



# E-alert: ID Scanners now Compulsory in Queensland – Liquor Licensing Update

By ,

On 1 July 2017, new provisions of the Liquor Act commenced which require many licensees to scan the IDs of their patrons who enter the Premises after 10pm. The scanning equipment will cross-check the patrons ID against a government-maintained database to determine whether the patron is subject to a banning order.

## Which Licensees are affected?

Unless premises are of an exempt class, the new regime applies to premises:

- a. which are located in any of the State's 15 Safe Night Precincts; and
- b. where the licensee is authorised under an extended trading hours approval to sell or supply liquor on the premises during all or any part of the period between midnight and 5a.m.

## Which patrons are exempt?

The new regime will not apply to subsidiary on-premises licences that have the principal activity of either meals or accommodation. Additionally, in other cases the following patrons may enter without having their IDs scanned:

- a. a resident, whether temporary or permanent, of the regulated premises;
- b. an exempt minor;
- c. a person whose sole purpose for entering the premises is to attend a function held on the premises (eg a 21st birthday party or a wedding reception);
- d. a person whose sole purpose for entering the premises is to eat a meal in a part of the premises ordinarily set aside for dining, whether or not liquor is sold and supplied to the person for consumption by the person in association with the eating of the meal.

## What are affected licensees required to do?

Licensees to which the new requirements apply must ensure that, during the hours of 10pm and 5am, no patrons enter the premises unless :

- a. the person produces a photo ID; and
- b. a staff member of the licensed premises scans the photo ID using an approved ID scanner linked to an approved ID scanning system; and
- c. the scan of the photo ID indicates the person is not subject to an applicable banning order.

## What sort of IDs are acceptable?

Any of the following are acceptable provided they are current and exhibit a date of birth:

- a. adult proof of age card;
- b. recognised proof of age card;
- c. Australian driver licence;

- d. foreign driver licence;
- e. Australian or foreign passport;

## **Can an affected licensee avoid the requirements by choosing to close at midnight?**

No; the key is that affected licensees are authorised under their licences to trade after midnight. Even if a licensee chooses to cease trading at midnight, it must still scan IDs for patrons entering from 10pm. To escape the requirements, licensees would need either close by 10pm or formally apply to vary their trading hours so that they do not extend beyond midnight.

## **Moving forward**

After the first weekend of the new regime the government hailed the system as a success, having successfully exposed 7 individuals state-wide who tried to gain access to premises in breach of banning orders. However, a different story appears to be emerging amongst hoteliers and their patrons, who have reported dramatic increases in queues and 'overworked' security personnel.

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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