



Queensland

Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2016

Includes amendments agreed during Consideration



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2016

A Bill

for

An Act to amend the *Bail Act 1980*, the *Fair Trading Act 1989*, the *Gaming Machine Act 1991*, the *Liquor Act 1992*, the *Liquor Regulation 2002*, the *Penalties and Sentences Act 1992* and the *Police Powers and Responsibilities Act 2000* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*.

2 Commencement

- (1) The following provisions commence on 1 July 2016—
 - (a) part 4;
 - (b) section 18(1), to the extent it omits definition *trading period*;
 - (c) section 18(2), to the extent it inserts definitions *3a.m. safe night precinct* and *trading period*;
 - (d) sections 22(3), 29(1), 34(1), 37A, 48(1) and (2), 52A(1) and 54;
 - (e) section 62, to the extent it inserts sections 336 to 338.
- (2) The following provisions commence on 1 February 2017—
 - (a) section 18(2), to the extent it inserts definition *lock out condition*;
 - (b) sections 18(5), 29(1A), 31, 34(2), 38, 48(1A) and (3) and 52A(2).
- (3) The following provisions commence on a day to be fixed by proclamation—
 - (a) section 18(2), to the extent it inserts definitions *car park*, *car park approval*, *craft beer*, *craft brewery*, *promotional event*, *regulated car park* and *related body corporate*;

- (b) sections 24 to 27, 30, 32, 33(4), 36, 37, 42, 44 to 47, 52, 53, 58 to 60 and 66;
- (c) section 62, to the extent it inserts sections 340 and 341.

Part 2 Amendment of Bail Act 1980

3 Act amended

This part amends the *Bail Act 1980*.

4 Amendment of s 11 (Conditions of release on bail)

- (1) Section 11(9)—

insert—

Notes—

- 1 The defendant does not commit an offence against section 29 by breaking the condition. See section 29(2)(c).
- 2 Section 30 sets out the procedures for varying the defendant's bail if the condition is broken or is likely to be broken.

- (2) Section 11(9A), 'must'—

omit, insert—

may

5 Replacement of s 11AB (Condition requiring completion of DAAR course)

Section 11AB—

omit, insert—

[s 5]

11AB Condition requiring completion of DAAR course

- (1) This section applies to a court authorised by this Act to grant bail for the release of a person.
- (2) If the person consents to completing a DAAR course, the court may impose a condition for the person's release that the person complete a DAAR course by a stated day.

Notes—

- 1 The person does not commit an offence against section 29 by breaking the condition. See section 29(2)(c).
 - 2 Section 30 sets out the procedures for varying the person's bail if the condition is broken or is likely to be broken.
- (3) In deciding whether to impose the condition, the court must have regard to the following—
 - (a) the nature of the offence in relation to which bail is proposed to be granted;
 - (b) the person's circumstances, including any benefit the person may derive by completing a DAAR course;
 - (c) the public interest.
 - (4) However, subsection (2) does not apply if—
 - (a) the person has completed 2 DAAR courses within the previous 5 years; or
 - (b) the person is under 18 years; or
 - (c) section 11A applies.
 - (5) This section does not limit the conditions the court may impose under section 11.
 - (6) In this section—

approved provider means an entity approved by the chief executive (health) by gazette notice to provide DAAR courses.

chief executive (health) means the chief executive of the department in which the *Health Act 1937* is administered.

DAAR stands for Drug and Alcohol Assessment Referral.

DAAR course means a course provided to a person by an approved provider in which—

- (a) the person's drug or alcohol use is assessed; and
- (b) the person is given information about appropriate options for treatment and may be offered counselling or education.

6 Amendment of s 16 (Refusal of bail)

Section 16(4), from '(3A) a court'—

omit, insert—

(3A)—

- (a) a court may impose conditions under section 11 or 11AB; or
- (b) a police officer may impose conditions under section 11.

7 Amendment of s 20 (Undertaking as to bail)

Section 20(3)(b)(i) and (3A)(b)(i), after 'or (9)'—

insert—

or 11AB

8 Amendment of s 29 (Offence to breach conditions of bail)

Section 29(2)—

insert—

[s 9]

- (c) a condition of the defendant's undertaking imposed under section 11(9) or 11AB.

9 Amendment of s 29A (Procedure in respect of defendants apprehended under s 21(7) or the Police Powers and Responsibilities Act 2000)

Section 29A(3), after '11(9)'—

insert—

or 11AB

10 Amendment of s 30 (Apprehension on variation or revocation of bail)

Section 30(6), after '11(9)'—

insert—

or 11AB

11 Insertion of new s 45

After section 44—

insert—

45 Transitional provision for Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016

- (1) Section 11AB, as inserted by the amending Act, applies in relation to the release of a person on bail on or after the commencement.
- (2) For subsection (1), it is irrelevant whether the act or omission constituting the offence in relation to which the person is released on bail happened, or the proceeding for the offence was started, before or after the commencement.
- (3) For section 29(2)(c), as inserted by the amending Act, a reference to a condition imposed under section 11(9) or 11AB includes a condition

imposed under either of those sections before the commencement.

(4) In this section—

amending Act means the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*.

Part 3 **Amendment of Fair Trading Act 1989**

12 Act amended

This part amends the *Fair Trading Act 1989*.

13 Omission of s 96 (Vicarious liability)

Section 96—
omit.

Part 4 **Amendment of Gaming Machine Act 1991**

14 Act amended

This part amends the *Gaming Machine Act 1991*.

15 Amendment of s 235 (Hours of gaming)

Section 235(2)—
omit, insert—

[s 16]

- (2) The hours of gaming fixed for licensed premises can not extend beyond a period of 2 hours after the time when, under the liquor licence relating to the premises, liquor is not permitted to be sold on the licensed premises.

16 Insertion of new pt 12, div 20

Part 12—

insert—

Division 20 Transitional provision for Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016

490 Continuation of hours of gaming for particular gaming machine licences

- (1) This section applies in relation to a gaming machine licence for licensed premises, if—
 - (a) the licence was in force immediately before the commencement; and
 - (b) because of the commencement of the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*, section 62, from 1 July 2016 the hours during which liquor is permitted to be sold on the premises under the *Liquor Act 1992* are reduced.
- (2) Despite amended section 235(2), the hours of gaming fixed for the licensed premises continue to apply as if the hours during which liquor is permitted to be sold on the premises had not been reduced.
- (3) In this section—

amended section 235(2) means section 235(2) as in force on the commencement.

Part 5 Amendment of Liquor Act 1992

17 Act amended

This part amends the *Liquor Act 1992*.

18 Amendment of s 4 (Definitions)

(1) Section 4, definition *commencement* and *trading period*—
omit.

(2) Section 4—
insert—

3a.m. safe night precinct means a safe night precinct prescribed by regulation under section 173P.

car park means an area with a surface designed or adapted for the parking of vehicles, whether or not the area is being used for that purpose.

car park approval see section 142ZZE(2).

craft beer means beer produced in a craft brewery.

craft brewery means premises—

- (a) that are either—
- (i) licensed premises to which a producer/wholesaler licence relates; or
 - (ii) premises to which an equivalent licence, issued under the law of another State, relates; and

[s 18]

(b) at which no more than 5 million litres of beer is produced in any financial year under the licence.

document, for part 7, see section 173R.

exemption notice see section 155AL.

lock out condition see section 142AB.

promotional event means an event held primarily for the purpose of promoting produce from a particular region or the hospitality industry.

