



# ***LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE***

**Members present:**

Mr DA Pegg MP (Chair)  
Ms N Boyd MP  
Mr JM Krause MP  
Mrs JA Stuckey MP

**Staff present:**

Ms E Booth (Acting Research Director)  
Mr G Thomson (Principal Research Officer)

## **PUBLIC HEARING—INQUIRY INTO THE LIQUOR AND OTHER LEGISLATION AMENDMENT BILL 2017**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 22 FEBRUARY 2017**

**Brisbane**

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### Committee met at 1.34 pm

**CHAIR:** Good afternoon. I declare open this public hearing for the committee's inquiry into the Liquor and Other Legislation Amendment Bill 2017. I am Duncan Pegg, member for Stretton and chair of the committee. With me here today are Nikki Boyd, the member for Pine Rivers; Jon Krause, the member for Beaudesert; and Jann Stuckey, the member for Currumbin. Other members of the committee not present today and who send apologies are Michael Crandon, the member for Coomera and deputy chair, and Don Brown, the member for Capalaba.

On 14 February 2017 the Attorney-General and Minister for Justice and Minister for Training and Skills introduced the Liquor and Other Legislation Amendment Bill 2017 to the parliament. The parliament referred the bill to the Legal Affairs and Community Safety Committee for examination, with a reporting date of 24 February 2017. The main objective of the bill is to address the findings of the Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016 interim evaluation report by repealing the lockout, repealing the 3 am safe night precincts model, winding back trading hours for licensees removed from an SNP due to a boundary change, tightening the temporary late-night extended hours permit regime and extending the banning order sentencing regime to prescribed drug offences. The bill also clarifies that licensees of regulated premises with approved regular extended trading hours beyond midnight must continue to scan patron IDs if serving liquor beyond their usual hours under a temporary late-night extended hours permit.

The purpose of today is to hear evidence from invited witnesses. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind them that intentionally misleading the committee is a serious offence. These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In this regard I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearing at the discretion of the committee. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. You will note that media is present. They will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings. Please turn mobile phones off or to silent mode.

### **BRABAN, Mr Nick, Secretary, Our Nightlife**

### **BROWN, Mr Tony, Chair, Newcastle Community Drug Action Team, via teleconference**

### **MEADE, Mr Trent, President, Fortitude Valley Safe Night Precinct**

**CHAIR:** Good afternoon. I invite you to make a short opening statement after which committee members may have some questions for you. Tony, we might kick it off with you. Could you give us a short opening statement, please?

**Mr Brown:** I appreciate the opportunity to provide material to the committee this afternoon. My name is Tony Brown. I am from Newcastle, where my family have lived now for more than 20 years. I have an honours degree in law and am admitted to practise law in the High Court of Australia and the Supreme Court of New South Wales. As you have mentioned, I am the chairperson of the Newcastle and the multicultural community drug action teams, but I provide my evidence this afternoon in my capacity as a volunteer community advocate for evidence based alcohol harm prevention.

I appreciate that time is short and, with the greatest respect, I do not intend to try to beat around the bush. I would like to quickly bring the committee's attention to two graphs which I think really go to the nub of our concerns in terms of the proposed legislation not meeting the intended objective of the act. If the committee would not mind quickly referring to the graph contained in the ISSR report on pages 14, 16 and 18—and something similar to that is replicated in the Fortitude Valley group's submission, their graph on page 4—in summary that graph shows only a very modest reduction in the level of assaults during the period of the trial. In summary the research has found—

There has been no obvious reduction in alcohol related assaults in the period 1 July 2016 to December 2016 either in SNPs or Queensland-wide.

It is our brief opening that this unfortunately is a terrible situation. We say it is a terrible situation within the context of a lost opportunity of what could have been achieved if there had been much tighter, watertight provisions and exemptions and controls over the original legislation.

It is our firm belief the proposed amendments will not go anywhere appropriate in terms of addressing and achieving the same types of reductions that could be achieved. In this respect I would invite the committee to turn to my submission, pages 6 and 7, which contains three graphs from the Bureau of Crime Statistics and Research from New South Wales. The first graph on page 6 simply shows that since the Newcastle conditions—they are a package of earlier last drinks, lockouts and other drink controls—were put in place, since March 2008, there has been a 72 per cent reduction in the number of weekend night assaults. In very practical terms that translates to approximately more than 6,000 young people who have been prevented from being violently assaulted on the streets of Newcastle, which used to see approximately 20,000 young people attending every weekend. They are very good comparisons between what we have achieved in Newcastle and the similar precincts in Fortitude Valley and other large areas of Queensland.

What we are simply saying to the committee, with the greatest respect, is that if there were no exemptions that were applied in Newcastle, and equally the Kings Cross conditions and the central CBD conditions—

**CHAIR:** Tony, if I could just interrupt you there, I would ask you to quickly wind up because we want to give Nick and Trent the opportunity to make a brief opening statement and we also need time for questions. We are on a very tight time frame so if you could quickly wind up for us, thank you.

**Mr Brown:** Our own view is that the tightening and exemptions proposed in this legislation do not go anywhere near what is required. We would advocate for no exemptions, consistent with Newcastle and the Kings Cross conditions.

Our second grave concern is the taking away of the lockout laws. That was a central part of Newcastle's success. Earlier this morning I spoke to senior police in Kings Cross. They have identified that the lockout has been a major benefit in terms of moving drunk people on but also preventing large numbers of highly intoxicated people entering the premises.

Our final point would be the important issue of domestic violence. We would encourage the inquiry into the proposed legislation to ensure that all bottle shops in Queensland are subject to the 10 pm closing. I would finish there if that suits the committee.

**CHAIR:** Thank you very much. Nick, I will give you the opportunity to make a brief opening statement.

**Mr Braban:** Thank you. I will not take too much time. Everything is in our submission. We appreciate the time today. The two technicalities we are keen to discuss are the ID scanning implementation for the state and how extended hours permits might be better judged and permitted moving ahead. I will leave it at that and we can move on to questions and let Trent talk.

**Mr Meade:** Firstly I would like to congratulate the government on making an evidence based decision regarding looking to remove the lockout from legislation. I think that is a sensible approach, and the evidence suggests it is the right one. As Nick suggested, though, I think there needs to be further discussion and consideration when looking at the extended hours permits and the implementation of ID scanning. I am here today primarily to discuss those two points of consideration.

**CHAIR:** Thank you very much, Trent. We will now move on to questions. Tony, on page 3 of your submission you state that Newcastle streets have become much safer and more vibrant in part due to the lockout provisions as part of a bigger package of measures. Could you briefly expand on what those other measures were? For instance, have there been any alcohol education campaigns, more policing or better training of bar staff?

**Mr Brown:** All of those measures were trialled before the introduction of the Newcastle conditions in 2008. The industry voluntarily adopted those measures but they were found to be ineffective because they had no impact on the levels of intoxication and failed RSA. The police, with the support of the community, adopted evidence based measures which have led to not only a 72 per cent sustained reduction in assaults but also a 110 per cent increase in the number of licensed premises. Not only has Newcastle seen profound improvements in public safety; it has also seen an increased amount of business prosperity, diversity and safety.

**Mrs STUCKEY:** Trent, you mentioned that you were pleased to see evidence based measures in this piece of legislation. Are you suggesting that the previous legislation was not evidence based?

**Mr Meade:** Simply I am suggesting there has been absolutely no evidence to suggest that a lockout is a measure that reduces harm.

**Mrs STUCKEY:** Have you seen any negative effects of the lockout so far—the parts of it that have been implemented?

**Mr Meade:** In terms of harm minimisation or in terms of economics?

**Mrs STUCKEY:** Perhaps to cost of jobs and business as well as harm minimisation.

**Mr Meade:** I can speak on behalf of our precinct, and I do own two venues in Fortitude Valley. Certainly since the reduction of trading hours from 5 am to 3 am we have seen a double-digit reduction in our bar turnover and we have had to look at other means to make up that revenue. Certainly there have been job losses in that period of time because we cannot sell our primary product after 3 am.

**Mrs STUCKEY:** Are you able to quantify any of that? You are saying there have been job losses and a loss of business. Can you quantify that?

**Mr Meade:** Early in the piece there were 15 to 20 per cent reductions in jobs during that period, from the reduction of trading hours from five to three. That was the earliest piece of evidence that we had.

**Ms BOYD:** Thank you for your submissions and for appearing before the committee. Mr Braban and Mr Meade, can you pick up on some of the points that Mr Brown submitted today, particularly around no exemptions, lockout laws and domestic violence in relation to bottle shops? Can you tell us how, in your opinion, those things will practically apply in Queensland?

