



# **Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015**

**Report No. 20, 55<sup>th</sup> Parliament**  
**Legal Affairs and Community Safety Committee**  
**February 2016**

## Legal Affairs and Community Safety Committee

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### Acknowledgements

The committee particularly acknowledges the assistance provided by the Department of Justice and Attorney-General; NSW and Queensland Police; staff from St Vincent's Hospital emergency department, Sydney; and Queensland Health.

\* From 3 December to 8 February 2016, substituting for Mr Jim Madden MP, Member for Ipswich West.

\*\* The Leader of the House advised on 12 January 2016 of Mr Ryan's intention to stand down from the committee subsequent to his appointment as Assistant Minister of State Assisting the Premier. Mr Aaron Harper MP, Member for Thuringowa was appointed to substitute for Mr Ryan on 13 January and Mr Don Brown MP, Member for Capalaba, was appointed to substitute for Mr Ryan from 1 February 2016.

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## Abbreviations

ACEM	Australian College for Emergency Medicine
Attorney-General	The Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills
AMA	Australian Medical Association
APSAD	Australasian Professional Society on Alcohol and other Drugs
Bail Act	<i>Bail Act 1980</i> (Qld)
BAQ	Bar Association of Queensland
Bill	Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015
CBIA	Craft Beer Industry Association Limited
CCIQ	Chamber of Commerce and Industry Queensland
CIS	Community Impact Statement
CLP	Community Liquor Permit
Commissioner	Commissioner for Liquor and Gaming
DSICA	Distilled Spirits Industry Council of Australia Inc
Discussion Paper	Discussion paper titled Red Tape Reduction and Other Reform Proposals for Regulation of Liquor and Gaming
DJAG	Department of Justice and Attorney-General
Expert Panel	Liquor and Gaming Red Tape Reduction Expert Panel
Fair Trading Act	<i>Fair Trading Act 1989</i> (Qld)
FARE	Foundation for Alcohol Research and Education
FLPs	Fundamental legislative principles
Liquor Act	<i>Liquor Act 1992</i> (Qld)
LNP	Liberal National Party
NAAA	National Alliance for Action on Alcohol
OLGR	Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General

ONQ	Our Nightlife Queensland
QCAA	Queensland Coalition for Action on Alcohol
QHA	Queensland Hotels Association
QLRC	Queensland Law Reform Commission
QLS	Queensland Law Society
QNADA	Queensland Network of Alcohol and other Drug Agencies Ltd
QNU	Queensland Nurses' Union
QPUE	Queensland Police Union of Employees
RAMP	Risk Assessed Management Plan
RSA	Responsible service of alcohol
RSLSCAQ	RSL & Services Clubs Association Qld
SLC	Scrutiny of Legislation Committee
SNP	Safe Night Precinct
SPAAL	Security Providers Association of Australia Limited
Wine Industry Act	<i>Wine Industry Act 1994 (Qld)</i>



## Chair's foreword

This Report details the examination by the Legal Affairs and Community Safety Committee of the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015.

The committee's task was to consider the policy outcomes to be achieved by the legislation, as well as the application of fundamental legislative principles – that is, to consider whether the Bill had sufficient regard to the rights and liberties of individuals, and to the institution of Parliament in accordance with section 4 of the *Legislative Standards Act 1991*.

In this instance the committee was not able to reach a majority decision to recommend that the Bill be passed. However, the committee makes three other recommendations and presents its consideration of the large amount of information considered during our Inquiry.

On behalf of the committee, I thank those who lodged written submissions on this Bill and participated in the committee's hearings and meetings. I also thank the department for the support it has provided the committee during this inquiry.

The support provided to the committee from the New South Wales and Queensland Police in both sharing their data and offering support to our site visits in Newcastle, Sydney, Brisbane, Cairns, Townsville and the Gold Coast is greatly appreciated. Similarly, the staff from emergency departments at St Vincent's Hospital (Sydney), the Royal Brisbane and Women's Hospital, Cairns, Townsville and Gold Coast hospitals provided highly valuable support.

The Members for Broadwater, Moggill and Capalaba were members of the committee during the final and deliberative phases of the Inquiry and I thank them for their contributions.

I would also like to thank the Parliamentary Library and Committee Office staff for the support they have provided us.

I commend this report to the House.



**Mark Furner MP**

Chair





## **Committee recommendations**

1. The committee recommends appropriate data on alcohol related incidents be collected and available from agencies which this Bill affects, for example Queensland Police, Queensland Health and Queensland Ambulance Service.
2. The committee recommends that should the Bill be passed there be a thorough evaluation of the changes in the community as a result of the Bill's implementation, eighteen months from commencement.
3. The committee recommends the government address the drafting issues identified in section 3.1.7 of this report.

## **Government member recommendations**

1. Government members of the committee recommend the current approved late night extended trading hours in takeaway outlets be wound back by the new trading provisions; that is no exceptions should apply.
2. Government members of the committee recommend the definition of "lockout" as contained in the Bill be amended to "one way door".



## 1. Introduction

### 1.1 Role of the Committee

The Legal Affairs and Community Safety Committee (the committee) is a portfolio committee of the Legislative Assembly which commenced on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup>

The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Police Service
- Fire and Emergency Services
- Training and Skills.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- for subordinate legislation – its lawfulness.

### 1.2 Inquiry process

On 12 November 2015, the Hon Yvette D'Ath, Attorney-General and Minister for Justice and Minister for Training and Skills (Attorney-General), introduced the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 (Bill) into the House. In accordance with Standing Order 131 of the Standing Rules and Orders of the Legislative Assembly, the Bill was referred to the committee for detailed consideration. By motion of the Legislative Assembly, the committee was required to report to the Parliament by 8 February 2016.

The committee invited written submissions from the public, and from identified stakeholders, to be received by 4.00 pm on 23 December 2015.

The committee received 767 submissions (see Appendix A for a list of submitters).

The committee received a public briefing on the Bill from the Department of Justice and Attorney-General (the department) on 2 December 2015 at Parliament House in Brisbane.

A subcommittee also travelled to Sydney and Newcastle between 16 and 18 December 2015 to meet with senior officers from the Kings Cross Police Precinct and St Vincent's Hospital emergency department, the Hon. George Souris and Dr Abigail Groves at Parliament House NSW, the National Music Office and Australian Performers Rights Association in Sydney; and in Newcastle to meet with Professor Kypros Kypri and a delegation of Australian Hotels Association Members nominated by Mr Rolly De With.

On 20 December 2015 a subcommittee visited Brisbane's Fortitude Valley precinct, the Roma Street Police Watchhouse and the emergency department of the Royal Brisbane and Women's Hospital, between midnight and 5am.

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<sup>1</sup> *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

The committee invited witnesses to give evidence and respond to questions on the Bill at public hearings on the following dates and at the following locations:

- 21 January 2016 in Cairns
- 22 January 2016 in Townsville
- 28 January 2016 at the Gold Coast
- 1 February 2016 in Brisbane.

Site visits of the entertainment precincts were also conducted in these locations.

See Appendix B for details of the public hearings, briefings and private meetings undertaken as part of the inquiry process.

### **1.3 Policy objectives of the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015**

#### **1.3.1. Objectives of the Bill**

The three key objectives of the Bill are to:

1. Tackle alcohol-fuelled violence, particularly late at night, through an evidence-based, multi-faceted approach by way of legislative amendments
2. Provide greater clarity and improve operational efficiency in the regulation of licenced premises through miscellaneous amendments to the *Liquor Act 2002*
3. Ensure consistency across Queensland statutes dealing with director's liability through amendments to the *Fair Trading Act 1989*.

Some key outcomes of the Bill would include:

- Regular service hours for alcohol in licensed venues across Queensland to end at 2am unless the venue is located in a prescribed safe night precinct approved for 3am liquor trading in which case a 1am lock out will apply
- The 1am lockout to apply to all licenced venues within prescribed safe night precincts approved for 3am trading, including those which cease trading at 2am
- The reduced trading hours and lockout would not apply to casinos and airports that are subject to a commercial special facility licence or to industrial canteen licences
- Licensees to retain the ability to apply for and be granted extended hours permits for trading up until 5am on up to 12 occasions per year
- No new approvals for trading hours outside of 10am – 10pm for takeaway liquor
- Premises licenced to provide gaming or adult entertainment to be able to remain open past 3am, though not to serve alcohol past that time
- High alcohol content and rapid consumption drinks would not be sold or supplied after midnight. The specific types and amounts of drinks would be prescribed by regulation following stakeholder consultation
- Low risk specialist venues to apply for exemptions from the ban on high alcohol content drinks after midnight
- Blood alcohol content readings lawfully taken by police would be admissible as supplementary evidence in prosecutions against a licensee
- Drug and Alcohol Assessment Referrals (DAAR) conditions on bail will apply to those most likely to benefit from the program. DAAR conditions to be discretionary, failure to complete

them would not be criminalised, and a defendant's consent is required for making such a condition of bail.

- A number of amendments in respect of regulation of licenced premises.

The Bill also:

- Allows for the sale of takeaway liquor to signed-in guests and visitors of community clubs
- Provides some exemptions in the preparation of risk assessed management plans (RAMPs)
- Allows the sale of craft beer at promotional events
- Clarifies acceptable proof of age documentation
- Clarifies the meaning of 'liquor'
- Better regulates the use of carparks for the sale and consumption of liquor.

In achieving its objectives, the Bill amends the following legislation:

- the Bail Act 1980
- the Fair Trading Act 1989
- the Gaming Machine Act 1991
- the Liquor Act 1992
- the Liquor Regulation 2002
- the Penalties and Sentences Act 1992
- the Police Powers and Responsibilities Act 2000.

The Bill also contains transitional provisions.

### **1.3.2. Reasons for the Bill**

In introducing the Bill, the Attorney-General explained that the Bill is aimed at changing the culture around drinking, promoting responsible drinking practices and ensuring a safer environment in Queensland.<sup>2</sup>

The Explanatory Notes provide:

*Alcohol is one of the leading preventable causes of death and disability, with the annual cost of alcohol-related harm in Australia estimated to be billions of dollars. Further, even though there are many interventions in place to reduce the harm associated with alcohol, it is related to around 3,000 deaths and 65,000 hospitalisations in Australia every year. While Queensland has a number of measures already in place to address alcohol-related harm, such as a State wide 3am lock out and precinct-based alcohol management, Queensland emergency workers and police still report high levels of alcohol-fuelled violence and injuries, particularly during late liquor trading periods after midnight.<sup>3</sup>*

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<sup>2</sup> Record of Proceedings (Hansard), 12 November 2015, p 2891.

<sup>3</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 1.

## 1.4 Background

By way of background to the Bill, the Explanatory Notes provide:

The Bill is largely in response to the Palaszczuk government's election commitment to tackle alcohol-fuelled violence. In introducing the Bill, the Attorney-General explained that the Bill is aimed at addressing this complex problem in the community:

*Despite previous liquor reforms, alcohol fuelled violence continues to be a problem that claims lives, destroys families, discourages patronage in entertainment precincts and drains valuable resources from our police and emergency services.<sup>4</sup>*

Further, in preparing the Bill, the government advises it has drawn upon the experiences of other jurisdictions and the '*extensive body of internationally recognised, peer reviewed research that demonstrates reducing the supply of liquor late at night is an essential key to reducing alcohol fuelled violence.*'<sup>5</sup>

The Attorney-General states:

*The research could not be clearer; for every hour of reduced liquor trade, there is a significant decrease in alcohol related assaults.<sup>6</sup>*

## 1.5 Consultation on the Bill

The Explanatory Notes sets out the process of consultation engaged in by the government as part of the development of the Bill:

### 1.5.1. Amendments to tackle alcohol-fuelled violence

The government had announced as an election commitment its intention to address alcohol-fuelled violence. The Attorney-General met with a number of stakeholders and attended various forums to discuss the policy initiatives and determine effective solutions to reduce alcohol-related harm in and around licensed premises in Queensland. The Attorney-General also convened stakeholder roundtables in Brisbane on 6 August 2015 and in Cairns on 10 September 2015. Both roundtables involved a range of stakeholders from:

- the liquor industry
- business groups
- non-government service providers
- health associations
- other experts in the field of alcohol-related violence.<sup>7</sup>

Additionally, the Assistant Minister of State Assisting the Premier met with Our Nightlife Queensland, an organisation which represents the interests of the liquor industry, in June 2015. Then, in September 2015, the Attorney-General also met with Our Nightlife Queensland.<sup>8</sup>

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<sup>4</sup> Record of Proceedings (Hansard), 12 November 2015, p 2891.

<sup>5</sup> Record of Proceedings (Hansard), 12 November 2015, p 2891.

<sup>6</sup> Record of Proceedings (Hansard), 12 November 2015, p 2891.

