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Changes for Licensed Premises commencing 1 July 2016

By ,

Queensland licensees (both liquor and gaming) are reminded that the next suite of changes enacted by the Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016, will commence on 1 July 2016. All licensees will need to ensure they are compliant with these changes by that date, or they will face disciplinary action. The major changes include:

1. **Automatic wind-back on extended trading hours** – Other than for premises in any of the State's 15 'Safe Night Precincts', last trading for liquor will now be at 2am. For premises in Safe night Precincts, it will be 3am For licensees who presently have approval to for extended trading hours (eg to sell liquor up to 5am), the approved extended trading hours will **automatically be reduced to 3am if in a Safe Night Precinct** and **2am if not in a Safe Night Precinct**. Patrons will have a period of 30 minutes after service is required to stop to finish their drinks.
   Importantly, this change is only a reduction of existing extended trading hours, it does not extend current trading hours– for example if you are licensed to trade until midnight, the change does not mean your hours are extended to 2am (or 3am if in a Safe Night Precinct).

2. **Creation of '3am Safe Night Precincts'** – In order to continue to trade to 3am in a Safe Night Precinct past 1 February 2017, it will be necessary for the Precinct's board to apply to the Stage Government for conversion from a 'Safe Night Precinct' to a '3am Safe Night Precinct.' . If conversion of a Safe Night Precinct into a 3am Safe Night Precinct has not occurred by 1 February 2017, then than all relevant extended trading hours within the Precinct will automatically be reduced to 2am. A precinct may only be declared as a 3am Safe Night Precinct if to do so would not have an undue adverse effect on the health or safety of members of the public, or the amenity of the community.
   Licensees with extended trading hours which are currently in a Safe Night Precinct should therefore consult with their Precinct's board promptly so as to ensure that request for conversion is made and processed before 1 February 2017.

3. **New approval for extended gaming hours**– Commercial hotel licensees will be able to apply for their permitted gaming hours to be extended by up to 2 hours after the time that liquor sales must cease. That is, the current linkage between liquor and gaming trading hours can be removed. Note that these extended gaming hours will not be automatic, but rather, application must be made by each licensee.
   (**NB** A transitional provision exists to ensure that current gaming hours will not be affected – that is current licensees can continue to conduct gaming during their current allowable hours stated on their licence, even if the new legislation would have the effect of reducing the licensee's liquor hours by more than 2 hours).

4. **Reduction in extended trading hours (takeaway sales)**– No new applications will be accepted for approval for bottleshops to trade between 10pm and midnight. However, a transitional provision allows bottleshops with existing approval to trade between 10pm and midnight, to retain that ability.

5. **Banning of Rapid Intoxication Drinks** – The government has declared the following types of drinks to be 'rapid intoxication drinks'. The sale or supply of these will be **prohibited at all times during approved extended trading hours after midnight:**

- A drink served in a small glass or container such as shooters, shots, bombs, test tubes, jelly shots, and other similar drinks.
- A drink prepared on the premises that contains more than 45ml of spirits or liqueur.
- A pre-mixed alcoholic drink containing more than 5% of ethyl alcohol (ethanol) or containing more ethanol than 2 standard drinks. A pre-mixed drink must fall within both the 5% alcohol by volume threshold and the 2 standard drinks threshold in order to be served after midnight.

However, 'cocktail menus' will still be allowed, provided certain requirements are met. These requirements include a written cocktail menu displaying price and ensuring that the cocktail is not designed to be consumed rapidly.

This article represents a general overview only of some of the proposed changes. In some cases there may be exceptions or variations to these proposals. For specific advice in relation to how these proposals may affect your business, please contact us.

Should you wish to discuss any matters arising out of this article, please contact the author:

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