**Mr Braban:** Mr Brown refers to interventions in tiny geographic areas in another state. We have a decade of good policy in Queensland, followed through from governments of both persuasions, which is paying dividends now. As seen in the report, over a long period there are reductions in harm. I cannot make a comment on bottle shops as I do not represent the bottle shop industry. Harm more broadly in the community is a complicated thing. What we can talk about are our entertainment precincts. We do not believe domestic violence flows from the activities of primarily young people in entertainment precincts. That is a serious issue that needs to be addressed more broadly. I think the industry would support any movement government makes in that space.

As to Mr Brown's comments around diversity within the night-time economy and the growth of the night-time economy, again he refers to Newcastle. It is one place in Australia. Our other example is Kings Cross, where the industry has been absolutely decimated and problems have moved to other areas of the city of Sydney. We also are lucky in Australia to have a place called Melbourne, which manages to have 24-hour licensing and does it very well. There are different examples across the world and across this country. I think it is important that we look at Queensland and how we do things here, because we have done a great job for a long time.

**Ms BOYD:** Mr Meade, do you have anything to add to that?

**Mr Meade:** No.

**Ms BOYD:** Mr Brown, some people comment that lockouts or one-way-door policies may place young women at risk if they are intoxicated and become separated from their group of friends. They may arrive at a venue or step out of a venue after a one-way-door policy applies. Do you have any views or evidence on whether that has happened in Newcastle?

**Mr Brown:** Firstly, may I refute the comments from Mr Braban about a tiny geographic area. As I said before—

**CHAIR:** Tony, we ask you to do that very briefly and then answer the questions asked. The committee has already read your submission.

**Mr Brown:** The international evidence is absolutely clear that the single most effective measure to reduce violence is modest reduction in late trading hours. That has been shown not only in Newcastle but also in Kings Cross in Sydney, Norway and other countries. We are happy to share the evidence on that. In terms of Kings Cross—

**Ms BOYD:** Mr Brown, can you please respond to my question?

**Mr Brown:** In relation to women, there is no evidence that it has negatively impacted upon women at all. I invite the industry to produce any evidence on those grounds or again back up the evidence about Newcastle and Kings Cross. This was examined in great detail by an eminent Australian jurist, Ian Callinan QC, when he recently reviewed the lockout laws in Sydney and also in Newcastle, and he gave them a tick of approval. I think we need to focus on Queensland, so I will not raise any more issues about what is happening elsewhere.

**Mr KRAUSE:** Obviously, we have arrived at this point of examining the bill to repeal the lockout provisions, amongst other things, after some 18 months of debate about the whole issue. My question to Our Nightlife Queensland is: can you outline to the committee any issues that you have faced as an

industry with the rollout of the policy in the last year, which has led to where we are now, particularly the repeal? I know there was an issue with safe night precincts and different venues having disputes with each other about which way they were going to go. Also, there were disputes about funding for safe night precincts. Could you enlighten us about the damage that has caused to the industry and whether it is ongoing? Will the issues be resolved with the repeal of the lockout laws?

**Mr Braban:** It has been a tough period for the industry, without a doubt. Having a 1 am lockout occurring in the future has significantly reduced investment and activity within not only Fortitude Valley but also our other entertainment precincts across the state. Investments have not been made in things such as booking big musical acts, renovating premises, hiring new staff and spending money on things such as marketing, because people were concerned about what the future held. Thankfully, we have got into a position where that has been solved, but it has caused a lot of disquiet. As Trent mentioned earlier, an economic impact has been felt.

In terms of the 3 am precinct decisions that you referred to, precincts across the state struggled with having to vote on purely commercial grounds as to whether they would be a 3 am precinct with the 1 am lockout or they would become a 2 am precinct. We were lucky in the Valley that that was not so hard, but I do know for other SNPs it was significantly difficult. A number of them simply refused to take part in that decision. I think is a sad thing that we are turning the industry against itself when we should all be working together to get better outcomes in our precincts. It should also be noted that in Cairns, for example, the casino had a vote in that decision. That casino is exempt from these rules and can trade 24 hours a day. For them to even be voting on the commercial impacts for small business in that community was a pretty sad thing.

**Mr KRAUSE:** Do you feel like a divide-and-conquer strategy was being placed on you?

**Mr Braban:** Without a doubt. Whilst we have always been supportive of local solutions for local areas, the way this was managed was really disappointing for a lot of people.

**Mr KRAUSE:** Mr Meade made a comment about an evidence based approach. Do you think the government could have saved everybody—the industry, employees, the whole community—a lot of torment and heartache if it had made this decision 12 months ago?

**Mr Braban:** Yes, without a doubt. The safe night strategy was a world-leading strategy, in our opinion, developed in partnership with all stakeholders. If that had been allowed to continue, we would be in a better place than we are in today. There is no doubt about that.

**CHAIR:** Nick and Trent, you stated in your submission that smaller venues do not attract a style of patron that fits the recidivist offender profile that attracts police bans. Could you expand on how you came to that view and also provide the committee with some detail in relation to how much a scanner would cost for a small venue?

**Mr Meade:** We came to that view because, if you look at things such as trading, compliance, incident rates, venue capacity, size et cetera, feedback from OLGR and our relationship with QPS tell us that the larger scale venues are attracting the masses of people and the age demographic that is most at risk. Certainly, my two venues have large capacities and should have an ID-scanning regime, which they do. When you look at some of the smaller, unique, refined boutique style bars with drink prices that might be in excess of 20-something dollars, you do not typically see the type of clientele that seems to be causing the issues in and around our precincts and even outside our precincts.

One point I will make is that we believe we have a fairly good proposal on the table at the moment that the Fortitude Valley SNP has developed over a long period where there are 53 venues that would be included in a mandatory ID-scanning regime. The reality would be, if you look at the venues based on OLGR's most violent venues data and the QPS QPRIME, we could probably get that down to two dozen venues, which makes sense. If we saw any displacement of incidents occurring into those smaller venues outside of that, under the current act the OLGR could certainly apply some sort of mandatory regime to those smaller venues. That makes sense.

In regard to cost, you are looking at about \$100 per week just for the scanner itself. You might be looking at a discount for a second scanner, at about \$70 to \$80, but then you have the labour costs on top of that.

**Mrs STUCKEY:** I note in the submission from Our Nightlife that you have some issues about permits for extended trading hours and also the terminology of 'special occasion'. Can you briefly say what the issues were and what you would like to propose?

**Mr Braban:** The policy objective of the bill is achieved by the reduction to six. What is in the bill, in terms of how they would be judged, is very complicated and falls to the Office of Liquor and Gaming Regulation, which has a lot on its plate. We also make an argument that a judgement about the cultural

significance of certain events within entertainment precincts is a tough one for it to make. Community opinion is divided as to what is culturally significant to certain age groups and demographics. We think a simple system that would flow efficiently and still achieve the policy outcomes makes perfect sense. I am an advocate for fewer laws, not more laws.

**Ms BOYD:** Some of the other submitters have made some submissions around boundary changes. I want to get your point of view on particular changes to boundaries that are proposed through this legislation.

**Mr Braban:** My understanding is that the legislation allows for boundary changes to occur. I do not think that is a significant change from what was previously in there. I apologise: I am not across the technicality of that, because it was not an issue that was significant for Fortitude Valley and some of our other members across the state.

**Mr KRAUSE:** Mr Brown, obviously the lockout laws are an issue on which you have lobbied the government and it was an election commitment of the government. Will you be continuing to lobby the government to introduce a lockout into the future?

**Mr Brown:** In terms of the Queensland government, yes, and all other governments across Australia because the independent scientific evidence is absolutely clear that earlier last drinks is the single most effective measure to prevent violence but it is also a package of measures which includes a lockout. I am firmly committed to public safety but equally to business prosperity. I own a business myself. The two are not mutually exclusive if we adopt similar models to Newcastle. King Cross has had ID scanners compulsory since July 2014. Contrary to what has been put to the committee this afternoon, they have had approximately 2½ million patrons go through Kings Cross venues since that date.

**CHAIR:** Our time has expired. I thank you all for your time this afternoon, particularly in circumstances where you came at very short notice.

**CRANE, Ms Meredythe, Foundation for Alcohol Research and Education, via teleconference**

**FERGUSON, Ms Amy, Foundation for Alcohol Research and Education, via teleconference**

**NAJMAN, Professor Jake, Chair, Queensland Coalition for Action on Alcohol**

**CHAIR:** Good afternoon and welcome to Professor Najman, Ms Amy Ferguson and Ms Meredythe Crane. I invite you to make a short opening statement after which committee members may have some questions for you.