<sup>7</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 19.

<sup>8</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 19.

The government adapted its final strategy after its consultation with stakeholders. The resulting proposal in the Bill is to stop the service of liquor at 2am without a lock out on a statewide basis, while allowing for licensed premises in approved precincts to serve liquor until 3am with a 1am lock out.<sup>9</sup>

### ***1.5.2. Amendments to provide greater clarity and improve operational efficiency in the regulation of licensed premises***

Many of the amendments dealing with the regulation of licensed premises were among the reforms originally proposed to this Parliament in the Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015 (Red Tape Reduction Bill). The Red Tape Reduction Bill was a Private Members Bill introduced by the Member for Mansfield, Mr Ian Walker MP, on 6 May 2015. The Red Tape Reduction Bill was referred to the committee for consideration, with the committee tabling its report on 14 September 2015.

The government has advised that the provisions in the Bill were also developed after consultation with:

- Queensland Hotels Association
- Clubs Queensland
- RSL and Services Clubs Association Queensland
- Cabarets Queensland
- Australasian Casino Association
- Restaurants and Catering Industry Association
- Queensland Tourism Industry Council
- Gambling Help Network
- The Gold Coast Youth Service
- The Craft Beer Industry Association.<sup>10</sup>

The committee is not aware of the outcome of this consultation, as it was a confidential process.

### ***1.5.3. Amendments to ensure consistency across Queensland statutes dealing with directors' liability***

The Explanatory Notes provide that while no general community consultation had been undertaken on the proposed amendment to the Fair Trading Act, the policy approach on directors' liability was subject to public consultation by the former Parliamentary Legal Affairs and Community Safety Committee during its inquiry on the Directors' Liability Reform Amendment Bill 2012. The former Parliamentary Legal Affairs and Community Safety Committee tabled its report on the Directors' Liability Reform Amendment Bill 2012 in the Legislative Assembly on 15 March 2013.<sup>11</sup>

## **1.6 Outcome of committee considerations**

Standing Order 132(1)(a) requires that the committee after examining the Bill determine whether to recommend that the Bill be passed.

In this instance, the committee was not able to reach a majority decision on a motion to recommend that the Bill be passed and therefore in accordance with section 91C(7) of the *Parliament of Queensland Act 2001*, the question on the motion failed.

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<sup>9</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 19.

<sup>10</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 19.

<sup>11</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, pp 19-20.



## 2. Examination of the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015

### 2.1 Tackling alcohol-fuelled violence

This section examines the key amendments proposed in the Bill to tackle alcohol-fuelled violence.

#### 2.1.1. Alcohol trading hours

##### *Current law*

Currently, under the Liquor Act, standard alcohol trading hours are from 10am until midnight.<sup>12</sup> A licensee may apply for extended liquor trading approval between 12 midnight and 5am.<sup>13</sup> Premises authorised to sell or supply liquor during all or part of the period between 3am and 5am must not allow patrons to enter the premises after 3am. This 3am lock out applies statewide.<sup>14</sup>

##### *Proposal under the Bill*

The Bill would ensure that, from 1 July 2016, the regular service hours for alcohol in licensed venues statewide ends at 2am without a lock out, unless the premises is located in a prescribed safe night precinct approved for 3am liquor trading.

In an approved 3am safe night precinct, the 1am lockout would apply to all post-1am liquor traders, including those that choose to cease liquor trading at 2am. Additionally, under the Bill, the ability to obtain approval to serve liquor between 2am and 5am on an ongoing basis would be removed.

Licensees will retain the ability to apply for and be granted extended hours permits for liquor trading up until 5am with a limit of 12 occasions per year.

The reduced liquor trading hours and lock out amendment will not apply to casinos or airports that are subject to a commercial special facility licence or to an industrial canteen licence, as “adequate safeguards for minimising alcohol-related harm are already in place”.<sup>15</sup>

The proposed restriction on the hours in which alcohol can be served are based on a model implemented in NSW in 2008 in Newcastle, and in the Sydney CBD and Kings Cross in 2014. While in NSW generally alcohol may be served until 12am,<sup>16</sup> in these precincts the following applies:

- 1.30am – lockout
- 3.30am – cessation of drinks
- 5am – deemed closing time

##### *The research evidence*

As the objective of the Bill is to reduce alcohol-fuelled violence, the committee has considered data relating to the relationship between the service of alcohol and violence to inform whether or not the measures proposed will reduce alcohol-fuelled violence. A large amount of data was brought to the committee’s attention, in the form of peer-reviewed research, formal and informal surveys, published and unpublished data, workplace records, hospital records, and anecdotal data. This section of the report focuses on data that is published, peer-reviewed and independent. As Professor Jake Najman noted at the committee’s Brisbane hearing:

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<sup>12</sup> Liquor Act, s 10.

<sup>13</sup> Liquor Act, s 86.

<sup>14</sup> Liquor Act, s 142AA - s 142 AB

<sup>15</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 2.

<sup>16</sup> *Liquor Act 2007 (NSW)*, s 12

*When people put evidence to you, the questions you need to ask are: how credible is that evidence and does it meet the consensus of researchers who will look at the research design? In that context, we have looked at the research worldwide that relates to the legislation that is being proposed through the parliament. I can identify, depending upon how strictly you apply those criteria, somewhere between 15 and 20 research papers around the world that have tested these propositions. These research papers come from Norway, the United Kingdom, Brazil, Australia and other countries. All of these research papers have, as a key element, that they looked at what happened with drinking and violence and injuries before legislation was changed; they had control groups where there were other areas that were not subject to the legislation or other times; and they then looked at the outcomes some time past the legislation being enacted.*

*We could look at every one of those studies and we would quibble about some aspects of each of those studies. But, in their totality, they present a picture that is clear and consistent across studies. Is it absolutely certain? From my research perspective, the answer is no. Is it highly probable and consistent with the available evidence? The answer is absolutely it is. There is a broad consensus across the world, not just in Australia, that there are three or four key factors that reduce the number of injuries, the number of deaths, the number of people disabled, the violence, the crime—there are a whole range of indicators....*

*The evidence indicates very consistently that when you increase the number of liquor outlets or you increase the number of hours the liquor outlets are operating, you increase the number of injuries, accidents and other negative outcomes, and when you reduce those you have a reduction in the consequence.<sup>17</sup>*

Other data is referred to throughout the report.

The limited data available is also raised as an issue by a number of submitters, including the Public Health Association of Australia. For example:

*I think the data collection in Australian hospitals, ambulances and things like that could be improved, but there are significant trends in the data over time to show that there are more problems with alcohol in both emergency departments and ambulances. If we could get better data it would be good, but the data we have is acceptable when showing the trends.<sup>18</sup>*

And United Voice identified the need for better data collection in respect of drugs and alcohol, for the health and safety of paramedics:

*...one of the outcomes from the Paramedic Safety Taskforce is that the QAS needs to start collecting data that clearly differentiates drug related incidents from alcohol fuelled incidents in isolation.<sup>19</sup>*

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<sup>17</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 10.

<sup>18</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 12.

<sup>19</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 37.

Dr David Rosengren for the Australian College of Emergency Medicine told the committee at the Brisbane hearing that:

*The first one that I think is very important is that there is an absolute lack of clear and definite data around many of the arguments that have been put forward for and against the legislation. It is close to impossible for us to truly quantify the impact of alcohol on the community simply because we do not have any mechanisms, certainly in the health system in Queensland, to actually record it or document it with any certainty. Therefore, to rely on arguments of absolute evidence for and against is significantly challenging, as is often the case with many of our public community health and safety initiatives that we have tackled as complex problems in the past. So I would raise that as an issue that I think needs to be addressed in the longer term but also one which the College for Emergency Medicine certainly acknowledges is clouding our ability to make clear arguments on this.<sup>20</sup>*

Ms Morag Goodinson, a Townsville nurse, advised that:

*Our data in the emergency department really is limited by the fact that we do not routinely collect data on alcohol related violence. We do collect data on alcohol related presentations, however, and we did during the year 2012 collect quite good data around where people were having their last alcoholic drinks prior to their presentation at the emergency department. For your information, predominantly people were having their alcoholic drinks in private residences or in parks or public spaces, but certainly not in licensed venues. That is just something that was quite interesting to note. For most people who present with alcohol related injuries it is self-injury rather than violent assaults, so perhaps those people are getting picked up by the police and going elsewhere and not ending up in the emergency department.<sup>21</sup>*

Underreporting is another issue. Staff from Sydney's St Vincent's hospital emergency department identified another data issue. They advised that although an injury might be noted as alcohol-related, the hospital does not specifically categorise the different types of assault which led to the injuries sustained by patients. Internationally, medical science might identify an injury as, say, trauma to the head, rather than as alcohol-related. Blood alcohol content may or may not be recorded.<sup>22</sup>

Further data on alcohol-related assaults relies on police and victim perceptions and actual reporting of assaults to police:

*In terms of the connection between assaults and liquor, our records indicate that there is probably more than a 50 per cent connection between alcohol and people who have perpetrated violence. Can I say that that is supported by our statistics but it is a variable because of investigating officers' perceptions of situations and also information that victims and the perpetrators of these offences might provide to the police. That number would not be a terribly reliable figure but, certainly from scans across the state and in this district, 40 per cent of people who are seeking*

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20 Hansard transcript, Brisbane hearing, 1 February 2016, p 8.

21 Hansard transcript, Cairns hearing, 21 January 2016, p 4.

22 Personal communication, Sydney, 16 December 2015.

*assistance for substance abuse identify alcohol as their problem, less identify cannabis and less again identify methylamphetamines.<sup>23</sup>*

The need for better data is discussed further.<sup>24</sup>

### Service of alcohol and assault rates

Two systematic reviews on the relationship between alcohol and harm, have been considered by the committee. These are by Tim Stockwell and colleagues in 2009 and from Hahn and colleagues in 2010. As explained by Professor Kypri at the Brisbane hearing:

*Systematic reviews have become a pillar of health science and, increasingly, social science as a way of reviewing the scientific evidence in a way that other people can trace the lineage of the conclusions one might reach from examination of that evidence to protect against cherry picking or a sort of selective review. You can replicate the search strategy, the databases and so on and the evaluation of each paper.<sup>25</sup>*

The Stockwell review examined 49 unique studies from many countries concerning the effects of trading hours and violence. Studies which did not provide controls for other potential causes of harm were excluded. Among those, 11 reported at least one significant outcome indicating adverse effects of increased hours or benefits from reduced hours. The review:

*...concluded that the balance of reliable evidence from the available international literature suggests that extended late-night trading hours lead to increased consumption and related harms. Further well-controlled studies are required to confirm this conclusion.<sup>26</sup>*

The Hahn review, conducted for the US Preventive Services Task Force, found:

*There was sufficient evidence in ten qualifying studies to conclude that increasing hours of sale by 2 or more hours increases alcohol-related harms. Thus, disallowing extensions of hours of alcohol sales by 2 or more should be expected to prevent alcohol-related harms, while policies decreasing hours of sale by 2 hours or more at on-premises alcohol outlets may be an effective strategy for preventing alcohol-related harms.<sup>27</sup>*

The 2008 Newcastle liquor restrictions provided an opportunity for a 'further well controlled study' in respect of alcohol trading hours and violence.

An evaluation of the Newcastle reforms was conducted in 2010. The conclusion that study drew was that *a restriction in pub closing times to 3.30 a.m. in Newcastle, NSW, produced a large relative reduction in assault incidence or 37% in comparison to a control locality [Hamilton].<sup>28</sup>* Explaining this at the Brisbane hearing Professor Kypri said 'We saw one-third for a two-hour change in trading'.

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<sup>23</sup> Hansard transcript, Cairns hearing, 21 January 2016, p 2.

<sup>24</sup> See p 49-50.

<sup>25</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 52.

<sup>26</sup> Stockwell T, Chikritzhs T. Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking. *Crime Prevention and Community Safety*. 2009; 11(3):153-70.

<sup>27</sup> Halm RA, Kuzara JL, Elder R, Brewer R, Chattopadhyay S, Fielding J, et al. Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms. *American Journal of Preventive Medicine*. 2010 Dec;39(6):590-604.

<sup>28</sup> Kypri et al, 2010, p 1.