Examples of events held primarily for the purpose of promoting produce from a particular region—

craft market, farmers market, agricultural show, food and wine event

Examples of events held primarily for the purpose of promoting the hospitality industry—

trade fair, craft beer festival

rapid intoxication drink, for part 6, division 1B, see section 155AG.

regulated car park, for licensed premises, means a car park, or part of a car park, that is in or on the licensed premises.

related body corporate has the same meaning as in the *Corporations Act 2001* (Cwlth), section 9.

restricted period, for part 6, division 1B, see section 155AH(1).

restriction, on the sale or supply of rapid intoxication drinks for part 6, division 1B, see section 155AI(2).

trading period, for part 5, division 6, see section 142AD.

(3) Section 4, definition *investigator*, paragraphs (b) and (c)—
omit, insert—

(b) a police officer; or

-
- (c) for the administration and enforcement of sections 168B, 169 and 171—a community police officer.
- (4) Section 4, definition *risk-assessed management plan*, ‘practices’—
omit, insert—
practices, relating to the matters prescribed by regulation,
- (5) Section 4, definition *trading period*, from ‘period’—
omit, insert—
period—
(a) for part 5, division 5, see section 142AA(1)(a)(ii); and
(b) for part 5, division 6, see section 142AD.

19 Replacement of s 4B (Meaning of *liquor*)

Section 4B—

omit, insert—

4B Meaning of *liquor*

- (1) ***Liquor*** is a spirituous or fermented fluid or another substance—
- (a) in which the level of ethyl alcohol (ethanol) is more than 0.5% by volume at 20°C; and
- (b) that is intended for human consumption.

Examples of spirituous or fermented fluids—

alcoholic cocktails, beers, liqueurs, pre-mixed alcoholic drinks, spirits and wines

Examples of other substances—

aerosol sprays, ice confections, jellies and powders

[s 20]

- (2) **Liquor** also includes any other substance containing ethyl alcohol (ethanol) that is prescribed by regulation as liquor.

20 Replacement of s 6 (Acceptable evidence of age)

Section 6—

omit, insert—

6 Acceptable evidence of age

- (1) For this Act, acceptable evidence of the age of a person is a document, issued to the person, that—
- (a) is 1 of the following—
 - (i) an adult proof of age card;
 - (ii) a recognised proof of age card;
 - (iii) an Australian driver licence;
 - (iv) a foreign driver licence;
 - (v) an Australian or foreign passport; and
 - (b) is current; and
 - (c) bears a photo of the person; and
 - (d) indicates, by reference to the person's date of birth or otherwise, the person has attained a particular age.
- (2) In this section—

adult proof of age card see the *Adult Proof of Age Card Act 2008*, section 5.

Australian driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

authorised entity means—

- (a) an entity of the Commonwealth or another State performing functions similar to the

functions of the chief executive under the *Adult Proof of Age Card Act 2008*; or

- (b) an entity—
 - (i) approved by an entity mentioned in paragraph (a) to issue documents used as evidence of the age of persons; and
 - (ii) approved, in writing, by the commissioner.

foreign driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

recognised proof of age card means a document issued to a person, by an authorised entity, for the purpose of evidencing the age of the person.

21 Insertion of new s 14AB

After section 14A—

insert—

14AB Exemption for particular liquors

- (1) This Act does not apply to liquor if it is to be used only as—
 - (a) a preservative or medium in which fruit is offered for sale to the public in sealed containers and with the contents visible; or
 - (b) a food additive or an ingredient for food preparation; or

Examples of food additives or ingredient for food preparation—

Chinese cooking wine and soy sauce

- (c) a personal hygiene product that is not swallowed; or

Examples of personal hygiene products—

perfumes, mouthwashes and topical disinfectants

[s 22]

- (d) a medicine or for medicinal or chemical purposes.

Example of a substance used as a medicine or for medicinal or chemical purposes—

cough syrup

- (2) However, this Act does apply to a substance that is liquor mentioned in subsection (1) if—
 - (a) the substance is being used as a beverage or for manufacturing a beverage; or
 - (b) all of the following apply—
 - (i) a regulation prescribes the substance for this paragraph;
 - (ii) the substance is sold otherwise than by wholesale;
 - (iii) if the regulation prescribes a maximum amount of the substance that may be contained in a container in which the substance is sold—the substance is sold in a container containing more than the amount prescribed.

22 Amendment of s 14B (Other exemptions for the sale of liquor)

- (1) Section 14B(1)(a), (b) and (e)—
omit.
- (2) Section 14B(1)(c) to (n)—
renumber as section 14B(1)(a) to (k).
- (3) Section 14B(1)(j)(v) and (k)(iv), as renumbered, ‘5a.m.’—
omit, insert—
2a.m.
- (4) Section 14B(2), definition *bed and breakfast accommodation*, paragraph (c), ‘6’—

omit, insert—

8 adult

23 Amendment of s 21 (Jurisdiction and powers of tribunal)

Section 21(1)—

insert—

- (y) a decision to refuse, vary or revoke an exemption from the restriction on the sale of rapid intoxication drinks under section 155AK or 155AP.

24 Amendment of s 73 (Authority of producer/wholesaler licence)

(1) Section 73—

insert—

- (1A) Also, a producer/wholesaler licence authorises the licensee, if the licensee is a producer of liquor, to—
 - (a) sell craft beer, produced by the licensee on the licensed premises, to persons at a promotional event, for consumption away from the event, if—
 - (i) the licence is subject to a condition mentioned in section 74A(2)(a); and
 - (ii) the organiser of the promotional event has given the licensee written consent to sell craft beer to persons at the event; or
 - (b) supply craft beer, produced by the licensee on the licensed premises, to persons at a promotional event, for consumption at the event, free of charge and for the purpose of sampling the craft beer, if—

[s 25]

- (i) the licence is subject to a condition mentioned in section 74A(2)(b); and
 - (ii) the organiser of the promotional event has given the licensee written consent to supply craft beer samples to persons at the event.
- (2) Section 73(2), ‘under subsection (1)’—
omit, insert—
under subsection (1) or (2)
- (3) Section 73(1A) and (2)—
renumber as section 73(2) and (3).

25 Insertion of new s 74A

After section 74—

insert—

74A Sale or supply of craft beer at promotional event

- (1) This section applies if the commissioner is satisfied licensed premises for a producer/wholesaler licence are a craft brewery.
- (2) The commissioner may impose a condition on the licence authorising the licensee to—
 - (a) sell craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption away from the event; or
 - (b) supply craft beer, produced by the licensee at the craft brewery, to persons at a promotional event, for consumption at the event if—
 - (i) the supply is for persons to sample the craft beer; and

- (ii) no charge is made for the sample.
- (3) The commissioner must not impose a condition under subsection (2) if—
 - (a) the total number of producer/wholesaler licences, or equivalent licences issued under the law of another State, held by the licensee, and any related body corporate of the licensee, is more than 1; and
 - (b) more than 5 million litres of beer is produced, in any financial year, at 1 or more of the following premises—
 - (i) licensed premises for a producer/wholesaler licence mentioned in paragraph (a);
 - (ii) premises to which an equivalent licence, mentioned in paragraph (a), relates.
- (4) For subsection (2)(a), unless a further condition imposed on the licence under subsection (5)(a) states otherwise, the total volume of craft beer that may be sold and supplied to each person at the promotional event, for consumption away from the event, is 9 litres.
- (5) If the commissioner imposes a condition under subsection (2), the commissioner may also impose further conditions on the licence in relation to the following—
 - (a) the total volume of the licensee's craft beer that may be sold to each person at a promotional event for consumption away from the event;
 - (b) for craft beer that may be supplied to persons at a promotional event, for consumption at the event, free of charge and for the purpose of sampling the craft beer—

[s 26]

- (i) the total volume of the craft beer that may be supplied to each person at the event for the purpose of sampling; or
 - (ii) the volume of the individual samples that may be supplied to persons at the event.
- (6) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a licence.

