



LATE ITEMS PERFORMANCE & SERVICE COMMITTEE MEETING

AGENDA

29 JULY 2014

Your attendance is required at a meeting of the Performance & Service Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 29 July 2014 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
24 July 2014

Next Meeting Date: 26.08.14

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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8 OFFICERS' REPORTS

8.8 SAFE NIGHT OUT STRATEGY

File No: 5248

Attachments:

1. Safe Night Out Strategy June 2014
2. Safe Night Out Legislation Amendment Bill 2014 Part 6AB Safe Night Precincts
3. Proposed Rockhampton Safe Night Out Zone

Authorising Officer: Michael Rowe - General Manager Community Services

Author: Cheryl Haughton - Manager Community Services

SUMMARY

Council direction is sought in relation to the Safe Night Out Strategy being implemented by the Queensland Government.

OFFICER'S RECOMMENDATION

THAT Council:

- (1) provides the Office of Liquor and Gaming Regulation with feedback on the proposed Safe Night Precinct area;
- (2) Nominates a representative to serve on the Public Safety Consultative Committee;

COMMENTARY

The Queensland Government introduced the 'Safe Night Out' Legislation Amendment Bill 2014 into the Parliament on 6 June and it is anticipated that the Liquor Act will be amended to incorporate this strategy by the end of August.

The 'Safe Night Out' Strategy incorporates a number of elements as outlined in the attached documentation. A central component of the strategy is the establishment of Safe Night Precinct (SNPs) in areas that have a concentration of licensed premises, where Government will work with liquor licensees and other stakeholders to reduce alcohol-related violence. Rockhampton has been identified as one of 15 locations across the state to have a declared SNP. The area and premises to be included in the Rockhampton SNP is shown in the attached map.

The SNPs will require stakeholders including liquor licensees, local businesses, state and local government agencies, and community support providers to work together to contribute to the objective of ensuring safe and supportive environments in key entertainment precincts. The SNP model sees the establishment of an incorporated association made up of the licensees within the area and other eligible stakeholders. From within this group a Board would be formed to put in place planning and management initiatives to address safety issues and amenity.

Seed funding will be available to the Board to assist with set up costs, and it will also have the capacity to raise funds from members through membership fees, as well as source grants and sponsorships. The Government will also offer a funding pool for competitive grants for public safety initiatives, and recurrent funding to allow Boards to engage community agencies to provide rest, sobering up and recovery services.

In addition to the Association and Board it is proposed to establish a Public Safety Consultative Committee which would act as an advisory group to the SNP Board. The consultative committee would consist of representatives of local government, relevant state government agencies, and community service providers, who would be invited to Board meetings to provide advice and assistance.

The Office of Liquor and Gaming Regulation (OLGR) will be working with local government, licensees and other stakeholders to establish the SNP. The OLGR will also have an ongoing role in ensuring that the Boards achieve the objectives of the initiative.

A state Implementation Panel, chaired by the Assistant Minister for Multicultural Affairs Robert Cavalucci, has also been established to oversee the roll out of the strategy across the state. An officer from the Local Government Association of Queensland represents local government on this panel.

CONCLUSION

The 'Safe Night Out' Strategy will be implemented across the state with 15 locations identified for the establishment of Safe Night Precincts. As Rockhampton has been included as one of those locations, Council has been requested to consider the proposed SNP area within the city, and to nominate a representative to serve on the Public Safety Consultative Committee.

SAFE NIGHT OUT STRATEGY

Safe Night Out Strategy June 2014

Meeting Date: 29 July 2014

Attachment No: 1

Safe Night Out Strategy

June 2014

Great state. Great opportunity.



Safe Night Out Strategy

A strategy to restore responsible behaviour and respect, stamp out alcohol and drug-related violence and ensure Queensland's nightlife is safe for all.

Changing the culture—everyone is responsible

- **Queenslanders expect** that everyone will take responsibility and play their part to ensure a safe night out for all. Patrons, licensees and police are expected to uphold high standards of behaviour.
- **Queenslanders expect** our young people to be educated about the risk of drugs and their responsibilities when consuming alcohol.
- **Queenslanders expect** all licensed venues, including in Safe Night Precincts, to ensure responsible service of alcohol and not encourage reckless consumption of alcohol.

Bad behaviour won't be tolerated

- **The Queensland Government will give police the power and resources** to respond quickly to alcohol and drug-related violence and anti-social behaviour (e.g. high visibility policing, drug detection dogs, covert and coordinated operations).
- **The Queensland Government will introduce tougher penalties** for violent and anti-social behaviour in and around licensed venues, including stronger, more responsive banning orders.
- **The Queensland Government will introduce a new offence** of unlawful striking causing death to address 'coward punch' deaths.
- **The Queensland Government will introduce mandatory community service**, as well as compulsory alcohol and drug counselling, for offenders.
- **The Queensland Government will change the laws** to make it easier to prosecute licensees who disregard responsible service of alcohol.
- **The Queensland Government will build a responsive, accountable and strengthened licensing system** that addresses community safety concerns while still encouraging Queenslanders to enjoy a fun night out.

