



Queensland

# Safe Night Out Legislation Amendment Regulation (No. 1) 2014

## Subordinate Legislation 2014 No. 225

made under the

*Liquor Act 1992*

*Police Powers and Responsibilities Act 2000*

*Queensland Civil and Administrative Tribunal Act 2009*

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[s 1]

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Safe Night Out Legislation Amendment Regulation (No. 1) 2014*.

### **2 Commencement**

This regulation commences on 1 October 2014.

## **Part 2 Amendment of Liquor Regulation 2002**

### **3 Regulation amended**

This part amends the *Liquor Regulation 2002*.

### **4 Amendment of s 3 (Definitions)**

Section 3, '15'—

*omit, insert—*

19

### **5 Omission of pts 1A and 1B**

Parts 1A and 1B—

*omit.*

### **6 Insertion of new pt 1A**

After section 3—

*insert—*



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## Part 1A Safe night precincts

### 3A Exempt classes of licensees—Act, s 173NB(2)

For section 173NB(2) of the Act, the holders of each of the following are prescribed as an exempt class of licensees—

- (a) a commercial hotel licence if the only part of the licensed premises located in the safe night precinct is a detached bottle shop;
- (b) a community other licence;
- (c) a producer/wholesaler licence;
- (d) a subsidiary off-premises licence;
- (e) a subsidiary on-premises licence if—
  - (i) the licensed premises are a boat that is used mainly for the commercial carriage of passengers; or
  - (ii) the licensed premises are used mainly as a cinema; or
  - (iii) both of the following apply—
    - (A) the principal activity of the business conducted under the licence is the provision of meals prepared and served to be eaten on the licensed premises, the provision of prepared food to be eaten on the licensed premises, or the provision of accommodation;
    - (B) the licensee does not have approval to sell liquor at the licensed premises after 12 midnight on a regular basis.

[s 6]

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### **3B Safe night precincts—Act, s 173NC(1)**

- (1) For section 173NC(1) of the Act, each of the following is prescribed as a safe night precinct—
  - (a) the area marked as a safe night precinct on the map of the Airlie Beach CBD in schedule 2 (the *Airlie Beach CBD safe night precinct*);
  - (b) the area marked as a safe night precinct on the map of the Brisbane CBD in schedule 3 (the *Brisbane CBD safe night precinct*);
  - (c) the area marked as a safe night precinct on the map of the Broadbeach CBD in schedule 4 (the *Broadbeach CBD safe night precinct*);
  - (d) the area marked as a safe night precinct on the map of the Bundaberg CBD in schedule 5 (the *Bundaberg CBD safe night precinct*);
  - (e) the area marked as a safe night precinct on the map of the Cairns CBD in schedule 6 (the *Cairns CBD safe night precinct*);
  - (f) the area marked as a safe night precinct on the map of Fortitude Valley in schedule 7 (the *Fortitude Valley safe night precinct*);
  - (g) the area marked as a safe night precinct on the map of the Gladstone CBD in schedule 8 (the *Gladstone CBD safe night precinct*);
  - (h) the area marked as a safe night precinct on the map of inner west Brisbane in schedule 9 (the *Inner West Brisbane safe night precinct*);
  - (i) the area marked as a safe night precinct on the map of the Ipswich CBD in schedule 10 (the *Ipswich CBD safe night precinct*);

- 
- (j) the area marked as a safe night precinct on the map of the Mackay CBD in schedule 11 (the *Mackay CBD safe night precinct*);
  - (k) the area marked as a safe night precinct on the map of the Rockhampton CBD in schedule 12 (the *Rockhampton CBD safe night precinct*);
  - (l) the areas marked as a safe night precinct on the map of Maroochydore in schedule 13, part 1 and the map of Mooloolaba in schedule 13, part 2 (together the *Sunshine Coast safe night precinct*);
  - (m) the area marked as a safe night precinct on the map of the Surfers Paradise CBD in schedule 14 (the *Surfers Paradise CBD safe night precinct*);
  - (n) the area marked as a safe night precinct on the map of the Toowoomba CBD in schedule 15 (the *Toowoomba CBD safe night precinct*);
  - (o) the area marked as a safe night precinct on the map of the Townsville CBD in schedule 16 (the *Townsville CBD safe night precinct*).

*Editor's note—*

Copies of the maps mentioned in subsection (1) can be accessed on the Queensland Government website at <[www.business.qld.gov.au/industry/liquor-gaming/safe-night-out-strategy/safe-night-precincts](http://www.business.qld.gov.au/industry/liquor-gaming/safe-night-out-strategy/safe-night-precincts)>.

- (2) If the boundary of a safe night precinct on a map in a schedule mentioned in subsection (1) is shown to run along a road casement, the following apply—
  - (a) if the road casement is inside the boundary of the safe night precinct—any footpath forming part of the road casement is also

[s 6]

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inside the boundary of the safe night precinct;

- (b) if the road casement is outside the boundary of the safe night precinct—any footpath forming part of the road casement is also outside the boundary of the safe night precinct.
- (3) Also, subsections (4) and (5) apply if the boundary of a safe night precinct on a map in a schedule mentioned in subsection (1) is shown to end—
  - (a) in, or at the edge of, a waterway; or
  - (b) in an ocean; or
  - (c) on a beach.
- (4) The boundary of the safe night precinct is taken to be the low-water mark, during ordinary spring tides, at the location mentioned in subsection (3).
- (5) If part of a relevant public structure is built on or over water that is inside the boundary of a safe night precinct, the entire structure is taken to be inside the boundary of the precinct, regardless of the structure's position in relation to the low-water mark.
- (6) In this section—

***boundary***, of a safe night precinct, includes part of the boundary of the precinct.

***footpath*** means an area open to the public that is designated for, or has as 1 of its main uses, use by pedestrians.

***relevant public structure*** means a structure that may be used by the public in connection with a waterway or ocean, but does not include a bridge.

*Examples of a relevant public structure—*

ferry terminal, jetty, walkway

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### **3C Local boards—Act, s 173NC(2)**

For section 173NC(2) of the Act, each incorporated association mentioned in column 1 of schedule 17 is prescribed to be the local board for the safe night precinct mentioned in column 2 of the schedule opposite the incorporated association.

### **3D Name of local board**

- (1) The name of a local board for a safe night precinct—
  - (a) must include—
    - (i) the words ‘safe night’ and ‘precinct’; and
    - (ii) a reference to the area of the safe night precinct for which the board is prescribed; and
  - (b) must not include words suggesting the local board has a purpose other than as the local board for the safe night precinct.
- (2) However, the name of a local board need not include the words ‘local board’.

*Example of a name of a local board—*

Safe Night Sunshine Coast Precinct Inc

*Note—*

See the *Associations Incorporation Act 1981*, part 4 for other provisions that apply in relation to the name of a local board.

### **3E Prescribed rules—Act, s 173NQ(1)**

For section 173NQ(1) of the Act, the rules stated in schedule 18 are prescribed as rules for a local board for a safe night precinct.

[s 7]

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**7 Amendment of s 37C (Number of crowd controllers—Act, s 142AG)**

Section 37C, ‘142AG(a)’—

*omit, insert—*

142AG(2)(b)

**8 Amendment of s 37D (Minimum requirements for closed-circuit television equipment—Act, s 142AH)**

(1) Section 37D, heading, ‘142AH’—

*omit, insert—*

**142AH(c)(i)**

(2) Section 37D—

*insert—*

- (c) the equipment must be able to store each recording made by it for at least 28 days; and
- (d) the equipment, or a device (a *related device*) used at the licensed premises for storing recordings made by the equipment, must be able to store each recording made by the equipment for at least 1 year; and
- (e) the equipment and any related device must be able to produce a digital copy of each recording stored on the equipment or device.