26 Amendment of s 75 (Restriction on sale of liquor under producer/wholesaler licence)

Section 75(2)—

insert—

- (c) to the extent the holder is authorised under section 73(2) to sell or supply craft beer produced by the holder to persons at a promotional event—sell or supply the craft beer to persons at the event.

27 Insertion of new s 75A

Part 4, division 4—

insert—

75A Venue of promotional event not licensed premises for producer/wholesaler licence

- (1) This section applies if a holder of a producer/wholesaler licence is authorised under section 73(2) to sell or supply craft beer, produced by the holder, to persons at a promotional event.
- (2) The following are not licensed premises for the producer/wholesaler licence, or premises to which the producer/wholesaler licence relates—
 - (a) the venue of the promotional event;

- (b) a part of the venue.
- (3) However, a relevant part 6 provision applies as if a reference in the provision to licensed premises, or premises to which a licence relates, includes—
 - (a) if the commissioner imposes a condition on the producer/wholesaler licence defining the area at the venue of the event in which the craft beer may be sold or supplied by the holder to persons at the event—the area defined in the condition; or
 - (b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the holder for the purpose of selling or supplying craft beer produced by the holder to persons at the event.
- (4) Also, section 142ZZC applies to the holder as if subsection (2)(b) of that section were omitted.
- (5) In this section—

relevant part 6 provision means a provision of part 6 other than the following provisions—

 - (a) part 6, division 1AB;
 - (b) section 143;
 - (c) sections 144 to 145A;
 - (d) section 148AA;
 - (e) section 150;
 - (f) section 153;
 - (g) sections 154 to 155AB;
 - (h) part 6, division 1A;
 - (i) section 157(1);
 - (j) sections 162 and 163;
 - (k) section 168A;

[s 28]

(l) part 6, division 5.

28 Amendment of s 77 (Authority of community club licence)

(1) Section 77(1)(a)(i) and (ii)—

omit, insert—

- (i) a member of the club for consumption on or off the premises; or
- (ii) a member of a reciprocal club, whose members' reciprocal rights are secured by formal reciprocal arrangements, for consumption on or off the premises; or

(2) Section 77(1)(a)(iv) and (v)—

omit, insert—

- (iv) a guest of a person mentioned in subparagraph (i) or (ii), in the person's company, for consumption on or off the premises; or
- (v) a visitor to the club, for consumption on or off the premises, whose ordinary place of residence is in—
 - (A) another State or in a foreign country; or
 - (B) the State, at least 15km from the club's premises; or

29 Amendment of s 86 (Hours to which application may relate etc.)

(1) Section 86(1), from 'between'—

omit, insert—

between—

-
- (a) for a commercial special facility licence relating to an airport or casino—12a.m. and 5a.m.; or
 - (b) for a licence relating to premises in a safe night precinct—12a.m. and 3a.m.; or
 - (c) otherwise—12a.m. and 2a.m.
- (1A) Section 86(1)(b), ‘a safe’—
omit, insert—
a 3a.m. safe
- (2) Section 86(2A), from ‘include trading’—
omit, insert—
include the following—
- (a) trading between 9a.m. and 10a.m.;
 - (b) for a commercial special facility licence relating to an airport or casino—trading between 10p.m. and midnight.

30 Amendment of s 100 (Available permits)

Section 100—

insert—

- (g) a craft beer producer permit.

31 Amendment of s 103G (Authority of extended hours permit)

Section 103G—

insert—

Note—

The extended hours permit may be subject to a lock out condition. See part 5, division 5.

(B) the type of event remains the same.

Example of a recurring promotional event—

a fortnightly farmers market

- (3) For subsection (1)(a), unless a condition imposed on the permit states otherwise, the total volume of craft beer that may be sold and supplied to each person at the promotional event, for consumption away from the event, is 9 litres.
- (4) A craft beer producer permit is subject to the conditions stated in the permit.

103X Restriction on grant of craft beer producer permit

- (1) The commissioner may grant a craft beer producer permit only—
 - (a) to the operator of a craft brewery; and
 - (b) if the commissioner is satisfied the operator will only sell or supply, to persons at the promotional event that is the subject of the permit, craft beer produced at the operator's craft brewery.
- (2) However, the commissioner must not grant a craft beer producer permit if—
 - (a) the total number of producer/wholesaler licences, or equivalent licences issued under the law of another State, held by the operator, and any related body corporate of the operator, is more than 1; and
 - (b) more than 5 million litres of beer is produced, in any financial year, at 1 or more of the following premises—

[s 32]

- (i) licensed premises for a producer/wholesaler licence mentioned in paragraph (a);
- (ii) premises to which an equivalent licence, mentioned in paragraph (a), relates.

103Y Duration of craft beer producer permit

A craft beer producer permit—

- (a) is issued for the term stated in it, of not longer than 3 months, unless it is sooner surrendered, suspended or cancelled under this Act; and
- (b) is not renewable; and
- (c) is not transferable.

103Z Premises to which craft beer producer permit relates

The premises to which a craft beer producer permit relates is—

- (a) if the commissioner imposes a condition on the permit defining the area, at the venue of the promotional event the subject of the permit, in which the craft beer may be sold or supplied by the permittee to persons at the event—the area defined in the condition; or
- (b) otherwise—the area, at the venue of the event, allocated by the organiser of the event to the permittee for the purpose of selling or supplying craft beer produced by the permittee to persons at the event.

103ZA Conditions on craft beer producer permits

- (1) The commissioner may impose conditions on a craft beer producer permit in relation to the following—
 - (a) the total volume of the permittee’s craft beer that may be sold to each person at a promotional event for consumption away from the event;
 - (b) for craft beer that may be supplied to persons at a promotional event, for consumption at the event, free of charge and for the purpose of sampling the craft beer—
 - (i) the total volume of the craft beer that may be supplied to each person at the event for the purpose of sampling; or
 - (ii) the volume of the individual samples that may be supplied to persons at the event.
- (2) This section does not limit the power of the commissioner, under part 5, to impose, amend or revoke conditions on a permit.

33 Amendment of s 105A (Additional requirement for particular applications—risk-assessed management plan)

- (1) Section 105A(1), from ‘a subsidiary’—

omit, insert—

any of the following licences relating to low risk premises—

- (a) a subsidiary on-premises licence (meals);
- (b) a subsidiary off-premises licence if the principal activity stated in the licence is the provision of—
 - (i) floral arrangements; or

[s 34]

- (ii) gift baskets.
- (2) Section 105A(3), ‘subsidiary on-premises licence (meals)’—
omit, insert—
licence mentioned in subsection (1)(a) or (b)
- (3) Section 105A(6), definition *low risk premises*, paragraph (a)—
omit, insert—
 - (a) if the application were to be granted, the premises would not be the subject of—
 - (i) an adult entertainment permit; or
 - (ii) an extended trading hours approval that extends trading hours to include trading between 12a.m. and 5a.m.;
- (4) Section 105A(6), definition *relevant application*, paragraph (f)—
omit, insert—
 - (f) a car park approval.

