

Liquor Amendment Bill 2006

Explanatory Notes

General Outline

Short Title

The short title of the Bill is the *Liquor Amendment Bill 2006*.

Policy Objectives of the Legislation

The primary policy objective of the Legislation is to implement Stage One of the Statewide Safety Action Plan by amending the *Liquor Act 1992* (Liquor Act) to impose a statutory 3am lockout condition on all licensed premises in Queensland.

The Statewide Safety Action Plan proposed amendments to the Liquor Act to impose stricter statutory conditions on all late night traders across the state, to be delivered in two stages. The first stage will see the introduction of a statutory 3am lockout and the second will introduce tougher statutory licence conditions on all licensees with permission to trade after 1am. These conditions will include requirements relating to: crowd controller numbers; installation and maintenance of CCTV cameras; mandatory responsible service of alcohol training for all staff; the development and maintenance of a house policy; restrictions on the frequency and duration of happy hours; and a prohibition of drinking competitions or other activities that encourage the rapid or excessive consumption of alcohol.

The approach in the Statewide Safety Action Plan is modelled on successful reforms introduced in 2005 as a result of the *Brisbane City Safety Action Plan*. This Bill progresses Stage One of the Statewide Safety Action Plan.

Lockout conditions are imposed on licensed premises to prohibit the entry or re-entry of patrons to the premises after a specified time. Lockouts seek to address problems associated with the management of public intoxication and minimise harm by restricting early morning 'club hopping'. Interaction between intoxicated patrons in public places is considered a primary factor leading to violence and vandalism. The effect of the lockout is to minimise numbers of patrons on streets and in public places

surrounding licensed premises by spreading their departure times over a longer period.

Lockouts have been imposed across the state since 1996 with all major nightclub/entertainment precincts in Queensland currently subject to lockout conditions, with the recent exception of Cairns. Premises in the Brisbane City Council (BCC) area, Gold Coast, Mackay and Townsville are all currently subject to a 3am lockout condition. Earlier lockouts apply in the following centres: Ipswich, Caloundra, Mooloolaba, Maroochydore, Noosa, Hervey Bay, Kingaroy, Bundaberg, Rockhampton and Yeppoon. The Brisbane lockout is legislatively imposed, while the other lockouts are imposed through licence conditions.

Reasons for the Bill

The Bill has been drafted to impose a statewide statutory 3am lockout on all licensed premises.

The introduction of a statewide lockout will create consistency and certainty in the application of lockout conditions to late trading licensed premises throughout the state by imposing a level playing field for all late trading premises. Under the proposed amendments, eight licensed premises (which trade after 3am) would be subject to a lockout that are not currently or previously subject to this condition. Of these premises, three are located in Airlie Beach, two in Gladstone and the remaining three are in Mount Isa, Port Douglas and Toowoomba.

Achieving the Objectives

The Bill contains amendments to the Liquor Act to impose a statutory 3am lockout on all licensed premises in Queensland.

The amendments to impose a statutory lockout on all late trading licensees are the most efficient and effective means of imposing uniform lockout conditions. The amendments will increase community safety by reducing patron traffic between premises and a more gradual dispersal of patrons from licensed premises after 3am.

Administrative costs

Any financial impact from the development and implementation of initiatives in the Bill will be met from the Department of Tourism, Fair Trading and Wine Industry Development's (DTFTWID) existing budget allocations.

Fundamental Legislative Principles

Fundamental legislative principles have been considered. The extension of the current statutory lockout for the BCC area statewide will remove the right of appeal by licensees to the lockout conditions currently imposed through licence conditions. The amendments are considered justified on the basis that the lockout conditions are part of a broader Government strategy to minimise the high risk of alcohol-related harm and violence associated with late trading premises.

Consultation

A 12 month review of the effectiveness of the lockout condition will be undertaken by the Liquor Licensing Division.

Notes on Provisions

Clause 1 – sets out the short title by which the Bill will be known.

Clause 2 – sets out the commencement date of 1 July 2006 for the Act amendments.

Clause 3 – identifies that the *Liquor Act 1992* (Liquor Act) will be amended.

Clause 4 – inserts a new subsection (2) into section 107C of the Liquor Act. The new subsection 107C(2) specifies that the chief executive may place a condition on a licence or permit that a patron of licensed premises must not be allowed to enter the premises during a stated period of day. This provision will ensure that the chief executive retains the existing power under section 107C to impose a lockout condition that starts prior to 3am on individual licences.

Clause 5 – amends the heading of Part 5, Division 5 by removing the words ‘for Brisbane City Council area’. This will mean that Division 5 will apply to all premises in Queensland, rather than only those in the Brisbane City Council area.

Clause 6 – sets out amendments to section 142AA of the Liquor Act.

Clause 6(1) – removes the words ‘in the area of the Brisbane City Council’ from subsection 142AA(1) to expand the reach of the provision to all premises in Queensland.

Clause 6(2) – removes ‘7a.m.’ and replaces it with ‘6a.m.’ as the end time of the statutory lockout. This was done to accommodate those premises with licences to trade from 6am.

Clause 6(3) – omits the current subsection 142AA(2)(c) and inserts a new subsection 142AA(2)(c) and subsection 142AA(2)(d) which expand the licensed premises that are exempt from the lockout condition to include airport terminals and the Gold Coast City Council area during a motor racing event under the *Gold Coast Motor Racing Events Act 1990* (the annual Indy Carnival).

Clause 6(4) – inserts a new subsection 142AA(3A) to allow the imposition by the Chief Executive of a lockout provision prior to 3am by stating that the Division does not apply if an earlier lockout is included as a condition in a licence or permit.

Clause 6(5) – renumbers subsections 142AA(3A) and (4) as subsections 142AA(4) and (5).