

**LIQUOR LEGISLATION AMENDMENT BILL 2008**

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**Second Reading**

**The Hon. HENRY TSANG** (Parliamentary Secretary) [8.52 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a second time.

I seek leave to incorporate my second reading speech in *Hansard*.

**Leave granted.**

The Rees Government is determined to tackle the growing problem of antisocial drinking and alcohol-related violence. While the total number of non-alcohol related assaults decreased in the last two years, alcohol-related assaults actually increased by 4.7 per cent. In 2007, 21,000 alcohol-related assaults occurred across the State. Two weeks ago the Premier unveiled a comprehensive package of initiatives designed to improve our ability to tackle this problem. This bill implements a number of those initiatives. It amends the Liquor Act 2007, the Local Government Act 1993 and the Road Transport (Driver Licensing) Act 1998 to require a six-hour closure each day for all new liquor licences, effectively freezing the issuing of new 24-hour liquor licences; give police and council enforcement officers new powers to confiscate and tip out alcohol in alcohol-free zones; and introduce new penalties for minors who use fake identification to enter licensed premises or obtain alcohol.

Before outlining the nature and intent of these amending provisions, I remind the House that the overwhelming majority of the people in this State do the right thing when it comes to enjoying a drink. They are more than capable of enjoying a drink or two now and then without getting themselves involved in violent situations. We must keep that in mind when considering what should be done to reduce alcohol-related crime and antisocial behaviour. Furthermore, we have to acknowledge that this is a complex problem and that there is no single solution. That is why the package announced by the Premier two weeks ago seeks to tackle the issue in a range of different ways, including: imposing new conditions on high-risk licensed venues to reduce incidents of violence, increasing police powers and introducing new ways of dealing with antisocial and unlawful drinking, and providing high-visibility policing around high-risk precincts.

I turn now to the details of the bill. We know that most alcohol-related assaults occur late at night. Accordingly, making changes to late-night trading forms a key part of our approach. As per the Premier's announcement two weeks ago, this bill will result in a freeze on the issuing of new 24-hour liquor licences. The bill will require a six-hour closure each day to be included as a condition in all new liquor licences granted after 30 October 2008—the day on which the Premier announced the freeze. The six-hour closure will also apply to all existing liquor licences that have extended trading granted after 30 October 2008.

The Casino, Liquor and Gaming Control Authority will approve the closure period. It is expected that this period will generally be between 4.00 a.m. and 10.00 a.m. The authority will determine closure periods on a case-by-case basis to ensure they take into account factors such as the operation of the venue, local circumstances and the needs of the broader community and patrons. Transitional provisions are included to ensure that where the authority has not yet approved a closure period for licences granted after 30 October but before the Act commences, a 4.00 a.m. to 10.00 a.m. closure will automatically apply. This 4.00 a.m. to 10.00 a.m. period can subsequently be varied by the authority if necessary. The six-hour closure requirement will apply to licences granted by the authority under the Liquor Act 2007, which commenced on 1 July this year, as well as to applications for licences lodged before the commencement of the new Liquor Act, which are granted under the former court-based system.

The bill allows exceptions to the six-hour closure period to be prescribed by regulation. The sorts of exceptions the Government will consider will include, for example, international hotels so they can



meet the needs of tourists who may be arriving throughout the day and night. The bill also allows hotels and motels to continue to sell liquor to residents for consumption in private rooms during the six-hour closure. Breaches of the new licence condition will be an offence and will carry a maximum penalty of \$11,000. More significant breaches can lead to disciplinary action by the authority with higher penalties up to \$55,000 or ultimately suspension or cancellation of a licence. The Government is also tackling problems associated with extended liquor trading through a review of existing 24-hour licences and late trading venues. This review will be undertaken using enforcement tools included in the Liquor Act 2007.

The Liquor Act provides a raft of flexible compliance and enforcement tools for police, the Director of Liquor and Gaming, and the Casino, Liquor and Gaming Control Authority. Where a review indicates it is necessary, directions can be issued to licensees and conditions can be imposed on licences to improve venue management and operations. Lockouts can be imposed on venues to reduce patron migration. When necessary, trading hours can be reduced on a case-by-case basis. In addition, all existing 24-hour trading venues will be examined to improve venue operation and patron behaviour. This will involve liquor inspectors and police inspecting these venues during their peak and risk-trading periods. The Government will also work with the Casino, Liquor and Gaming Control Authority to develop guidelines to apply to applications for extended trading.

The guidelines will assist industry and regulators in determining what trading hour approvals are reasonable. They will take into account local circumstances, the need to promote community safety and the need to ensure liquor trading does not have a detrimental impact on the local and broader community. These guidelines will be a key factor when considering extended trading applications, approving six-hour shutdowns, and reviewing 24-hour licensed premises. The unsafe consumption of liquor in streets, parks and other public places is another cause of antisocial behaviour. That is why, under the Local Government Act, councils are able to deal with the problem locally and on the ground through the declaration of alcohol-free zones.