34 Amendment of s 107C (Commissioner may impose conditions on licences and permits)

- (1) Section 107C(2), example—
omit.
- (2) Section 107C(2)—
insert—
Example—
a condition mentioned in section 142AA(3)

35 Amendment of s 112 (Procedure for variation by commissioner)

Section 112(2)—

omit, insert—

- (2) This section does not apply to—
 - (a) a variation of a licence for a disciplinary action relating to the licence under section 137A; or
 - (b) the imposition of a condition on a licence for an exemption from the restriction on rapid consumption drinks under section 155AN; or
 - (c) the variation of a condition under section 155AP.

36 Amendment of s 136 (Grounds for disciplinary action)

(1) Section 136(1)(a)(iv)—

renumber as section 136(1)(a)(v).

(2) Section 136(1)(a)—

insert—

- (iv) comply with a condition stated in a car park approval for the licensed premises; or

37 Insertion of new s 137CB

After section 137CA—

insert—

137CB Immediate suspension of car park approval

- (1) This section applies if the commissioner believes on reasonable grounds a ground mentioned in section 136(1)(a)(iv) exists for taking disciplinary action in relation to a licence.
- (2) The commissioner may immediately suspend the car park approval by giving the licensee a written notice that—

[s 37A]

- (a) states the car park approval is suspended;
and
- (b) complies with section 157(2) of the tribunal Act.
- (3) The suspension takes effect immediately after the notice is given to the licensee.
- (4) At the same time the commissioner gives the licensee the notice, the commissioner must give the licensee a notice under section 137(1).
- (5) The suspension continues until the first of the following happens—
 - (a) the commissioner revokes it;
 - (b) the commissioner, under section 137B(1), gives the licensee notice of the commissioner's decision under section 137A(1) or (4);
 - (c) the end of 60 days after the notice under subsection (3) was given to the licensee.

37A Omission of pt 5, div 5 (Lock out provisions)

Part 5, division 5—

omit.

38 Insertion of new pt 5, div 5

Part 5—

insert—

Division 5 Lock out provisions

142AA Application of division

- (1) This division applies to licensed premises—
 - (a) if—

- (i) the premises are located in a 3a.m. safe night precinct; and
 - (ii) the licensee for the premises is authorised to sell or supply liquor during all or any part of the period between 1a.m. and 3a.m. (the *trading period*) on a regular basis under an extended trading hours approval; or
- (b) if—
 - (i) the licensee for the premises is authorised to sell or supply liquor during all or any part of the trading period on a day under an extended trading hours permit; and
 - (ii) it is a condition of the permit that this division applies.
- (2) However, this division does not apply—
 - (a) on Anzac Day if the licensed premises or premises to which the permit relates are an RSL or Services Club; or
 - (b) on New Year’s Day; or
 - (c) to a commercial special facility licence relating to an airport or casino; or
 - (d) to that part of licensed premises used principally for the residential accommodation of guests staying on the premises.
- (3) Further, this division does not apply if a condition stated in a licensee’s licence requires that a patron of the licensed premises must not be allowed to enter the premises during a period starting at a time earlier than 1a.m.
- (4) For subsection (1), it is immaterial whether or not the trading period is part of another period during

[s 39]

which the licensee is authorised under this Act to sell or supply liquor on the premises.

142AB Licence subject to lock out condition

- (1) It is a condition (a *lock out condition*) of the holder's licence or permit that a patron of the licensed premises must not be allowed to enter the premises during the trading period.

Example—

A patron of licensed premises leaves the premises and a short time later re-enters the premises. The re-entry is a separate entry of the premises.

- (2) However, the condition does not apply in relation to a resident or a guest of a resident while in the resident's company, who is entering the premises.
- (3) The holder must comply with the condition.

Maximum penalty—100 penalty units.

39 Amendment of s 142AE (Application of div 6)

Section 142AE(4)—

insert—

- (d) section 142AI(a) and (b) does not apply to a licensee to the extent an incident mentioned in section 142AI(a) must be recorded in a register kept by the licensee under the *Security Providers Act 1993*.

40 Amendment of s 142ZAA (Immediate cancellation—identified participants)

- (1) Section 142ZAA(2)—

omit, insert—

- (2) The commissioner must, as soon as practicable after the person becomes a disqualified person,

give written notice of the cancellation of the approval to—

- (a) the person; and
- (b) if the commissioner knows or suspects the person is employed by a licensee for licensed premises or a permittee for premises to which a permit relates—the licensee or permittee.

- (2) Section 142ZAA(3), after ‘written notice’—

insert—

given to the disqualified person

41 Amendment of s 142ZE (Suspension or cancellation)

- (1) Section 142ZE(4)—

omit, insert—

- (4) The commissioner must, as soon as practicable after making the decision, give written notice of the decision to—

- (a) the holder of the approval; and
- (b) if the commissioner knows or suspects the holder of the approval is employed by a licensee for licensed premises or a permittee for premises to which a permit relates—the licensee or permittee.

- (2) Section 142ZE(4A), after ‘written notice’—

insert—

given to the holder of the approval

42 Insertion of new pt 6, div 1AB

Part 6—

insert—

Division 1AB Sale, supply and consumption of liquor in car parks

142ZZE Sale, supply or consumption of liquor in car park

- (1) A licensee must not, in a regulated car park for the licensee's licensed premises—
 - (a) sell or supply liquor; or
 - (b) allow liquor to be consumed.Maximum penalty—25 penalty units.
- (2) Subsection (1) does not apply to the extent the licensee is authorised, under an approval (a *car park approval*) granted by the commissioner, to sell or supply liquor, or allow liquor to be consumed, in the regulated car park.

142ZZF Application for car park approval

- (1) A licensee may apply for a car park approval for the licensed premises.
- (2) In addition to the requirements under section 105, the application must—
 - (a) identify the licensed premises to which the approval will apply; and
 - (b) state the days on which the licensee proposes to sell or supply liquor, or allow liquor to be consumed, in a regulated car park.

142ZZG Commissioner's consideration of application

- (1) When considering an application for a car park approval, the commissioner must consider the

effect on the health and safety of members of the public, and the amenity of the community or locality, that—

- (a) the grant of the approval may have; and
 - (b) if the licensee has previously been granted authority under this Act to sell or supply liquor, or allow liquor to be consumed, in a car park, including under a car park approval (whether or not for the licensed premises the subject of the application)—the grant of that authority had.
- (2) If an application for a car park approval states more than 1 day on which the licensee proposes to sell or supply liquor, or allow liquor to be consumed, in a regulated car park, the commissioner may grant the car park approval for some or all of the stated days.

142ZZH Restriction on grant of car park approval

- (1) This section applies if the commissioner is satisfied a licensee has failed to comply with a condition of a car park approval (the *earlier approval*) for a regulated car park.
- (2) The commissioner must not grant another car park approval to the licensee for the regulated car park for a day that is less than 3 months after the day the commissioner became satisfied of the failure to comply with the condition of the earlier approval.

