

Liquor (Cairns CBD and other 3a.m. Safe Night Precincts) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 4

Made under the

Liquor Act 1992

General Outline

Short Title

Liquor (Cairns CBD and other 3a.m. Safe Night Precincts) Amendment Regulation 2017.

Authorising law

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

Policy objectives and the reasons for them

The policy objective of the *Liquor (Cairns CBD and other 3a.m. Safe Night Precincts) Amendment Regulation 2017* (Amendment Regulation) is to amend the *Liquor (3a.m. Safe Night Precincts) Amendment Regulation 2016* (3am SNP 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, and amended section 86(1), to provide for the reduction of available liquor trading hours to 2am State-wide or 3am in SNPs.

However, from 1 February 2017, extended liquor trading hours until 3am will only be available to approved licensees in prescribed 3am SNPs. Available liquor trading hours for SNPs which are not prescribed as 3am SNPs will be reduced to 2am in line with the rest of the State.

Under the regulation-making power of section 173P(1) of the Liquor Act, 3am SNPs may be prescribed by regulation. A 3am SNP may only be prescribed if the relevant Minister, currently the Attorney-General and Minister for Justice and Minister for Training and Skills

(Attorney-General), is satisfied the criteria outlined in section 173P(2) of the Liquor Act are met.

The Attorney-General has determined that the following SNPs have met the legislative eligibility requirements to be declared as 3am SNPs:

- Cairns CBD SNP;
- Gladstone CBD SNP; and
- Toowoomba CBD SNP.

In respect of each of the above SNPs to be prescribed as a 3am SNP, the Attorney-General is satisfied that the SNP: has a local board and has consulted with that board; that declaration of the 3am SNP is consistent with the purposes of Part 6AB of the Liquor Act; and that declaration of the 3am SNP 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 Amendment Regulation will amend the 3am SNP Regulation to prescribe the SNPs of Cairns CBD, Gladstone CBD and Toowoomba CBD as 3am SNPs.

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 was undertaken in relation to introducing 3am SNPs. Several stakeholder round tables were held during the development of the TAFV Policy. The public was then invited 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 took 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 would be consistent with the required harm minimisation provisions under the Liquor Act.