A 2002 Perth study had also found that bars being permitted to trade just one or two hours extra after midnight doubled the rate of late-night violent incidents reported to the police.<sup>29</sup> A 2011 Norwegian study found that *each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime.*<sup>30</sup>

The Norwegian study was explained further by Professor Kypri at the committee's Brisbane hearing:

*This [study] was very important because, in contrast to what had gone before, this was started by a law that permitted municipalities to set trading hours. In fact, 18 cities modified their trading hours in the first decade of this century. Ten of them restricted hours, three of them extended them and five did both. They extended and then restricted, having seen that there were problems. This all happened between the hours of 1 am and 3 am, so there is a fair amount of uniformity to start with and 18 different experiments, in contrast to what we have in Newcastle and Sydney, which are just two. They found a 16 per cent change in assaults per hour of trading, that is, where trading increased by an hour, the average increase in assaults was 16 per cent; were it reduced by an hour, the average reduction in assaults was 16 per cent. That is actually fairly similar to what we found in Newcastle, where we saw one-third for a two-hour change in trading. It extends that literature that I referred to before, which expressed some hesitancy to reach a conclusion about smaller changes, which are what we are talking about, as I understand it, in Queensland.*<sup>31</sup>

Professor Kypri advised the committee that the effect in Newcastle has been persistent over the period since 2008.

*Assaults are now half what they were before those restrictions were implemented. There was no evidence of displacement to neighbouring areas. There is an area called Hamilton, which is walkable from the central business district of Newcastle, and the trend that had been going for seven years in Hamilton continued in the years that followed. Some of the strategies were voluntarily introduced and then imposed by government, but not the restriction in trading hours. In the years that followed, we did not see significant reductions in Hamilton.*<sup>32</sup>

Professor Kypri also pointed to a study from Amsterdam, where there was a one-hour increase in alcohol trading time in central Amsterdam. Surrounding areas were used as control sites. The additional hours were 3am to 4am on week nights and from 4am to 5am on weekends. They found a one-third increase in ambulance attendances. *'That covers assaults, but also other unintentional injury...'*<sup>33</sup>

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<sup>29</sup> Chikritzhs T. & Stockwell, R. The impact of later trading hours for Australian public houses (hotels) on levels of violence. *JStud Alcohol* 2002; 63: 591- 9.

<sup>30</sup> Rossow I, Norstrom T. The impact of small changes in bar closing hours on violence: The Norwegian experience from 18 cities. *Addiction* 2012;107:530-7.

<sup>31</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 52.

<sup>32</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 52.

<sup>33</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 52.

Summing up the findings to date, Professor Najman advised the committee:

*The evidence base is for hours. That is, the evidence indicates that for every extra hour you continue to make alcohol available—and, I should add, for every extra outlet as well, though the figures are a little different for outlets—you increase the level of harm.<sup>34</sup>*

It should be noted the 2008 Newcastle reforms to alcohol service hours were part of a broader intervention:

*In addition to the changes in closing hours described above, licensees were required to adopt a plan of management: were subject to compliance audits: had to have a dedicated responsible service of alcohol officer from 11 p.m. until closing: could not serve shots after 10 p.m.: had to cease selling alcohol 30 minutes prior to closing: could not permit stockpiling of drinks; had to adopt shared radio procedures; and all staff had to be notified of the conditions. Importantly, pubs in Hamilton, the control area reportedly began to adopt most elements of the intervention voluntarily from November 2008.<sup>35</sup>*

Professor Peter Miller, Deakin University has compared the impact of Newcastle's liquor restrictions with voluntary measures implemented in Geelong, Victoria. This followed from his evaluation of the impact of the Geelong interventions in 2011, undertaken because:

*Unfortunately, there is a relatively small literature base underpinning the effectiveness of community level interventions to reduce alcohol-related injury compared with other public health issues of a similar magnitude, resulting in a situation where most communities employ a piecemeal approach combining traditionally popular responses, which have proven to have little effect, with new ideas based on questionable theory [4]. The current study aims to examine the effectiveness of four community interventions on the number of alcohol-related ED presentations within Geelong, Victoria.<sup>36</sup>*

The Geelong Liquor Accord, one of the first liquor accords in the world, includes the following interventions:

*...a shared banned patron list; agreed levels of security surveillance; licensed premises that are identified as being 'high risk' implementing ID scanners; encouraged use of two-way radios, and; agreement that police be contacted immediately upon the identification of problem patrons.<sup>37</sup>*

At the time of the study there was a 'safe taxi rank', ID scanners in every post-1am venue, a two-way radio program connecting police to security staff and staff to each other, cleaners, taxi rank staff and fast food venues. A community education program (Just think) was underway, and there was a significantly increased police presence and increased penalties for anti-social behaviour.

<sup>34</sup> Hansard transcript, Brisbane hearing, p 12.

<sup>35</sup> Kypri et al, 2010, p 2.

<sup>36</sup> Miller et al, 2011. Do community interventions targeting licensed venues reduce alcohol-related emergency department presentations? *Drug Alcohol Rev* 2011;30: 556-543.

<sup>37</sup> Miller et al, 2011, p 547.

The study used specific categories of alcohol-related hospital admissions as measurement (reported assault rates have been used as measures in other studies), and found:

*Alcohol-related injury ED presentations in the Geelong region have risen consistently since 2005. Furthermore, none of the interventions implemented in Geelong coincides significantly with any sustained decrease in alcohol-related injury rates.<sup>38</sup>*

Professor Miller subsequently compared outcomes in Newcastle with those in Geelong, and found:

*Significant reductions in injury-related presentations during high-alcohol risk times were found for Newcastle since the imposition of regulatory licensing conditions ... None of the interventions deployed in Geelong (e.g. identification scanners, police operations, radio networks or closed-circuit television) were associated with reductions in emergency department presentations.<sup>39</sup>*

A report on the research evidence about alcohol-related harm and the night-time economy referred to this research as follows:

*In summary, the number of assaults in Newcastle dropped significantly during the study period whereas the community-based interventions had no significant effect in Geelong. This is in line with the current literature. Of note is the increase, rather than a decrease, in alcohol-related assault rates after the implementation of the alcohol industry funded 'Just Think' social marketing campaign. The most likely explanation for the different results between Geelong and Newcastle is that none of the interventions in Geelong address alcohol consumption. Interventions that address total alcohol consumption have consistently been found to be the most effective in reducing alcohol-related violence (Anderson et al. 2009; Babor et al. 2010, 2003; Graham & Homel 2008). Increased surveillance technologies (eg ID scanners) may reduce incidents within venues, only to shift fighting onto the streets. Banning people may result in them being displaced to venues outside the main entertainment area. ID scanners and banning orders are also open to abuse, as seen in a recent case where the Supreme Court ruled that a banning order in Swan Hill was illegal (Munro 2011) repeating earlier calls for strict legal guidelines (Palmer et al 2010).<sup>40</sup>*

The department referred the committee to a recent article by Professor Miller which summarises some additional relevant work:

*Professor Peter Miller cites numerous studies whose findings indicate that closing licensed premises two hours earlier results in a 30-40% reduction in assaults and injuries presenting at Emergency Departments; that people who receive alcohol are more aggressive than those who receive no alcohol or placebo beverages; that alcohol increases the level of negative verbal behaviour displayed between men and their partners; that normally non-violent individuals can become violent when*

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<sup>38</sup> Miller et al, 2011, p 550.

<sup>39</sup> Submission no. 140. Miller et al, 2014. Changes in injury-related hospital emergency department presentations associated with the imposition of regulatory versus voluntary licensing conditions on licensed venues in two cities. [Drug Alcohol Rev.](#) 2014 May; 33(3):314-22.

<sup>40</sup> Miller et al, 2012, Dealing with alcohol-related harm and the night time economy (DANTE), Executive Summary, p 6.

*consuming substantial amounts of alcohol; and that heavier consumption of alcohol results in conflict situations between partners turning violent.*<sup>41</sup>

Dr Kypri provided new, very recent data to the committee which shows a comparison between rates of reported assaults in Kings Cross, Sydney CBD (which both have liquor restrictions of 3.30am last drinks and a 1am lockout) and Newtown (where venues may trade until 5am), in the period leading up to, and after the implementation of liquor restrictions in January 2014.

The overall fall in assault rates in Sydney was 20% in the months after January 2014, and in Kings Cross they fell 45%. There has been no significant or corresponding increase in assault rates in Newtown, an area to which displacement of violence might be expected to occur (and there are perceptions that it has, discussed elsewhere in this report).<sup>42</sup> This is consistent with the findings of the NSW Bureau of Crime and Statistical Research (BOCSAR) preliminary study of the impacts of the 2014 reforms (see below) and Professor Kypri's 2010 findings in respect of Newcastle.

The department advises that the government position is that:

*In view of such overwhelming evidence, restricting and policing the availability and terms of supply of alcohol is entirely justifiable as an effective policy measure to reduce violence. In this regard, whilst the Government's policy framework includes initiatives aimed at achieving cultural change around perceptions of alcohol and violence, it also implements measures that have been shown in numerous independent, international, peer reviewed studies to curb violent and anti-social behaviour through modification of drinking patterns.*<sup>43</sup>

In April 2015, the impacts of the January 2014 Sydney CBD and Kings Cross liquor reforms were assessed by Professor Kypri with the NSW Bureau of Crime Statistics and Research (BOCSAR). The findings were that there had been:

*Significant and substantial reductions in assault occurred in both the Kings Cross (down 32%) and Sydney CBD Entertainment Precinct (down 26 %) (Including a 40% decline in the sub-section George Street South). A smaller but still significant reduction in assault occurred across the rest of NSW (9% decrease).*

*The January 2014 reforms appear to have reduced the incidence of assault in the Kings Cross and CBD Entertainment Precincts. The extent to which this is due to a change in alcohol consumption or a change in the number of people visiting the Kings Cross and Sydney Entertainment Precincts remains unknown.*<sup>44</sup>

These findings have been expanded upon by some who made submissions to the committee's inquiry, to support the claim that the reduction in assaults is due to decreased patronage, not decreased alcohol consumption.

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<sup>41</sup> Department response to submissions, p 26 citing Miller P, 2015, 'FactCheck: can you change a violent drinking culture by changing how people drink?' *The Conversation*, 10 March, <https://theconversation.com/factcheck-can-you-change-a-violent-drinking-culture-by-changing-how-people-drink-38426>.

<sup>42</sup> Hansard transcript, Brisbane public hearing, p 53.

<sup>43</sup> Department response to submissions, p 27.

<sup>44</sup> Bureau of Crime Statistics and Research, NSW. Contemporary issues in crime and justice, no. 183; The impact of the January 2014 liquor license reforms on assaults in NSW, Australia, p 1.



For example, Dr Wayne Petherick, criminologist from Bond University, advised:

*It is absolutely vital when making decisions from the results of studies that you are drawing correct inferences about any cause and effect relationships revealed by the data. This is done to ensure that you are correctly identifying the influence of one variable on another (or multiple variables on any number of others). This prevents illusory correlations, where there is an appearance of a relationship that does not exist in reality, from being used in decision making. As noted elsewhere with regards to Kings Cross, and as identified by the AHA-NSW, the reduction in disorder is not from a reduction in alcohol consumption. Rather, it is a factor of a greatly reduced patronage to the area; "people who previously came from surrounding suburbs and regional centres, such as Maitland, Cessnock and the Central Coast chose not to go to the Newcastle CBD" (p 8).<sup>45</sup>*

In response to this concern, Professor Kypri advised:

*My preference as an expert in behavioural sciences working in this area is to stick to data. I do not rely on reports from my friends. Newcastle and Sydney both went down this line; the industries both went down this line of saying that it would be disastrous. Undoubtedly, there were businesses that had to change their models in Newcastle. We have twice the number of premises there [now], but they are of a different nature. They attract a different market. Yes, there is a reduction in exposure. Part of the problem in Sydney is that it was attracting hundreds of thousands of people over weekend nights, such that the city of Sydney was having to manage the precinct of Kings Cross like a major sporting event. That is how they describe it: putting outdoor pissoirs in place and being able to deal with the carnage. If you can supply all of the services that are necessary to run that economy and you are willing to do that and the public is willing to pay for it, that is a different matter. But there is enormous cost in being able to maintain a night-time economy with the kinds of services that are necessary to clear patrons from the area and so on.<sup>46</sup>*

Mr Timmy Martin, Manager of Sin City Nightclub at the Gold Coast, referred to the combination of a declining patronage and decreased assault rates in Kings Cross since the implementation of legislative amendments as indicating there was nowhere near as significant a reduction in assaults as was being claimed:

*The suggestion there was that when they brought in lockouts in Kings Cross the amount of foot traffic decreased by 84 per cent but the violence decreased by only 35 per cent. If you compare the number of people to the number of incidents, the violence has not decreased. If you shut somebody down and take the people away, then there are not going to be any incidents in that particular area. What they are saying is that the number of people has reduced by 84 per cent but there has been only a 35 per cent decrease in crime. Therefore, the crime rate should not technically have gone up.<sup>47</sup>*

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<sup>45</sup> Submission no. 172, attachment 1 p 8.

<sup>46</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 54.

<sup>47</sup> Hansard transcript, Gold Coast, 28 January 2016, p 14.