142ZZI Conditions on car park approval

- (1) The commissioner may impose conditions on a car park approval—

[s 42]

- (a) to give effect to the main purpose of this Act mentioned in section 3(a); or
- (b) to ensure appropriate compliance with this Act; or
- (c) to minimise alcohol-related disturbances, or public disorder, in the locality; or
- (d) about the provision of amplified entertainment, including, for example, amplified music, in the regulated car park; or

Examples for paragraph (d)—

- a condition prohibiting the provision of amplified entertainment
 - a condition about the maximum volume at which amplified entertainment may be provided
 - a condition about the times during which amplified entertainment may be provided
- (e) about other noise, including patron noise, resulting from or associated with the sale, supply or consumption of liquor in the regulated car park.
- (2) Section 128C applies to the commissioner's power, under subsection (1)(a), to impose conditions on a car park approval as if a reference in section 128C to a licence or permit under part 5 were a reference to a car park approval.

14ZZZJ Authority of car park approval

- (1) A car park approval authorises the licensee to sell or supply liquor, or allow liquor to be consumed, in a regulated car park—
 - (a) to which the approval applies; and
 - (b) on the days, and during the hours, stated in the approval; and

-
- (c) subject to the conditions stated in the approval.
 - (2) A car park approval must not authorise the sale, supply or consumption of liquor, outside the trading hours authorised under the licence for the licensed premises.
 - (3) A regulation may prescribe the maximum period for which a car park approval may be granted.

43 Insertion of new s 143B

After section 143A—

insert—

143B Particulars to be displayed for exemption from restriction on the sale or supply of rapid intoxication drinks

A licensee who is exempt from the restriction on the sale or supply of rapid intoxication drinks for licensed premises under section 155AK must, at all times while the exemption is in force, keep the exemption notice at the premises.

Maximum penalty—25 penalty units.

44 Insertion of new s 148AB

Part 6—

insert—

148AB Restriction on sale of craft beer

- (1) A licensee or permittee authorised under this Act to sell, to persons at a promotional event, craft beer produced by the licensee or permittee must not sell the craft beer to a person, or permit or allow the craft beer to be sold to a person—
 - (a) for consumption at the promotional event; or
 - (b) in unsealed containers.

[s 45]

Maximum penalty—100 penalty units.

- (2) A licensee or permittee authorised under this Act to supply, to persons at a promotional event, craft beer produced by the licensee or permittee for consumption at the event, free of charge and for the purpose of sampling the craft beer, must not—
- (a) charge a person for a sample; or
 - (b) allow or permit a person to be charged for a sample.

Maximum penalty—100 penalty units.

45 Omission of s 153A (Sale, supply or consumption of liquor in car park)

Section 153A—

omit.

46 Amendment of s 155 (Minors on premises)

Section 155(4), definition *exempt minor*, paragraph (d), ‘other licence’—

omit, insert—

other licence, craft beer producer permit

47 Amendment of s 155AC (Application of div 1A)

Section 155AC(1)(b)—

omit, insert—

- (b) premises to which a permit relates, other than premises to which—
- (i) a craft beer producer permit relates; or
 - (ii) a community liquor permit or restricted liquor permit relates if liquor is served

or supplied at the premises only by volunteers.

48 Amendment of s 155AD (Who must be present or reasonably available at licensed premises etc.)

(1) Section 155AD(2)(b), from ‘during approved’ to ‘relates.’—

omit, insert—

at the licensed premises or premises to which the permit relates during approved extended trading hours between—

- (i) for a commercial special facility licence relating to an airport or casino or an extended hours permit—12a.m. and 5a.m.; or
- (ii) for a licence relating to premises in a safe night precinct—12a.m. and 3a.m.; or
- (iii) otherwise—12a.m. and 2a.m.

(1A) Section 155AD(2)(b)(ii), ‘a safe’—

omit, insert—

a 3a.m. safe

(2) Section 155AD(3)(b), from ‘during approved’ to ‘relates.’—

omit, insert—

at the licensed premises or premises to which the permit relates during approved extended trading hours between—

- (i) for a commercial special facility licence relating to an airport or casino or an extended hours permit—12a.m. and 5a.m.; or
- (ii) for a licence relating to premises located in a safe night precinct—12a.m. and 3a.m.; or

[s 49]

(iii) otherwise—12a.m. and 2a.m.

(3) Section 155AD(3)(b)(ii), ‘a safe’—

omit, insert—

a 3a.m. safe

49 Insertion of new pt 6, div 1B

Part 6—

insert—

Division 1B Banning sale or supply of rapid intoxication drinks during restricted period

155AG Meaning of *rapid intoxication drink*

A drink that includes liquor is a *rapid intoxication drink* if—

- (a) it is of a type that facilitates or encourages rapid intoxication because the drink—
 - (i) is designed to be consumed rapidly; or
 - (ii) contains a high percentage of alcohol; and
- (b) the type of drink is prescribed by regulation for this section.

155AH Application of division

- (1) This division applies to licensed premises, or premises to which a permit relates, if the licensee or permittee for the premises is authorised under this Act to sell or supply liquor on the premises during all or any part of the period starting at 12a.m. on a day and ending at 5a.m. on the day (the *restricted period*).

- (2) However, this division does not apply to—
 - (a) an airport or casino to which a commercial special facility licence relates; or
 - (b) premises to which an industrial canteen licence relates.

155AI Prohibition on sale or supply of rapid intoxication drinks during restricted period

- (1) A licensee or permittee for licensed premises or premises to which a permit relates must not, during the restricted period, sell or supply a rapid intoxication drink at the premises.

Maximum penalty—100 penalty units.

- (2) The requirement under subsection (1) is the *restriction* on the sale or supply of a rapid intoxication drink by the licensee or permittee.
- (3) However, subsection (1) does not apply to a licensee in relation to the premises to the extent an exemption granted under section 155AK is in force for the premises.

155AJ Applying for exemption

A licensee may apply to the commissioner for an exemption from the restriction on the sale or supply of rapid intoxication drinks for licensed premises or a part of licensed premises.

155AK Granting exemption

- (1) The commissioner may grant the exemption if the commissioner is satisfied—
 - (a) the licensed premises or part of the premises the subject of the application—

[s 49]

- (i) are used primarily for the sale or supply of premium spirits; and
 - (ii) have the capacity to seat not more than 60 patrons at any one time; and
- (b) if the application relates to a part of licensed premises—the part of the premises consists of a fixed area capable of being defined on a permanent or semipermanent basis; and

Example—

A part of the premises may be defined on a permanent or semipermanent basis by walls or other structures.

- (c) the exemption would not otherwise have an adverse impact on the health and safety of members of the public or the amenity of a community or locality; and
 - (d) the way in which liquor is served at the premises is unlikely to result in the rapid consumption of liquor, having regard to, for example, the size of the offerings of liquor typically served at the premises; and
 - (e) the type and quality of liquor sold, and the way in which liquor is served at the premises, differs from other types and qualities of liquor sold, and ways in which liquor is served, in the locality.
- (2) The exemption may be granted in relation to—
- (a) all or a part of the licensed premises; and
 - (b) 1 or more types of rapid intoxication drinks; and
 - (c) all or part of the restricted period.
- (3) If the commissioner refuses the exemption, the commissioner must give the licensee an information notice for the decision.

(4) In this section—

premium spirits means liquor prescribed by regulation for this definition that has, or is of, a higher value or quality than ordinary liquor.