**Prof. Najman:** Let me begin by reiterating that we are here on a deadly serious business. We are dealing with issues of people dying as a consequence of alcohol related events. We are dealing with what was in Queensland in our earlier submission a massive increase in young people being admitted to hospital. In fact, in Queensland we had the highest rate of increase of young people being admitted to hospital for alcohol related injuries of any state in this country. We are here on a deadly serious business and we need to make decisions that are in the interests of the community. In that context, it is fundamentally important that we know whether or not the legislation makes a difference. Those who are for it and even those who are against it need to know the answers in terms of the current legislation. Is it working? Is it making a difference? If it is not making a difference, why bother—and we should not bother?

Let us look at what has happened in the first six months of the legislation being implemented. There are 23 venues with 12 exemptions that have had 276 opportunities to open. There has not been one weekend since the legislation was passed that venues have not been opened until 5 am. That has subverted the intent and purpose of the legislation. It subverts the intent of the research to find out if the legislation works because, simply put, the legislation has not been implemented.

We need to recognise that we are dealing with an industry that has a vested interest in doing what every industry has a vested interest in doing, which is making a profit. The consequence of that is that they engage in deception and they produce misleading information in order to further their case. They produce a lexicon that has become really very popular in the last few months: alternative facts. That is statements about reality which in fact have no context in reality.

They are simply figures and ideas picked out of anywhere. For example, the notion that this is the destruction of commercial activity is predicated on the view that, yes, fewer people are employed in this industry, but that does not factor in the fact that in other places that industry has been replaced by other industries which are commercially viable and which replace those jobs in other contexts—something that is happening broadly in our society. There are a couple of things I want to emphasise.

**CHAIR:** I would ask you to wind up please, Professor Najman.

**Prof. Najman:** I am winding up. The first is the exemptions. Really, I think they have been treated as a facade. We have been treated as fools. The industry continues to open until 5 am and treats the rationale for these exemptions—that they be special occasions—as a joke. We need to deal with that issue. I would like to see fewer exemptions. Six is in the legislation. I would be comfortable with three. That leaves them open for Christmas and New Year—very special occasions. I think that is important.

The second point and the last point I am going to make is that the evidence on what works from international literature is fairly clear. The fewer hours that these venues are open the less the level of harm. Whether we reduce those hours of opening by having lockouts or whether we just cut back on the number of hours of opening is not the critical issue, in my view. The critical issue is the recognition that long hours of opening until the dawn are part of the problem that we are having to confront and deal with and have not dealt with very well.

**CHAIR:** Ms Ferguson and Ms Crane, would you like to make a brief opening statement?

**Ms Ferguson:** Thank you for the opportunity to appear before the committee this afternoon. In our opening statement FARE would like to focus on three issues. I will be sure to make it short and succinct. Firstly, we would like to raise our concern about the repeal of the lockouts. The decision to repeal the lockouts is reportedly based on the findings of the six-month report titled *Impact of the last drinks and lockouts*, released in January this year. We must note that this report focused on the impact of the following three measures of the tackling alcohol fuelled violence legislation: the statewide cessation of the service of alcohol no later than 2 am or 3 am, depending on the location; a ban on the sale of rapid intoxication, high-alcohol-content drinks after midnight; and publishing information on liquor licensing, compliance and enforcement activity.

This report did not look at the effectiveness of the lockouts in Queensland as they had not yet been introduced. Therefore, it is difficult to argue for the removal of lockouts based on the focus of this report. The report also did not look at other potential benefits of the lockouts. Police have argued for these lockouts on the grounds of patron safety and crowd control. We believe that the lockouts should be given the chance to demonstrate whether they contribute to the effectiveness of the suite of measures that were introduced last year. What the report did show—and this comes to my second point—is that one-off late-night trading permits have severely comprised the effectiveness of the earlier last drinks measures. FARE supports the government in taking action on these permits but argues that these restrictions could go further.

The six-month report looked at the use of late-night trading permits and found that there has not been one weekend in Fortitude Valley where all venues were closed by 3 am. These permits are clearly undermining the intention of the government to reduce trading hours in Queensland. Allowing venues to trade beyond 3 am effectively undermines the original intent of the measures because we know that an increase in late-night trading hours results in an increased risk of harm. The committee should recommend that these permits be abolished and that the suite of measures, including the lockouts, should be given the opportunity to work as intended.

Finally, I raise the issue of alcohol and other drug testing. We believe that alcohol and other drug testing should be applied to all offences that occur in and around licensed venues. This testing provides an avenue to collect data that can be used to inform public policy development in the future.

Lastly, as Professor Najman highlighted, there is a well-known link between alcohol's availability and the level of harm in the community. We cannot afford to weaken these measures any further. If anything, the committee should be looking at ways to strengthen them to support their purpose—that is, to reduce alcohol related assaults. The Attorney-General, Hon. Yvette D'Ath, said when introducing the package of measures into parliament last year that she had not seen so much evidence to support a piece of legislation. That should remain.

**CHAIR:** Thank you very much. Some people have put forward the view that lockouts or one-way door policies may place some people at risk if they are intoxicated and become separated from a group of friends because they arrive at a venue where a one-way-door or lockout policy applies. Could you comment on that particular view?

**Prof. Najman:** I am not aware of any research that would say that that is true or false. We deal here a lot with anecdotes and people's reports of experiences. The police will probably have something to say about this. I am not aware of any specific research that comments one way or the other.

**CHAIR:** Ms Ferguson or Ms Crane, would you like to respond to that question?

**Ms Crane:** We are not aware of anything that suggests that that is the case so we cannot really comment on that, either.

**Mrs STUCKEY:** The Premier actually stated on television that one of the reasons for the change of heart was that young women may be placed at risk if they are intoxicated. I ask each of you about the level of consultation that you received from the government prior to and leading up to this announcement that the lockouts would be scrapped and whether that was included in it.

**Ms Ferguson:** Just to clarify the question, was it consultation with regard to this amendment bill?

**Mrs STUCKEY:** To the bill we have before us today.

**Ms Ferguson:** The only consultation that has occurred for us is through this committee process and that was consultation of two days.

**Mrs STUCKEY:** Thank you. Professor Najman?

**Prof. Najman:** The same.

**Mrs STUCKEY:** Professor Najman, you said in your submission last year that 63 per cent of Queenslanders support a 1 am lockout or one-way doors for pubs, clubs and bars. If that is the case, why do you think the government is making these changes and breaking its election commitment in relation to lockouts?

**Prof. Najman:** I think it is question of interpreting what the research shows. Broadly, the research shows that the majority of Queenslanders favour more restrictive legislation to reduce the harms associated with alcohol. They tend to endorse any measure they think might contribute to that. Whether those measures do in fact contribute in exactly the way they might imagine is more a research question than a public attitude question.



I suppose what I am saying is that we have a community sentiment that alcohol is not good for many people and that drinking to one, two, three or four in the morning is not a great idea. I confess that I am in an age group where I think, 'What are we doing at that time of the morning?' Having said that, I think the community is not certain about the specifics—whether it is a lockout, earlier closing or some other measure—and, indeed, many experts are often not certain about them.

**Mrs STUCKEY:** I am sure some shiftworkers are fairly thirsty after 11 or 12 at night when they finish work?

**Prof. Najman:** I am just wondering about three, four or five, though.

**Ms BOYD:** I am interested in the culture around preloading. Professor, like you, I am at an age where I am starting to contemplate late-night drinking. There was once a time when it appealed to me. One of the changes that has occurred over time is the time frames—the lockouts—that have been implemented. I wanted to hear your opinion around citizens adapting their behaviour; for example, an earlier lockout would see people preloading to circumvent the intent of the legislation. Could you provide your view on that?

**Prof. Najman:** Let me answer that in two parts. The first is that research on earlier closing or fewer venues or a combination of both shows that, for a number of nations that have passed that legislation or passed the reverse legislation with the reverse consequences, the harm follows the number of hours of opening. The first answer is that we have unambiguous evidence that this makes a difference to the total number of injuries and deaths. About that the science is unambiguous.

Whether people will engage in preloading more than they did previously we do not know, really. There is a lot of preloading going on already. Part of the preloading is the cost issue. Many young people are finding it hard to afford the alcohol in a number of these venues so they are preloading much more cheaply. Whether that would increase I simply have no way of knowing. We would hope that the research that is currently ongoing in Queensland to evaluate this legislation will answer that question. It is an important question that we need answered.

**Ms BOYD:** I also wanted to ask a question around the research that is currently been conducted. Is there research that compares the Queensland jurisdiction, for instance, with jurisdictions in Victoria or other parts of the world and looks deeper at the cultures and behaviours versus alcohol fuelled violence in the community?