There is a general decline in non-domestic assault rates across NSW from 2009 to 2015, based on BOCSAR data; but peer-reviewed research shows there was clearly a specific, rapid drop in assaults in CBD Newcastle and Sydney and Kings Cross immediately after implementation of the reforms.

The department advised that the government considers:

*...the rapid nature of the decline in the intervention areas, as compared with the rate of reduction in general, suggests that many hundreds of assaults have and will be prevented as a direct result of the trading hours reductions.<sup>48</sup>*

A 2015 study by Professor Gordian Fulde, former head of the Emergency Department at Sydney's St Vincent's hospital, found that:

*There was a significant reduction in the number of alcohol-related serious injury and trauma presentations to the emergency department in the 12 months after the introduction of the new liquor regulations. This change was seen throughout the week, but was especially marked at weekends.<sup>49</sup>*

Professor Fulde found there was a 24.8% decrease in presentations resulting from alcohol-related injury (when compared to 2013).

Emergency department staff with whom the committee met at St Vincent's Hospital in Sydney advised the committee that the decline is continuing.

The committee heard evidence from hospital staff that the data in respect of alcohol-related harm was limited in that it could not be determined where the alcohol was consumed. For example Dr Graeme Maw, staff specialist at the Townsville Hospital emergency department, in response to a question about whether he knew where people presenting had consumed their alcohol:

*Locally we are not sure but I would imagine it is similar to what happens everywhere else in Australia. Certainly the last drinks study suggested that people preload and that over 50 per cent of alcohol that is consumed is bought from supermarket or liquor outlets as opposed to being drunk in the nightclubs.<sup>50</sup>*

This echoes the data limitations highlighted earlier in this report.

The issue of consumption of alcohol outside entertainment venues is discussed further in section 2.1.3 of this report.

Other submitters have pointed to evidence which shows that while assault rates in Newcastle decreased after the 2008 reforms, the rate of decrease was far slower than it is in the rest of NSW, where the liquor restrictions were not implemented:<sup>51</sup>

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<sup>48</sup> Department response to submissions, pp 13 – 14.

<sup>49</sup> Fulde, G et al, 2015. Presentations with alcohol-related serious injury to a major Sydney trauma hospital after 2014 changes to liquor laws. *Med J Aust* 2015; 203 (9): 366.

<sup>50</sup> Hansard transcript, Townsville briefing, 22 January 2016, p 4.

<sup>51</sup> NSW Bureau of Crime Statistics and Research reference: kg13-11384

**NSW Licensed premises and environs assault rate changes March 2008 to March 2012**

Newcastle LGA -25.3%

Campbelltown LGA -42.7%

Gosford LGA -37.7%

Wollongong LGA -34.6%

All of NSW -30%.

The BOCSAR data is presented at the LGA level - a much broader level than the Newcastle data, and includes all non-domestic assaults over a 24 hour period. The data collected and analysed in the 2010 Newcastle evaluation was much more specific, focusing on assaults within specific (smaller) geographical areas, at specific times and locations, and factoring in demographics of victims and police incident offence classification. Thus, the Newcastle evaluation data is much more sensitive to the causal relationship of the data in question with the liquor reforms.<sup>52</sup>

One submission suggested the differential data in areas of NSW led to the conclusion that:

*...a suitably targeted suite of measures based on the assessed management requirements for that particular area are a preferred and more effective way of tackling anti-social etc activity in the night economy than blanket 'solutions'.<sup>53</sup>*

Public costs

The costs to the public of alcohol-fuelled violence were highlighted to the committee by a number of submitters.

Professor Najman queried:

*To what extent should we be using public funds to reduce the harm created by a private industry? To what extent are we as taxpayers obliged to pay for doctors, for nurses, for public health people, for a whole range of community health workers, to do things because commercial enterprises want to proliferate and increase their hours of sale? My view is that that is a judgement you would have to make.<sup>54</sup>*

Mr Tony Brown, an alcohol reform campaigner from Newcastle, NSW, referred the committee to a study which indicated the cost of alcohol abuse in Australia was \$36 billion:

*The estimated cost of alcohol abuse by drinkers in Australia is \$15.3 billion. The Range and Magnitude of Alcohol's Harm to Others found that the total cost of alcohol-related harms to someone other than the drinker was \$20 billion.*

*When combining the costs identified in the two studies, and allowing for overlaps, the total cost of alcohol misuse in Australia was found to be \$36 billion. The*

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<sup>52</sup> Department response to submissions, p 12.

<sup>53</sup> Submission no. 173, p 12.

<sup>54</sup> Hansard transcript, Brisbane hearing, p 14.

*\$36 billion figure came about through careful and comprehensive analysis by the report's chief investigator and Director of the AER Centre for Alcohol Policy Research, Professor Robin Room, and Professor Chris Doran, Health Research Economist, University of Newcastle.*

*The total cost of harm is not a simple addition of the two figures. The group of experts determined where the overlaps between the AER Foundation's study and Collins and Lapsley's study occurred. Changes in cost of living from when Collins and Lapsley's study was undertaken were also taken into consideration.<sup>55</sup>*

Professor Kypri compared the cost and benefit of the proposed interventions with those for other health outcomes:

*We get a little bit too critical I think at times of government in balancing their various objectives. I say you have to grasp whatever opportunity comes. This type of intervention is pretty good value. You get to reduce a lot of assaults. To achieve a 20 per cent change in assault rates, compared with my colleagues working in cancer prevention, those numbers are unheard of. You do not get reductions in incident cancer for the kinds of costs we are talking about here—they are much lower costs than very labour intensive intervention required in medical health promotion spheres.<sup>56</sup>*

### **Impact on hospitals**

The committee visited the emergency department of St Vincent's Hospital in Sydney, meeting with senior staff from that department. The staff further advised they had noted a decline in alcohol-related injury in Kings Cross, and indicated support for the Kings Cross intervention. The success of the reforms, they said, meant there was more time for the hospital to deal with other patients. However, the St Vincent's Hospital staff perceived that there had been a displacement of alcohol-related injury presentations from Kings Cross to the CBD and Newtown. The impact of caring for patients with alcohol-related injuries on the ability of staff to care for other patients was also an issue raised by the Queensland Nurses Union in respect of the Royal Brisbane and Women's hospital at the Brisbane hearing:

*...it does not matter what you present with, we will look after you. I guess what is difficult, though, is that they do take up a lot of your time and resources. There is that fine line between are they unconscious and maintaining an airway, or are they borderline requiring an intubation and intensive care, which is unfortunately not uncommon. There are a lot of visual and nursing hours that go into that, and of course the little nanna who comes in with a broken hip is going to feel the repercussions of that. We would like to turn her and give her pain relief and things like that more often, but if our time is taken up with a patient who is kicking off and threatening to kill everybody or the patient who is so unconscious that she cannot maintain her own airway, we do have to prioritise those things as well. It is about the safety of our colleagues and ourselves and our patients and the person who is the perpetrator.<sup>57</sup>*

<sup>55</sup> Hansard transcript, Brisbane hearing, p 65; <http://www.fare.org.au/wp-content/uploads/research/36-Billion.pdf>

<sup>56</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 57.

<sup>57</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 37.

Ms Olsson, from the RBWH, also indicated:

*From September 2014 to September 2015 we required security assistance 1,798 times in the emergency department alone. Three-quarters of those were secondary to alcohol related incidents. We have staff members of late not able to complete shifts and the flow-on effect is not limited to nursing staff but also security, administration and our social workers who are dealing with the flow-on effect of these traumatic incidents. Alcohol related incidents have been in the top three primary diagnosis in our emergency department for the past five years and in the top 10 primary diagnosis for the past 10 years.<sup>58</sup>*

Similarly, alcohol-related attacks on ambulance officers was identified by United Voice as a major issue:

*Seventy per cent of these attacks are described as deliberate physical attacks, with our members reporting a majority being alcohol fuelled. Already this financial year 216 assaults have been reported and if they continue at the same rate assaults would exceed 370. That is almost a 50 per cent increase. These reported assaults represent the tip of the iceberg, as many of our members indicate they have little time in a shift to report every incident that occurs while they are attending to calls serving Queenslanders.<sup>59</sup>*

At the committee's Brisbane hearing faculty chair for the Australasian College for Emergency Medicine Queensland, Dr David Rosengren, said a yet-to-be-published snapshot survey of emergency departments across Australia and New Zealand at 11pm on January 26 for 'incidents of alcohol association' attendances found Queensland recorded the second highest incidence in Australia.

Nearly 90 per cent of emergency departments across Australia and New Zealand recorded their attendances at the allotted time, which was deliberately chosen as being before the peak presentation time for alcohol associated presentations. Dr Rosengren advised that, prior to the peak early morning period:

*Across the country in Australia, the incidence was 17 per cent which compared to half that figure across New Zealand, because of the public holiday and the extended party time [for consumers]. ...in Queensland we had the second highest incidence of alcohol attendances in our emergency departments for the country at 19 per cent. The four largest emergency departments in our major metropolitan areas had an incidence of alcohol at 11 pm contributing to more than 30 per cent of their total activity in their emergency departments at that time. That does signify that we do have a significant burden on our health services due to alcohol. It is not just at three and four o'clock in the morning. Again, I acknowledge and accept that the legislation is not going to solve that problem at 11 pm. However, it does, I guess, represent the quantification of the problem we are dealing with and the importance of beginning to tackle it.<sup>60</sup>*

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<sup>58</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 34.

<sup>59</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 34.

<sup>60</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 10.

## Impact on police

Cairns and Townsville police both indicated to the committee that dealing with alcohol-affected people had become their 'core business':

**CHAIR:** .... You spoke about the large amount of resources that you need to pour into either the Safe Night Out precinct or other locations in the region that you are responsible for, Chief Superintendent. The Inspector also spoke about the 10 extra police coming in for the Beat. I assume those extra 10 extra police are coming from the resources within the Cairns CBD area.

**Chief Supt Newton:** That is correct.

**CHAIR:** But no doubt there would be a need for your larger venues and special nights to draw on resources from other locations. Could you briefly respond to where they might be coming from and what that does in terms of diminishing the resources in those locations they would be drawn from?

**Chief Supt Newton:** It varies across the district. The Beat sits with an extra 10. As a rule, Cairns will roster another team on as well on a Friday and Saturday night, so at Cairns station itself you will see another between 12 to 18 police officers working on those Friday and Saturday nights to deal with the calls for service. As you move away from that into the larger centres, Smithfield, Port Douglas and Mossman will do the same and they will work another crew for Friday and Saturday nights, and the same in places like Innisfail and Tully, Mareeba and Atherton Tablelands. So there is an increase of police presentation in the CBDs at those times.

Where it depletes our capacity we probably see it as our core business. It is something we are resourced to do. I think that if you asked any police commander if they needed more resources they would say yes, but I think we spread our resources efficiently and effectively. It does come at a financial cost. There are industrial arrangements that have to be fulfilled for those work periods, so there is a financial impost on having to load the rosters into those times. But I can honestly say that overall I do not think there is a depletion of our resources away, but it is core business for us—it is that essential.

**CHAIR:** Dealing with people under the influence of alcohol is your core business; is that what you are suggesting?

**Chief Supt Newton:** We certainly see those challenges on those nights where there is late night trading in liquor and there is that extra demand on our resources and there will be calls for service, yes.<sup>61</sup>

The (Queensland Police Union of Employees (QPUE) confirmed this at the Gold Coast hearing:

*Cairns is one area. I know that in Townsville you take from Stuart, Deeragun and the shopfront there which polices The Strand in Townsville. We are having to suck police out of there to go and perform duty on The Strand. The problem is that we cannot just flood it with police because we cannot have police just working during the night-time hours, between 10 pm and 6 am. It is not feasible. Police have to*

<sup>61</sup> Hansard transcript, Cairns briefing, 21 January 2016, p 4; see also Townsville briefing, p 4.

*work at other times. Part of our core duties is protecting life and property but also investigating other things, such as sudden deaths and domestics, which take a lot of our time at this point. It is pulling us away from our core duties.*<sup>62</sup>

### Impact on Business

Data from Queensland's regulating body within the Department of Justice and Attorney-General indicates that there are 105 licensees in Queensland which have approval to trade beyond 3am at present, to 5am. Most of these only trade to those hours a few nights each week.<sup>63</sup>

The department advised the committee that there was no discrepancy between the research showing that the Newcastle reforms reduced violence without damaging the night time economy, and reports of a number of venues closing following the reforms. In fact, data from the NSW Office of Liquor and Gaming shows that there has been an overall 45% increase in the number of licensed premises in Newcastle. Professor Kypri advised the committee that it was a different type of venue – smaller bars and restaurants. These are seen to represent a lower risk environment with respect to alcohol fuelled violence.

