

Liquor and Other Legislation Amendment Bill 2010

Explanatory Notes

for

Amendments to be moved during consideration in detail by the Honourable Peter Lawlor MP, Minister for Tourism and Fair Trading

Title of the Bill

Liquor and Other Legislation Amendment Bill 2010

Objectives of the Amendments

New Part 6C of the *Liquor Act 1992* is amended to clarify: that a court may ban a respondent from an entire Drink Safe Precinct; that a respondent may respond to an application by the filing of relevant affidavit material; and the options available to the court in the event that a respondent fails to appear for the hearing of a banning order application.

The *Bail Act 1980* and the *Penalties and Sentences Act 1992* are amended to provide a further example of a special condition of bail and banning order respectively.

Finally, an amendment is made to the three abovementioned Acts to clarify that a copy of the order may also be provided to an approved manager of a relevant licensed premises.

Consultation

Department of Premier and Cabinet, Department of Justice and Attorney-General and the Queensland Police Service.

Consistency with Fundamental Legislative Principles

The amendments are consistent with the fundamental legislative principles.

Notes on Provisions

Clause 1 amends clause 8 of the Bill by inserting a further example of special conditions for new subsection 11(2AA)(b) (Conditions of release on bail). This example makes it clear that a special condition may prohibit a person from entering or remaining, or attempting to enter or remain, during stated hours, in a Drink Safe Precinct under the *Liquor Act 1992* while released on bail.

Clause 2 amends clause 11 of the Bill by amending new section 34F (Commissioner may give information about special condition of bail to licensee under the *Liquor Act 1992*) to expressly provide that the commissioner may give information about a special condition to an approved manager working at the licensed premises mentioned in the special condition or the event mentioned in the special condition. An ‘approved manager’ means a person holding an approval as an approved manager under the *Liquor Act 1992*.

Clause 3 amends clause 47 of the Bill by inserting new subsection (c) into new section 173S (What is a civil banning order). This amendment clarifies that if a civil banning order is made it can prohibit the respondent from entering or remaining, or attempting to enter or remain, during stated hours in a Drink Safe Precinct.

Clause 4 amends clause 47 of the Bill by amending new section 173U (Application for a civil banning order) to clarify that a respondent may respond to an application by the filing of relevant affidavit material in terms as outlined in new section 173V.

Clause 5 amends clause 47 of the Bill by amending new section 173V (Response by Respondent) to clarify that a respondent may respond to an application by the filing of affidavits to be relied on by the respondent for the hearing of the application.

Clause 6 amends clause 47 of the Bill by amending new section 173W (Hearing of the application) by making clear that if the respondent fails to

appear before the court that is to hear and decide an application for a civil banning order and the court is satisfied that a copy of the application has been served on the respondent, the court may also dismiss the application.

Clause 7 amends clause 47 of the Bill by amending new section 173Y (Interim civil banning orders) as a consequence of the amendment outlined in clause 5 above.

Clause 8 amends clause 47 of the Bill by amending new section 173Y (Interim civil banning orders) as a consequence of the amendment outlined in clause 5 above.

Clause 9 amends clause 47 of the Bill by amending new section 173ZT (Authorised person may give copy of order to licensee) by inserting a new subsection (d) that an authorised person may give a copy of an order made under Part 6C to an approved manager working at the licensed premises or class of licensed premises stated in the order or the event stated in the order.

Clause 10 amends clause 55 of the Bill by amending new section 43I (What is a banning order) by inserting a further example of the banning orders that can be made. This example makes it clear that if a banning order is made it can prohibit an offender from entering or remaining, or attempting to enter or remain, during stated hours, in a Drink Safe Precinct as prescribed under the *Liquor Act 1992*.

Clause 11 amends clause 55 of the Bill by amending new section 43N (Commissioner may give copy of banning order to licensee). This amendment allows for a copy of the order to also be given to the approved manager working at the licensed premises or class of licensed premises stated in the order or the event stated in the order.