155AL Exemption notice

- (1) If the commissioner decides to grant the exemption, the commissioner must give the licensee a notice (an *exemption notice*) under this section.
- (2) The exemption takes effect on the day stated in the exemption notice.
- (3) The exemption notice must also state—
 - (a) if the exemption is granted for a part of the premises—the part of the premises to which the exemption relates; and
 - (b) the type or types of rapid intoxication drinks to which the exemption relates; and
 - (c) if the exemption is granted for a part of the restricted period—the part of the period; and
 - (d) any other requirements the commissioner considers necessary—
 - (i) to remain satisfied of a matter mentioned in section 155AK(1)(a) to (d); and
 - (ii) relating to a matter mentioned in section 155AK(2).

155AM Effect of exemption for extended hours permits

If an extended hours permit is granted for the licensed premises, the exemption applies for the hours during which the licensee or permittee is authorised, under

[s 49]

the permit, to sell or supply liquor on the premises, unless the permit states otherwise.

155AN Commissioner must impose licence conditions for exemption

The commissioner must, on granting the exemption, impose a condition on the licensee's licence stating that while the exemption is in force for the licensed premises—

- (a) the licensee must not allow the sale or supply of liquor at the premises in a way that encourages patrons to consume excessive amounts of liquor or consume liquor more rapidly than they would otherwise do; and
- (b) if the premises to which the exemption relates are a part of licensed premises, the licensee must not allow patrons to take liquor from the premises to another part of the licensed premises; and
- (c) the licensee must comply with the matters stated in the exemption under section 155AL(3), or any variation of those matters made under section 155AP.

155AO Commissioner may suspend exemption

- (1) The commissioner may, by written notice, immediately suspend the exemption if the commissioner believes on reasonable grounds that the licensee or permittee has failed to comply with the conditions imposed on the licence or permit under section 155AN.
- (2) The suspension takes effect when the notice is given to the licensee or permittee.

- (3) The suspension continues until the first of the following happens—
 - (a) the commissioner, by written notice, ends the suspension;
 - (b) the commissioner decides to vary or revoke the exemption under section 155AP;
 - (c) the end of 60 days after the suspension takes effect.

155AP Varying or revoking suspension

- (1) After suspending the exemption, the commissioner may vary or revoke the exemption, if the commissioner believes on reasonable grounds the licensee will continue to fail to comply with the conditions imposed on the licence under section 155AN.
- (2) Before varying or revoking the exemption, the commissioner must give a written notice to the licensee stating—
 - (a) the proposed variation, or that the commissioner proposes to revoke the exemption (either of which is the *proposed action*); and
 - (b) the reasons for the proposed action; and
 - (c) that the licensee may, within 14 days after receiving the notice, give the commissioner a written notice of objection to the proposed action.
- (3) The licensee may, within 14 days after receiving the notice, give to the commissioner a written notice of objection to the proposal.
- (4) If, after considering the notice of objection, the commissioner still believes the licensee will continue to fail to comply with the conditions,

[s 50]

the commissioner may, by written notice given to the licensee, take the proposed action.

- (5) The notice must be accompanied by an information notice for the decision.
- (6) If the commissioner decides to—
 - (a) vary the exemption, the commissioner must give the licensee an amended exemption notice showing the exemption as varied; or
 - (b) revoke the exemption, the commissioner must vary the conditions of the licence to remove the conditions mentioned in section 155AN.

50 Amendment of s 158 (False representation of age)

Section 158(3), from ‘a proof of age’ to ‘be false’—

omit, insert—

a document that is acceptable evidence of the age of the person

51 Amendment of s 159 (Wrongful dealing with genuine evidence of age)

Section 159(1)(b), from ‘a proof of age’ to ‘section 6(1)’—

omit, insert—

a document that is acceptable evidence of the age of a person

52 Insertion of new ss 162B and 162C

After section 162A—

insert—

162B Taking liquor into or from area defined in commercial public event permit

- (1) This section applies if a commercial public event permit to sell or supply liquor at a public event is granted to a licensee.
- (2) A person must not take liquor into the area defined in the permit for the event while the permit is in force.

Maximum penalty—25 penalty units.

- (3) A person must not take liquor from the area defined in the permit for the event—
 - (a) while the permit is in force; and
 - (b) during the 1-hour period after the permit expires.

Maximum penalty—25 penalty units.

- (4) However, a person may take liquor into or from the area defined in the permit if—
 - (a) both of the following apply—
 - (i) the person is the licensee, an employee of the licensee, an agent of the licensee or another person acting under the direction of the licensee;
 - (ii) the taking of the liquor into or from the area is for the purpose of conducting the event; or
 - (b) the taking of the liquor into or from the area is otherwise permitted under the permit.

162C Taking liquor into or from venue of event or occasion for community liquor permit

- (1) This section applies if a community liquor permit for an event or occasion is granted to a permittee.

[s 52A]

- (2) A person must not take liquor into the venue of the event or occasion while the permit is in force.
Maximum penalty—25 penalty units.
- (3) A person must not take liquor from the venue of the event or occasion—
 - (a) while the permit is in force; and
 - (b) during the 1-hour period after the permit expires.Maximum penalty—25 penalty units.
- (4) However, a person may take liquor into or from the venue if—
 - (a) both of the following apply—
 - (i) the person is the permittee, an employee of the permittee, an agent of the permittee or another person acting under the direction of the permittee;
 - (ii) the taking of the liquor into or from the venue is for the purpose of conducting the event or occasion; or
 - (b) the taking of the liquor into or from the venue is otherwise permitted under the permit.

52A Amendment of s 165A (Refusing entry to premises)

- (1) Section 165A(1)(e)—
omit, insert—
 - (e) for licensed premises—it would be a breach of a condition of the licence for the premises to allow the person to enter the premises.
- (2) Section 165A(1)(e)—
insert—
Example—

a condition mentioned in section 142AB

53 Amendment of s 172 (Offer to purchase liquor made elsewhere than at licensed premises)

(1) Section 172(2)—

omit, insert—

(2) Subsection (1) does not apply to the holder of a producer/wholesaler licence for orders taken—

(a) to supply liquor by wholesale to a person mentioned in section 75(1); or

(b) if the holder is authorised under section 73(2)(a), or under a craft beer producer permit, to sell the holder's craft beer at a promotional event—at the promotional event.

(2) Section 172—

insert—

(4) Subsection (3) does not apply to the holder of a craft beer producer permit for orders taken at the promotional event that is the subject of the permit.

54 Insertion of new pt 6AB, div 5

Part 6AB—

insert—

Division 5 3a.m. safe night precincts

1730 Purpose of division

(1) This division provides for the approval of safe night precincts as 3a.m. safe night precincts.

(2) A licensee for licensed premises located in a 3a.m. safe night precinct may, under part 4,

[s 54]

division 7, apply for an extended trading hours approval for the premises that, if granted, would extend trading hours on a regular basis to include trading between 12a.m. and 3a.m.

173P Prescribing 3a.m. safe night precincts

- (1) A regulation may prescribe a safe night precinct to be a 3a.m. safe night precinct.
- (2) Before recommending that the Governor in Council make a regulation mentioned in subsection (1) for a safe night precinct, the Minister must—
 - (a) consult with the local board for the safe night precinct; and
 - (b) be satisfied of the following matters—
 - (i) there is a local board for the safe night precinct;
 - (ii) prescribing the safe night precinct under subsection (1) is consistent with the purposes of this part and would not have an undue adverse effect on the health or safety of members of the public, or the amenity of the community.