The department's advice is that, as occurred in Newcastle,

*... there may be an initial reduction in the number of licensed premises and jobs, but an altering night time economy will see the introduction of new types of lower risk premises, which in turn will see jobs and revenue figures strengthen.*<sup>64</sup>

*Research by Professor Peter Miller, Professor Kypros Kypri and others explicitly acknowledges that implementation of the Newcastle strategy coincided with the closure of some premises. Reports indicate that although some closures resulted from the adverse effects of restrictions on trading hours, other closures were due to financial mismanagement. In addition, it is normal for various marketplace factors to cause the number of entertainment venues to wax and wane as part of a complex night time economy.*

*Reports also highlight that a number of venues overhauled their business models and remained unaffected by the interventions. Furthermore, after an initial period in which the number of licensed premises decreased, the business environment in Newcastle changed to reflect the effects of the strategy upon the drinking culture. Miller et al. have found that patrons started going out earlier and spending more money. Annual reports from the New South Wales Office of Liquor and Gaming indicate the number of licences in Newcastle has increased each year following the implementation of the strategy, with an overall increase of 45% for the period between March 2008 and July 2015. Significantly, most of the new licences are for small bars and restaurants, which are considered lower risk types of premises.*<sup>65</sup>

*While these references to the number of licensed premises relate to Newcastle in general, rather than just the initial intervention zone, it should be noted that the restrictions were subsequently extended to apply across the entire city. Furthermore, of the 14 pubs directly impacted by the intervention in 2008,*

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<sup>62</sup> Hansard transcript, Gold Coast hearing, 28 January, p 17.

<sup>63</sup> Department response to submissions, p 18.

<sup>64</sup> Department response to submissions, p 18.

<sup>65</sup> Miller P, 'Early pub closing times work for Kings Cross – they will for Queensland too', *The Conversation*, 9 April 2015, accessed 5 May 2015, <https://theconversation.com/early-pub-closing-times-work-for-kings-cross-they-will-for-queensland-too-39643>.

*11 remain open 7 years on, and alcohol-related harm has been significantly reduced. Two of the premises closed as a result of business issues, but the licences were subsequently on-sold and the new premises reopened in another part of the city where the restrictions are in effect. The last of the 14 licences was owned by the Council and the premises were demolished.*

*It should be noted that studies on the effectiveness of the Newcastle strategy have undergone rigorous peer review to ensure accuracy and validity with respect to the methodology, analysis and conclusions of the research. While stakeholders at a recent forum raised the issue of business closure, the department advises it has not found any verifiable evidence to support the claim that there are a large number of unreported cases of licensed venues being forced to close as a direct result of the Newcastle strategy.<sup>66</sup>*

Further, there is evidence that young people in Newcastle are now spending more money in the new night time economy in that city, than they did prior to 2008.<sup>67</sup>

The Kings Cross police with whom the committee met in Sydney indicated a perception that there were still strong numbers of patrons to Kings Cross clubs, and that numbers have not decreased.

In response to concerns about the impact of Sydney and Kings Cross reforms on business, the department advised:

*It is noted the intervention was only implemented in the areas of Kings Cross and Sydney CBD, which could account for the fall of foot traffic as patrons opted to visit venues outside the restricted zone. However, the intervention also coincided with a freeze on new liquor licences. The NSW Parliamentary Committee noted evidence that the licensing freeze may serve to embed the existing character of the night economy rather than foster flexibility and responsiveness to positive night time change.*

*It is considered that these reported impacts would be mitigated in Queensland because the Government's policy will apply State-wide and new licensing applications will continue to be considered and approved, where appropriate.*

*Arguments about the economic impact of the interventions in New South Wales precincts imply that similar economic hardship will result in Queensland if the Government's reforms are adopted. In this regard, the department notes that of the approximately 7,300 licensees in Queensland, only 105 licensees (1.4%) have approval to trade between 3am and 5am, with the majority only trading at these times for part of the week. Accordingly, while it is recognised the proposed changes to liquor service hours may have some impact, they are not expected to have a significant impact on the overall business environment in Queensland's entertainment precincts. Studies indicate the proposed initiatives can have a positive effect on both the drinking culture and the business climate.<sup>68</sup>*

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<sup>66</sup> Department response to submissions, p 4.

<sup>67</sup> Miller et al, 2014. Key stakeholder views of venue lockouts in Newcastle and Geelong.

<sup>68</sup> Department response to submissions, p 9.



Professor Wayne Hall, from the Centre for Youth Substance Abuse Research at the University of Queensland, advised the committee that:

*The alcohol industry argues that earlier closing times and the one-way door will shut down Queensland's night life and reduce tourist numbers. The contrary is more likely. A study by the Australian National Local Government Drug and Alcohol Advisory Committee found that between 2009 and 2011 there was a 9.6 per cent decline in 'drink' sales revenue in Newcastle after the restrictions were introduced but this was offset by a 10.3 per cent increase in revenue from 'food' sales.<sup>69</sup>*

The PHAA cited the director-general of the World Health Organisation as saying:

*...the alcohol industry has no role in formulating policies, which must be protected from distortion from commercial or vested interests.<sup>70</sup>*

Despite this evidence, many submitters identified a drop in licensed venue patronage, with associated implications for employment and culture as the most likely impact of implementing the proposed reforms in Queensland.

Concerns were expressed about the impact of the lockout on the hospitality industry, and employment. One Townsville resident said:

*In Townsville especially as 1 example, we are a sporting town. If the cowboys had an 8pm game which is held in the suburbs patrons wouldn't get into the city until 11.30 -12 which costs them \$50 in a taxi to have 1 hr before last drinks, that's ridiculous. They would stop coming into the city and stay at the suburban pubs with pokies so they can drink longer and potentially drink drive to get home as their car is only around the corner.<sup>71</sup>*

From the business perspective, the Katarzyna Group advised:

*The effects of the proposed changes to the trading hours of venues will have a significant impact on our business model and therefore the number of staff that have regular casual work. There would be a 39% reduction in the number of employees that work across all venues. This will primarily affect young people, who are most at risk from unemployment in this state.<sup>72</sup>*

Young people themselves submitting through the Our Nightlife Queensland website were advised on that submission site that the legislation would result in the closure of 80 venues across the state. Mr Braban advised the committee that he had modelled that potential impact *'based on business expectations and what we estimate will occur'*.<sup>73</sup>

Examples of those submissions expressing fears about the impact of the proposals on their employment include:

*If lockout laws are change[d] I am guaranteed to lose good hours every week that I need to help my financial status. Since I left school I have constantly worked in hospitality ..... When I moved to Brisbane it was an amazing change because there is so much work on offer for people like myself who strive to make a change in*

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<sup>69</sup> Submission no. 143, p 2.

<sup>70</sup> Hansard transcript, Brisbane hearing, p 8.

<sup>71</sup> Submission no. 297, p 1.

<sup>72</sup> Submission no. 183, p 3.

<sup>73</sup> Hansard transcript, Brisbane hearing, 1 February, p 22.

*hospitality. The fear of knowing that you will take my working privilege away and not be able to financially compensate me is terrifying. Hospitality is a very huge industry which make huge money on a daily basis and with these laws it's slowly going to dry up all the clientele that we have worked hard to provide a wonderful service to. You[r] issue against violence and crimes throughout our nightlife will not be resolved by this. If the government are truly concerned about these issues then perhaps they should look at supplying the streets with more police officers rather than jeopardising perfectly good venues.<sup>74</sup>*

And a lighting technician told the committee:

*Well I would lo[o]se a lot of the hours I work since most of my work still carries on from 3-5. I believe many people would feel discourage to come to the club since it's such a limited time frame. Even if we open earlier, people are still having dinner and won ' t want to come in earlier.<sup>75</sup>*

The National Live Music Office submitted that:

*The impacts from the Tackling Alcohol-fuelled Violence Legislation Amendment Bill are likely to be felt further afield than just the live music industry as reputational impacts are felt across the tourism, hospitality and primary industries sector. It will be costly. It would be of interest to see what if any research has been undertaken into tourism demographics such as country of origin, age, potential to find employment in Queensland and contribute to the economy in this context, as well as into the potential losses to accommodation, transport, tourism and hospitality industry businesses as reputational impacts are felt across the state.<sup>76</sup>*

Cairns Mayor, Cr Bob Manning, saw the potential for a negative effect on the Cairns tourism industry:

*We do not know what the impacts will be, but one can only assume that the impacts would not be good. People do not want to be limited or restricted, but people also want to feel safe. If we were having problems, we would be the first to say, 'We need some help here.' We really do not want activities to become limited where they do not have to be limited, where people say, 'We have to be out of here in the next 10 minutes. Otherwise we are in trouble.'<sup>77</sup>*

Similarly, Townsville Councillor Eddiehausen saw the potential for a detrimental effect on the Townsville economy:

*As for the impact on the local economy, I will not go into that. In relation to unemployment, Townsville already has a higher unemployment rate than many other areas in the state, especially in relation to youth unemployment. We have heard about the QNI refinery, but we also have fly-in fly-out workers in the mining industry. Such changes as proposed will result, in my opinion, in those employed in the precinct losing their jobs and putting a successful tourism hub at risk.*

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<sup>74</sup> Submission no. 557, p 2.

<sup>75</sup> Submission no. 423, p 1.

<sup>76</sup> Submission no. 171, p 2.

<sup>77</sup> Hansard transcript, Cairns hearing, 21 January 2016, p 23.

*I will not go much further. To finalise, 99 per cent of persons who freely choose to attend this safe night out precinct do so to enjoy the company of friends and family, to have a meal and drinks and to enjoy their leisure time. They are very well behaved and their attendance provides a boost to the economy, especially the late-night economy in our city. Why should they be disadvantaged because of the less than one per cent who attend this precinct who commit illegal acts? Simply put, they should not.<sup>78</sup>*

Speaking about the Newcastle experience, Mr Tony Brown submitted that:

*In real practical terms we have seen more than a doubling in the number of licensed premises in Newcastle, which refutes the hysteria and scaremongering from the industry that it would be devastated. What this has practically translated into in Newcastle is more jobs and more opportunities for our young people. With respect, I do not think any responsible government or opposition should deny their communities that.<sup>79</sup>*

### **1am lockout**

The Bill provides for extended trading until 3am, inside an approved 3am safe night precinct (SNP). Under the proposals in the Bill, SNPs will be permitted an extra hour of liquor trading as additional safety measures will be imposed in these designated safe night precincts. However, all licensed premises within an approved 3am precinct will have to comply with a 1am lock out.<sup>80</sup>

*The aim of lockouts is to reduce the number of people at any one time (principally upon closing) in the public spaces between licensed premises where much of the violence and other antisocial behaviour occurs.<sup>81</sup>*

SNPs exist under the current regulatory regime. The precincts are governed by local boards operating as incorporated associations. Licensees within an SNP are required to become a member of the local board. Other members include:

- owners or operators of other businesses located within the SNP
- associations that represent the interests of businesses located within the SNP (e.g. Chamber of Commerce)
- community organisations that provide services within the SNP
- other classes of persons as prescribed under the Liquor Regulation 2002 (NB. there are currently none prescribed).<sup>82</sup>

Transitional provisions will stipulate that once a 3am precinct is declared, relevant licenses premises in the precinct whose extended trading hours approvals authorise liquor trading between 2am and 5am as at the date of introduction of the Bill will be grandfathered to automatically have approval for 3am liquor trading on and from 1 July 2016.<sup>83</sup>

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<sup>78</sup> Hansard transcript, Townsville hearing, 22 January 2016.

<sup>79</sup> Hansard transcript, Brisbane hearing, 1 February, p 63.

<sup>80</sup> Clause 38 of the Bill.

<sup>81</sup> Kypri et al, 2014, p 1.

<sup>82</sup> <https://www.business.qld.gov.au/industry/liquor-gaming/safe-night-out-strategy/safe-night-precincts>

<sup>83</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 3.

Additionally, approved 3am precincts can be repealed by regulation if:

- there is no longer a local board for the precinct
- the local board has requested the Minister to do so, or
- the continued 3am approval has undue adverse effects on health, safety or amenity.<sup>84</sup>

If the 3am approval is removed, then all licensed premises in the precinct would be required to cease the service of alcohol at 2am, in accordance with the general statewide extended trading hours.