Safe and supportive environments

- **The Queensland Government will establish Safe Night Precinct local boards** to undertake the effective and safe local management of entertainment areas.
- **The Queensland Government will facilitate improved safety conditions for venues** to help prevent and manage alcohol and drug-related violence (e.g. lock-outs, ID scanners).
- **The Queensland Government will provide services and support** for patrons (e.g. rest and recovery areas, transport, amenity, lighting).
- **The Queensland Government will introduce an enhanced licensing and compliance regime** to manage and prevent alcohol and drug-related violence in and around licensed venues.



Safe Night Out Strategy



Premier's Foreword

Queensland is a great place for a night out. We have fantastic restaurants, world-class venues, a thriving music and cultural scene and a climate that makes it a pleasure to be out at night.

Our unique and vibrant nightlife makes a significant contribution to the economic, cultural and social life of Queensland, attracting hundreds of thousands of tourists to Queensland each year. It should be preserved and celebrated.

Queenslanders have made it clear that violent and anti-social behaviour will not be tolerated in this great State, and the Government is committed to ensuring that everyone can enjoy a safe night out.

We asked Queenslanders how this should be achieved and we took the time to listen. 8000 comments were left on my Facebook page when the Government announced its intention to introduce a comprehensive strategy. In February 2014, the Government conducted an online survey on alcohol and drug-related violence that received over 12,000 responses. In March, we released a draft strategy and asked for Queenslanders' input.

We believe the Safe Night Out Strategy strikes the right balance between allowing people to go out and enjoy themselves when they want to, and making sure that people are safe, while taking into account very real community concerns about public safety in late-night trading areas. Most people drink and behave responsibly when they are in public and we have taken great care to ensure that the well behaved majority will not be punished, just because of the bad behaviour of a few.

The Safe Night Out Strategy is a comprehensive range of initiatives to address violence, anti-social behaviour and safety issues around licensed venues. It is about patrons, venues, communities and the Government coming together to create a safe, co-operative and vibrant culture for Queensland's nightlife.

The strategy includes initiatives to change the culture to restore responsible behaviour and respect, including education for school students and social marketing campaigns. Bad behaviour will not be tolerated. We will make sure that police and the courts have sufficient powers to deal with violent and anti-social behaviour, and that police and liquor licensing compliance officers can deal with unsafe venues and irresponsible service of alcohol practices. We will facilitate State Government agencies, local government, liquor licensees and community groups working together to build safe and supportive environments. We will also work with local communities to establish Safe Night Precincts across Queensland to ensure that key entertainment precincts have sufficient policing, support services and transport to manage high-volumes of patrons at peak times.

To make sure we get this right we have committed to a review of the Safe Night Out Strategy after twelve months.

We will monitor the success of actions and make any necessary adjustments to ensure the strategy is the best it can be.

The Safe Night Out Strategy is about preserving all that is unique and wonderful about Queensland's nightlife and making sure that everyone can enjoy a safe night out in this great State.

Campbell Newman MP
Queensland Premier

Safe Night Out Strategy

The Objective

A strategy to restore responsible behaviour and respect, stamp out alcohol and drug-related violence and ensure Queensland's nightlife is safe for all.

Everyone wants to enjoy a good night out, but too often in Queensland the occasion is ruined by the bad behaviour of those who become unduly intoxicated through alcohol and drugs.

Sometimes this irresponsible conduct involves indiscriminate aggression and violence that sadly can lead to tragic consequences.

As a community, Queenslanders have said clearly that they won't continue to tolerate bad and irresponsible behaviour.

It is time to act, to challenge head-on this scourge on Queensland's vibrant nightlife and restore common sense, responsibility and respect for others.

Everyone has a role to play—especially patrons, licensees, businesses and law enforcement officers—to ensure that people behave responsibly and safely when they are out at night.

The Queensland Government is doing its part by introducing tougher penalties for those who do not respect social norms and responsible behaviour. This means more police on the beat to enforce the law and increasing measures to make sure that licensees comply with their obligations to responsibly serve alcohol.

The Government will vigorously tackle the misguided culture that has led to the current break down in behaviour in our nightspots. This will include fostering a mature, responsible and safe drinking culture in Queensland, reinforced through social media and other forms of communication.

The Government is also developing new alcohol and drug education for Queensland students in Years 7 to 12 so that our young people learn about the dangers of binge drinking and illicit drug use.

Safe Night Precincts with local boards will be used to effectively manage and plan for high-volume, late-night trading areas. These Safe Night Precinct boards will be empowered to work with local communities, councils and the Queensland Government to foster and grow areas with diverse night-time economies.