**Prof. Najman:** You are asking complex questions about the nature of the science and the role of culture that is involved in drinking. These are difficult issues and we do not have good answers. If the question were, 'Given what we know about Queenslanders and about people in other states, is this legislation, on the highest probability we can think of, likely to work?', the answer is absolutely yes. Is it likely that young Queenslanders think differently to people in Victoria or New South Wales? They may on some modest level, but you would have thought there was not a great difference.

What we find in our research is that changing the structural parameters changes the behaviour. If you increase the cost of alcohol, you reduce the consumption. If you reduce the number of venues, you reduce the consumption. If you reduce the number of hours of opening, you reduce the consumption. Irrespective of what people think, feel, believe or want, it follows. It happens. We have reason to suspect that that is what will happen here.

**Ms BOYD:** Couldn't it be that some of those findings that you refer to that reduce consumption in venues are coming through your data because you are not actually capturing consumption through other places like consumption in the home, for example?

**Prof. Najman:** The answer is no—unambiguously no. The reason for that is that, firstly, we are relying on—I do not know; I could find for you, and I did find for the government—20 studies around the world in different cultural contexts and different circumstances, all with the same result. I could not find one study which was contrary to that result.

When we look at alcohol we do not just use self-report measures. One of the things we sometimes use is data from alcohol taxes that tells us exactly how much alcohol is being consumed. One of the kinds of research I have tended to do is to look at the relationship between the amount of alcohol actually sold, as revealed through taxation records, and the amount of alcohol people say they drink, as revealed, for example, in surveys. You will not be surprised that the two are not that closely related. Self-reports account for about 0.7 of the total amount of alcohol being consumed. You will not be surprised to know that the people who are telling us the biggest porkies, if I can phrase it in that way, are the heaviest drinkers. For research purposes we have a pretty good idea of how inaccurate self-reports are and who is giving us the worst self-reports, and we can actually adjust our research findings to counter that misleading information. Having said all of that, it is tough science. It is hard research to do, but it is important research.

**Ms BOYD:** In relation to the second-last point that you made, you actually make your own amendments through your studies based on the presumption that what people are saying is not in fact what they are doing?

**Prof. Najman:** I do a lot of research on people's self-reports of alcohol consumption. Let me give you an example. I would do research on foetal alcohol syndrome. I am interested in the extent to which alcohol consumption in pregnancy has an effect on the foetus. We have reason to believe that women who drink alcohol in pregnancy may understate the amount of alcohol they consume, so we will adjust those figures—not to change the data but to see, if they were understating it, how that would change the results. In research we would report both what people said and any adjustment we make for what we think might be an understatement so that people can then judge which of those two is likely to be more accurate.

**Ms BOYD:** Thank you, Professor. That clarifies it.

**Mr KRAUSE:** Professor, I understand that you were a strong advocate for the lockout policy. In fact, you stood next to the Premier when it was announced as policy in January 2015. You referred earlier to misleading and deceptive claims by the industry in relation to this debate about lockouts, but do you not feel as though you have been misled and deceived by the Premier in relation to this policy?

**Prof. Najman:** Can I first of all say that we advocated to the Premier that she should adopt this policy, so it is the other way around. That is the first step. The second step is that we were really very concerned about the 5 am trading, so we were arguing that on the best evidence we had we had to bring the amount of drinking down.

**Mr KRAUSE:** Sure, but you were a very strong supporter of the lockout policy too, were you not?

**Prof. Najman:** Yes. At the time I thought lockouts were one of the policies that was likely to work.

**Mr KRAUSE:** So you have changed your view on that?

**Prof. Najman:** I am not as convinced by the evidence I have seen more recently that it is actually the lockout that makes the difference. I am more persuaded that it is the hours of trading. I am looking for ways we can reduce the long hours of drinking into the early morning, because many of the most severe harms are occurring between two, three, four and five in the morning. You have intoxicated people coming into venues and continuing to drink until very late. That is where the problem is partly arising. The answer in short is that I would prefer to see the lockout laws remain, but I would not see that as important as reducing the number of hours of opening or finding other ways of reducing consumption—for example, by enforcing current legislation that I do not think is being adequately enforced.

**Mr KRAUSE:** I refer to your submission about the use of extended hours permits since the new liquor regulations have come into effect. I have had a consistent view that the legislation that was implemented by the government is very poor legislation in that it did not give enough clarity as to the regulations and the guidelines for the permits. Do you share the view that the legislation in respect of extended trading hours was very poor legislation?

**Prof. Najman:** I am not familiar with the wording of the legislation. If you look at the consequences of the legislation, there is absolutely no doubt that the legislation has been ignored by much of the industry. To the extent that that has been able to happen, yes, that legislation is not sufficiently constrained.

**Mr KRAUSE:** You cannot blame the industry for simply doing what they are entitled to do under the law, can you?

**Prof. Najman:** Well you can blame the industry for coming to the government or anyone—I am not a representative of the government in any shape or form—you can blame the industry for coming to the government and saying, 'We need some exemptions because there are special occasions—Christmas, New Year, special festivities. Could we open at those times?' The government then says yes, and then they twist it and use it to open every weekend.

**Mr KRAUSE:** That was not very good legislation then, was it?

**Prof. Najman:** I do not think there is any question that the legislation has not achieved the desired end. There is no question.

**CHAIR:** Member for Beaudesert, I think you have had a very good go.

**Prof. Najman:** There is no question that it has not worked.

**CHAIR:** I had a question for the whole panel. Perhaps I will ask Ms Ferguson and Ms Crane to answer it first to give them an opportunity. Critics of the 1 am lockout at Kings Cross have stated that the law has led to a substantial reduction in people employed in the hospitality sector in this area. What is your response to that?

**Ms Ferguson:** Our response is that the legislation with the lockout laws, the last drinks measures and the package of measures is about reducing harm and that should be the priority of this legislation. This is about reducing the burden on our emergency services and trying to save as many lives from the assaults that we have been seeing occur. That is the priority of this legislation.

**CHAIR:** Professor Najman, do you have any response to that question?

**Prof. Najman:** No.

**Mrs STUCKEY:** In a nutshell, are there any further concerns with the bill that we are looking at now?

**Prof. Najman:** Our view is that we should be reducing the number of permits below the six that is in the current form of the legislation. We think that would both achieve the aims of the industry, in that they could open for special occasions, and reduce the capacity to open every weekend.

**Mrs STUCKEY:** Amy, did you want to comment?

**Ms Ferguson:** Earlier a committee member asked about pre-drinking. In the six-month report that was provided to government, in the discussion on the lockout section it highlighted that pre-drinking had decreased as a result of lockout. I just wanted to highlight that that is included in the six-month report that was provided to government.

**CHAIR:** Thank you very much. The time has now expired. I thank all of the panellists for their time this afternoon, particularly in circumstances where they appeared at short notice.

**JONES, Mr Matthew, Director, Liquor and Gaming Specialists; Secretary, Brisbane CBD Safe Night Precinct Board Inc.**

**LYNCH, Mr John, President, Safe Night Cairns CBD Precinct Inc.**

**ROBINSON, Ms Melynda, Administrator, Safe Night Broadbeach CBD Precinct Inc.**

**CHAIR:** Good afternoon. I invite you all to make a short opening statement, after which I am sure committee members will have some questions for you. We will start with you, Mr Jones.

**Mr Jones:** The committee has access to the submissions that were put in on Friday. Unless it would assist the committee for me to go back through those, I do not have anything by way of an opening.

**CHAIR:** Thank you, Mr Jones. Ms Robinson?

**Ms Robinson:** Thank you for having me here today. I am very privileged to be speaking for administration for Broadbeach. We also run the administration for Surfers Paradise SNP and Ipswich SNP. They are three very different precincts but they all share quite a similar view. That is all written in the submissions that were provided by Ipswich and Broadbeach. Surfers Paradise, unfortunately, was not able to provide a written submission due to the short time frame. In short, with regard to the legislation, the precincts support the repeal of the lockout. They have never believed that a lockout is beneficial in the precincts so they are all happy with that.

In terms of the extended hours permits, all precincts reject the proposed amendments. Interestingly, all precincts have suggested that, rather than removing six permits from them, the SNP should be granted an additional six permits within the year because, unlike the suburbs, the precincts are equipped to handle increased trade to 5 am. There are a lot of events that happen within these precincts. When you factor in New Year's Eve, you are leaving precincts with only five permits that they can use in a year. That is really difficult for them, particularly taking into account seasonal markets. Christmas, New Year's Eve et cetera are going to have a large range of Christmas functions and corporate functions. The criteria is very restrictive. It does not count for international entertainment or artists. For example, it is quite common now for nightclubs to engage a world renowned artist, and they are not taking on this entertainment because they are not going to be able to keep them there until five or keep the crowd there until five. Tourism suffers, the patrons suffer and the entertainment industry suffers.