**9 Insertion of new ss 37DA and 37DB**

After section 37D—

*insert—*

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**37DA Requirements for maintaining closed-circuit television equipment—Act, s 142AH(ca)**

- (1) This section prescribes the requirements for maintaining closed-circuit television equipment for section 142AH(ca) of the Act.
- (2) On each day the licensed premises are open for the conduct of business—
  - (a) the equipment must be checked, before trading commences, to ensure the equipment is operating effectively; and
  - (b) the following details must be recorded—
    - (i) the date and time the equipment was checked;
    - (ii) the name of the person who checked the equipment;
    - (iii) whether the equipment was operating effectively.
- (3) If the equipment is not operating effectively when it is checked, or if it otherwise malfunctions—
  - (a) arrangements to repair the equipment must be made within 48 hours of when the malfunction is identified; and
  - (b) the following details must be recorded—
    - (i) the date and time the malfunction of the equipment was identified;
    - (ii) the name of the person who identified the malfunction;
    - (iii) the arrangements made to repair the equipment, including—
      - (A) the date and time the arrangements were made; and

[s 9]

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- (B) the name of the person who made the arrangements; and
  - (C) the nature of the arrangements made to repair the equipment; and
  - (D) the date the equipment is repaired.
- (4) Also, at least every 6 months—
  - (a) the equipment and any related device must be checked and certified by an appropriately qualified person; and
  - (b) the certification must be recorded in a register.
- (5) The certification must state—
  - (a) that the equipment and any related device are in good working order; and
  - (b) without limiting paragraph (a), that—
    - (i) the equipment is able to record images clearly; and
    - (ii) the equipment is able to store each recording made by it for at least 28 days; and
    - (iii) either the equipment or a related device is able to store each recording made by the equipment for at least 1 year; and
    - (iv) the equipment and any related device is able to produce a digital copy of each recording stored on the equipment or device.
- (6) The following must be stored in a secure place at the premises—
  - (a) details recorded under subsection (2)(b) or (3)(b);
  - (b) the register mentioned in subsection (4)(b).



- (7) In this section—  
*related device* see section 37D(d).

**37DB Requirements for storing recordings made by closed-circuit television equipment—Act, s 142AH(f)**

- (1) This section prescribes the requirements for storing a recording made by closed-circuit television equipment for section 142AH(f) of the Act.
- (2) The secure place in which each recording is stored must be a place that only the licensee or a person authorised by the licensee is able to access.

**10 Amendment of s 40 (Prescription of limits for noise that if exceeded constitute unreasonable noise)**

Section 40, '187(5)'—

*omit, insert*—

4

**11 Replacement of s 41 (Acceptable and unacceptable practices and promotions for the service, supply and promotion of liquor—Act, s 148A)**

Section 41—

*omit, insert*—

**41 Unacceptable practices and promotions—Act, s 142ZZ(2)(g)**

For section 142ZZ(2)(g) of the Act, the practice of serving or supplying liquor to a patron while holding the patron's financial institution access card or other property pending payment for the liquor, in a way that discourages the patron from monitoring or controlling the patron's purchase of liquor, is prescribed.

[s 12]

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## **12 Amendment of sch 15 (Dictionary)**

### (1) Schedule 15—

*insert—*

*Airlie Beach CBD safe night precinct* see section 3B(1)(a).

*Brisbane CBD safe night precinct* see section 3B(1)(b).

*Broadbeach CBD safe night precinct* see section 3B(1)(c).

*Bundaberg CBD safe night precinct* see section 3B(1)(d).

*Cairns CBD safe night precinct* see section 3B(1)(e).

*Fortitude Valley safe night precinct* see section 3B(1)(f).

*Gladstone CBD safe night precinct* see section 3B(1)(g).

*Inner West Brisbane safe night precinct* see section 3B(1)(h).

*Ipswich CBD safe night precinct* see section 3B(1)(i).

*Mackay CBD safe night precinct* see section 3B(1)(j).

*Rockhampton CBD safe night precinct* see section 3B(1)(k).

*Sunshine Coast safe night precinct* see section 3B(1)(l).

*Surfers Paradise CBD safe night precinct* see section 3B(1)(m).

*Toowoomba CBD safe night precinct* see section 3B(1)(n).

***Townsville CBD safe night precinct*** see section 3B(1)(o).

(2) Schedule 15, definition *relevant schedule*, ‘15’—  
*omit, insert—*

19

(3) Schedule 15—  
*renumber* as schedule 19.

**13 Omission of schs 2–14**

Schedules 2 to 14—

*omit.*

**14 Insertion of new schs 2–18**

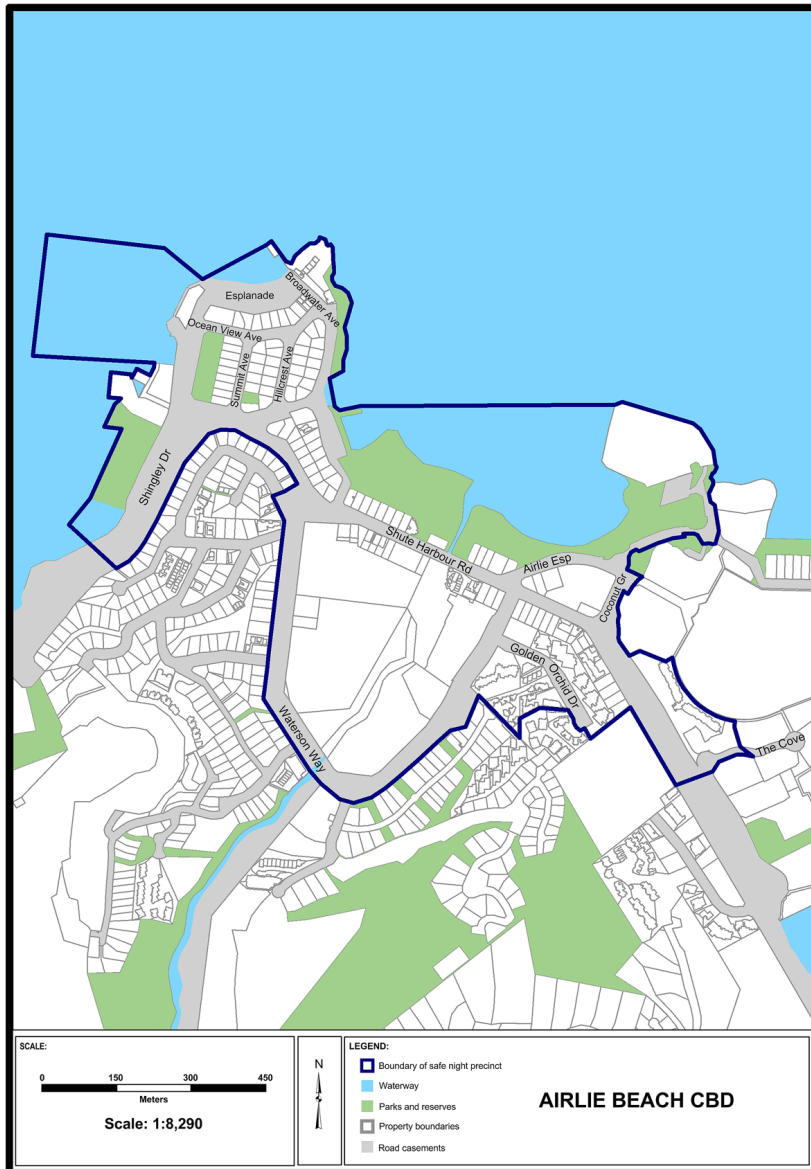
After schedule 1S—

*insert—*

[s 14]