This strategy sets out a plan to restore responsible behaviour and respect for others, help stamp out alcohol and drug-related violence and, above all, ensure that Queensland's nightlife is safe for all to enjoy.

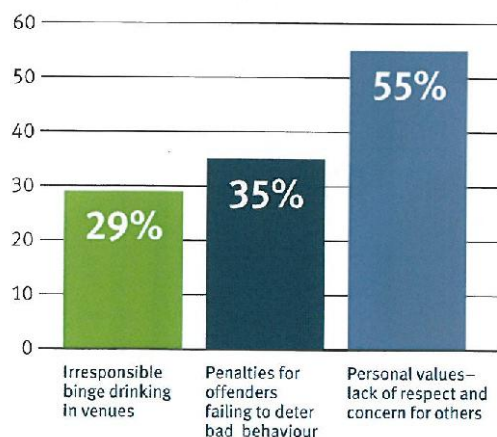
For more information on the strategy, visit www.qld.gov.au/safenightout

Safe Night Out Strategy

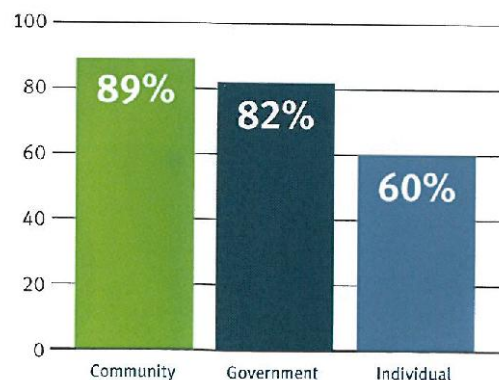
Alcohol-related violence survey*



What Queenslanders think contributes to violence in their communities



Who should do something about the violence?



* Results reflect an online survey of Queensland residents conducted in February 2014. The total sample size was 12,342. Sample size for individual questions will vary as not all participants responded to every question.

Safe Night Out survey*

Changing the culture— everyone is responsible	Bad behaviour won't be tolerated	Safe and supportive environments
<p>Queenslanders support:</p> <ul style="list-style-type: none"> creating clear standards of behaviour for patrons, licensees and police (92%) running awareness campaigns to ensure everyone understands what is expected of them (91%) compulsory education for year 7 to year 12 students about the culture, attitudes and social expectations of alcohol consumption (85%) 	<p>Queenslanders support:</p> <ul style="list-style-type: none"> responding effectively to people who are drunk and disorderly in public (87%) requiring offenders to perform community service as part of their sentence (86%) and to undertake compulsory drug and alcohol counselling (85%) tougher penalties for intoxicated people who engage in anti-social and violent behaviour around licensed venues and in public (83%) 	<p>Queenslanders support:</p> <ul style="list-style-type: none"> better transport services for entertainment precincts (91%) Police targeting places known for alcohol and drug-related violent incidents (88.3%) encouraging the whole community to support a responsible culture that does not tolerate violence (87.2%)

Other ideas



* Results reflect an online survey of Queensland residents conducted in February 2014. The total sample size was 12,342. Sample size for individual questions will vary as not all participants responded to every question.

Safe Night Out Strategy

Changing the culture—everyone is responsible

All Queenslanders have the right to enjoy a safe night out, and everyone has a part to play in bringing back the social norms and standards of good behaviour that will ensure that people behave responsibly and safely when they are out at night.

Setting clear standards

1. Establish clear standards of behaviour for patrons, licensees and police when alcohol is consumed in public and indicate what actions licensees and police will take to stop alcohol and drug-related violence.

We will do this by:

- a. Conducting an awareness campaign about clear standards of behaviour, including advertising, to ensure everyone understands the expected standards of behaviour and the actions that can be taken by licensees and police.

Education

2. Make new education programs about the culture, attitudes and social expectations of alcohol consumption, including the risks of binge drinking, illicit drug use and alcohol and drug-related violence available each year to every Queensland student in year 7 to year 12.

We will do this by:

- a. Developing a suite of curriculum materials and teacher resources for use by all Queensland school sectors.
- b. Developing a strategy for delivery that is flexible and has the capacity to be embedded into the curriculum aligned to the Australian Curriculum and school based pastoral care programs.
- c. Mandating the use of the curriculum materials in all state schools.
- d. Working with the non-state school sector to ensure the curriculum material can be used to strengthen existing programs or accessed for new programs.

Bad behaviour won't be tolerated

We will stop the unacceptable behaviour that is ruining our nightlife. Bad behaviour by those affected by alcohol or drugs will not be tolerated. We will also enforce responsible service of alcohol rules to make sure that people are not encouraged to binge drink.