There is limited data to support the efficacy of lockouts on the prevalence of alcohol-fuelled violence:

*Whether closing, 'last drinks', 'last drinking' or lockout laws differ in their effects on violence and other harm is worthy of study. There is now widespread use of lockouts in Australia and New Zealand where, after a specified time, patrons may leave but not enter premises. These are intended to prevent a mass exodus of patrons upon closing and thereby to help police manage entertainment precincts: however, the evidence base for lockouts is small and the better studies find no effect on assault incidence.<sup>85</sup>*

And:

*The three previous Australian studies ... along with the analysis reported here do not support the effectiveness of lockouts, and there remains a need for further evaluation of these commonly used interventions.<sup>86</sup>*

One of these previous Australian studies considered the effects of lockout laws in Ballarat, Victoria, on alcohol-related emergency department presentations:

*The ED presentation rates within Ballarat were then compared with Geelong, where no lockout policy is in place. Ballarat ED alcohol-related assault and intoxication presentation rates declined prior to the implementation of the lockout, followed by a small rise and then a more substantial drop for 6 months post lockout. However, after this initial decline, ED presentation rates steadily increased and surpassed that observed in Geelong by the end of 2005. The previous evaluation of the Ballarat lockout [21] reported the implementation of the lockout as a success, whereas the current research suggests that the observed positive effects were short-lived. Further, the reduction in ED presentation rates is not necessarily attributable to the lockout implementation as police and community attention was also focussed on alcohol related issues during this time [19]. In particular, policing activity pre- and post-introduction of the lockout was higher than normal levels and could account for a proportion of the reductions noted. This is very likely to be the case prior to the introduction of the lockout in Ballarat.<sup>87</sup>*

That study also noted that these findings were preliminary, and that *'future research is needed to investigate the impact lockouts have on the rates of alcohol-related harms'*.<sup>88</sup>

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<sup>84</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 3.

<sup>85</sup> Kypri, 2015. Commentary on de Goeij et al. (2015): Evidence of harm from late night alcohol sales continues to strengthen. *Addiction*, 110, 965.

<sup>86</sup> Kypri et al, 2014, p 4 (see Submission 147, attachment 5).

<sup>87</sup> Miller et al, 2012, The long-term effect of lockouts on alcohol-related emergency department attendances within Ballarat, Australia. *Drug Alcohol Rev* 2012;31:370-376 p 374 (see Submission 140, page 11).

<sup>88</sup> Miller et al, 2012, p 375 (see Submission 140, page 11).

Our Nightlife Queensland presented a submission which included an analysis of research in this field, conducted by Dr Wayne Petherick. Dr Petherick advised:

*...most studies on lockouts suffer the same problem in terms of their results and the degree to which these indicate lockouts are effective: lockouts are most often evaluated during the introduction of a suite of measures aimed at reducing alcohol related violence. Thus, we cannot conclude that the lockouts alone are effective in conjunction with other measures, or that the lockouts are ineffective and it is the other measures that are effective. From a research perspective, the best way to study lockouts and other measures would be to introduce one measure, then conduct an evaluation of its effectiveness before introducing another measure, and so forth. Only then can we determine the effect that each has on its own and the relative effect of all combined. No studies I reviewed took this approach.<sup>89</sup>*

A 2011 evaluation of Queensland's (current) 3am lockout found that it had had mixed success in addressing violence because it had only limited effect on the areas around licensed premises.<sup>90</sup> This was a theme the committee heard from many submitters to the Inquiry.

Overall the 2011 evaluation found that:

*Our research shows that 3 a.m. lockout legislation led to a direct and significant reduction in the number of violent incidents inside licensed premises. Indeed, the lockouts cut the level of violent crime inside licensed premises by half. Despite these impressive results for the control of violence inside licensed premises, we found no evidence that the lockout had any impact on violence on streets and footpaths outside licensed premises that were the site for more than 80 percent of entertainment district violence. Overall, however, our analysis suggests that lockouts are an important mechanism that helps to control the level of violence inside licensed premises but that finely grained contextual responses to alcohol related problems are needed rather than one-size-fits-all solutions.<sup>91</sup>*

The department has advised of the government's position that the imposition of a lockout is not a one-size fits all solution, because it would apply only in safe night precincts (as opposed to all venues with 5am trading at present).<sup>92</sup>

The Surfers Paradise Chill Out Zone submission to the committee's Inquiry provides data about assaults that goes beyond police data, as (the service advises) police are involved in about 50% of the assault cases dealt with by Chill Out Zone. The data shows the peak time for assault presentations to the service is midnight to 3am, and the service notes a lockout would increase the number of patrons on the streets between 1 and 2 am, with potentially more assaults.<sup>93</sup>

It is acknowledged by the department that the 1am – 2am period is the 'highest risk' period for alcohol-fuelled violence. The 1am lockout would mitigate the harm associated with the additional hour of alcohol trading (ie 3am rather than 2am in the rest of the state).

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<sup>89</sup> Submission no. 172, Attachment 1, p 4.

<sup>90</sup> Mazerolle et al, 2011, Violence in and around entertainment districts: a longitudinal analysis of the impact of late-night lockout legislation, p 1.

<sup>91</sup> Mazerolle et al, 2011, p 1

<sup>92</sup> Department response to submissions, p 30.

<sup>93</sup> Submission no. 185, p 7.

*By removing the migration of patrons between venues in the highest risk period...the lockout provides greater control for police over patron behaviour.<sup>94</sup>*

Kings Cross police with whom the committee met in Sydney advised that Bondi and Byron Bay entertainment precincts had implemented their own lockouts, so self-regulation in this regard is possible. Licensing entities can speak with licensees to implement such an arrangement as required.

#### Lockouts in other Australian jurisdictions

##### **Victoria**

In 2008, the Victorian government trialled a 2am lockout in an attempt to reduce alcohol-fuelled violence by minimising the number of people milling in the street and moving between venues. The trial impacted on approximately 487 late-night venues across the four Local Government Areas (LGAs). 125 venues within those areas were 'exempted' by stays granted by the Victorian Civil and Administrative Appeals Tribunal (VCAT). The trial evaluation report advised:

*The Lockouts in operation across the country impact on bars, hotels and nightclubs of varying patron capacity, and the geographic areas in which Lockouts operate vary in the number of venues they capture. For example, Lockouts in South Australia apply to three to five venues, while the Hobart Lockout applies to over 30 venues. Lockouts also vary in terms of when they come into effect - ranging from 11.30pm (Beaudesert in Queensland), 1.30am in Newcastle to 3am (Hobart, Darwin, Queensland state-wide Lockout, Ballarat and Traralgon).*

*The difference in venue size, numbers, location and start times all impact on the need for additional measures to support the Lockout, especially those to manage patron displacement. As a result, the availability of public transport becomes a critical issue for large geographical areas with density of venues and patrons.*

*The majority of permanent Lockouts operating in other jurisdictions were established in consultation with a broad range of stakeholders including police, licensees, local council, public transport authorities and the community at large. Representatives from liquor licensing and police from other jurisdictions noted that as a result of the level of consultation undertaken, few complaints and objections were received about the Lockouts.*

*In all instances in the Australian jurisdictions examined, authorities did advise that changes in patron behaviour and violence could not solely be attributed to the late night Lockout, as in all instances this strategy was part of a suite of initiatives in operation at the same time. Such other initiatives included increased police operations, modified licence conditions and increased access to public transport.<sup>95</sup>*

The evaluation of the Victorian trial found that measuring the effects of the lockout trial were compromised:

*...the majority of venues (78 per cent) that were granted a stay by VCAT have high-risk conditions on their liquor licence. Further, 54 per cent of nightclubs were granted a stay (46 out of 85), of which, 74 per cent have high-risk conditions included on their liquor licence. Also, certain locations, such as Chapel Street, had*

<sup>94</sup> Department response to submissions, p 60.

<sup>95</sup> KPMG report, p 3.

*a high proportion of venues not involved in the temporary Lockout (37 per cent) due to the granting of stays by VCAT, and therefore even on a location basis the temporary Lockout was significantly compromised.*

*The stays granted by VCAT has meant that patrons were able to enter and re-enter approximately 25 per cent of venues across the affected LGAs. Accordingly, from the outset the temporary Lockout was fundamentally compromised and this has significantly impacted the ability to meaningfully evaluate effectiveness of the temporary Lockout in reducing alcohol related violence and disorder.<sup>96</sup>*

In that context, however, the evaluation did find that there had been some positive impacts associated with the trial, including:

- significant reductions in total reported assaults between 8pm and midnight (24% in the City of Melbourne and 57% in Port Phillip);
- a decrease in reported assaults across all affected areas (36% in Port Phillip) compared with the three months prior to the trial
- a reduction in assault related ambulance transports compared with the same period in the preceding year and the three months prior to the trial
- a reduction in assault related presentations to hospital emergency departments compared with the same period in the preceding year and the three months prior to the trial
- a decrease in 'drunk people' callouts for police (by 38% in Stonnington) compared with the lead in period.<sup>97</sup>

However, again in the context of the difficulties of evaluation identified above, there was:

- an increase in reported assaults between the hours of midnight and 2am when compared to the corresponding period in 2007, and a small increase compared to the lead-in period. This is also similar for the period between 2am and 3.59am
- an increase in assault related ambulance transports between 8pm and midnight when compared to the three-months prior to the temporary Lockout.

A lack of buy-in by venue owners, attributed to poor communication, was also identified as a potential factor limiting the success of the trial in reducing alcohol-fuelled violence.<sup>98</sup>

The trial in those four LGAs did not continue beyond the three month period. Now, a lockout is applicable in one Melbourne metropolitan area and five regional centres in Victoria.<sup>99</sup> Further, there is a 'freeze' in place since 2008, until 2019, on any new licences being granted to venues wishing to trade past 1am.<sup>100</sup>

## *Issues*

### Public opinion

In terms of submissions to this Inquiry, there was mixed support for the Bill's proposal to cease alcohol trading at 2am statewide and 3am, with a 1am lockout, in SNPs. Industry, employees and patrons of

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<sup>96</sup> KPMG report, p 5.

<sup>97</sup> KPMG report, p 6.

<sup>98</sup> KPMG report, p 7

<sup>99</sup> <http://www.vcglr.vic.gov.au/utility/community/government+initiatives/late+hour+entry+declarations+-+lockouts/> (accessed 2 February 2016)

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<http://www.vcglr.vic.gov.au/home/liquor/new+applicants/licence+application+requirements/restrictions+on+applications+for+late+night+licences/index.html> (accessed 2 February 2016).

the late-night entertainment venues expressing strong opposition, and public health experts, academics, police and health service providers all expressed support for a reduction in alcohol trading hours.

However, there was little support from any quarter for the 1am lockout proposal.

The Foundation for Alcohol Research and Education (FARE) has published a report on 3 February 2016 detailing the results of a Galaxy poll it commissioned in Queensland in January 2016, in the week following the death of a young man following an alleged 'coward punch' attack in the Fortitude Valley entertainment precinct.

The key findings were:

- Almost three quarters (74%) of Queenslanders support the late night trading hour measures recently announced by the Queensland Government to reduce alcohol-related violence.
- 80% of Queenslanders believe that Australia has a problem with excess drinking or alcohol abuse, an increase from 71% in 2015.
- The majority of Queenslanders (80%) believe that more needs to be done to reduce the harm caused by alcohol-related illness, injury death and related issues, an increase from 74% in 2015.
- The majority of Queenslanders (71%) expect alcohol related problems in Australia to remain the same or get worse over the next five to ten years.
- The majority of Queenslanders do not believe that governments (59%), alcohol companies (69%) and pubs and clubs (70%) are doing enough to address alcohol misuse. The proportions of Queenslanders who hold these beliefs have increased since 2015.
- Other policies that received majority support include introducing a closing time for pubs, clubs and bars of no later than 3am (84%) and not selling alcohol in supermarkets (69%).
- Two thirds (65%) of Queenslanders consider the city or centre of town to be unsafe on a Saturday night, an increase from 52% in 2015.<sup>101</sup>

*Is there a problem in Queensland and does it warrant the proposed interventions?*

The department advised the committee:

*It is acknowledged that the precinct-based approach introduced by the Bligh Government and expanded by the previous government has made progress in addressing the problem of alcohol-fuelled violence in particular areas. The decline in numbers of alcohol-related emergency department presentations is encouraging. However, it is noted that submissions from Drug ARM and Professor Wayne Hall, Director of the Centre for Youth Substance Abuse Research, indicate that across Queensland there were 1,143 alcohol-related deaths in 2010 and 32,844 alcohol-related hospitalisations in 2010-11. By 2014-15, alcohol-related hospitalisations had reached 45,197, an increase of 38 per cent. At alcohol and other drug treatment services, alcohol was the principal drug of concern in 37 per cent of episodes of care.*

*Regardless of the particular findings for a specific area, or statistics showing a nationwide decrease in alcohol consumption, the Government considers that*

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<sup>101</sup> FARE, 2016. 2016 Queensland poll: perspectives on alcohol. <http://www.fare.org.au/wp-content/uploads/research/2016-Queensland-Poll-Perspectives-on-alcohol.pdf> (accessed on 2 February 2016).



