks the Committee for its timely consideration of the Bill and appreciates the Committee's recommendation that the Bill be passed.

**Point of Clarification**

The Committee requests the Premier clarify how many health professionals are intended to be on duty in Sober Safe Centres at any one time.

**Queensland Government response**

The Queensland Government notes the proposal for the 12 month trial for the Sober Safe Centre included the engagement of two health care professionals to be on duty in the Centre. It is intended that when the Sober Safe Centre is in operation, two appropriately trained and qualified health care professionals will be on duty to assess and monitor intoxicated persons.

**Recommendation 2**

The Committee recommends the Premier confirm in his second reading speech (a) that the evaluation framework for the trial will be developed prior to the commencement of the trial and

(b) that the results of the evaluation will be provided to the Legislative Assembly for further consideration.

#### **Queensland Government response**

The Queensland Government supports this recommendation. The framework for the evaluation of the Strategy is currently being developed and will be finalised in the last quarter of 2014 in an effort to accommodate the differing implementation dates for initiatives in the Strategy and to ensure that it reflects the final practical design of each relevant element of the Strategy. The results of the evaluation will also be provided to the Legislative Assembly for further consideration at an appropriate time.

#### **Point of Clarification**

The Committee requests the Premier clarify for the benefit of the Legislative Assembly how the provisions relating to Drug and Alcohol Assessment and Referral courses will operate for people in rural and remote communities given the mandatory nature of the bail condition and the difficulties such persons may have in complying with the condition of bail.

#### **Queensland Government response**

The Queensland Government notes that a defendant who lives in a rural or remote location and whose grant of bail includes the mandatory condition that they complete a Drug and Alcohol Assessment and Referral (DAAR) course, will be able to do so through the utilisation of a range of communication facilities that enables them to engage with the approved DAAR course provider.

The Bill does not prescribe the means by which a defendant must complete the DAAR course. Completion of the DAAR course may be done face-to-face or via video conferencing, or through other online options, such as via Skype technology. Further, the Bill does not require the defendant to complete the DAAR course at the location where they have been charged with the prescribed offence or where it is alleged that the offence was committed.

The Bill adopts a flexible approach to the implementation of this new mandatory bail condition so as to facilitate the delivery of DAAR courses State-wide.

#### **Point of Clarification**

The Committee requests the Premier clarify how the ID scanning policy will operate for Hotels within a Safe Night Precinct and confirm the process for seeking an exemption from, or apply for individual conditions so as not to be subjected to, the ID scanning requirements.

#### **Queensland Government response**



Proposed amendments to the Bill will exempt certain persons from the requirement to present their ID for scanning before entering a regulated premises. It is proposed that the exemption will apply to:

- persons attending a function within a regulated premises;
- persons wishing to have a meal in an area ordinarily set aside and used for dining in a regulated premises;
- exempt minors as currently defined under the *Liquor Act 1992*; and
- temporary and permanent residents of a regulated premises.

In this regard, the Committee's example of a hotel that has a piano bar in its lobby area will not be required to scan the IDs of persons who intend to occupy a hotel room only and not engage in the consumption of alcohol; neither will a hotel with 24 hour mini-bar facilities be required to scan the IDs of temporary or permanent residents who check-in after hours during the mandatory ID scanning period.

Apart from these proposed exemptions, the ID scanning requirements will not apply to certain classes of licensed premises exempted by regulation, for example those licensed premises considered low risk, unless a premises within the class is otherwise conditioned by the commissioner.

The Government recognises the importance of ensuring that the legislation is sufficiently flexible to cater for the range of different types of premises and operating circumstances that may arise, and the need to avoid unintended consequences and ensure that the ID scanning requirements do not apply to low risk licensed premises or other areas of a licensed premises considered low risk. It is therefore proposed to amend the Bill to specifically provide a power for the commissioner to remove, by condition, the obligation of an individual regulated premises to scan the IDs of patrons entirely or to scan the IDs of certain patrons attending certain parts of the regulated premises considered low risk. For example, it is intended that the proposed power will allow the commissioner to remove, by condition, the obligation of a five star hotel to scan the IDs of patrons visiting its boutique foyer bar.

### **Recommendation 3**

The Committee recommends the Bill and/or appropriate regulation be amended to:

- a) ensure ID scanning must commence for regulated premises no later than 10pm;
- b) enable flexibility for individual regulated premises to commence ID scanning at an earlier time if they wish; and
- c) empower local board associations to set a compulsory earlier commencement time for ID scanning for all regulated premises within their precinct, from time to time, to assist with maintenance of safety and security at specific events.

### **Queensland Government response**

It is proposed to amend the standard regulated hours during which a regulated premises is required to scan IDs to the period during which the licensed premises are open for business between 10pm and 5am (for those regulated premises that are licensed to trade after midnight). The commissioner will maintain the ability to condition alternative regulated hours on a licence where circumstances warrant an earlier or later start or finish time for ID scanning.

The Bill does not prohibit an individual regulated premises from commencing ID scanning earlier than the proposed 10pm time. It is only intended that regulated premises must commence ID scanning no later than 10pm.

The Bill also does not prohibit local board associations from facilitating a consistent earlier commencement time for ID scanning for their members who are regulated premises. To this end, it is acknowledged that local boards can reach an agreement with their members as to whether ID scanning should commence earlier than the proposed standard commencement time of 10pm. However, given the co-operative nature of the boards and the Government's intention that safe night precincts be managed in a mutually collaborative way, it is considered that it would not be appropriate to formally and directly empower the boards to compel regulated premises within their precinct to commence ID scanning at an earlier time.

#### **Point of Clarification**

The Committee requests the Premier clarify the correct reference in section 602W(1) and make appropriate amendments to the Bill, if necessary.

#### **Queensland Government response**

In clause 118 of the Bill, the cross-reference in section 602W(1) to section 602T is an error and should be a cross-reference to section 602U of the *Police Powers and Responsibilities Act 2000*. An amendment will be moved during the consideration in detail of the Bill to correct the cross referencing error.