Penalties

3. Introduce new laws to make sure there are severe consequences for violent or anti-social behaviour.

We will do this by:

- a. Introducing a new offence of 'Unlawful striking causing death' so that 'coward punch' deaths are punishable by a maximum penalty of life imprisonment, with the offender required to serve 80 per cent of their sentence of imprisonment before being able to apply for parole.
- b. Changing sentencing rules so that being intoxicated will not be able to be used as a reason to reduce a person's sentence.
- c. Requiring intoxicated offenders convicted of grievous bodily harm, assault occasioning grievous bodily harm, wounding, common assault, affray, or assaults of police or public officers to perform community service work as part of their sentence. These offenders would also, as part of their bail, have to undertake an alcohol

or drug assessment, counselling and education session, and can also be referred to other relevant programs.

- d. Increasing the maximum penalties for aggravated serious assaults on public officers, such as ambulance officers, from 7 years to 14 years imprisonment.
- e. Strengthening penalties for anabolic steroids to make sure they are similar to the heavy penalties that already apply to other dangerous drugs such as methamphetamine and ecstasy.
- f. Enabling courts to be able to hand out life-time bans from licensed premises.
- g. Making sure there are strong and immediate consequences for violent or anti-social behaviour around licensed venues:
 - On-the-spot fines for causing a public nuisance will go up to \$660 or a maximum fine of \$2,750 or 6 months in prison.

Safe Night Out Strategy

- On-the-spot fines for urinating in a public place will go up to \$220 or a maximum fine of \$440.
- On-the-spot fines for refusing to leave licensed premises will go up to \$550 or a maximum fine of \$5,500.
- On-the-spot fines for obstructing police will go up to \$660 or a maximum fine of \$6,600 or 12 months in prison.
- On-the-spot fines for failing to obey a move-on direction will go up to \$660 or a maximum fine of \$6,600.

Policing

4. Ensure the Queensland Police Service (QPS) has the powers and resources to respond quickly and effectively to alcohol and drug-related violence and anti-social behaviour where needed.

We will do this by:

- a. Ensuring police have the power to direct a person to leave an area and not return for 24 hours due to their behaviour in any public part of a Safe Night Precinct.
- b. Empowering police to issue a banning notice for up to 3 months to immediately ban a person who is behaving in a disorderly or violent way and who is a risk to good order or the safety and welfare of others from being in and around licensed venues. If a person breaches a banning notice, a penalty of up to \$6,600 could apply.
- c. Ensuring high visibility and rapid response to control incidents involving alcohol and drug-related violence and anti-social behaviour in Safe Night Precincts.
- d. Conducting drug operations including tactical covert and overt strategies and drug detection dogs where needed.
- e. Linking banning notice information, including photos of the banned person, with ID scanners in licensed venues to improve enforcement of banning notices.
- f. Conducting high profile operations with other jurisdictions to target alcohol and drug-related violence and anti-social behaviour.
- g. Developing and implementing innovative policing strategies and technologies to support police presence on the ground in policing alcohol and drug-related violence.

Sobering up

5. Develop and implement ways to effectively deal with people who are drunk and disorderly in public places.

We will do this by:

- a. Implementing a trial of 'sober safe centres' in the Brisbane CBD enabling police to detain a person when they are intoxicated and behaving in a way that could result in harm to themselves or another person or is causing a public nuisance. People detained at

these centres will be required to pay part of the cost of their detention.

- b. Providing rest and recovery services such as those currently provided in Fortitude Valley, Gold Coast and Townsville in Safe Night Precincts.

Responsible service of alcohol

6. Ensure that licensees comply with requirements under the *Liquor Act 1992* to provide a safe environment for patrons and implement improved and consistent liquor licensing compliance arrangements.

We will do this by:

- a. Implementing new ways to ensure licensees are prohibited from encouraging rapid or excessive consumption of alcohol including:
 - Introducing a new power to prohibit licensees from engaging in specific promotional practices that encourage the irresponsible consumption of alcohol.
 - Testing alcohol service practices through 'mystery shopper' style tests with outcomes discussed with licensees to improve their compliance.
 - b. Introducing mandatory requirements to operate networkable ID scanners for venues trading after midnight in Safe Night Precincts. For other venues outside these areas, we will enable the Commissioner for Liquor and Gaming to require ID scanners to be used where this is appropriate to manage community safety.
 - c. Amending the definition of 'unduly intoxicated' to ensure successful action can be taken against licensees who serve alcohol to an intoxicated person, regardless of the cause of intoxication.
 - d. Increasing obligations on licensees to maintain a safe environment around their premises and make sure action can be taken against licensees that don't comply with these obligations.
 - e. Implementing strategies to enhance the responsible service of alcohol by licensees, including developing educational and promotional material about licensees' responsibilities and induction material for new licensees and licensees applying for trading after midnight.
7. Enhance enforcement and compliance measures and ensure that police and liquor compliance officers effectively coordinate and integrate their activities to reduce the regulatory burden on businesses, without compromising compliance.