173Q Revoking 3a.m. safe night precincts

- (1) The Minister may recommend the Governor in Council repeal a regulation prescribing a 3a.m. safe night precinct only if—
 - (a) the local board has asked the Minister to repeal the regulation; or
 - (b) the Minister is no longer satisfied of a matter mentioned in section 173P(2)(b)(i) or (ii).

- (2) If the Minister is no longer satisfied of a matter mentioned in section 173P(2)(b)(ii), the Minister must consult with the local board for the 3a.m. safe night precinct before making the recommendation.
- (3) On the day the regulation repealing the 3a.m. safe night precinct commences, an extended trading hours approval for each licensed premises in the safe night precinct extends trading hours only to the extent the hours include trading between 12a.m. and 2a.m. on any day.

55 Insertion of new pt 7, div 1A

Part 7, before division 1—

insert—

Division 1A Preliminary

173R Definition for part

In this part—

document see the *Evidence Act 1977*, schedule 3.

56 Amendment of s 174AA (Production or display of identity card)

Section 174AA(3), ‘inspector’—

omit, insert—

investigator

57 Insertion of new s 183AA

After section 183—

insert—

[s 57]

183AA Power to require production of documents

- (1) An investigator may require a person, by written notice given to the person, to produce to the investigator, at a reasonable time and place stated in the notice, any documents the investigator believes, on reasonable grounds—
 - (a) the person has possession or control of; and
 - (b) are relevant to the administration or enforcement of this Act.
- (2) An investigator may require the person to give the investigator reasonable assistance in relation to the exercise of the power mentioned in subsection (1).
- (3) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1).

Maximum penalty—50 penalty units.
- (4) It is a reasonable excuse for a person to fail to produce a document, other than a document required to be kept by the person under this Act, if producing the document might tend to incriminate the person.
- (5) An investigator may examine the document and—
 - (a) make copies of, or take extracts from, the document; or
 - (b) if the investigator considers, on reasonable grounds, it is necessary to remove the document to examine or copy it—remove the document from the person’s possession or control.
- (6) Subsection (7) applies if a document removed under subsection (5) is—

- (a) a record made and kept under section 217;
or
 - (b) an accounting record or other record about a business conducted under authority of a licence.
- (7) The investigator must permit, at all reasonable times, a person who, if the record had not been removed, would be entitled to inspect the record or make additions to the record to—
- (a) inspect the record; and
 - (b) make additions to the record.
- (8) An investigator who has removed a document under subsection (5) must, as soon as is practicable after the removal—
- (a) examine and, if the investigator considers it necessary, copy the document; and
 - (b) return the document to the person from whom it was removed.

58 Amendment of s 217 (Records to be kept by licensee)

(1) Section 217—

insert—

- (4A) A licensee under a producer/wholesaler licence, or a permittee under a craft beer producer permit, (each a ***producer***) must make and maintain a correct and up-to-date record (a ***promotional events record***) of each promotional event at which the producer—
- (a) sells, to persons at the event, craft beer produced by the producer for consumption away from the event including, for example, by taking or receiving, or causing or permitting an agent or employee to take or

[s 59]

receive, orders for the producer's craft beer;
or

- (b) supplies, to persons at the event, craft beer produced by the producer, free of charge, for the purpose of sampling the craft beer.

Maximum penalty—350 penalty units.

(4B) A promotional events record must—

- (a) be in a language and form acceptable to the commissioner; and
- (b) include the written consent, mentioned in section 73(2)(a)(ii) or (b)(ii), or section 103W(1)(a) or (b), for the promotional event; and
- (c) be kept, at the producer's craft brewery or in another place approved by the commissioner, for 6 years after the day on which the record is made, by the producer or, if the craft brewery is no longer operated by the producer, by the operator of the craft brewery.

(2) Section 217(5)—

insert—

- (c) the producer's promotional events records are not kept as required by subsection (4B).

59 Amendment of s 226 (Contravention of conditions of licences etc.)

Section 226—

insert—

- (d) a car park approval.

60 Insertion of new s 228C

After section 228B—

insert—

228C Inconsistency with authority to sell or supply craft beer and authority under commercial special facility licence

- (1) This section applies if—
 - (a) a person is authorised, under either of the following, to sell or supply, to persons at a promotional event, craft beer produced by the person—
 - (i) a producer/wholesaler licence;
 - (ii) a craft beer producer permit; and
 - (b) sale or supply of liquor at the event is also authorised under a commercial special facility licence; and
 - (c) there is an inconsistency between the authority mentioned in paragraph (a) and the authority mentioned in paragraph (b).
- (2) The commercial special facility licence prevails to the extent of the inconsistency.

Example—

A promotional event is held at a venue that is the subject of a commercial special facility licence. Sale and supply of liquor at the event is authorised under that licence. The holder of a producer/wholesaler licence is also authorised under that licence to sell or supply the holder's craft beer to persons at the event.

A condition imposed on the commercial special facility licence states the total volume of liquor that may be sold to each person at a promotional event is 4 litres. A condition imposed on the holder's producer/wholesaler licence states the total volume of the licensee's craft beer that may be sold to each person at a promotional event is 8 litres.

[s 61]

Despite the condition imposed on the holder's licence, the holder may sell only a total of 4 litres of the holder's craft beer to each person at a promotional event.

61 Amendment of s 233 (Evidentiary provisions)

Section 233(2)—

insert—

- (ba) a copy of a certificate signed by a doctor or authorised police officer under the *Transport Operations (Road Use Management) Act 1995*, section 80(15) as applied in relation to a person suspected of committing a relevant assault offence under the *Police Powers and Responsibilities Act 2000*, chapter 18A, is admissible as evidence of the concentration of alcohol present in the blood or breath of the person the subject of the certificate; and

62 Insertion of new pt 12, div 17

Part 12—

insert—

Division 17 Transitional provisions for Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016

Subdivision 1 Extended trading hours applications and existing extended trading hours approvals

330 Definitions for subdivision

In this subdivision—

extended trading hours application (takeaway liquor) means an application under section 86(2A)(b), as in force before the commencement, to extend trading hours for the sale of takeaway liquor to include trading between 10p.m. and midnight.

retrospectivity period means the period starting on 10 November 2015 and ending on the commencement.

331 Application of subdivision

This subdivision does not apply in relation to an extended trading hours application (takeaway liquor) or an extended trading hours approval for an airport or casino to which a commercial special facility licence relates.

332 No compensation for operation of subdivision

Despite any Act or other law, no compensation is payable by the State to a person because of the operation of this subdivision.

333 Restriction on making extended trading hours applications (takeaway liquor)

- (1) A person may not make an extended trading hours application (takeaway liquor) during the retrospectivity period.
- (2) An extended trading hours application (takeaway liquor) made or purportedly made during the retrospectivity period is of no effect.
- (3) If an extended trading hours application (takeaway liquor) was made but had not been

[s 62]

decided before the start of the retrospectivity period, the application is taken to have lapsed on 10 November 2015.

334 Certain proceedings in court or tribunal relating to extended trading hours applications (takeaway liquor) taken to end

- (1) This section applies to a proceeding in a court or tribunal relating to an extended trading hours application (takeaway liquor) that, immediately before the commencement, had not been decided.
- (2) On the commencement, the proceeding ends and must not be further considered by the court or tribunal.