*alcohol-fuelled violence remains at an unacceptable level that requires the implementation of a suite of measures that have been proven to achieve rapid decreases in assaults. It is noted that some of the statistics provided in submissions that dispute the need for the Government's policy are not consistent with data the department is able to verify.<sup>102</sup>*

FARE, in a media release provided to the committee by the PHAA noted:

*Queensland Health data on alcohol-related emergency department presentations from Brisbane, the Gold Coast, Cairns, Townsville, Rockhampton and Mt Isa, shows a pattern of rising alcohol harms that extends beyond the major metropolitan regions in the south east of Queensland.*

*At Cairns Hospital, alcohol presentations have risen 35 per cent between 2009-10 and 2014-15 with the hospital recording the second highest number of alcohol-related presentations (950) in the State in 2014-15.<sup>103</sup>*

The FARE data may relate to presentations beyond the emergency department, as it is not consistent with the advice provided by the Cairns hospital in respect of its emergency department presentations:

*The current emergency data collected from the Cairns Hospital Emergency Department for the last calendar year lists 208 presentations of alcohol related injury.<sup>104</sup>*

A limitation of hospital data is that it does not identify the source of the alcohol consumption that has led to the harm (as discussed above). This limitation has given rise to submissions that the focus of restrictions on the availability of alcohol should not be limited to late night entertainment venues. For example, referring to data he went on to give the committee at the Cairns hearing, Mr John Lynch, President of the Cairns City Liquor Safety Accord, said:

*The data was provided by Bob Norman, the former Cairns and hinterland hospital and healthcare chair; Dr Richard Stone, the hinterland hospital and health service ED director; and Associate Professor Alan Clough from JCU, who was researching alcohol fuelled violence. The data is from financial years 2013, 2014 and 2015—our most recent data. There are over 160 presentations per day to the hospital on average. From these 160-plus presentations, two to four on average are alcohol related. That is less than two per cent of total admissions. Of these, only 20 per cent are related to licensed premises so that would make it 0.3 of one per cent of total admissions relate to licensed premises. This is the data that has been given to us.*

*The peak time of hospital admissions is from 11 pm to 12 am. In second place is 12 am to 1 am. In third place is 10 pm to 11 pm. In fourth place is 2 pm to 3 pm. With regard to these statistics that are provided, each SNP is a different environment and has a different set of problems it needs to address. One of our problems, and a great problem if you are present at any of our monthly meetings, is itinerant issues in Cairns and coming from surrounding areas creating public drinking in*

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<sup>102</sup> Department response to submissions, pp 13-14.

<sup>103</sup> Queensland Council for Action on Alcohol, Media release, 8 November 2015. QCAA applauds government on alcohol action.

<sup>104</sup> Cairns public briefing, 21 January 2016, p 3.

*spaces which can result in violence. These statistics are also in those presentations that I have just given you and if they come from the CBD they will be correlated in that data. I want to make that clear: if we are looking at statistics I think drilling down on late-night traders is the super important part here, not collecting data that refers to others.<sup>105</sup>*

On the other hand, Dr Paul Gardiner, PHAA advised:

*...there is an absolute lack of clear and definite data around many of the arguments that have been put forward for and against the legislation. It is close to impossible for us to truly quantify the impact of alcohol on the community simply because we do not have any mechanisms, certainly in the health system in Queensland, to actually record it or document it with any certainty. Therefore, to rely on arguments of absolute evidence for and against is significantly challenging, as is often the case with many of our public community health and safety initiatives that we have tackled as complex problems in the past. So I would raise that as an issue that I think needs to be addressed in the longer term but also one which the College for Emergency Medicine certainly acknowledges is clouding our ability to make clear arguments on this.*

*The second key point that I want to acknowledge is that the College for Emergency Medicine and health professionals certainly acknowledge fully that this legislation is not the solution to the alcohol or the violence problem that we are facing. It is what we would in the health system term affectionately as a 'wicked' problem in that it is a highly complex issue that passes across many, many layers of the community. One single implementation is never going to provide the 100 per cent solution, but, at the same time, I would challenge this committee and certainly the parliament on the fact that along many of these complex issues we have to start somewhere. My response to the questions and concerns around the fact that this is not going to be the 100 per cent solution is absolutely correct, and we would strongly encourage the committee and the parliament to consider additional and other strategies moving forward. I think the historical success around the tobacco solution is a good example of how, step by step and piece by piece, we are able to put together a successful public strategy around change.<sup>106</sup>*

### The specific impact of lockouts

There was a near universal lack of support for the imposition of a 'lockout' (or, using alternate terminology, a 'one way door').

Reverend Lance Mergard from ChaplainWatch (Fortitude Valley) said:

*I have a problem with lockouts as opposed to the cessation of drinks if we keep moving it two hours. There is wisdom in having a lockout at three o'clock in the morning for a 5 am cessation of drinks. There is wisdom in that. It draws a good line in the sand. Those who want to go home choose to go home at three o'clock. Those who want to stay on can stay on for that extra two-hour period.*

<sup>105</sup> Hansard transcript, Cairns public hearing, pp 12-13.

<sup>106</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 9.

*If it was brought forward, for instance, then I have a real problem with having a two-hour difference between lockout and the cessation of drinks earlier on. I think it is going to cause problems because there are going to be a lot of people who will not come out because of that or, if they do, they are actually going to stay in until 3 and then we are going to have the problems at three.<sup>107</sup>*

Mr Simon Turner from Just Let It Go said:

*I think what it will do is cause confusion amongst those young people. I believe that reducing hours in line with what Professor Miller says can potentially reduce the risk of harm, though I do not believe the lockout is a necessary measure or would assist at all. I think it would have a detrimental effect.<sup>108</sup>*

Mr Sarosh Mehta from Caxton St Precinct Liquor Accord stated:

*Our main bone of contention is not only the damage it did commercially - because I know that does not play well with the community - but also the impact that it had on patron behaviour when our precinct was singled out due to alleged excessive call-outs to the police back in 2000. It did not in any way have any percentage of reduction in antisocial activity out on the street. Therefore, we have made it very clear today in our presentation that we are 100 per cent against any lockout at any given time if the bill passes.<sup>109</sup>*

Professor Wayne Hall stated:

*There seems to be a lot of confusion with lockouts, which I think are a dumb policy because they just lock the drunks up inside to be all thrown out at the same time. It is reducing trading hours we want to do, not lockups.<sup>110</sup>*

Professor Kypri stated:

*The evidence on lockouts is not strong. There are about six studies and I would say it is equivocal at best. The effective strategy is reducing alcohol consumption and that means either last drinks or closing premises.<sup>111</sup>*

Some submitters claimed that the introduction of a lockout from 1am would not only fail to decrease alcohol-fuelled violence, it would in fact increase the risk of such violence. Mr George Keskinidis, a workplace health and safety auditor specialising in licensed venues advised the committee:

*As lockouts permit patrons to continue drinking within a venue, they do not address the core problem of intoxication (Drugs and Crime Prevention Committee 2006). Accordingly, concerns have been raised that they do not adequately address alcohol-related violence at the end of the trading period.<sup>112</sup>*

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<sup>107</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 5.

<sup>108</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 4.

<sup>109</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 19.

<sup>110</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 51.

<sup>111</sup> Hansard transcript, Brisbane public hearing, 1 February 2016, p 54.

<sup>112</sup> Submission no. 173, p 8.

*What the lockout would achieve is increased stress on current safety systems and place at risk workers and patrons through “trying to manage” the influx on patrons and guests over a short duration of time within licensed venues.<sup>113</sup>*

Mr Timmy Martin, Manager of Sin City and Vanity Nightclubs on the Gold Coast and Acting Chair, Surfers Paradise Association of Licensed Venues advised the committee:

*The people who hang around are generally there for a couple of reasons. As was stated before, they may be innocently waiting for their friends to come out or they could be there just looking for trouble, and that is a problem that we face. What purpose do you have to be roaming the streets at that time if you cannot get into a place? The other problem, like I said, is once they close at two, and even when we close at three, from there they can go to the casino. The biggest problem that we have in town at the moment is getting people out of town. On a Saturday night the taxi lines are massive and that is what is creating some of the frustration with people (a) queue jumping and (b) being bored, wanting to get out of there and getting frustrated and starting fights.*

*I do believe people will stick around. There are still McDonald’s, Hungry Jacks and all those venues open. They will go there and get food, and they are still hanging around town. There is no reason to suggest that once they finish they will go straight home unless they are looking for somewhere else to party. That is another problem we think they will have. They will be moving on to hotel rooms and on to house parties which are unregulated and out of our region.<sup>114</sup>*

Professor Wayne Hall also rejected lockouts as an intervention:

*There seems to be a lot of confusion with lockouts, which I think are a dumb policy because they just lock the drunks up inside to be all thrown out at the same time. It is reducing trading hours we want to do, not lockups. Reducing trading hours and increasing price are the most effective ways to reducing consumption and alcohol related harm.<sup>115</sup>*

However lockouts were not without a few supporters, at least in principle and as part of a suite of measures, such as Mr Tony Brown:

*It is my view that in consideration of a package of measures with the first and foremost being earlier last drinks, one-way door policies are reportedly useful for the police in terms of moving on stragglers and people who want to cause trouble. As part of the package I would support the adoption of a one-way door policy, but I would support the evidence that it is ineffective by itself.<sup>116</sup>*

### Displacement of violence

Concerns were expressed through the Inquiry about the likelihood of alcohol-fuelled violence being displaced from safe night precincts, to other places. For example, Ms Angela Driscoll, co-ordinator of Chill Out Zone on the Gold Coast, advised that if she was at a suburban hotel and:

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<sup>113</sup> Submission no. 173, p 6.

<sup>114</sup> Hansard transcript, Gold Coast hearing, 28 January 2016, p 14.

<sup>115</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 51.

<sup>116</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 62.

*...if it was closing at midnight and I knew that if I could get to Surfers within an hour I could keep going for another two hours I might do it, depending on transport options. But if it was closing at two o'clock there is no point for me to go into the late-night precinct because if it does have 3am trading there is a lockout at 1 am. I think that it can be all too hard, so the temptation is going to be, 'Let's go from here back to your place.' At least in precincts unfortunately we are ready for poor behaviour. The police are brilliant in Surfers Paradise at early intervention and prevention strategies—they are really aware of good practice policing—and I think that that is the best place for people who want to be awake after 2 am and consuming alcohol. I think that that would be a result of the legislation—that is, people would say, 'I can't be bothered going up there. That's too much organisation. Let's just go to your house,' in a suburban area.<sup>117</sup>*

Professor Najman advised the committee that there was no evidence to support that this occurred:

*When we reduce the opening hours there is no evidence I have been able to find—and this is a question of the scientific credibility of your evidence versus my evidence—that we displace the violence. We displace the drinking; I will not disagree with that, and I am not saying they drink as much. Yes, we displace some of the activity, but there is no evidence that we displace the actual violence and that the violence gets transferred to other places and it is just as serious a problem. If anything, the evidence suggests that it is a real reduction in violence that has been created, despite the fact that it is true that some of these people will then choose to drink elsewhere.<sup>118</sup>*

Professor Kypri reiterated at the Brisbane hearing the BOCSAR data which found '*large reductions in both Kings Cross and the Sydney CBD and no evidence of displacement*'. This data has been discussed above.<sup>119</sup>

Dr Petherick said the committee should not discount that there could be displacement of violence to the home with an increase in domestic violence. The Kings Cross police who met with the committee in Sydney indicated that:

- Although assaults in licensed premises have decreased, alcohol-related assaults in the home have increased
- Statistically (ie the BOCSAR data) there is no significant evidence of displacement, except to the casino (and there had been some small increase in violence at the casino) – any displacement is minor and does not match the decrease in violence in Kings Cross.<sup>120</sup>

#### One size does not fit all

The majority of submissions from industry groups claim that Queensland does not have the violence levels that NSW may have. For example, the submission from the Caxton Street Liquor Accord asserts that the assault rate in Brisbane is 63% lower than in Newcastle post-implementation of the 2008 reforms.

Newtown in Sydney has been cited as an area in which extended alcohol trading may occur until 5am, but without associated problems with alcohol-fuelled violence. In this regard, the committee was told, it has a very different culture from that which existed in Kings Cross, the Sydney CBD and (prior

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<sup>117</sup> Hansard transcript, Gold Coast hearing, 28 January 2016, pp 10 - 11.

<sup>118</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 14.

<sup>119</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 53.

<sup>120</sup> Personal communication, Sydney, 16 December 2015.

to 2008) Newcastle. New South Wales notably did not implement a ‘one size fits all’ model as is being proposed in the Bill before the committee.

