

Liquor (Closed-circuit Television Equipment) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 192

made under the

Liquor Act 1992

General Outline

Short title

Liquor (Closed-circuit Television Equipment) Amendment Regulation 2020

Authorising law

Section 235 of the *Liquor Act 1992*

Policy objectives and the reasons for them

The objective of the Liquor (Closed-circuit Television Equipment) Amendment Regulation 2020 (Amendment Regulation) is to change the time at which the daily closed-circuit television (CCTV) equipment check must be performed by a licensee or approved manager from “before trading commences” to “no later than 12:30am”.

Background

On 26 July 2019, the Government publicly released the final evaluation report on the Tackling Alcohol Fuelled Violence Policy (TAFV Policy) and interim Government response to the evaluation report, which gave in-principle support to a recommendation extending mandatory CCTV for late trading liquor licensed premises State-wide.

Broad consultation was undertaken with community, industry and government stakeholders seeking feedback on the interim Government response. Concerns were raised over the regulatory and financial burden of the existing daily CCTV equipment check.

Current legislative environment

Under section 142AH of the *Liquor Act 1992* (Liquor Act), licensees in the Brisbane City Council area are required to have CCTV at each entrance and exit of their premises if they trade after 1am.

Under section 142AH of the Liquor Act, it is a condition of the licensee's licence that, amongst other things, the licensee complies with any requirements prescribed by regulation about maintaining CCTV equipment. Section 37DA(2) of the *Liquor Regulation 2002* (Liquor Regulation) includes a requirement for a daily check of CCTV equipment to occur before trading commences to ensure it is operating effectively. The requirement was introduced to address the issue of licensees advising that they were unable to provide CCTV footage after an incident because their system was malfunctioning.

Under section 37DA(2) of the Liquor Regulation, there are no requirements for the daily check to be performed by any particular person. However, under section 142AH of the Liquor Act, only a licensee or approved manager is allowed to operate CCTV equipment. Therefore, only these persons can undertake the daily check.

Under section 155AD of the Liquor Act, an approved manager is not required to be present at the licensed premises until 12am. Although most late trading venues tend to have an approved manager at the licensed premises before midnight, an approved manager is often not at the licensed premises at the start of trade. Stakeholders have advised it is generally impractical in all circumstances to require an approved manager to perform the check at the start of trade.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending section 37DA of the Liquor Regulation to prescribe that the daily CCTV equipment check must be performed no later than 12:30am. The Amendment Regulation will make it easier for licensees and approved managers to meet the requirement to check that CCTV equipment is operating effectively.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the Liquor Act policy objectives, including harm minimisation (section 3(a)) and providing for a flexible, practical system for regulation of the liquor industry of the State with minimal formality, technicality or intervention consistent with the proper and efficient administration of the Liquor Act (section 3(d)).

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives feasibly under the existing policy and legislative framework.

Benefits and costs of implementation

The Amendment Regulation will benefit licensees by requiring licensees/approved managers to check CCTV equipment is operating effectively by no later than 12:30am, rather than before trading commences. This is in line with 155AD of the Liquor Act, which prescribes that in most cases, an approved manager must be present at the licensed premises from 12am.

There are no identifiable costs to industry or government as a result of the amendment.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles as they have sufficient regard for the rights and liberties of individuals and the authority of Parliament. No issues with fundamental legislative principles have been identified.

Consultation

The Amendment Regulation has been developed in direct response to stakeholder consultation that was undertaken as part of the Government's response to the final evaluation of the TAFV Policy in 2019. The Department of Justice and Attorney-General held industry stakeholder forums in Brisbane and Townsville, and invited submissions from health and community organisations, industry representatives, and licensees.

The Office of Best Practice Regulation has not been consulted as an exemption from regulatory impact analysis was provided due to the amendments being as a result of extensive stakeholder consultation and are necessary to reduce unnecessary regulatory burden while maintaining a safe night-time environment.