In terms of extension of banning orders, everyone supports that. We think the emphasis should definitely be placed on the individual. In terms of ID scanners, we are also supportive of that in the legislation. However, we would like to note that there is quite a substantial amount of funding available for these safe night precincts. As part of applying for that funding, we have to provide detailed management plans of initiatives that we can implement in the precinct that will help with safety. A lot of that money at the moment is being spent on things like marketing because these are already very well established precincts—I am talking about Broadbeach and Surfers Paradise here—but they cannot access funding for ID scanners, and ID scanners are the one thing that will really work in the precincts. You have all this money that they can access but I think it would be better placed if it went towards something that is tangible like ID scanners rather than marketing.

Ipswich is a bit of different animal to Broadbeach and Surfers Paradise because it has been quite quiet. They had a lot of overseas investors and there was not much happening in terms of development. That has changed now. The council is injecting a lot of money into building that up. There are a lot of developers in Ipswich at the moment that are also injecting a lot of money, and they have a lot of future plans for the precinct. Even though they have one late-night trader, it is really important to them for the future of their city that the legislation which will be implemented allows them to cater for events that will happen in the future. Going back to those six extended trading hour permits is really very restrictive.

**CHAIR:** Thank you very much, Ms Robinson. Mr Lynch, I invite you to make a brief opening statement.

**Mr Lynch:** Good afternoon and thank you for this opportunity. Being in Cairns, we are far removed from the south-east corner. All stakeholders from our Cairns safe night precinct are really pleased with how things are travelling and with the cooperation between all stakeholders. We believe that we are running off a really good model that is working well. Sometimes with one-size-fits-all legislation we end up bearing the brunt of other issues that are faced elsewhere.

It is because of this that we would like to suggest that, in terms of extended grants and dropping permits from 12 to six, it could be done on a safe night precinct by precinct basis. Those that are performing well without incidents or safety issues are rewarded and are able to continue on and those

that have issues will not be granted extra extensions, if they are wound back to six. We believe there should be a system like that set up. We completely disagree with one-size-fits-all and have done so on many occasions including in a forum like this back in early 2016.

The repeal on the lockout has been extremely well received. It has brought unity back into our safe night precinct which, by design, caused huge division. It is something we have seen in our safe night precinct before. We are extremely pleased. Everyone is back to cooperating and continuing on with the great work that has been done already. We propose that in Cairns we keep our 12 extended permits. As mentioned before, six of them are basically taken up by public holidays throughout the year.

The other part I would like to drill down on is special occasions. From reading some of the explanatory notes, there is a really big objection to involving sporting events that involve an Australian team. I think that is very, very narrow. If we have a World Cup with Italy and Germany playing, we are a tourist town and it is a huge part of our economy. We believe it would be extremely unfair to all the tourists that frequent Cairns if we were unable to have an extended permit for that. For such large-scale sporting events like a World Cup or a grand final, we would be unable to do that with the bill in its current form. We would really like to see that removed. Sporting events of significance in general should be what is allowed in terms of cultural, community events and sporting events. They should be part of the legislation moving forward as to what defines a special event.

Apart from that, there is the extended banning order sentencing regime's prescribed document. We are 110 per cent behind that in the legislation and would like to see that move forward. That basically concludes my short summary.

**CHAIR:** Thank you very much, Mr Lynch. We will now turn to questions. I have a question primarily for Ms Robinson but I would also be interested to hear from Mr Jones and Mr Lynch. Ms Robinson, you talked about venues hosting artists of national or international standing and that for that reason some of the venues in your precinct would need to be open until 4 am or 5 am. There are other venues that host international artists—for instance, sporting stadiums and entertainment centres—which cannot open that late. I was wondering why you think those venues would need to open so late and whether or not it is possible for those national or international artists to start earlier.

**Ms Robinson:** It is not that they cannot start earlier. In a lot of instances, the international artist will typically play at prime time, which will be from 12 until two in the morning and then the patrons will stay. The reason is that it brings in such a large volume of people and then they are all thrown out on the street. I have a different standpoint: I am in the 18- to 25-year-old bracket. I am out there all the time. I love clubbing and I love the DJs. If you go out in Broadbeach, Surfers Paradise or Brisbane, you want to go and see your favourite DJ but the DJ finishes at two o'clock in the morning and all of a sudden at three o'clock the club shuts, you are out on the street, there are people everywhere and it is atrocious, whereas if you go out in Melbourne everyone goes home when they are ready and there is a completely different feel on the street at that time in the morning. There are not people mingling around on the streets. It is nothing like that. You are in a venue and you are safe.

**Mrs STUCKEY:** It's too cold.

**Ms Robinson:** You are right. It is not a case that the DJs cannot play earlier; it is that cultural perception. We do not want to go out and watch our favourite DJ play at nine o'clock at night because it is too early. People just do not go out that early. People work nine to five and they have to do their business after work, and then they go out. On Saturday, they have been working hard all week, they spend the day running around organising themselves and they are just not ready to go out at nine o'clock at night to see the big-name DJ. The DJ will not start until 12 or one or two, and then it carries on from there. It is quite sad to see it taken back so restrictively.

**CHAIR:** Thank you, Ms Robinson. Mr Jones, do you have anything to add on that particular issue?

**Mr Jones:** I do not think so. I am certainly well outside the 18 to 25 demographic, I have to say. I think really for the committee and for the government, the decision has been made about reducing trading hours. That has been legislated and is in place, so it is how you deal with these occasional permits—whether it should be permitted and, if it is permitted, the extent to which it is and so on.

The Brisbane CBD safe night precinct position is that allowing those kinds of ad hoc adjustments is a distortion of the market. If the government are going to fix the latest time for the last sale of drinks, then they should stick to that and come up with a regime to deal with other people who might not be in that market. Historically, prior to 1 July last year, 5 am was the latest that a venue could trade. No liquor

could be sold past 5 am. We had 100-odd 5 am traders in the state, and for the period that they had 5 am trading they had never even heard of an extended hours permit. They had no need to ever get one; it was impossible for them to extend trading hours beyond the latest they could go for.

We have created this weird dynamic now where the hours have come back to three, yet that whole group of licensees are now saying, 'Hang on. We can have 12 a year of these permits. What do we do there?' They are now out applying for them. It is completely unsurprising that people as entrepreneurial and creative as those in the liquor industry would be taking advantage of that and looking for ways to exploit that for their commercial benefit. The CBD SNP Board's position on that is that that distortion really should not be perpetuated. Making it six per year and subjecting it to a whole bunch of odd rules and doing it in what appears to have been a fairly rushed fashion is not really a good thing for the industry.

The point we have made in the submission is that the framework that has been created is not about people getting a permit to trade from 3 am to 5 am; it is about people getting permits, per se. You might have a function venue somewhere that trades until midnight, to one o'clock, to 11 o'clock regularly. If they have four or five Christmas functions in December and they want to get something modest—one o'clock or two o'clock, not three or five—then they are affected. All of a sudden, they can only have one of those events with those trading hours. It seems like somebody has missed the point there. If there is to be some sort of curtailing of the ability for licensees to extend to the extent that is being proposed in the bill, it should surely be restricted to people wanting to trade from three to five, not the whole of the rest of the industry.

**CHAIR:** Thank you, Mr Jones. Mr Lynch, do you want to respond to that?

**Mr Lynch:** It comes down to entertainment costs. In terms of artists, it depends if it is a live band or if it is a DJ. The general trend is for people to arrive into the safe night precinct, as you have heard, at a later part of the evening. It starts to pick up at 11 or 12 o'clock. People spend time at home and they pre drink—we know that is an existing issue—just because of the price of drinks when they get into town. Some of those acts do cost a considerable amount of money. We are talking \$50,000 or \$60,000 and you also have production costs and marketing costs. A huge amount of costs go into someone of entertainment significance. To recoup those kinds of returns, those extra trading hours are really vital on nights like those to be able to provide that top end of entertainment in terms of DJs or bands and be able to have the revenue against that to continue on providing that type of entertainment to the local area.

**Mrs STUCKEY:** Matthew, in your submission last year you raised concerns about the mandatory ID-scanning proposal. Does your organisation still have any concerns regarding this and exactly what are those concerns? I know that in Rockhampton there were some issues about already installing some and having a different model or whatever. Do you still have any concerns about those?

**Mr Jones:** When those submissions were written, it was not incorporated as the Safe Night Precinct Board but its predecessor, and those submissions were made on behalf of them, I believe. They raised a range of concerns about ID scanning. I do not think any of those have changed at all. It is a reasonably long list of issues. I am happy to go through them, if you like, as best I can recall.

**Mrs STUCKEY:** I would be very happy if you would be able to forward them to the committee because of the time we have for this session.