We will do this by:

- a. Increasing the ability of the Office of Liquor and Gaming Regulation (OLGR) to:
 - Undertake covert and overt compliance monitoring programs including additional late night and weekend activities, and targeting identified premises and geographical areas of concern.

Safe Night Out Strategy

- Gather and analyse relevant data and information, using this to develop compliance programs specifically targeted to responsible service of alcohol and providing safe environments at licensed premises.
 - Conduct state-wide coordination of activities.
 - Engage with the liquor industry, business and local communities on harm reduction strategies.
 - Provide education and training to operational police and other compliance officers.
- b. Requiring OLGR to place greater emphasis on enforcement action for serious non-compliance with the *Liquor Act 1992*.
 - c. Establishing a joint QPS/OLGR taskforce to ensure improved consistent compliance arrangements are implemented, including operating procedures and training for police and OLGR compliance officers, and developing strategies, concepts of operation, and ways to target resources.
 - d. Ensuring ongoing cooperative working arrangements where officers from QPS and OLGR work together to:
 - Ensure greater consistency in enforcement practices between QPS and OLGR.
 - Reduce the regulatory burden on business, by better coordinating inspections and compliance activities across QPS and OLGR.
 - Enable better sharing of information about investigation outcomes, compliance history and other relevant data between police and compliance officers.
8. Ensure we have a responsive, accountable and strengthened licensing system that takes into account community safety concerns and focuses on promoting responsible service of alcohol practices, instead of simply winding back trading hours.

We will do this by:

 - a. Requiring that the Commissioner for Liquor and Gaming provide written reasons about how public safety concerns raised by the Police Commissioner are addressed in a liquor licensing decision.
 - b. Enabling communities, through their local councils, to have a right of veto about decisions on adult entertainment precincts.
 - c. Empowering the Commissioner for Liquor and Gaming to direct a licensee to amend its risk-assessed management plan to ensure the licensee's compliance with the *Liquor Act 1992*.
 - d. Using licensing conditions to require all venues in a particular precinct to prevent and manage alcohol and drug-related violence, e.g. lock-outs and responsible service of alcohol initiatives.
 - e. Introducing a new enhanced late-night trading licensing and compliance regime that will apply to clubs, pubs, hotels, nightclubs and restaurants which trade after midnight.
 - f. Approving a final extension to the moratorium on decisions about late-night trading hours to 31 August 2014, which would lapse on the passage of the legislative measures proposed to address community concerns about late-night trading.

State and local governments, Liquor Accords, and community groups need to work together to build a diverse and vibrant Queensland nightlife

Safe and supportive environments

9. Establish Safe Night Precincts for the safe and effective local management of key entertainment precincts across the State in consultation with the local community.

We will do this by:

 - a. Working with local communities to declare Safe Night Precincts in key entertainment precincts across the State.
 - b. Establishing a Safe Night Precinct local board as an incorporated association in each Safe Night Precinct. Eligible members of the association will be liquor licensees in the area and other relevant representatives including from local business and Chambers of Commerce. Queensland Government agencies will work closely with the boards, including police, transport and ambulance services.
 - c. Safe Night Precinct local boards will manage and plan for the precinct to address community safety issues including transport, lighting, public facilities and CCTV.
 - d. Providing funding for each Safe Night Precinct to provide rest and recovery sobering up services through non-government organisations.
 - e. Establishing a Queensland Government fund and ensuring Safe Night Precinct local boards can raise private funds and apply for grants from local state and federal governments to implement locally relevant and appropriate initiatives to effectively manage alcohol and drug-related violence in the precinct.

Safe Night Out Strategy

10. To address concerns about safe and appropriate transport arrangements around late-night trading venues, better transport services will be provided.
We will do this by:
 - a. Conducting a communication campaign to promote the availability of transport (e.g. NightLink services) to encourage patrons to use this form of public transport.
 - b. Conducting a three year trial for an increased scope of services (e.g. NightLink buses) to provide five inbound/outbound Friday and Saturday night services on two additional routes (Fortitude Valley to Aspley and Brisbane CBD to Garden City).
- c. Working closely with the Safe Night Precinct local boards to ensure public transport in the precincts is managed safely and effectively and continuing to monitor transport issues in each Safe Night Precinct around the state.
- d. Continuing to provide funding assistance for the provision of secure taxi ranks in all Safe Night Precincts around the state.
11. Police will take effective action to combat alcohol and drug-related violence, targeting places known for alcohol and drug-related violent incidents using a range of options (including de-escalation) to quickly intervene to prevent potentially violent, offensive, disruptive or offensive behaviour.