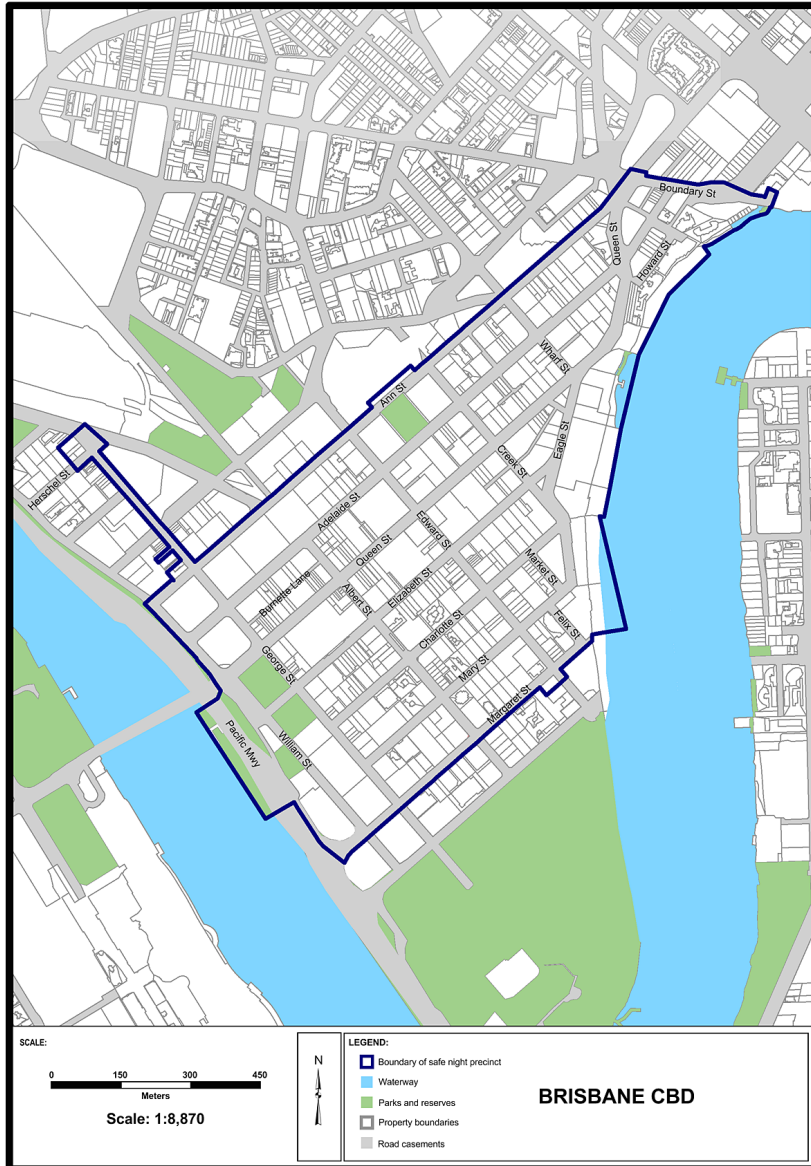
## Schedule 2      Airlie Beach CBD safe night precinct

section 3B(1)(a)



# Schedule 3 Brisbane CBD safe night precinct

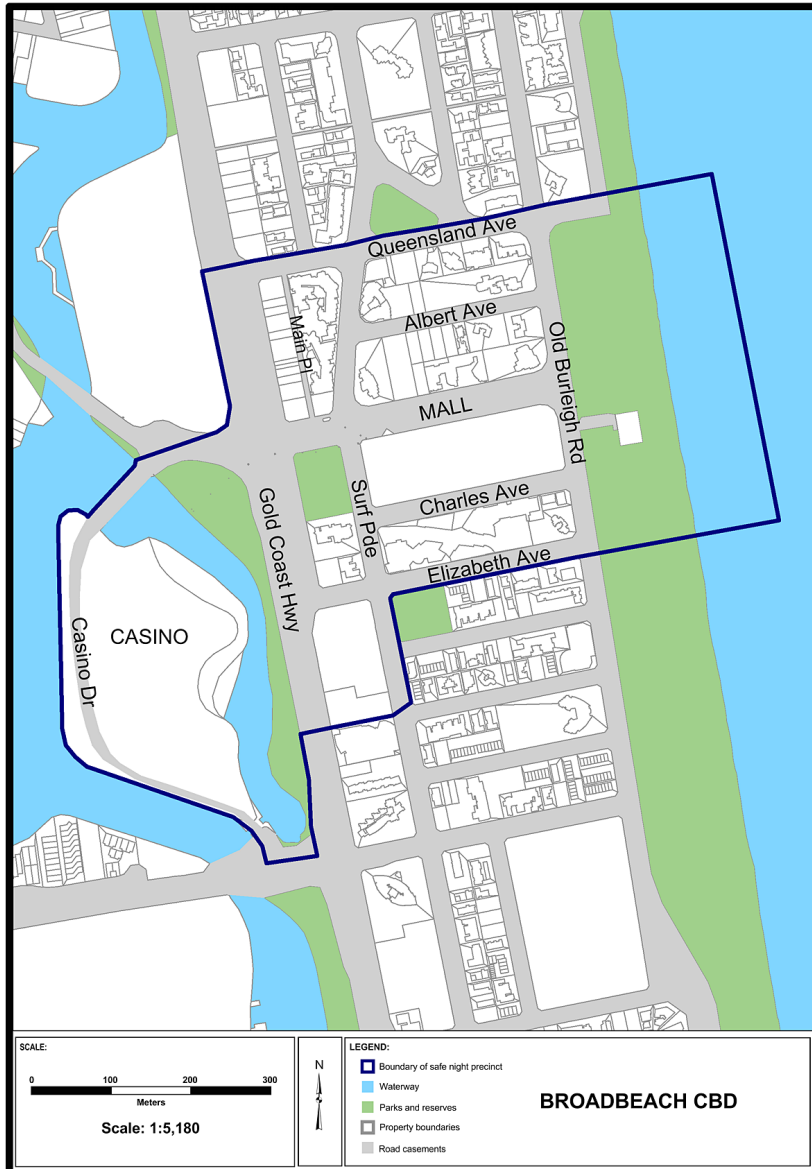
section 3B(1)(b)



[s 14]

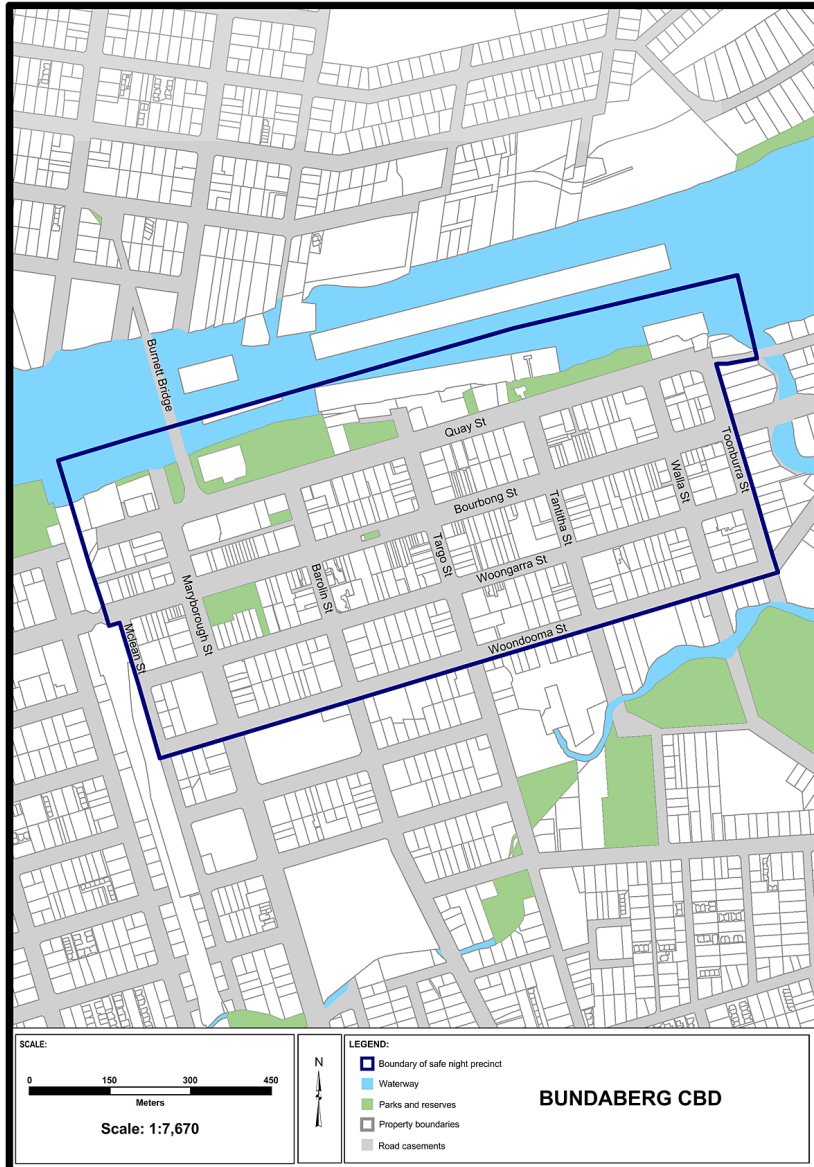
# Schedule 4 Broadbeach CBD safe night precinct

section 3B(1)(c)