This bill will amend the Local Government Act to give police and enforcement officers more powers to enforce these zones. This includes the removal of mandatory warnings prior to any enforcement action being undertaken, enabling police and enforcement officers to act immediately. Under the provisions in the bill, a police officer or an enforcement officer will have the power to confiscate liquor from a person who is either drinking in an alcohol-free zone or in immediate possession of liquor in an alcohol-free zone and there is reasonable cause to believe that the person is about to drink, or has recently been drinking, alcohol in the zone.

Police and enforcement officers will be able to immediately confiscate the alcohol and dispose of it by tipping it out, sending a clear message to the offender that their behaviour is unacceptable. This is an immediate and greater deterrent than issuing a \$22 fine, as is provided for under the current law. The bill therefore also abolishes this provision. The removal of the mandatory warning still allows police and enforcement officers to use discretion and warn persons who appear to be unaware of the alcohol-free zone. Local councils and police local area commands will work together to promote effective enforcement. To assist councils that wish to play a greater role in enforcing alcohol-free zones in their local communities, the bill also allows greater scope for council employees to be authorised by the Commissioner of Police to be enforcement officers for the purposes of enforcing alcohol-free zones.

Under current provisions in the Act, council enforcement officers may only be appointed in relation to specified alcohol-free zones during special events. The bill amends the Act to enable enforcement officers to be authorised by the Commissioner of Police on an ongoing basis. These enforcement officers will then be able to exercise the new confiscation and tip-out powers in line with the amendments provided for in this bill. As is currently the case, it will be up to individual councils to apply to the Commissioner for Police for authorisation if they wish any of their employees to perform the role of enforcement officer. The bill also extends the maximum period of an alcohol-free zone from three years to four years to align it with the council election cycle and to cut red tape. We must also discourage young people from developing drinking behaviours that place themselves, their mates and the community at risk.

The bill therefore includes amendments to deter young people from using false identity documents to purchase alcohol and enter licensed premises. Section 129 of the Liquor Act already makes it an offence for a minor to use a false evidence-of-age document in order to gain entry to, remain in or obtain liquor from licensed premises. The bill amends the Road Transport (Driver Licensing) Act to allow regulations to be made to impose new licence sanctions against minors who commit an offence under section 129. Following this amendment, the Government will bring forward regulations to require young people who use fake IDs to stay on their provisional driver licence for an additional six



months. The regulations will provide that where the offender is not a current licence holder, the Roads and Traffic Authority [RTA] will impose the additional six-month period when the licence application is made.

Those regulations will provide that the RTA will not take any action if the licence application is made more than five years after the offence, and this sanction will apply to offenders who are 14 years and older when committing the offence. As I outlined at the beginning of this speech, this is a complex problem with no single solution. That is why, in addition to the new initiatives in this bill, the Government is also targeting specific, high-risk venues identified by the New South Wales Bureau of Crime Statistics and Research as being associated with alcohol-related assaults. We know that there are problems associated with these venues, such as assaults, glassings, intoxication and disturbance to nearby areas. The Premier has announced that new targeted conditions will be imposed on the most at-risk venues in New South Wales.

These will include a mandatory 2.00 a.m. lock-out, controls on alcohol service, a requirement to utilise plastic or polycarbonate containers after midnight, no service of alcohol shots, limits on drink purchases after midnight, and 10-minute alcohol service time-outs each hour after midnight. These conditions are based on recent experience in Newcastle and Wollongong as to what is effective in reducing risk and improving venue operations. They will be imposed by regulation on specific venues using existing powers contained in the Liquor Act, which allow licence conditions to be prescribed. There is therefore no need to amend the Liquor Act to achieve this outcome. A high-level implementation team will oversee these new arrangements and advise the Government when and where changes are needed.

If new problems arise over the summer new conditions can be added or existing conditions can be varied. New venues can also be targeted if necessary. Over the coming months the Office of Liquor Gaming and Racing and the NSW Police Force will work with the liquor industry to replace these targeted conditions with a statewide sanctions scheme for high-risk licensed venues. The scheme could start with mandatory conditions such as lock-outs, with sanctions escalating if necessary. Alcohol-related violence is a growing problem in our community and the Rees Government is determined to deal with it. This bill is one component of a multifaceted response to address antisocial behaviour and alcohol-related violence in our community. It will improve our ability to tackle this problem by restricting 24-hour trading, giving police more power to deal with drinking in alcohol-free zones, and introducing new sanctions for minors who use fake ID to obtain entry to licensed premises or buy alcohol. I commend the bill to the House.