Working together to build a diverse and vibrant nightlife

12. We will develop and implement new ways to regulate the liquor industry that value those businesses that effectively manage and prevent alcohol and drug-related violence in and around their venue. We will do this by investigating the viability of ratings and rewards systems to benefit those venues with management practices, policies and designs that promote safety.
13. We will facilitate Safe Night Precinct local boards' consideration of ways to empower local governments and local communities to grow areas with diverse economies, including exploring coordinated planning processes between state and local governments, and how to better facilitate local government, police and local community input on liquor licensing decisions.

Getting the message across

14. We will implement a communication strategy to provide clear and targeted messages to Queenslanders about the need for everyone to support and be part of a responsible culture that does not tolerate alcohol and drug-related violence.
We will do this by:
 - a. Seeking to build partnerships with non-government organisations, businesses and the community to promote messages about and build a culture of responsible behaviour when enjoying a night out, through social media and other forms of communication.
 - b. Promoting the key actions under this strategy, public safety enforcement measures and the need for everyone to work together to foster a responsible culture in Queensland that does not tolerate alcohol and drug-related violence.

Review of strategy

15. We will rigorously assess how the measures implemented through the strategy are working, through a review of the strategy after 12 months from its commencement.

We are committed to continuous improvement and will ensure that the outcomes of the review and other lessons learned in implementing the strategy are used to adjust and improve the strategy into the future.

For more information on the strategy, visit www.qld.gov.au/safenightout

Safe Night Out Strategy

Safe Night Precincts

Safe Night Precincts are proposed for key entertainment precincts across the State. Subject to consultation with the local community, proposed Safe Night Precinct areas are illustrated in the below map.



SAFE NIGHT OUT STRATEGY

Safe Night Out Legislation Amendment Bill 2014 Part 6AB Safe Night Precincts

Meeting Date: 29 July 2014

Attachment No: 2

Safe Night Out Legislation Amendment Bill 2014
Part 7 Amendment of Liquor Act 1992

[s 75]

Part 6AB	Safe night precincts	1
Division 1	Preliminary	2
173NA	Purposes of pt 6AB	3
(1)	The purposes of this part are to, in an area—	4
(a)	minimise harm, and the potential for harm, from the abuse and misuse of alcohol and drugs, and associated violence; and	5 6 7
(b)	minimise alcohol and drug-related disturbances, or public disorder.	8 9
(2)	To achieve its purposes, this part provides for—	10
(a)	areas to be prescribed as safe night precincts; and	11 12
(b)	local boards and consultative committees to be established for safe night precincts to enable licensees, the State and local governments, the police service and community organisations to collaborate to achieve the purposes.	13 14 15 16 17 18
173NB	Meaning of relevant licensee	19
(1)	A licensee is a <i>relevant licensee</i> for a safe night precinct if—	20 21
(a)	the licensed premises of the licensee are located in the precinct; and	22 23
(b)	the licensee is not an exempt licensee.	24
(2)	An <i>exempt licensee</i> is a licensee of licensed premises located in a safe night precinct who is a member of an exempt class of licensees prescribed by regulation.	25 26 27 28

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Safe Night Out Legislation Amendment Bill 2014
Part 7 Amendment of Liquor Act 1992

[s 75]

Division 2	Safe night precincts and local boards	1
		2
173NC Safe night precincts and local boards		3
(1)	A regulation may prescribe an area (a <i>safe night precinct</i>) that has a concentration of licensed premises to be a safe night precinct.	4
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		6
(2)	Also, a regulation may prescribe an incorporated association (the <i>local board</i>) to be the local board for a safe night precinct.	7
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		9
(3)	There may be 1 local board, or no local board, for each safe night precinct.	10
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(4)	In recommending that the Governor in Council make the regulation, the Minister must be satisfied—	12
		13
		14
(a)	the regulation is necessary to achieve the purposes of this part; and	15
		16
(b)	for prescribing an incorporated association to be the local board for a safe night precinct—the association has 1 or more members who are relevant licensees.	17
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		19
		20
173ND Commissioner must give notice of local board		21
		22
(1)	This section applies if, immediately after a regulation prescribing a local board for a safe night precinct is made, a licensee is a relevant licensee for the precinct.	23
		24
		25
		26
(2)	Within 14 days after the regulation is made, the commissioner must give the relevant licensee a written notice about the local board.	27
		28
		29
(3)	The notice must state that the relevant licensee is required to become a member of the local board	30
		31

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Safe Night Out Legislation Amendment Bill 2014
Part 7 Amendment of Liquor Act 1992

[s 75]

and to maintain the membership while the licensee continues to be a relevant licensee.	1 2
Division 3	
Provisions that apply when a safe night precinct has a local board	3 4 5
173NE Application of div 3	6
This division applies if there is a local board for a safe night precinct.	7 8
173NF Relevant licensee must be member of local board	9 10
(1) A relevant licensee must be a member of the local board while the licensee continues to be a relevant licensee.	11 12 13
Maximum penalty—	14
(a) for a licensee who holds an extended hours approval that authorises the sale of liquor after 1 a.m. on a regular basis—100 penalty units; or	15 16 17 18
(b) otherwise—25 penalty units.	19
(2) However, subsection (1) does not apply to a relevant licensee—	20 21
(a) for a licensee mentioned in section 173ND(1)—	22 23
(i) until 28 days after the commissioner gave the licensee a notice under section 173ND(2); or	24 25 26
(ii) if the commissioner has not given the licensee a notice under section 173ND(2); or	27 28 29