# Schedule 5 Bundaberg CBD safe night precinct

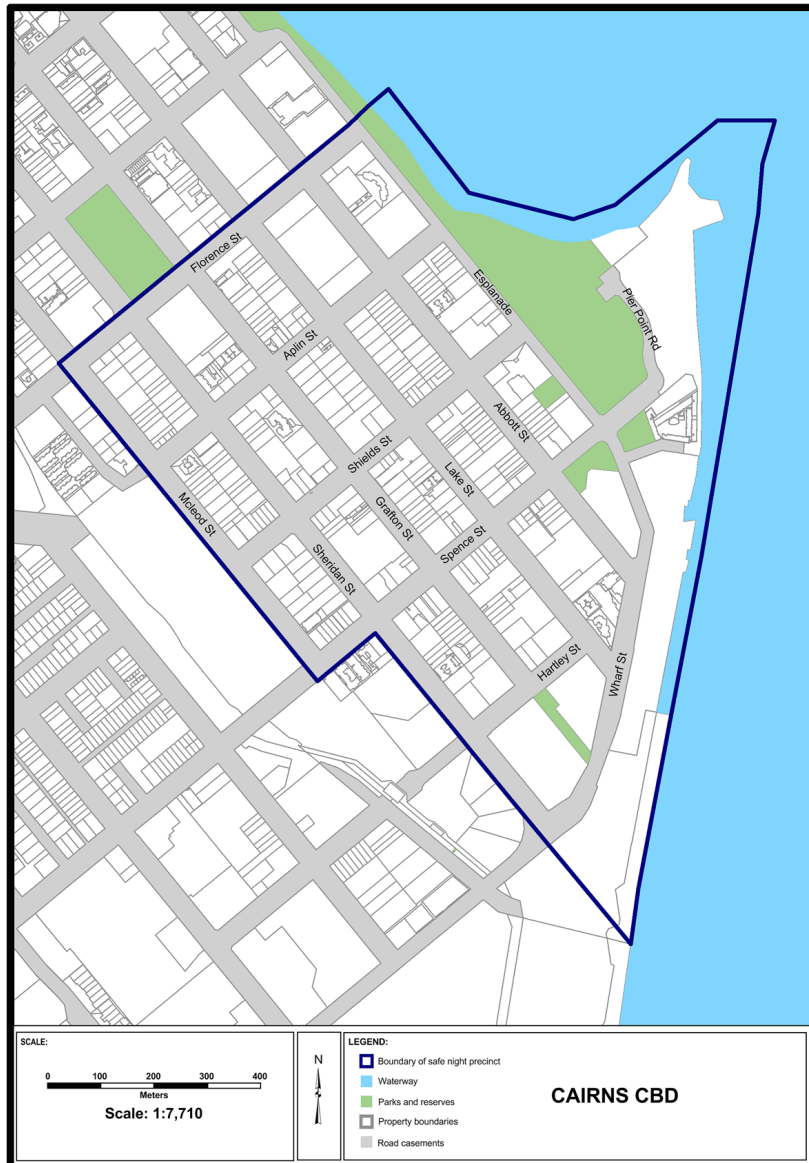
section 3B(1)(d)



[s 14]

## Schedule 6 Cairns CBD safe night precinct

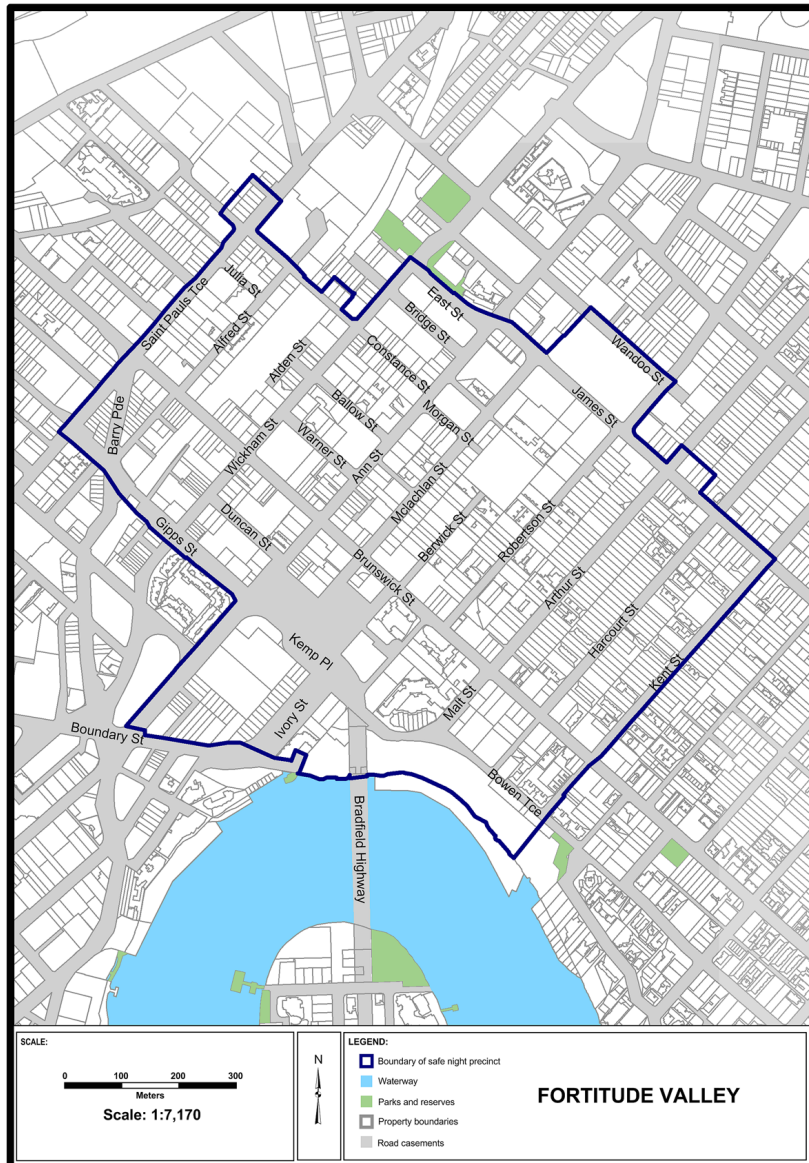
section 3B(1)(e)





# Schedule 7 Fortitude Valley safe night precinct

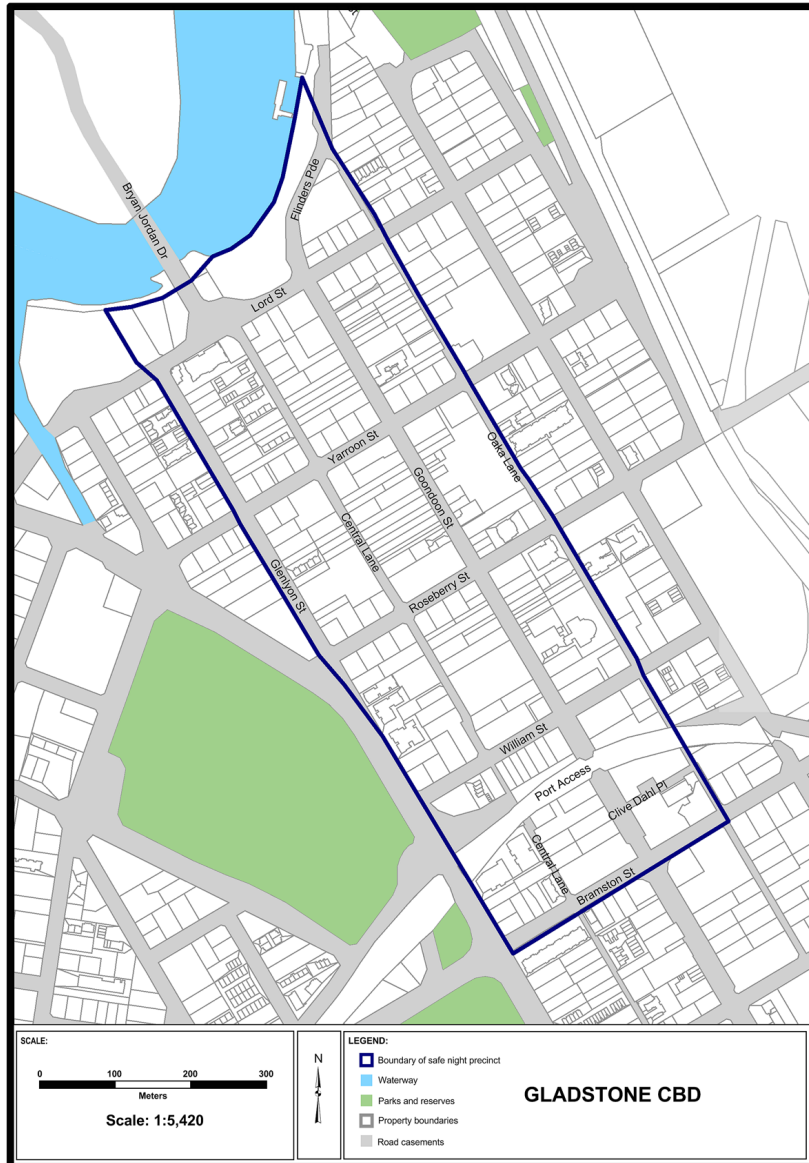
section 3B(1)(f)



