

# Liquor (3a.m. Safe Night Precincts) Amendment Regulation 2016

Explanatory notes for SL 2016 No. 231

Made under the

*Liquor Act 1992*

## General Outline

Short Title

*Liquor (3a.m. Safe Night Precincts) Amendment Regulation 2016.*

## Authorising law

Sections 173P and 235 of the *Liquor Act 1992*.

## Policy objectives and the reasons for them

The policy objective of the *Liquor (3a.m. Safe Night Precincts) Amendment Regulation 2016* (Amendment Regulation) is to amend the *Liquor Regulation 2002* (Liquor Regulation) to prescribe certain safe night precincts (SNPs) as 3am SNPs for the purposes of amendments arising from the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016* (TAFV Act). The TAFV Act received assent on 4 March 2016 and gives legislative effect to the Government's *Tackling Alcohol-Fuelled Violence Policy* (TAFV Policy) to address the problem of alcohol-related violence in and around Queensland's licensed premises, particularly during the higher risk late-night trading period.

On 1 July 2016, the TAFV Act inserted into the *Liquor Act 1992* (Liquor Act) a new section 337, to provide for the reduction of liquor trading hours at licensed premises in Queensland. The effect of section 337 is to reduce the latest available extended liquor trading hours' time to 2am State-wide. However, under section 337(2)(a) of the Liquor Act, from 1 July 2016 until 31 January 2017, the latest available extended liquor trading hours is 3am in the 15 SNPs prescribed in the Liquor Regulation.

SNPs have been declared for: Airlie Beach CBD; Brisbane CBD; Broadbeach CBD; Bundaberg CBD; Cairns CBD; Fortitude Valley; Gladstone CBD; Inner West Brisbane; Ipswich CBD; Mackay CBD; Rockhampton CBD; Sunshine Coast; Surfers Paradise CBD, Townsville CBD and Toowoomba CBD.

Section 37A of the TAFV Act repealed the lock out provisions contained in Part 5, Division 5 of the Liquor Act to allow licensees to operate without a statutory lock out during the period between 1 July 2016 and 31 January 2017.

In accordance with section 337(4) of the Liquor Act, from 1 February 2017, extended liquor trading hours until 3am will only be available to approved licensees in prescribed 3am SNPs. In conjunction with this, new sections 142AA and 142AB of the Liquor Act provide that, from 1 February 2017, where a 3am SNP has been prescribed, any licensed premises with permanent extended liquor trading hours beyond 1am is subject to a lock out condition that prohibits patrons from entering or re-entering the premises between 1am and 3am.

Under the regulation-making power of section 173P(1) of the Liquor Act, 3am SNPs may be prescribed by regulation. In accordance with section 173P(2), the Attorney-General and Minister for Justice and Minister for Training and Skills (Attorney-General) has consulted with the local board for each SNP. In respect of each SNP to be prescribed as a 3am SNP, the Attorney-General was satisfied that the SNP had a local board; that declaration of the 3am SNPs was consistent with the purposes of Part 6AB of the Liquor Act; and that declaration of the 3am SNPs would not have an undue adverse effect on the health or safety of members of the public, or the amenity of the community.

## **Achievement of policy objectives**

The policy objectives are achieved by inserting a new Schedule 16A in the Liquor Regulation prescribing the following SNPs as 3am SNPs:

- Airlie Beach CBD
- Brisbane CBD
- Broadbeach CBD
- Bundaberg CBD
- Fortitude Valley
- Ipswich CBD
- Mackay CBD
- Rockhampton CBD
- Sunshine Coast
- Surfers Paradise CBD
- Townsville CBD

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the Liquor Act.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

There are no costs associated with the implementation of this Amendment Regulation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

Extensive consultation with community and industry stakeholders has been undertaken in relation to 3am SNPs. Stakeholder round tables were held during the development of the TAFV Policy. The public was able to make submissions during the Legal Affairs and Community Safety Committee's consideration of the Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015.

Additionally, consultation has taken place with SNP local boards, the Queensland Police Service and relevant local councils to determine whether approving particular SNPs for an additional hour of liquor service, with the associated 2-hour lock out, is consistent with the harm minimisation provisions under the Liquor Act.