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Safe Night Out Legislation Amendment Bill 2014
Part 7 Amendment of Liquor Act 1992

[s 75]

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|---|----------------------|
| (b) for a licensee other than a licensee mentioned in section 173ND(1)—until 28 days after the licensee became a relevant licensee; or | 1
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| (c) if the licensee has applied, in a way that complies with the local board's rules, for membership of the local board and the application has not been decided; or | 5
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| (d) if the licensee made all reasonable efforts to become a member of the local board and was refused membership; or | 9
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11 |
| (e) if the licensee, who was a member of the local board, made all reasonable efforts to continue to be a member and the licensee's membership was terminated. | 12
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15 |
| 173NG Commissioner may require exempt licensee to become member of local board | 16
17 |
| (1) This section applies if the commissioner is satisfied an exempt licensee of licensed premises located in a safe night precinct should be a member of the local board because— | 18
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21 |
| (a) it is in the public interest; or | 22 |
| (b) it is necessary to ensure the safety of the community in, or the amenity of, the precinct. | 23
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| (2) The commissioner may, by written notice, require the exempt licensee to be a member of the local board. | 26
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28 |
| (3) The exempt licensee must be a member of the local board. | 29
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| Maximum penalty—25 penalty units. | 31 |
| (4) However, subsection (3) does not apply to an exempt licensee— | 32
33 |

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- (a) until 28 days after the commissioner gave the licensee the notice under subsection (2); or 1
- (b) if the licensee has applied, in a way that complies with the local board's rules, for membership of the local board and the application has not been decided; or 4
- (c) if the licensee made all reasonable efforts to become a member of the local board and was refused membership; or 8
- (d) if the licensee, who was a member of the local board, made all reasonable efforts to continue to be a member and the licensee's membership was terminated; or 11
- (e) if the commissioner has given the licensee a written notice stating that the licensee is no longer required to be a member of the local board. 15

173NH Public safety consultative committees

- (1) The commissioner may establish a public safety consultative committee (a **consultative committee**) for a safe night precinct to advise and assist the local board. 20
- (2) A consultative committee for a safe night precinct has the membership decided by the commissioner and may include, for example, any 1 or more of the following— 24
- (a) a police officer or other employee of the police service nominated by the police commissioner; 28
- (b) an employee of the department nominated by the chief executive; 31
- (c) an employee of the department that administers the *Transport Operations* 33

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- | | | |
|-----|--|----|
| | <i>(Passenger Transport) Act 1994</i> nominated | 1 |
| | by the chief executive of that department; | 2 |
| (d) | an employee of the local government of the | 3 |
| | local government area in which the precinct | 4 |
| | is located nominated by the chief executive | 5 |
| | officer of that local government; | 6 |
| (c) | a representative of a community | 7 |
| | organisation that provides relevant services | 8 |
| | in the precinct. | 9 |
| (3) | The commissioner, or a member of a consultative | 10 |
| | committee for a safe night precinct, must give the | 11 |
| | local board written notice of the membership of | 12 |
| | the committee as soon as practicable after either | 13 |
| | of the following happens— | 14 |
| (a) | the committee is established; | 15 |
| (b) | there is a change in the membership of the | 16 |
| | committee. | 17 |
| (4) | The members of a consultative committee for a | 18 |
| | safe night precinct need not meet other than when | 19 |
| | attending a meeting of the local board or its | 20 |
| | management committee. | 21 |

Division 4 Rules of local boards 22

173NI Inconsistent rules of local boards of no effect 23 24

The rules of the local board for a safe night precinct are of no effect to the extent the rules are inconsistent with this division. 25
26
27

173NJ Objectives of local boards 28

The objectives of the local board for a safe night precinct must include the following— 29
30

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- (a) to promote the responsible service and consumption of alcohol and minimise the risk of alcohol and drug-related harm and associated violence in the precinct, including, for example, by—
 - (i) developing and implementing local initiatives; or
 - (ii) making recommendations to the commissioner about relevant action the commissioner may take under this Act; and
- (b) to raise funds to deliver relevant initiatives in the precinct; and
- (c) to plan for, and manage, the precinct in a way that addresses the safety of the community and the precinct's amenity; and
- (d) to liaise with, and support, community organisations providing rest and recovery services in the precinct to people who have consumed alcohol or used drugs.