[s 14]

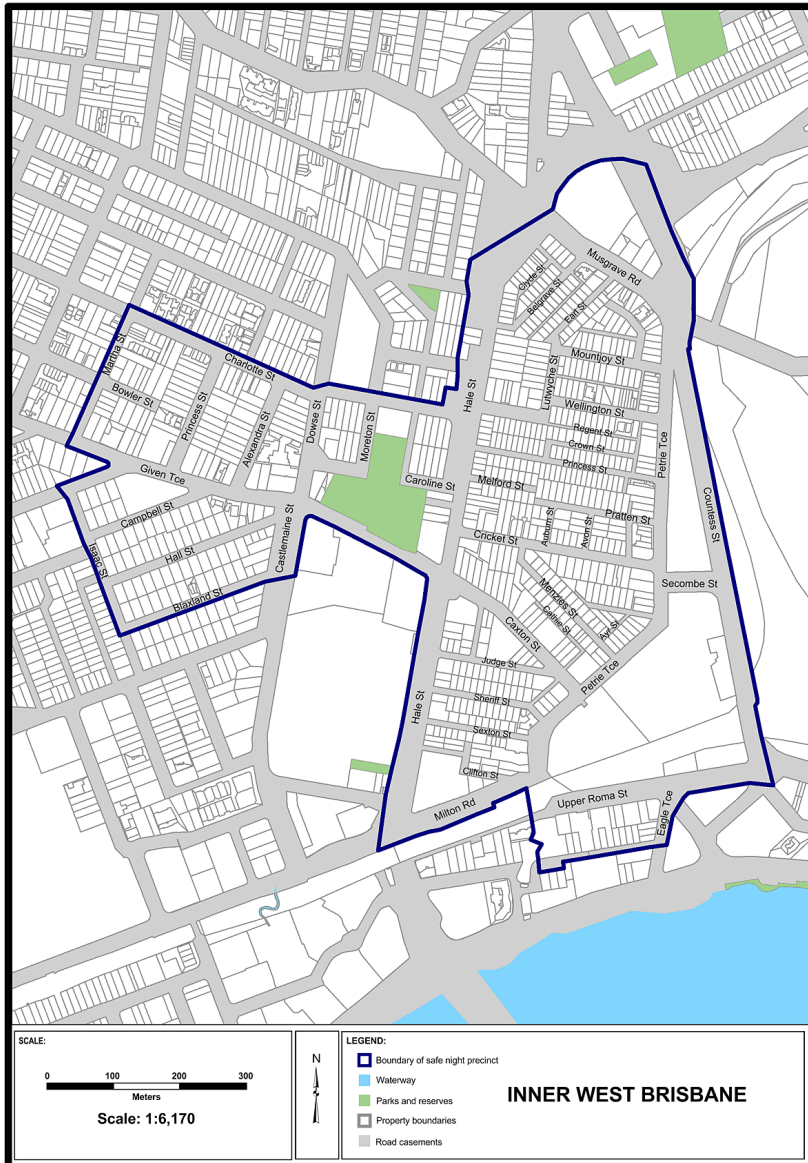
## Schedule 8 Gladstone CBD safe night precinct

section 3B(1)(g)



# Schedule 9 Inner West Brisbane safe night precinct

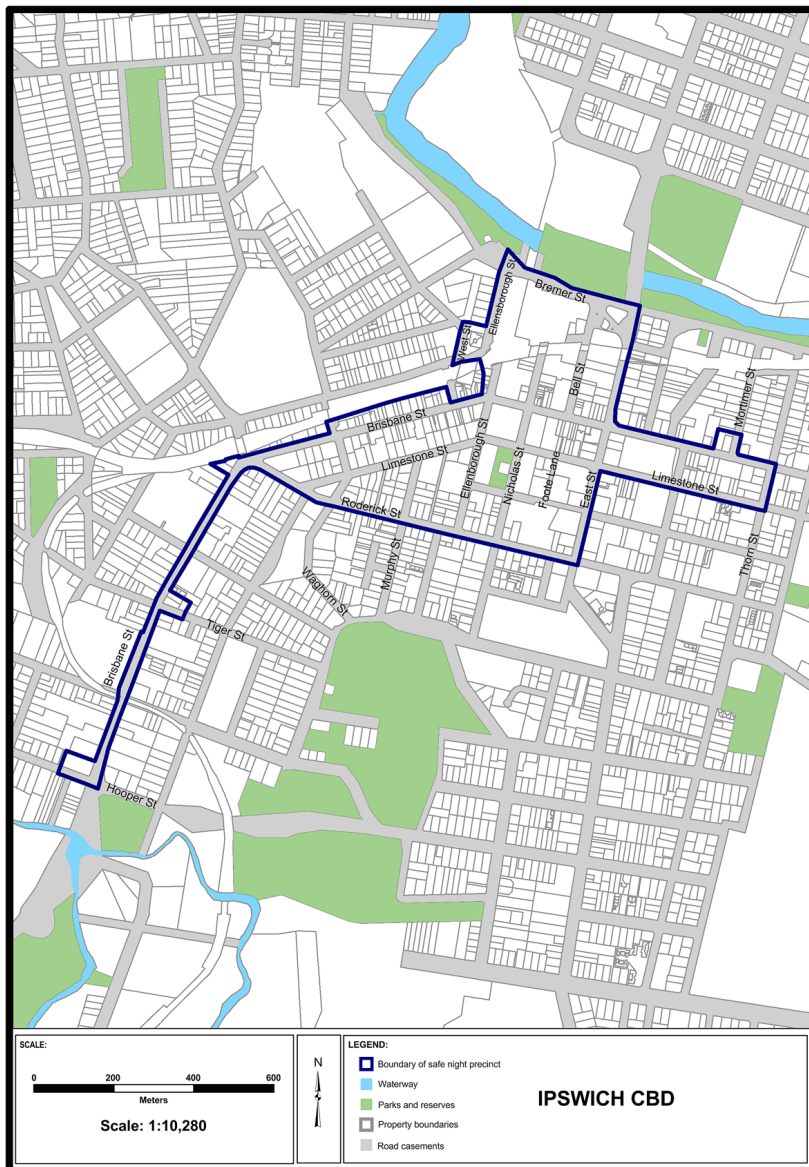
section 3B(1)(h)



[s 14]

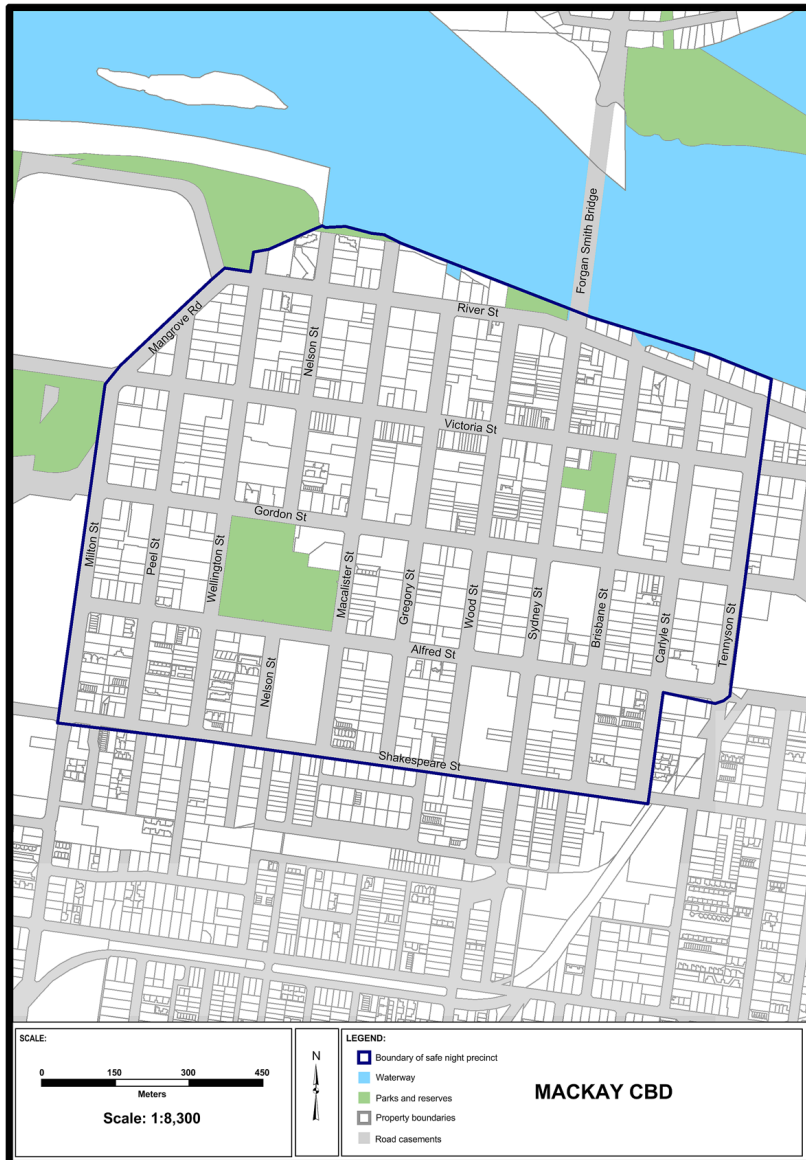
## Schedule 10 Ipswich CBD safe night precinct

