

Liquor Amendment Regulation (No. 3) 2016

Explanatory notes for SL 2016 No. 197

Made under the

Liquor Act 1992

General Outline

Short Title

Liquor Amendment Regulation (No. 3) 2016

Authorising law

Sections 173NC(1) and 235(1) of the *Liquor Act 1992*.

Policy objectives and the reasons for them

The objective of the *Liquor Amendment Regulation (No. 3) 2016* (Amendment Regulation) is to amend the *Liquor Regulation 2002* (Liquor Regulation) to reflect the boundary changes to the Rockhampton CBD and Toowoomba CBD safe night precincts (SNPs) by:

- reducing the Rockhampton CBD SNP boundary, removing 22 licensed premises from the SNP, leaving a total of 35 current licensed premises within the SNP; and
- increasing and amending the Toowoomba CBD SNP boundary to capture five new licensed premises and remove five licensed premises, leaving a total of 47 current licensed premises within the SNP.

The *Liquor Act 1992* (Liquor Act) provides a mechanism for areas with a concentration of licensed premises within Queensland to be declared as SNPs. Since 1 October 2014, 15 entertainment areas throughout Queensland have been declared SNPs under the Liquor Regulation. The purpose of SNPs is to minimise the risk of alcohol and drug-related harm, violence, disturbances and public disorder in entertainment precincts.

The Government's *Tackling Alcohol-Fuelled Violence Policy* includes continuation of the SNP model. Due to the higher level of services provided in SNPs, from 1 February 2017, approved venues in declared 3am SNPs will be able to continue to sell liquor until 3am with a 1am lock out, rather than to 2am like the rest of the State. As part of the Government's *Tackling Alcohol-Fuelled Violence Policy* implementation, the Office of Liquor and Gaming Regulation and Queensland Police Service conducted a review of the SNPs to ensure the precincts are operating effectively and the boundaries are appropriate.

This review resulted in recommended boundary changes to the Rockhampton CBD and Toowoomba CBD SNPs.

Rockhampton CBD safe night precinct

The Amendment Regulation reduces the Rockhampton CBD SNP boundary to ensure a more efficient and focused rapid response capability in the higher-risk areas of the CBD. The southern SNP boundary is moved to South Street, the northern boundary to Cambridge Street, and the western boundary to Campbell Street. The eastern boundary remains unchanged. Accordingly, 22 licensed premises are no longer situated within the SNP, leaving a total of 35 current licensed premises within the SNP boundary.

Toowoomba CBD safe night precinct

In order to address changes in patron flow between venues and improve the effectiveness of the SNP, the Amendment Regulation amends the Toowoomba CBD SNP boundary to capture a number of licensed premises located within close proximity of the SNP boundary. The northern boundary of the SNP is extended to Campbell Street and the western boundary to Duggan Street. Part of the eastern boundary is reduced to Neil Street. Five licensed premises are no longer situated within the SNP. Five other licensed premises located in the higher-risk entertainment zone are now included within the SNP, bringing the total number of current licensed premises located within the SNP boundary to 47.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending Schedules 12 (Rockhampton CBD safe night precinct) and 15 (Toowoomba CBD safe night precinct) of the Liquor Regulation, to vary the boundaries of the Rockhampton CBD and Toowoomba CBD SNPs.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Liquor Act. Part 6AB clarifies the purpose of SNPs is to minimise harm from the abuse and misuse of alcohol and drugs and associated violence, and minimise alcohol and drug-related disturbances or public disorder in areas where a concentration of licensed venues exists.

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 implementation of the Amendment Regulation. Amendment of the boundaries will enable Government to more effectively target resources such as policing, compliance monitoring, rest and recovery services and other initiatives for managing the elevated risk of alcohol and drug related harm associated with late-night liquor trading. Reducing alcohol-fuelled violence will have a flow on effect of

decreasing the health care costs in treating victims and the workload on Queensland's criminal justice system.

Consistency with fundamental legislative principles

The variation of SNP boundaries may breach fundamental legislative principles, as the changes potentially impact on the rights and liberties of individual licensees who will be removed from, or added to, the SNP precincts.

In terms of advantages, licensees now included in the SNPs will gain the benefit of additional resources afforded to SNPs and the ability to participate in local board initiatives to reduce alcohol-fuelled violence in the precincts. These licensees may also be able to apply for an additional hour of liquor service, until 1 February 2017. After 1 February 2017, the additional hour of alcohol service will only be permitted if the precincts are declared as 3am SNPs.

In terms of disadvantages, the licensees may be subject to mandatory ID scanning and membership of the SNP local boards, unless the licensee is classified as exempt. Additionally, assuming the affected SNPs become declared 3am SNPs, the licensees now included in the SNPs will be subject to a 1am lock out if they serve liquor post 1am.

The removal of individual licensees from within SNP boundaries will have the opposite effect to the potential advantages and disadvantages described above. However, it should be noted many of the licensed premises that are no longer part of the SNP are lower risk premises that do not trade beyond midnight.

The potential breach of fundamental legislative principles is considered justifiable as it is in the public interest to ensure that resources are appropriately targeted within the key entertainment precincts. Appropriately prescribed boundaries will assist in achieving the purpose of the SNPs in respect of minimising harm from the abuse and misuse of alcohol and drugs and associated violence, minimising alcohol and drug-related disturbances or public disorder in the area, and ensuring strategies to reduce alcohol-fuelled violence can be applied consistently across venues in the higher-risk entertainment zone.

Consultation

The Queensland Police Service consulted extensively with affected licensees, business owners and operators located within the SNP, community organisations and Government and non-government agencies and no objections were raised in relation to the boundary amendments. The Office of Liquor and Gaming Regulation consulted with the relevant local boards that manage the Rockhampton CBD and Toowoomba CBD SNPs and no issues were raised during consultation.

The Office of Liquor and Gaming Regulation also consulted with affected licensees. One licensee raised concerns about being subject to the 1am lock out if included in the SNP. However, the venue is located within the key entertainment zone, and the Queensland Police Service expends resources patrolling the premises. Accordingly, it is considered necessary to include the relevant venue in the SNP to ensure that initiatives for reducing alcohol-fuelled violence can be applied consistently across all venues in the high risk entertainment zone.

The Department of the Premier and Cabinet and Queensland Treasury were consulted and raised no objections to the Amendment Regulation.

The Office of Best Practice Regulation was consulted and has advised that the amendments do not require further analysis or assessment under the Regulatory Impact Statement guidelines.