

## South Australian Changes to the Late Night Code

July 2015

On Wednesday 29 July 2015, the South Australian Government announced its response to the Late Night Code Review allowing licenced venues to play live music before midnight, without having to make an application.

Deputy Premier the Hon John Rau MP has said the South Australian Government will be introducing changes to the *Liquor Licensing Act 1997* that will eliminate the need for licenced venues to apply for a permit to play live music before 12:00am.

The South Australian Government have however, announced the rules will remain in place for licenced venues to apply for a permit to play live music after midnight.

Eighteen recommendations were the result of the Review with the South Australian Government announcing it would accept 13, support three with amendments and undertake further consultation on one recommendation.

The South Australian Government's expressed support for the selected recommendations is as follows:

- **Recommendation 1:** The South Australian Government has agreed that both the Late Night Trading Code of Practice (Late Night Code) and the General Code of Practice (General Code) should be retained in a majority of its form with certain modifications stemming from the Review;
- **Recommendation 2:** The South Australian Government has agreed the lock-out in its current form – banning people from entering a new venue after 3:01am should remain in place for a further 12 months and will then be subject to review;
- **Recommendation 3:** The South Australian Government has agreed that venues should make transport information more prominent to patrons when seeking transport services upon leaving a venue;
- **Recommendation 4:** The South Australian Government has agreed that venues must continue to ensure that any line up or queue to enter the licensed premises is continuously monitored and managed to prevent obstruction on footpaths;
- **Recommendation 5:** The South Australian Government has agreed that further consultation should be undertaken to investigate whether venue security staff should be granted more power to manage those parts of queues that extend onto public and other private land.
- **Recommendation 7:** The South Australian Government has agreed that further consultation should be undertaken in regards to whether venues should be required to remove furniture from outdoor areas at the time restrictions on footpath drinking comes into effect;
- **Recommendation 8:** The South Australian Government has agreed that drink marshals and first aid attendants be retained in their current form;

- **Recommendation 9:** The South Australian Government has already commenced consultation around the development of an amendment to the Liquor Licensing (General) Regulations 2012, specifying particular functions of a drink marshal as 'prescribed functions' for the purposes of section 11A(7) of the *Liquor Licensing Act 1997*;
- **Recommendation 10:** The South Australian Government has agreed the Skycity Casino and holders of restaurant licences will remain exempt from the 'Late Night Restricted Entry';
- **Recommendation 11:** The South Australian Government has agreed to undertake consultation to determine whether there is any benefit in requiring the use of metal detectors upon entry onto licensed premises, prior to 12.01am.
- **Recommendation 12:** The South Australian Government has agreed that the requirement for CCTV to be operating at all times while open for trade, should be remain;
- **Recommendation 13:** The South Australian Government has agreed that restrictions on the supply of free alcoholic drinks or alcoholic drinks that promote rapid or excessive consumption should apply earlier than 4.01am, and proposes these requirements apply from 2.01 am rather than 12.01 am;
- **Recommendation 14:** The South Australian Government supports in principle and that further consultation will be required to determine whether 'shots' should be including on the list of banned drinks, consistent with provisions affecting Sydney and Perth;
- **Recommendation 15:** The South Australian Government supports in principle that the restriction on the use of glassware be amended to start from 12:00am rather than 4:00am however there is also the option to bring this forward to 2:01am;
- **Recommendation 16:** The South Australian Government agrees in principle that further evidence/consultation is necessary to warrant the Late Night Code applying to all venues that trade past 12.00 and proposes to bring the measures contained in the Late Night Code forward, to apply to venues that trade past 2.01am;
- **Recommendation 17:** The South Australian Government agrees to undertake further consultation to determine what benefit there may be in requiring the use of ID Scanners and how such a requirement might be managed with respect to maintaining and protecting the privacy of patrons and;
- **Recommendation 18:** The South Australian Government agrees that Consumer and Business Services will undertake consultation with South Australia Police to examine the feasibility of certain low-level 'offences against the person' conducting an expiable offence.

The South Australian Government have announced it will not support the recommendation that Clause 9 of the Code (restriction on footpath drinking) be amended to start from 12:00am rather than 2:00am and proposed that this Clause be reviewed again after a 12 month period.

The Late Night Code of Practice was developed after consultation with key stakeholders including licensees, industry bodies, South Australia Police and the community and was released for public consultation in late 2012. The code took effect on 1 October 2013.

**Further information**

The table of recommendations is available [here](#).

The Deputy Premier's Media Release on the announcement is available [here](#).