section 3B(1)(i)



# Schedule 11 Mackay CBD safe night precinct

section 3B(1)(j)

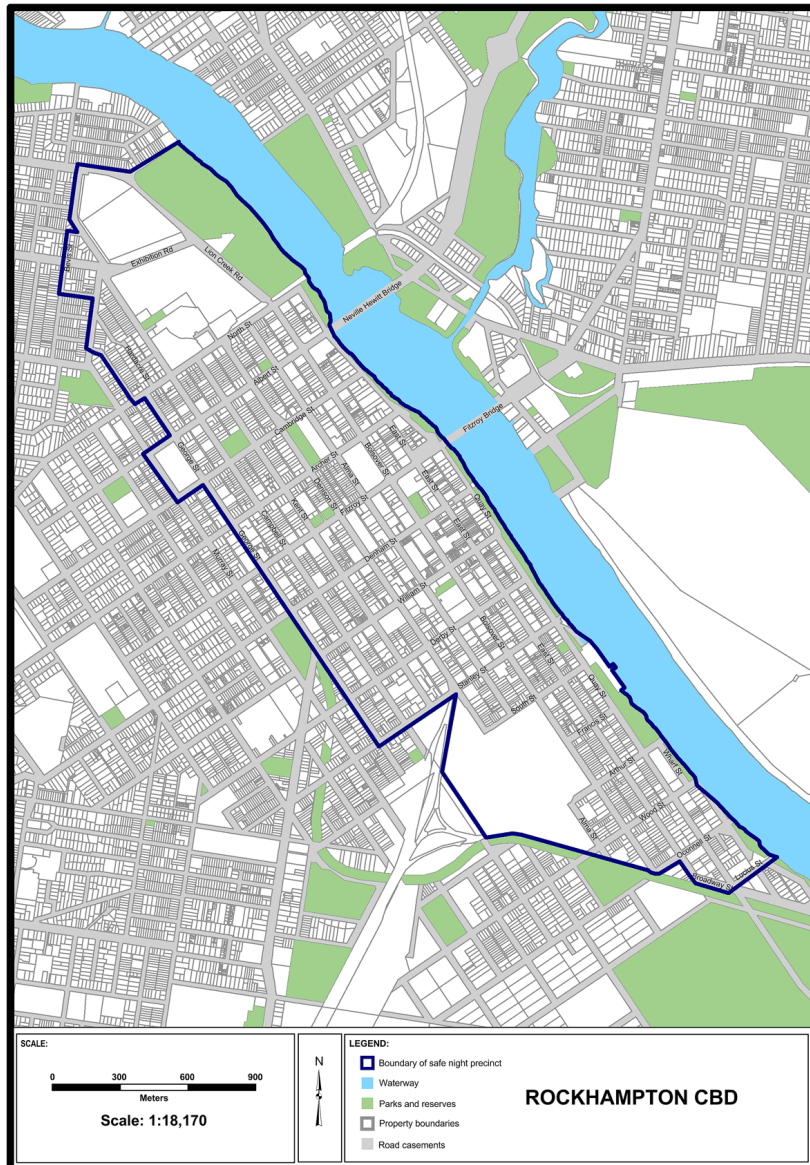




[s 14]

## Schedule 12 Rockhampton CBD safe night precinct

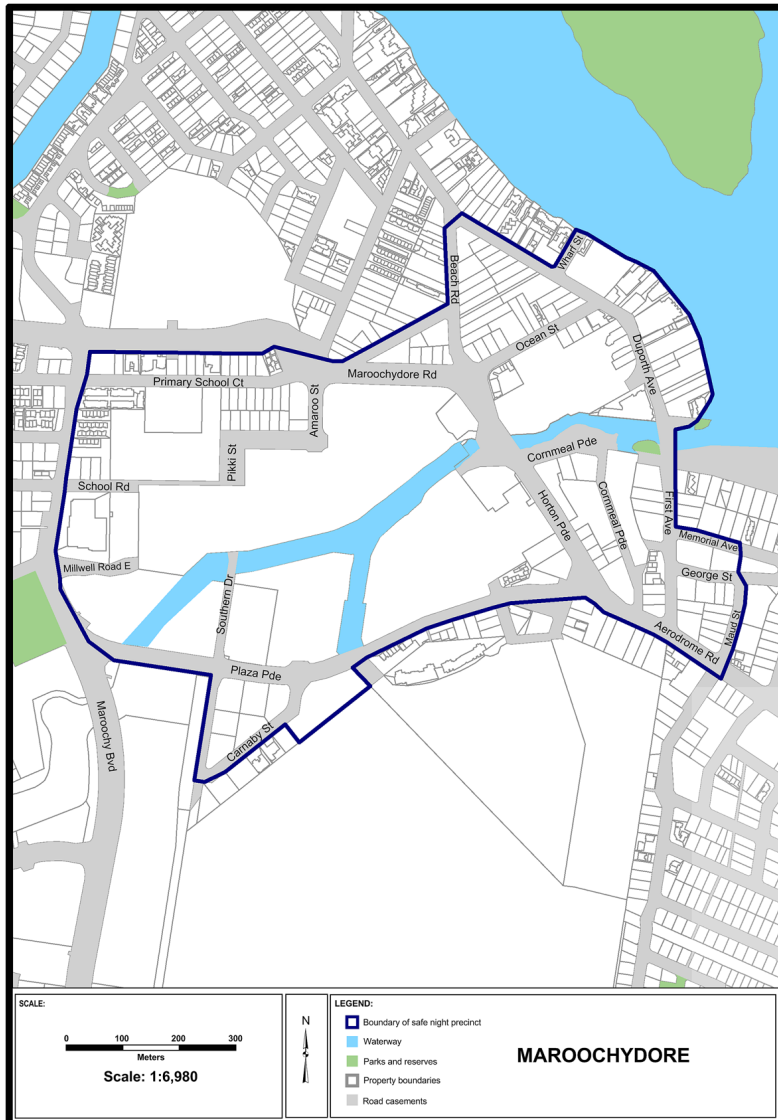
section 3B(1)(k)



# Schedule 13 Sunshine Coast safe night precinct

section 3B(1)(l)

## Part 1



[s 14]