**Mr Jones:** Sure, or I could do it in a summary form.

**Mrs STUCKEY:** Yes, thanks.

**Mr Jones:** The belief is that the ID-scanning model as it is at present is quite flawed, mainly because it is subject to a wide range of exemptions. Scanning is from 10 o'clock at night. If I am a banned person and I do not want to be scanned, I can turn up at five to 10, for example, or I can access a venue potentially via the hotel's restaurant area because that part of the premises is exempt. On the other hand, if I am a venue which has approval to trade until 2 am or 3 am on a Monday night but typically it is very quiet so I close at midnight, I still have to scan from 10. There are those sorts of issues as well.

There is a lack of discretion that a licensee has under that model. There are certainly lots of licensees who are using scanning technology and enjoying the benefits of that but if, for example, the queue is getting out of control because of the slowdown that the scanning creates, they have the discretion to say, 'We'll only scan the males in the line. We won't be scanning females for the next half an hour so we can break the queue.' There are licensees that would take that approach. By the same

token, if I am a licensee and my uncle arrives at the venue without his ID, under the current legislation I have no discretion; I cannot let that person in unless I can scan their ID, even though I know them and I know they are not a banned person. The removal of that discretion is something which is of concern.

There are things like the cost, of course. There is some suggestion that safe night precincts might be able to achieve funding approval to offset some of those costs. That is by no means certain. It is also a concern that that might be a one-off thing but the costs are on an ongoing basis.

There are complications for visitors, particularly to an area like the CBD and I imagine for a place like the Gold Coast or Cairns. If visitors are confronted with those sorts of scanning requirements without being aware of them, it is not really the right kind of look, I would have thought.

**Mrs STUCKEY:** Thank you. I have a very quick question to Melynda and John. Could you tell us in a nutshell about the impacts and confusion that have been created by the lockout policy over the last 12 months?

**Ms Robinson:** There have been a lot of legislation changes. It is very, very confusing for licensees, for patrons and for the entertainment industry. It seems unfair that the casino has been monopolised in that this legislation does not apply to them. I have been told that it does not apply to the casino because the casino has such a heavy suite of security conditions on them that other private businesses are not subject to. That being said, the reality is that everybody gets funnelled into the casino because, as I was saying before, whilst there are a lot of people who do not want to be out late at night, particularly on the Gold Coast, there is still a huge amount of people who do stay out the whole night and there is nowhere for them to go. They can go to a house party or they can go to the casino. It is really, really hurting local businesses. All of our licensees have seen a huge downturn in trade. We do not really feel that that is the answer.

**Mrs STUCKEY:** John, could you tell us in a nutshell?

Mr Lynch: The 1 am lockout has caused huge division amongst the licensees in Cairns. On the one hand, you have the licensees who thought the 1 am lockout would involve their patrons leaving to other venues of larger size and more popularity and therefore rendering those two hours basically useless for them and basically foreclosing their business. That was extremely important trade for them and they felt, especially in a town like Cairns, that with the reduced night-time economy that would be a really unfair advantage to some of the bigger players.

Secondly, I would like to say that since the introduction of the 3 am cessation and no lockout, we have had no incidents where we have had distressed people out on the street. Being a tourist town, it is almost abhorrent to stand there on a door on the coalface and flat-out refuse someone entry who has just accidentally walked outside and is not aware of the rules. If it is two minutes past one and their friends are inside and have their keys, their wallet and everything, we have to stand there blank faced and almost act rude to them, even though they are not intoxicated. We have to refuse them entry and be completely unhelpful at a busy venue where you have no chance of trying to find someone under the description. It is a really poor look for Queensland and a really poor look for Australia, especially from the tourist point of view, that you cannot, unfortunately, help them in that situation.

We absolutely abhor the 1 am lockout. We do not think it was going to improve safety aspects at all for our CBD especially. We found that the current model worked extremely well, and the proof is there in the statistics if you wish to see them.

**CHAIR:** Thank you, John.

**Ms BOYD:** Thank you everyone for appearing today. Mr Lynch, in your opening remarks you talked about extended trading permits, a case-by-case basis and essentially people who could qualify if they did not have issues. Could you talk us through what kinds of measure you would see that working by and how you would see it applying?

**Mr Lynch:** As a safe night precinct, especially ours, we have our monthly meetings, and we are in constant contact with liquor licence, police and the Cairns city council. All are reporting for us extremely positive on how our CBD is running. I think you can look to government agencies like that and then speak to them on a safe night precinct basis and say, 'What is the situation?' I am sure a local council, police, your local liquor officers or your person in charge will easily be able to give you a rundown of how that safe night precinct is operating. Therefore, if it is in a good condition and things are going really well and people are proactive like we are here, why can we not have our existing 12 extended permits? If they are not being misused, if the safe night precinct is being run well, if there is great cooperation, then I do not see why we have to be penalised for those who are not.

**Ms BOYD:** We know from the review that has been conducted and also submissions that have been here today that in safe night precincts—and Fortitude Valley has been the one specifically referred to—an extending trading permit has been issued on every single weekend since the tackling alcohol fuelled violence legislation was enacted. I wanted to get a view from all of you so I can get a picture as to what extent it has been enacted in your safe night precincts. If you were able to enact it more, what would that look like?

**Mr Lynch:** We did not really see a lot of it going on in Cairns. I believe a lot of it was done out of the impending legislation changes that were due on 1 February, so I think it was more reactionary and that people were obviously trying to push that out. There is no question that they were probably misused, albeit well within the framework of the legislation that was supplied. We did not notice that in Cairns. Perhaps the definition of 'special event' can be looked at, but I do not see that having more of them is required. I think having fewer of them is going to be the issue so that, apart from public holidays, there are really no other extensions to be had throughout the year. There are plenty of other significant events that happen which the other six allow for and, if applied for correctly and run well, I do not see why that would be an issue, especially in a well-performing safe night precinct.

**CHAIR:** Ms Robinson, do you have a response to the question?

**Ms Robinson:** Yes, I do. Broadbeach and Surfers Paradise absolutely took the full extent of what they could apply for with those extended trading hours. Surfers Paradise, for example, can trade 24 hours under the planning scheme. There are a lot of local residents there, but there are 10 million tourists to the Gold Coast. Licensees really believe that 5 am trade should be there permanently, so absolutely they are going to jump on any opportunity for extended hours permits straightaway.

**Mr Jones:** I think the take-up of the extended hours permits was probably less in the CBD than it was in places like Fortitude Valley and apparently Surfers Paradise and so on. I just have a comment of a general nature about the suggestion that licensees were somehow deliberately trying to confound the policy or were gaming the system and so on. I think that is quite unfair and it misses the point. Every single one of those permits was approved by the government on an individual basis, and that approval process includes consultation with police, so if at any point the government, in the form of the Office of Liquor and Gaming Regulation, had thought there was some sort of skulduggery going on, they had ample opportunity to detect and deal with it if they had wanted to. The issue of the payments is a discretionary matter, so there would certainly be an opportunity to intervene.

I am not sure how well briefed people are, but historically the introduction of the limit of 12 permits is relatively recent—I think possibly in 2009 or thereabouts; prior to that there was no limit—but at the same time there was a greater scrutiny of permits to make sure that licensees were not taking advantage and were not applying for them on too regular a basis, in which case they would have been directed to change their hours permanently. This whole idea that you would have some disparity between the latest time that someone can sell alcohol under a permanent approval and some extended hours permit regime is entirely new and something that is entirely unprecedented.

**Mr KRAUSE:** Mr Jones, what you are saying is that, contrary to what some members of the government have been saying in the media, these permits for extend trading hours have been approved by the office of liquor and gaming, which is part of the government.

**Mr Jones:** That is correct, yes, and with consultation with the police.

**Mr KRAUSE:** But the industry has been accused of gaming the system.

**Mr Jones:** Yes, I believe they have.

**Mr KRAUSE:** That is extraordinary.

**CHAIR:** Is there a question, member for Beaudesert?

**Mr KRAUSE:** I just asked a question and I would like to ask another question, if I could. Considering the time, I will make it a quick one. I have a question for Mr Lynch from the Safe Night Cairns CBD Precinct in relation to employment and businesses in the Cairns safe night precinct. When I was there some four months ago I was told that there had been a reduction in employee hours as a result of reduced trading hours and also looking towards the lockout. Can you comment on that? Can you also comment on who are the people most affected by that reduction in employment?