173NK Rules must limit membership of local board

- The rules of the local board for a safe night precinct must limit eligibility for membership of the local board to only the following entities—
- (a) a licensee of licensed premises located in the precinct;
 - (b) the owner or operator of other businesses located in the precinct;
 - (c) an association that represents the interests of businesses located in the precinct including, for example, the local chamber of commerce;

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(d)	a community organisation that provides relevant services in the precinct;	1 2
(e)	another class of person prescribed by regulation.	3 4
173NL Relevant licensee must be admitted as member of local board		5 6
(1)	This section applies if a relevant licensee for a safe night precinct gives the local board for the precinct a written application for membership of the local board.	7 8 9 10
(2)	The local board's management committee must admit the relevant licensee (a <i>licensee member</i>) as a member of the local board.	11 12 13
(3)	However, the local board's management committee may reject a relevant licensee's application for membership if—	14 15 16
(a)	the relevant licensee was previously a member of the local board; and	17 18
(b)	the licensee's previous membership was terminated by the management committee.	19 20
(4)	Before deciding to reject a membership application under subsection (3), the management committee must consider—	21 22 23
(a)	the grounds on which the relevant licensee's previous membership was terminated; and	24 25
(b)	any undertakings made by the licensee in relation to the application.	26 27
(5)	In this section, a reference to a relevant licensee for a safe night precinct includes an exempt licensee for the precinct given a notice under section 173NG(2) requiring the licensee to be a member of the board.	28 29 30 31 32

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173NM No limit to other rules about membership	1
Sections 173NK and 173NL do not prevent the	2
rules of the local board for a safe night precinct	3
providing for—	4
(a) the requirements for applying for	5
membership, including, for example, the	6
payment of an application fee; or	7
(b) membership fees.	8
173NN Local board must advise commissioner	9
about licensee members	10
At least once each quarter, or on the written	11
request of the commissioner, the secretary of the	12
local board for a safe night precinct must give the	13
commissioner a list of the names of the	14
following—	15
(a) the licensee members of the board;	16
(b) the applicants for membership of the board	17
who, if admitted as members, would be	18
licensee members of the board.	19
173NO Termination of licensee member's	20
membership	21
(1) The membership of a licensee member of the	22
local board for a safe night precinct may be	23
terminated only under this section.	24
(2) A local board's management committee may	25
terminate the membership of a licensee member	26
if the member—	27
(a) is convicted of an indictable offence; or	28
(b) has membership fees in arrears for at least 2	29
months; or	30

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- (c) acts in a way that is contrary to the interests of the board. 1
2
- (3) Before the management committee terminates a licensee member's membership, the committee must— 3
4
5
 - (a) give the member a written notice inviting the member to show, within a stated reasonable period, why the membership should not be terminated; and 6
7
8
9
 - (b) consider any representations made by the member. 10
11
- (4) If the management committee decides to terminate the membership of a licensee member, the secretary of the committee must give the member written notice of the decision. 12
13
14
15
- (5) This section does not prevent the rules of the local board for a safe night precinct providing for— 16
17
18
 - (a) a licensee member to resign from the local board; or 19
20
 - (b) a licensee member whose membership is terminated under subsection (2) to appeal to the local board against the management committee's termination decision; or 21
22
23
24
 - (c) a general meeting of the local board to decide an appeal mentioned in paragraph (b). 25
26
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173NP Local board must invite consultative committee to meetings 28
29

- (1) The management committee of a local board for a safe night precinct must, by written notice (a *meeting invitation*), invite the members of the consultative committee for the precinct to attend 30
31
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	each meeting of the local board or management committee.	1
		2
(2)	A meeting invitation must be given at least 12 days before the date of the meeting it relates to.	3
		4
(3)	A member of a consultative committee attends a meeting of the local board or management committee for the purpose of providing assistance or advice relating to—	5
		6
		7
		8
	(a) the objectives of the local board mentioned in section 173NJ; or	9
		10
	(b) other matters related to the purposes of this part.	11
		12
(4)	Each member of a consultative committee present at a meeting of the local board or management committee may act independently of the other members of the committee present at the meeting.	13
		14
		15
		16
		17
	173NQ Prescribed rules	18
(1)	A regulation may prescribe rules for a local board for a safe night precinct.	19
		20
(2)	In recommending that the Governor in Council make the regulation, the Minister must be satisfied the rules are necessary to achieve the purposes of this part.	21
		22
		23
		24
(3)	The rules of a local board for a safe night precinct—	25
		26
	(a) are taken to include the prescribed rules; and	27
	(b) are of no effect to the extent they are inconsistent with the prescribed rules.	28
		29
Clause 76	Omission of pts 6B and 6C	30
	Parts 6B and 6C—	31

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SAFE NIGHT OUT STRATEGY

Proposed Rockhampton Safe Night Out Zone

Meeting Date: 29 July 2014

Attachment No: 3