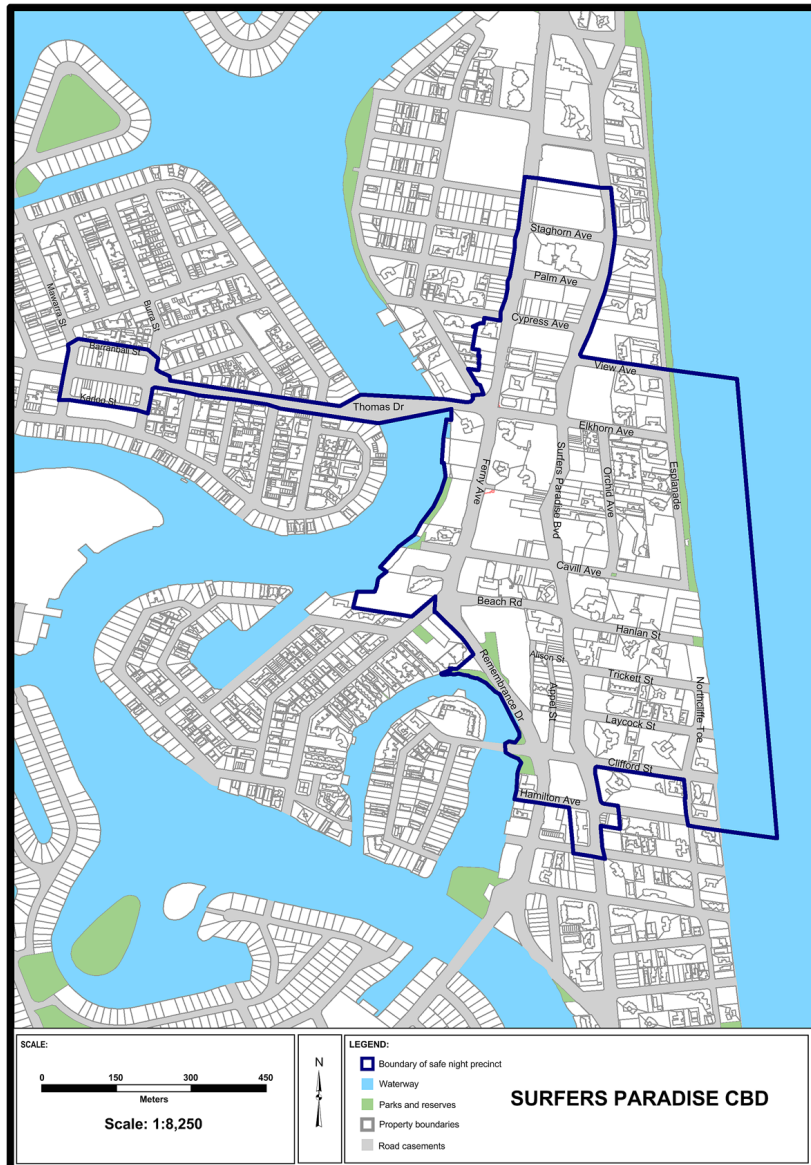
## Part 2





# Schedule 14 Surfers Paradise CBD safe night precinct

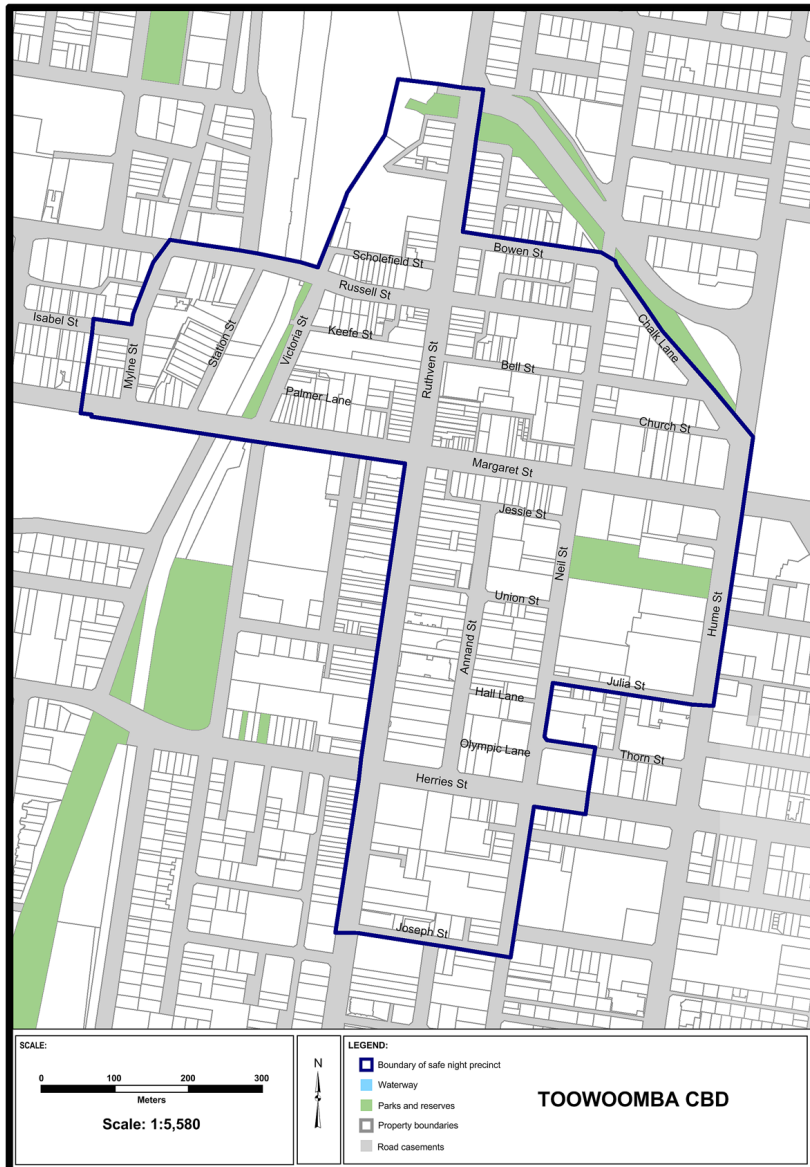
section 3B(1)(m)



[s 14]

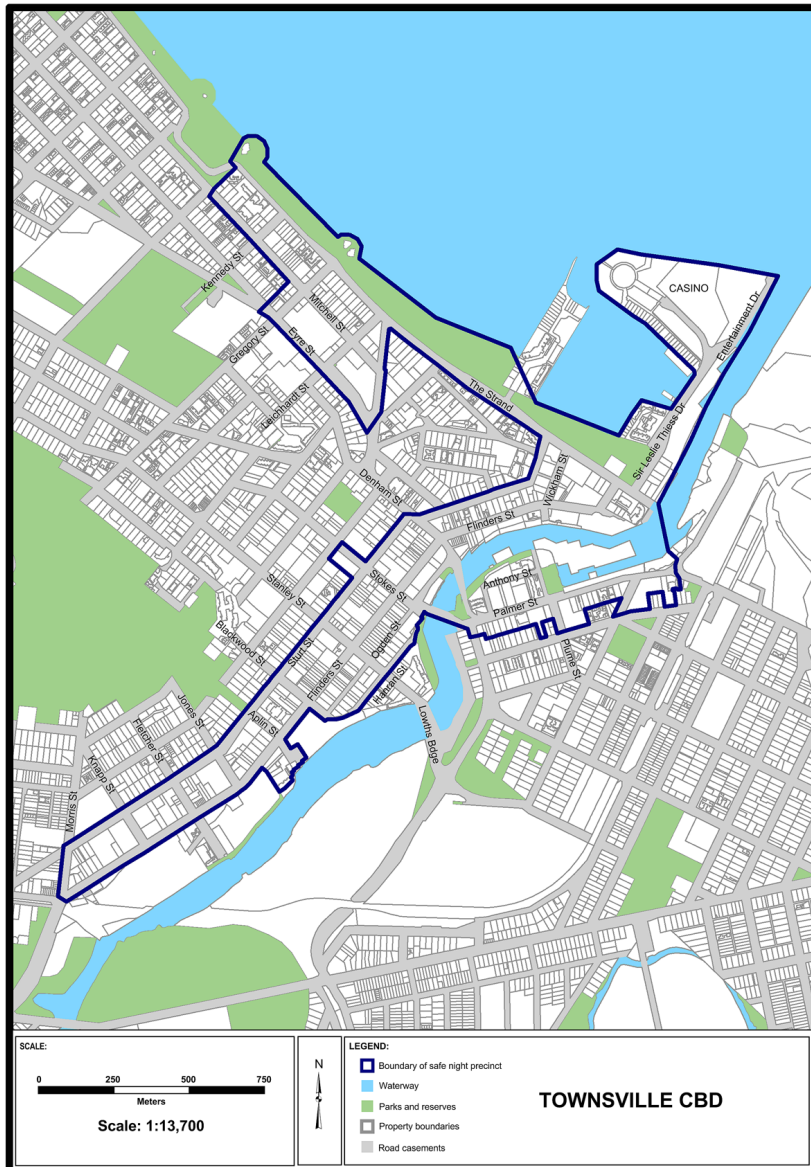
# Schedule 15 Toowoomba CBD safe night precinct

section 3B(1)(n)