**Mr Lynch:** Since 1 July last year obviously we had those 5 am to 3 am reductions, which has already reduced some people's weekly hours by about five to six hours per week. By far the greatest industry in Cairns is hospitality. In relation to youth employment, university students generally take up that type of employment to get them through their studies and provide an income so they can live. With the 1 am lockout there was really great fear that some of those venues that were providing that



employment would no longer be able to employ as many people or in fact even still operate. We were almost positive in some cases that some of those businesses would have been sent to the wall. With the high youth unemployment rate that we have up here, you are again looking at legislative measures that are going to increase that and not look at the other solutions that are available—which is what we are doing right now with ID scanners—and instead looking to harm employment opportunities instead of using the arsenal of tools we have to look at the violence side of things and the safety aspect. That is where we saw it really affecting staff and obviously their hours per week.

**CHAIR:** Our time has now expired. I thank all panellists for your time this afternoon.

**HOGAN, Mr Bernie, Chief Executive, Queensland Hotels Association**

**STEELE, Mr Damian, Industry Engagement Manager, Queensland Hotels Association**

**CHAIR:** I invite either or both of you to make a short opening statement, after which I am sure committee members will have some questions for you.

**Mr Hogan:** I will make a quick statement for the Queensland Hotels Association. I would like to thank the committee for the opportunity to provide input into the committee's consideration of this amendment bill. The QHA is obviously the peak representative body for the hotel, hospitality and accommodation industry in this state. We seek to represent our industry as they conduct enduring and responsible businesses that contribute to both their communities and the broader state economy. Our member hotel businesses span the length and breadth of this state in virtually every town and locale providing jobs, entertainment and hospitality to Queenslanders and visitors alike. Members include over 800 such companies from large international accommodation providers, traditional pubs and family owned enterprises. QHA would like to make the following specific comments relating to some key matters provided in this bill.

Firstly, we would like to congratulate the government on the recent decision to listen to the advice of the industry and amend certain measures. Let me be clear: the QHA support the repeal of the 1 am lockdown; the retention of the 3 am trading SNP model; and extension of banning orders for drug offences. However, there are certain measures within the bill that the QHA cannot support such as the reduction in the number of extended trading hour permits from 12 to six per calendar year. The interim report focused on the Fortitude Valley SNP regarding the use of extend trading hour permits. The fact that the venues use their entitlements via established lawful processes which require approval via the QPS and OLGR should not be seen as a lack of fidelity to the reduced trading hours, but rather as assisting with the transition into the new regime.

It is reasonable to expect that any assessment of these changes would be conducted over a full year of trading when those permits can be used over the full 12 months. The interim report of the first six months, the Attorney-General's introductory speech and the explanatory notes of this bill all note the positive trends with regard to the continuing downward number of assaults and violence across Queensland. Further, the report acknowledged there was limited data, that it was too early to make any conclusions and subsequently made no formal recommendations, yet this is the data being relied upon to reduce the number of available extended trading hour permits not just in the SNPs but across the entire state.

As mentioned earlier, the criteria for when you could apply for these special occasion permits have not been discussed with industry. The proposed restrictions would essentially remove the profitability of venues that rely upon music acts as part of their entertainment, and this decreases the revenue stream, will reduce jobs, and will potentially remove Queensland from music promoters' itineraries.

With regard to ID scanning, the hotel industry supported the in-principle requirement for major venues trading after midnight within major SNPs to have ID scanning. This support was provided in the context of an existing 5 am trading regime under the Safe Night Out Strategy. Within the current 3 am strategy the licencing industry has some real concerns over how ID scanning is implemented. Mandating an ID-scanning regime from the relatively early time of 10 pm would be commercially very harmful to businesses. It would incur significant staffing expenses and is not justified given the risk profile at that time of the day. The QHA recommends that ID scanning should only be required for venues from midnight and only on those evenings where the venue does actually trade past midnight. Gaming rooms that are separated from the rest of the licensed premise with their own street access should not have to have scanners installed. This will have serious unintended consequences, as it essentially means that gaming patrons need to have a licence to play.

Of further concern is the inequity between licensed premises within an SNP where some are exempt from scanning and some are not; for example, on-premise liquor consumption—a restaurant—trading next door to a commercial hotel. Both will be approved to trade until 1 am and both sell the same liquor products, yet the hotel is required to scan patrons from 10 pm while the other premises is not. It is clearly an illogical circumstance. Thank you for this opportunity. We welcome any questions.

**CHAIR:** Thank you, Mr Hogan. I assume that you are speaking for both yourself and Mr Steele?

**Mr Hogan:** I am, absolutely.

**CHAIR:** I have a question about your submission in relation to ID scanners. Is it not the case that there are many venues across Queensland, and indeed I am sure within your membership, that have already adopted measures for scanning under their own initiative?

**Mr Hogan:** I do not know about 'many', but there are definitely ones that do already use it, absolutely.

**CHAIR:** How long has that process been going on for?

**Mr Steele:** Many venues have decided that is an appropriate tool for them, based on their own risk assessment. I would not know the exact time, but they have been in place for many years in many venues that are in those major entertainment precincts where they have high-volume precincts and are major venues within those precincts. The issue around ID scanning for us is that it should be based on that type of determination. Where there is a demonstrated need based on the risk profile of the venue, that is when it would be reasonable to expect they would have a mandatory ID-scanning regime.

**CHAIR:** Do venues such as the Eatons Hill Hotel implement a midnight scanning regime, or do they start before then, at 10 pm for example?

**Mr Hogan:** I could not tell you the exact procedure of the Eatons Hill Hotel or virtually any other hotel, to be honest. They would have their own harm minimisation policy put in place which they would stick to.

**Mr Steele:** That is an example of a venue that is outside the SNP, of course, but has determined as their own best practice to have that as an initiative because they see it is justified.

**Mrs STUCKEY:** In your submission you note that two days is insufficient time to canvass your membership of 800 members. Can you comment on the impact and the confusion of the lockout policy relayed to you by your members over the last 12 months?

**Mr Hogan:** I think the confusion amongst our members has been immense, and it is not necessarily that they could look at the thing and say, 'The lockouts are coming! The lockouts are coming!' It was generally that it was almost death by a thousand cuts, and there were constant changes and confusion put in with the many different measures such as rapid intoxication drinks, the initial reduction in trading hours, and then what permits you would have and when you could have them. There has definitely been an impact in there. We have heard from some of the SNPs specifically that it has already impacted in terms of not only job losses but also hours lost when it comes to their employees.

**Mr Steele:** That process which required the SNPs to determine whether they wanted to remain a 3 am SNP with a potential 1 am lockout or lose an hour of vital trade and revert to a 2 am lockout was an extremely divisive process. We heard earlier that people voted purely on commercial interests. We attended many of those SNP meetings as observers when they were going through these deliberations and not once did I hear the word 'safety' mentioned, and that should be the objective of the act and these changes. However, this was a circumstance that really was the lesser of two evils. It was very disappointing to see long-established liquor accords, which had very strong collaborative relationships, forced to go through a process that effectively destabilised some of those collaborative working relationships to the detriment of safety.

**Mrs STUCKEY:** Bernie, you had a column in the QHA magazine in November 2016 and you said—

There are no jobs created by this policy nor any fairness being restored. Quite the opposite as publicans are forced to interfere in each other's businesses potentially reducing employment.

Would you mind expanding on that, because we often hear the call for jobs?

**Mr Hogan:** I am glad I have one avid reader. Quite honestly, it is a fairly obvious connection: if you are reducing trading hours there is no need for someone to be standing in that venue, so it is not creating any job. It is actually reducing the workable time in Queensland's hospitality industry. It is a very simple concept.

**Mrs STUCKEY:** Could you quantify that at all with any figures?

**Mr Hogan:** I think we heard it earlier from Trent Meade. He is a prime example of an operator who said straight out that there was a 15 to 20 per cent decrease. It is better to hear directly from an operator.

**Ms BOYD:** Thank you very much for both appearing. I want to pick up on the point that you have made around ID scanners. You submit that there would need to be two dedicated staff members to effectively operate and enforce these ID scanners. Is that not job creation?

**Mr Steele:** I would see that more as cost creation for the business because what we are looking at there is, irrespective of the cost of the hardware itself—\$5,000 for the actual unit—the real cost is in the manpower that is dedicated to that function. We are talking about a minimum of one unit per entry for venues. Some of those larger venues will need multiple units staffed by a minimum of two people. There is that ongoing wage cost which is a real cost to the business for a compliance measure which may or may not be required based on their risk profile.

**Ms BOYD:** Is this a conversation that the QHA has been having with its membership over a period of time—this concept of ID scanners? Is there an ongoing conversation? In your submission there is significant detail around ID scanners. I wonder if you can talk us through the journey of the consultation with your membership and how you have gotten to the point you are at today.