335 Effect of certain court or tribunal decisions relating to extended trading hours applications (takeaway liquor)

- (1) This section applies to a decision of a court or tribunal made during the retrospectivity period on a proceeding relating to an extended trading hours application (takeaway liquor).
- (2) Despite anything in the decision that provides otherwise, on the day the decision takes effect, any extended trading hours approval for the application does not authorise the sale of takeaway liquor between 10p.m. and midnight.

336 Applications for extended trading hours between 2a.m. and 5a.m.

- (1) Subsection (2) applies if—
 - (a) immediately before 1 July 2016, an application for an extended trading hours approval had been made but not decided; and

-
- (b) the application, if granted, would extend trading hours to include trading between 2a.m. and 5a.m.
- (2) For an approval granted before 1 February 2017, the commissioner may grant the approval only to the extent it authorises trading between—
 - (a) if the premises to which the approval relates are located in a safe night precinct—12a.m. and 3a.m.; or
 - (b) otherwise—12a.m. and 2a.m.
 - (3) Subsection (4) applies if—
 - (a) immediately before 1 February 2017, an application for an extended trading hours approval had been made but not decided; and
 - (b) the application, if granted, would extend trading hours to include trading between 2a.m. and 5a.m.
 - (4) The commissioner may grant the approval only to the extent it authorises trading between—
 - (a) if the premises to which the approval relates are located in a safe night precinct—12a.m. and 3a.m.; or
 - (b) otherwise—12a.m. and 2a.m.

337 Existing extended trading hours approvals for trading between 2a.m. and 5a.m.

- (1) Subsection (2) applies if—
 - (a) immediately before 1 July 2016, an extended trading hours approval was in force for licensed premises; and
 - (b) the approval extended trading hours to include trading between 2a.m. and 5a.m.

[s 62]

- (2) From 1 July 2016 until 31 January 2017, the extended trading hours approval has effect as if it authorised trading only between—
 - (a) if the premises to which the approval relates are located in a safe night precinct—12a.m. and 3a.m.; or
 - (b) otherwise—12a.m. and 2a.m.
- (3) Subsection (4) applies if—
 - (a) immediately before 1 February 2017, an extended trading hours approval was in force for licensed premises; and
 - (b) the approval extended trading hours to include trading between 2a.m. and 5a.m.
- (4) From 1 February 2017, the extended trading hours approval has effect as if it authorised trading only between—
 - (a) if the premises to which the approval relates are located in a 3a.m. safe night precinct—12a.m. and 3a.m.; or
 - (b) otherwise—12a.m. and 2a.m.

338 Effect of certain court or tribunal decisions relating to extended trading hours approvals

- (1) Subsection (2) applies to a decision of a court or tribunal on a proceeding relating to an extended trading hours approval for licensed premises if the proceeding—
 - (a) had started but had not been decided before 1 July 2016; and
 - (b) is decided before 1 February 2017.
- (2) Despite anything in the decision that provides otherwise, on the day the decision takes effect, the extended trading hours approval has effect as

if, and to the extent that, it authorised trading only between—

- (a) if the premises to which the approval relates are located in a safe night precinct—12a.m. and 3a.m.; or
 - (b) otherwise—12a.m. and 2a.m.
- (3) Subsection (4) applies to a decision of a court or tribunal on a proceeding relating to an extended trading hours approval for licensed premises if the proceeding had started but had not been decided before 1 February 2017.
- (4) Despite anything in the decision that provides otherwise, on the day the decision takes effect, the extended trading hours approval has effect as if, and to the extent that, it authorised trading only between—
- (a) if the premises to which the approval relates are located in a 3a.m. safe night precinct—12a.m. and 3a.m.; or
 - (b) otherwise—12a.m. and 2a.m.

338A Minister must review

- (1) The Minister must, as soon as practicable after 1 July 2018, arrange for an independent review of the operation and effectiveness of the relevant provisions.
- (2) As soon as practicable after the review is completed, the Minister must table a report about its outcome in the Legislative Assembly.
- (3) In this section—
relevant provisions means the following provisions, as inserted or amended by the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*—

[s 62]

- (a) section 86;
- (b) part 5, division 5;
- (c) part 6, division 1B;
- (d) part 6AB, division 5;
- (e) part 12, division 17, subdivision 1.

Subdivision 2 Other provisions

339 Acceptable evidence of age

- (1) This section applies if a document was acceptable evidence of the age of a person under section 6 as in force immediately before the commencement.
- (2) Despite the amendment of section 6 by the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016*, the document continues, from the commencement, to be acceptable evidence of the age of the person for this Act until—
 - (a) if the document is cancelled or revoked before it expires—the document is cancelled or revoked; or
 - (b) otherwise—the document expires.

340 Conditions relating to sale etc. of liquor in car park

- (1) This section applies if, immediately before the commencement, a licence was subject to a condition relating to the sale, supply or consumption of liquor in a car park, or part of a car park, that is in or on the licensee's licensed premises.

[s 65]

insert—

38AB Prescription of particular substances and maximum amounts—Act, s 14AB

- (1) For section 14AB(2)(b)(i) of the Act, spirituous cooking essence is prescribed.
- (2) For section 14AB(2)(b)(iii) of the Act, the following maximum amounts are prescribed for spirituous cooking essence—
 - (a) if the essence is vanilla essence—100mL;
 - (b) otherwise—50mL.

65 Amendment of s 38A (Matters for risk-assessed management plan—Act, s 50, definition *risk-assessed management plan*)

- (1) Section 38A, heading, ‘s 50’—
omit, insert—

s 4

- (2) Section 38A(1), ‘section 50’—
omit, insert—
section 4

66 Insertion of new s 41A

After section 41—

insert—

41A Maximum period for car park approval—Act, s 142ZZJ(3)

For section 142ZZJ(3) of the Act, the period is 3 months.

Part 7 Amendment of Penalties and Sentences Act 1992

67 Act amended

This part amends the *Penalties and Sentences Act 1992*.

68 Amendment of s 4 (Definitions)

Section 4—

insert—

DAAR condition, for part 3, division 1, see section 19(2B).

69 Amendment of s 15B (Definitions for div 1)

(1) Section 15B—

insert—

DAAR condition see section 19(2B).

(2) Section 15B, definition *drug assessment and education session*, ‘one-on-one’—

omit.

70 Amendment of s 19 (Order of court)

(1) Section 19—

insert—

(2B) Also, without limiting subsection (2) or (2A), if the offender consents to completing a DAAR course, the court may impose a condition (a **DAAR condition**) that the offender complete a DAAR course by a stated day.

(2) Section 19—

insert—

[s 71]

(4) In this section—

DAAR course see the *Bail Act 1980*, section 11AB(6).

Note—

DAAR stands for Drug and Alcohol Assessment Referral. See the *Bail Act 1980*, section 11AB(6), definition *DAAR*.

71 Amendment of s 20 (Contravention of order)

(1) Section 20(1A), ‘drug diversion’—

omit, insert—

relevant

(2) Section 20—

insert—

(3) In this section—

relevant condition means—

(a) a drug diversion condition; or

(b) a DAAR condition.

72 Insertion of new pt 14, div 12

Part 14—

insert—

Division 12	Transitional provision for Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016
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239 Imposition of DAAR condition

(1) Section 19(2B), as inserted by the amending Act, applies to an order made under section 19(1)(b)