# Schedule 16 Townsville CBD safe night precinct

section 3B(1)(o)



[s 14]

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## **Schedule 17      Local boards**

section 3C

### **Column 1**

#### **Incorporated association**

Safe Night Bundaberg CBD  
Precinct Inc

Safe Night Fortitude Valley  
Precinct Inc

Safe Night Gladstone CBD  
Precinct Inc

Safe Night Inner West Brisbane  
Precinct Inc

Safe Night Rockhampton CBD  
Precinct Inc

Safe Night Sunshine Coast  
Precinct Inc

Safe Night Toowoomba CBD  
Precinct Inc

### **Column 2**

#### **Safe night precinct**

Bundaberg CBD safe night  
precinct

Fortitude Valley safe night precinct

Gladstone CBD safe night precinct

Inner West Brisbane safe night  
precinct

Rockhampton CBD safe night  
precinct

Sunshine Coast safe night precinct

Toowoomba CBD safe night  
precinct

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## Schedule 18 Prescribed rules

section 3E

### 1 Interpretation

In these rules—

**association** means an incorporated association prescribed to be the local board for a safe night precinct.

*Note*—

See the *Liquor Act 1992*, section 173NC(2).

**financial year**, for an association, means the 12 month period adopted by the association as its financial year in its rules.

**meeting** includes each of the following—

- (a) a general meeting of the association;
- (b) a meeting of the management committee of the association;
- (c) a meeting of any subcommittee appointed by the management committee of the association.

### 2 General meetings

- (1) The association must hold at least 3 general meetings each financial year, at intervals of not more than 5 months.
- (2) One of the general meetings may be the association's annual general meeting.

[s 14]

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### **3 Meetings of management committee**

The management committee of the association must meet at least once every 2 months to exercise its functions.

### **4 Management plan**

- (1) The management committee of the association must develop a plan (a *management plan*) for the safe night precinct for which the association is the local board.
- (2) The management plan must state the actions the association intends to take to manage the precinct in a way that addresses—
  - (a) the safety of the community; and
  - (b) the precinct's amenity.

### **5 Quarterly reports**

- (1) The association must—
  - (a) prepare a report (a *quarterly report*) for each quarter; and
  - (b) give a copy of the quarterly report to the commissioner—
    - (i) if subparagraph (ii) does not apply—within 1 month after the end of the quarter; or
    - (ii) if another period after the end of the quarter is agreed between the association and the commissioner—within the agreed period.
- (2) However, subrule (1) does not apply to the association if it is the local board for a safe night precinct for only part of a quarter.

- (3) A quarterly report must state—
  - (a) the progress the association has made during the quarter in taking the actions mentioned in rule 4(2); and
  - (b) the outcomes achieved by taking those actions.
- (4) In this rule—

*commissioner* means the Commissioner for Liquor and Gaming under the *Gaming Machine Act 1991*.

*quarter* means each of the following periods in a year—

  - (a) 1 January to 31 March;
  - (b) 1 April to 30 June;
  - (c) 1 July to 30 September;
  - (d) 1 October to 31 December.

## **6 Compliance with grant conditions**

- (1) This rule applies if—
  - (a) the association receives funds by way of a grant; and
  - (b) the grant is subject to a condition, however described, requiring the association to give an acquittal of the funds.
- (2) The association must comply with the condition.

## **7 Voting at meetings**

- (1) For each matter on which a vote is taken at a meeting, each member of the association who is eligible to vote at the meeting is entitled to—

[s 14]

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- (a) if the member holds more than 1 licence for licensed premises located in the safe night precinct—the number of votes that equals the number of licences held by the member for licensed premises located in the safe night precinct; or
  - (b) otherwise—1 vote.
- (2) For subrule (1)(a), the number of licences held by the member includes any licences for licensed premises located in the safe night precinct for which the member is an exempt licensee under section 173NB(2) of the Act.

## **8 Appointment of individual to exercise power for particular members**

- (1) This rule applies if a member of the association is a corporation.
- (2) The member may appoint 1 or more individuals to exercise, for the member, all or any powers the member may exercise under the *Associations Incorporation Act 1981* or the association's rules.
- (3) However, the member (the *first member*) may not appoint an individual who holds an appointment under this rule for another member (the *other member*) unless the first member and the other member are related bodies corporate within the meaning of the Corporations Act, section 50.
- (4) The appointment—
  - (a) must be made in writing; and
  - (b) may be made by—
    - (i) appointing an individual by name; or



- (ii) appointing a stated officer, or the holder of a stated office, by reference to the title of the office concerned; and
- (c) may authorise an individual to exercise a power—
  - (i) generally or on a stated occasion; or
  - (ii) subject to a stated limitation.
- (5) If an appointment is made of a stated officer, or the holder of a stated office, the appointment is taken to be the appointment of the individual for the time being occupying or acting in the stated office.

## **9 Voting at meetings by individuals appointed under rule 8**

- (1) This rule applies if a member of the association appoints 1 or more individuals under rule 8 to exercise the member's power to vote at a meeting.
- (2) For each matter on which a vote is taken at the meeting—
  - (a) if 1 individual has been appointed to vote for the member—the individual may exercise the number of votes to which the member is entitled under rule 7; or
  - (b) if more than 1 individual has been appointed to vote for the member—the individuals may exercise, in total, the number of votes to which the member is entitled under rule 7.

[s 15]

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**10 Restriction on proxies for particular members—corporations**

- (1) This rule applies if a member of the association is a corporation.
- (2) The member may not vote at any meeting by proxy.
- (3) However, this rule does not affect the member’s power to make an appointment under rule 8.

**11 Restriction on proxies for particular members—individuals**

- (1) This rule applies if—
  - (a) a member of the association is an individual; and
  - (b) the association’s rules allow the member to vote at a meeting by proxy.
- (2) The member may not appoint, as the member’s proxy for a meeting, an individual who holds either of the following appointments for another member of the association—
  - (a) an appointment as proxy;
  - (b) an appointment made under rule 8.

**Part 3 Amendment of Police Powers and Responsibilities Regulation 2012**

**15 Regulation amended**

This part amends the *Police Powers and Responsibilities Regulation 2012*.

**16 Insertion of new pt 4B**

After section 20D—

*insert—*

**Part 4B Sober safe centres**

**20E Prescribed safe night precincts—Act, s 390A**

For section 390A of the Act, definition *prescribed safe night precinct*, the following safe night precincts are prescribed for the Brisbane sober safe centre—

- (a) Brisbane CBD safe night precinct;
- (b) Fortitude Valley safe night precinct;
- (c) Inner West Brisbane safe night precinct.

**20F Sober safe centres—Act, sch 6**

- (1) The court cells at the Brisbane Magistrates Court complex (the *Brisbane sober safe centre*) are prescribed as a place for schedule 6 of the Act, definition *sober safe centre*.
- (2) In this section—

*Brisbane Magistrates Court complex* means the building located at 363 George Street, Brisbane.

*court cells*, for the Brisbane Magistrates Court complex, means the cells located in the complex and used for detaining prisoners of the Magistrates Court.

**17 Amendment of sch 10 (Dictionary)**

Schedule 10—

*insert—*

*Brisbane CBD safe night precinct* means the area prescribed by regulation under the *Liquor*

[s 18]

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*Act 1992* as the Brisbane CBD safe night precinct.

*Brisbane sober safe centre* see section 20F(1).

*Fortitude Valley safe night precinct* means the area prescribed by regulation under the *Liquor Act 1992* as the Fortitude Valley safe night precinct.

*Inner West Brisbane safe night precinct* means the area prescribed by regulation under the *Liquor Act 1992* as the Inner West Brisbane safe night precinct.

## **Part 4**

# **Amendment of Queensland Civil and Administrative Tribunal Regulation 2009**

### **18 Regulation amended**

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

### **19 Amendment of sch 1 (Enabling Acts and provisions)**

Schedule 1, part 1—

*insert—*

*Police Powers and Responsibilities Act 2000*, section 602P

ENDNOTES

- 1 Made by the Governor in Council on 25 September 2014.
- 2 Notified on the Queensland legislation website on 26 September 2014.
- 3 The administering agency is the Department of Justice and Attorney-General.

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Authorised by the Parliamentary Counsel