**Mr Steele:** We were privileged enough to be involved in the consultative committee which was part of the implementation of the Safe Night Out Strategy where ID scanners were first mooted. That is where we had that in-principle support because it was a targeted mechanism that enables us to underpin a 5 am trading regime. Since the introduction of the Safe Night Out Strategy back in 2011 or 2012, if I am correct, we were involved in those conversations and we had a lot of contact with our members around that. The ID scanners are not a silver bullet necessarily, but they were a targeted measure that focused on that small percentage of people who were doing the wrong thing.

**Ms BOYD:** I have been told that doing the ID scan—and there is one at my local—is actually quicker than doing the ID check manually. How would you respond to that?

**Mr Hogan:** Having never manned it or done either, I could not say on a personal basis. We will have members who will implement that but they implement it, as I said before, more on their risk profile at that time of day that they decide to be using it. Speed-wise, I could not comment.

**Mr Steele:** I believe it is around five to seven seconds per person, but there is a distinction between having a robust ID-checking regime to scan for minors or people who are perhaps exhibiting some suspicious behaviour whereas the general ID-checking process is directed towards minors more than anything else, so you are not mandatorily having to check every single person as they enter. The feedback we get from our members around the Suncorp Stadium precinct, for example, is, 'Come State of Origin time, when there is an influx of 50,000-odd people, how are we realistically meant to have this work practically?'

**Mr Hogan:** That also flows on to any of the other SNPs. I think we are getting very focused on Fortitude Valley or Brisbane. The thing we are very concerned about is that this is across the whole state. Even other people appearing before the committee this afternoon have talked about very defined precincts. We are talking about something that is covering every single large area in Queensland. As we heard, Cairns and the Gold Coast are just not the same.

**Mr Steele:** If I could make a comment—and I think it has been a little bit lost in the whole conversation. If we take one step back to 1 July and the implementation of the tackling alcohol fuelled violence legislation, Queensland is currently trading under a 2 am statewide trading regime. We heard Professor Najman say the most effective mechanism to reduce harm is to reduce trading hours. In Queensland we have gone from a 5 am trading regime back to a 2 am trading regime with the exception of a few safe night precincts. We must be honest and say the Valley, Surfers Paradise and possibly Townsville are really only the genuine safe night precincts in terms of taking another step back to when they were the designated drink safe precincts under the previous regime.

In that context, from 1 July we have had a 2 am trading regime, the introduction of the ban on rapid intoxication drinks post midnight—so post midnight you cannot serve a shot, a drink with an alcohol content of more than 1½ standard drinks and there are some other measures around that. The focus in that context on the Valley and on the use of one-off extended trading permits is getting a little bit lost. That applies statewide. This bill is proposing to introduce those one-off precinct opportunities to the whole of Queensland—not just the safe night precincts—which was never in the conversation. As of yesterday the information on the Office of Liquor and Gaming Regulation website still refers to this as a safe night precinct reduction only. Whether it is a drafting issue or a concerted issue, to reduce those one-off trading opportunities from 12 back to six across the whole state is not supported by any of our members.

**Mr KRAUSE:** Mr Steele, does that apply to people who have 12 am closing hours who apply for extended trading hours, say to 2 am, or only 2 am to 5 am?

**Mr Steele:** It is any venue that wants to apply on a one-off occasion to extend their existing approved trading hours. I could be a midnight approved trader and I want to apply to go to 1 am or 2 am.

**Mr KRAUSE:** There are a lot more venues involved then.

**Mr Steele:** There is the whole state.

**Mr Hogan:** It is the whole state—anybody who has a licence.

**Mr KRAUSE:** Obviously you are advocating for a bit more localised input into the decisions about extended hours trading permits. Mr Hogan, in relation to the impact on employees, I want to get an idea of the number of employees who are employed by your members across the state.

**Mr Hogan:** As with all of those numbers, I think you may find in our submission it is about 80,000 people—and I see you have just found it—directly and indirectly within the industry in the state. As mentioned before, that is heavily weighted in certain areas. Tourism is obviously a vital industry along the coastal strip of Queensland. Whilst we do not represent the employees, the employers are telling us that there has obviously been a turning point where they must reduce hours.

**Mr KRAUSE:** Every employee needs an employer, Mr Hogan, and some people in our society sometimes forget that, I think. You have obviously had 12 or 18 months of upheaval in the regulatory regime for liquor licensing in the state and in that time you would have had a good chance to canvass the members' views about all of that. Do your members feel as though they have been treated like a political football?

**Mr Hogan:** I will not use those exact words. They do not feel like they were listened to for quite some time, but it was the implementation of these measures and, as we said, the SNPs essentially being forced to vote against each other that was, to be honest, fairly appalling to most of our members and also the short-sightedness of some. We have the Commonwealth Games coming to Queensland, so they are going to shut up shop and make sure we are all tucked up in bed while we have the world here to see us. This is what our members from the Gold Coast were coming back to us with—and even in parts of Brisbane where Commonwealth Games events are going to be held. That is where our members were saying, 'We're not being listened to.' As I said in our submission and here today, there are parts of it that we are thrilled that the government has listened to, but it still is not conducive to encouraging people to be opening new bars, working in the industry and seeing Queensland flourish.

**Mr KRAUSE:** Despite this bill coming to the parliament, does the uncertainty and the doubt in the minds of your members remain? Granted, you have only had a few days to canvass their views, but do you think they would still have some doubt about certainty and regulation going forward?

**Mr Steele:** I have fielded half a dozen calls in the last week particularly around ID scanning because we know communication has gone out to say, 'It's now coming in from 1 July, so get your scanner ready and do what you've got to do.' Obviously this has been legislated to commence from September last year. It was deferred till 1 February and it has now been pushed to 1 July. I am getting questions like, 'Is it really going to happen? Do I really have to do anything?' That is a classic example of the confusion. They are losing confidence. They are suffering from regulatory reform fatigue. It is becoming an administrative burden upon them to even know which way is up sometimes.

**CHAIR:** Could you expand on the comment in your submission in relation to gaming rooms being exempt from ID scanners as it could generate privacy concerns. Are those privacy concerns any different to what, for instance, nightclub patrons would have in relation to ID scanning? How is that any different?

**Mr Hogan:** At present there is potentially the ability to enter a gaming room without being registered in there. Certain venues obviously offer different types of entertainment. I think an apt way of looking at it is: the patrons in gaming rooms are often very different to those in other parts of the establishment. They are saying they need a space where they can enter and exit without entering into the rest of whatever venue it might be, and we have members who have turned and said, 'No, really, those patrons will be turned off as soon as they are asked to register before they come in.' That is the view of those members who have gaming machines.

**Mr Steele:** It is really a sensitivity and customer service style issue in relation to the nature of gaming players wanting to protect their own privacy. That is the key issue in relation to that.

**CHAIR:** Is it not the case that those gaming room users who are not using the other part of the venue—I think you get the point I am making—are still subject to ID checks in any event, like all other patrons?

**Mr Steele:** They are, but entry to a hotel is a lot different to entry to a community club, for example, where there is no obligation to present your ID as a matter of course. In the case of a gaming player, you have obligations under the anti-money-laundering, counterterrorism-financing legislation to check for suspicious matters and know your customer and show due diligence. You are correct: there

will be occasions when you will want to ask a gaming player for their ID—if it is for a cheque payout, for example, they will happily provide those details—but as a mandatory mechanism for every single customer, no.

The issue around ID scanning is that obviously was, again, part of the safe night out precinct legislation. Our fear for our members and our industry is that is on the statute books now. It is on the statute books in the context of underpinning a 5 am trading regime, which no longer exists. We would certainly welcome any opportunity to revisit some of those already legislated situations which are no longer really applicable to our improved trading regime here in Queensland under a 2 am trading model. That is an opportunity for the government to consider looking again at those measures we talked about in relation to later commencement time and some of those nuances around exempt areas and exempt venues.

**Ms BOYD:** There is some discussion among submitters—and certainly it formed part of your submission as well—around the definition or the criteria for a special occasion. Do you have any ideas or a position on this? If so, what is it?

**Mr Steele:** I do not think it is currently broken. As Matt Jones mentioned earlier, this is an established process that has been in place since 2009. There have not been any issues around the mechanism, per se. In terms of now trying to put some criteria around it which is very subjective—what is a special occasion to one person is not a special occasion to another—limiting the number you can use per month or multiple occasions, it is just that one size does not fit all circumstances. Keeping in mind that the process is via application—it is a discretionary process; it needs police approval for your local area and it needs OLG approval as well—I think there is enough robustness in that process already to approve or deny certain applications across the entire state.

**CHAIR:** There being no further questions, I will bring this hearing to a close. Thank you very much to all of the stakeholders who participated today. I know it was short notice. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare this public hearing for the committee's inquiry into the Liquor and Other Legislation Amendment Bill 2017 closed.

**Committee adjourned at 3.31 pm**