The Queensland Hotels Association pointed out to the committee that the Newcastle reforms were part of a broader suite of measures including CCTVs, supervised taxi ranks, improved coordination of transport and an increased police presence and that the evaluations therefore indicate that the package of measures were effective. However it notes that many of these measures were being implemented in other venues around the state and leading to greater reductions in the assault rate than was achieved in Newcastle.

The relatively lower reduction in assault rate in Newcastle, it suggests, means that the other measures were more effective than the ‘draconian’ interventions in Newcastle, including the lockout.<sup>121</sup>

The evidence provided to the committee by leading experts on liquor interventions is that, as the department summed up:

*Research findings for Sydney and Newcastle are consistent with other national and international studies that show reducing the supply of alcohol results in decreased assaults. This is not a case of implementing measures that have only been found to work in Newcastle.*<sup>122</sup>

However, those research findings are also used to argue that the Bill should not provide for different arrangements in SNPs – that an earlier closure should apply statewide, with no lockouts.

Many submissions highlighted the potential for confusion in having different systems in place, in different areas, many of which will be readily accessible from each other. Professor Kypri was one of those:

*In Australia there is widespread confusion among governments, the media, patrons and the wider public about distinctions between closing time, ‘last drinks’ and lockouts, and the times they come into effect.*<sup>123</sup>

In support of a uniform approach across the state, there is some support from industry for a uniform 3am closure (rather than 5am), with no lockout. The Caxton Street Precinct Liquor Accord indicated a ‘cautious support for 3am closures across the board’ and suggests that lock out measures ‘be kept in abeyance until the effect of the 3am closures is evaluated’.<sup>124</sup>

The Brisbane City Licensees Association also suggested a 3am closing for all licensees state-wide, without the 1am lock out, mandatory ID scanning or restrictions on sale of certain drinks past midnight.<sup>125</sup>

RSA Liquor Professionals proposes a compromise which would include:

*Deletion of the proposed 2am closing time and replaced with a 3am cease of the sale of liquor for all premises. The 3am lockout would no longer be required.*<sup>126</sup>

### Transport problems and potential for violence

Some submitters claimed that cessation of alcohol service at 3am (or presumably 2am) would place a heavy burden on transport providers:

<sup>121</sup> Submission no. 164, p 18.

<sup>122</sup> Department response to submissions, p 16.

<sup>123</sup> Kypri, 2015, p 965.

<sup>124</sup> Submission no. 188, p 1.

<sup>125</sup> Submission no. 159, p 3.

<sup>126</sup> Submission no. 194, p 4.

*With large amounts of people exiting venues at 3.00am severe strain will be placed on public transport particularly taxis where there are already long queues on Saturday nights. With large numbers of people particularly tourists wandering the streets of Surfers Paradise it is obvious that this will have an adverse effect on public safety.<sup>127</sup>*

The importance of adequate transport systems was highlighted to the committee by those directly impacted by the NSW reforms (as well as by those advocating a multifaceted response to a complex issue). For example, a senior doctor in the emergency department at St Vincent's Hospital, Sydney, emphasised the importance of transport to enable people to leave the subject areas; senior Kings Cross police highlighted that *'another significant measure was the introduction of free buses every 10min from Kings Cross to the CBD'*. The Hon George Souris, former Chair, Law and Justice Committee, NSW Legislative Assembly (who led an Inquiry which informed the 2014 reforms, noted that 3.00am is the taxi changeover time – even with prepaid fares taxi drivers do not generally want to pick up intoxicated people in the early hours of the morning; and advised that a corralled safer transport area has been implemented, where people can depart by taxi or bus in a safer area.<sup>128</sup>

Transport was identified as an issue in Cairns:

*However, in Cairns, in June 2014 I experienced an incident where I was attacked and I did feel unsafe in this city. It was outside of the CBD. I had just gotten out of a movie at 12 o'clock. I was at Cairns Central. There were no taxis in the taxi rank because they were all at the clubs. I chose not to walk into the CBD to get a cab because it was out of my way.*

*I chose to walk to Parramatta Park. It was there that I was attacked and nearly mugged and dragged through the street. I have the scars to prove it. Because Cairns does not have any late-night restaurants or anywhere for people to cool off, it is totally unsafe to send them out into the streets where they cannot catch taxis and the only option is to walk home.<sup>129</sup>*

And in Townsville:

*Townsville simply does not have the capacity to transport revellers at 3am nor with the proposed lockout at 1 am. With an estimated 3,000 coming from venues, we simply do not have late-night transport options and this in itself will be a logistical nightmare.<sup>130</sup>*

The Taxi Council of Queensland advised the committee of concerns about the ability of the taxi industry to service peak demand:

*The flow-on effect of mandatory closing times is that it becomes difficult to service demand due to the restricted number of ranks and additional congestion from other vehicles in the precinct seeking to pick up and drop off. Instances like this are often seen at major events that are poorly serviced by public transport, leaving taxis as the only effective means of travelling away from the venue/precinct. Invariably this is seen as a failing of the Queensland Taxi Industry when it is in fact a failing of other policy measures, usually mass transit. This is perhaps the single greatest concern that TCQ has with respect to the suggested reforms – that an*

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<sup>127</sup> Submission no. 187, p 3.

<sup>128</sup> Personal communications, Sydney, 18 December 2015.

<sup>129</sup> Hansard transcript, Cairns public hearing, p 18.

<sup>130</sup> Hansard transcript, Townsville public hearing, p 1.

*artificially created increase in demand at closing times will be seen as ineffective peak demand management by the taxi industry. To that end, failure to consider all of the implications of these reforms, especially with respect to transport, may be seen as setting the Queensland Taxi Industry up to fail.*

At the Brisbane hearing, the Council indicated that in both New South Wales and Victoria, additional taxi licences had been granted to address an increased peak demand rate.

*Local initiatives are already working*

The need for a multifaceted approach to tackling alcohol-fuelled violence was stressed to the committee by many submitters. Dr Wayne Petherick, citing a 2008 KPMG report evaluating the effects of the introduction of a temporary lock out in Victoria advised:

*What is most important in the context of lockouts and other trading restrictions, as stated by KPMG (2008, p. 33) is that “in all situations where lockouts have been used they are but one tool in a suite of initiatives targeted at addressing alcohol-related issues.” This report then goes on to state that (p. 44) “all initiatives are underpinned by a local partnership approach where police, councils, industry and community develop appropriate place-based strategies to tackle alcohol-related violence.”<sup>131</sup>*

In Geelong in Victoria, a series of voluntary initiatives including a Safe taxi rank and the Night Watch Radio Program, ID scanners, Just Think and Operation Nightlife 2 were implemented in 2007.

A 2014 study compared the impact of the voluntary initiatives underway in Geelong from 2007 with the regulatory initiatives of Newcastle, NSW from 2008, on alcohol-related injuries presenting to emergency departments:

*The study found that there was a significant reduction in the rate of alcohol-related injury ED presentations in Newcastle following the introduction of the Section 104 conditions. None of the interventions introduced in Geelong were associated with a significant reduction in ED presentations. It appears that the introduction of voluntary interventions to curb excessive alcohol use and related harms within Geelong had no significant success in curbing alcohol-related injuries in this city. These results reflect the difficulty of assessing interventions that are voluntarily put in place in an ad hoc fashion. An important issue when considering the implementation of voluntary restriction in licensed venues is that they do not normally affect proprietor’s profits and are therefore focused on reducing crime rather than consumption. This paper has demonstrated that this approach was unsuccessful in Geelong.<sup>132</sup>*

These study findings supported ‘the use of a regulatory intervention approach targeted at licensed venues, particularly involving the use of restricted trading hours’ and noted that that approach also had the benefit of a lower public cost (primarily in terms of police resources), which means police resources can be directed elsewhere. The costs instead are borne by the venue owners.<sup>133</sup>

A number of entertainment precincts in Queensland have advised the committee of initiatives undertaken at the local level, often in partnership with other venues, community organisations, police

<sup>131</sup> Submission no. 172, attachment 1 p 5.

<sup>132</sup> Miller et al, 2014, p 321 (see submission 140, p 25).

<sup>133</sup> Miller et al, 2014, p 321 (see submission 140, p 25).



and transport providers. For example, several projects have been instituted in the Surfers Paradise area:

*These include the Chill Out Zone, Inter-venue Radio Network & Taxi marshals.*

*The Chill Out Zone was created to serve as a “safe haven – recovery zone” for patrons in Surfers Paradise who may have been unduly affected by alcohol or drugs, require first aid, care for intoxication or are in need of guidance or counselling.*

*The Inter-Venue Radio network was created to provide a direct means of communication between venues to identify potential trouble makers in the precinct – ie where a patron is refused entry or evicted from a licensed venue that venue notifies other venues so the same person cannot walk to another venue and gain entry. The Gold Coast City Council CCTV Monitoring room is also notified so they can watch the particular individuals and they also have direct communication to the police if further action needs to be taken.*

*The Taxi Marshall service was instigated by the SPLVA as it was identified that with the long queues at taxi ranks in Surfers Paradise there were people who “queue-jumped” which created confrontations with people who had been waiting in the queue and the possibility of further escalations. The Taxi Marshalls maintain the queue in an orderly fashion and are the[re] to quell any potential problems if they occur. Following several years of direct funding by the venues themselves, the funding of these marshalls was taken over by the Queensland Government, and the strategy replicated in other precincts.<sup>134</sup>*

Mr Keskinidis questioned whether had Newcastle already had such initiatives in place prior to 2008, there would have been any need for the implementation of the liquor restrictions that were applied there.<sup>135</sup>

A number of submitters at the committee’s Brisbane hearing urged the Parliament to ‘build on’ the measures implemented by Queensland governments to date to reduce alcohol fuelled violence.

The department advised that:

*It is acknowledged that the precinct-based approach introduced by the Bligh Government and expanded by the previous government has made progress in addressing the problem of alcohol-fuelled violence in particular areas. The decline in numbers of alcohol-related emergency department presentations is encouraging.*

*Regardless of the particular findings for a specific area, or statistics showing a nationwide decrease in alcohol consumption, the Government considers that alcohol-fuelled violence remains at an unacceptable level that requires the implementation of a suite of measures that have been proven to achieve rapid decreases in assaults.<sup>136</sup>*

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<sup>134</sup> Submission no. 187, p 1.

<sup>135</sup> Submission no. 173, p 12.

<sup>136</sup> Department response to submissions, pp 13-14.

And:

*...the Government is currently consulting widely and developing a comprehensive, State-wide, multi-faceted suite of initiatives to address alcohol-fuelled violence and change the culture around alcohol and violence while a State-wide 3am lock out is currently in effect.<sup>137</sup>*

Impact on cultural activity

Consistent with opposition to exemptions for the casino, there was a strong view expressed in submissions that in respect of cultural activity, too, the Bill supports the big players, like casinos and hospitality groups which can absorb the losses, with no regard for the small business.

*...little bars like the ones that support the music scene can't afford to lose those few hours trading. And they don't deserve to[o] as the patrons, in my experience, are far from the problem you are trying to address.<sup>138</sup>*

A submission from Mr Harrison Bell, a DJ, advised:

*Clubs do not stay open if they are not making money, it's fact. When people stop buying drinks, they will soon close as to not lose money on the night. Clubs will shut at 2AM or soon thereafter. Most headline acts start at 2AM, and many of my closes start at 3AM. A club shutting at 2AM is literally cutting the night in half, for patrons and staff. These close shifts are incredibly key to climbing the ladder and working towards my dream of being an international DJ - if they go, my dreams will have been stomped on viciously, and become unrealistic. Again, in precincts having a 3AM last drinks is not much better. The amount of work that will be lost is massive.*

*The exemptions for casinos seems incredibly random. Why? What's the reasoning? Do you want drunks to stumble into already packed casinos? They're not able to handle many more people, and if clubs shut early, they will go there for more alcohol, and probably make bad gambling decisions. Is that really desirable? .....*

*...[it] makes me very embarrassed to live in a state that supports gambling over youth culture. How many young, vibrant Australians are in clubs spending their hard earned money wisely on a very good night of fun with their friends? How many are doing that in a casino? It's absolutely ridiculous to want to take care of mature gambler's nightlives over the leaders of tomorrow, and makes me question if the government has serious links to the income of casinos. It really does make me feel anxious and sick about living here.<sup>139</sup>*

The owner of Fortitude Valley venue Oh Hello!, Mr Steven Papas, submitted:

*I was planning to use the capital in my nightclub business to further finance the expansion of my events and festival business. This is now not a reality for me, as the value of Oh Hello! has been slashed by banks and financiers based on their assessments of the damage trading hour and lockout changes will have to the viability of Oh Hello!. I am one of the few people in Brisbane still trying to produce festival style events. In the face of the hardships seen in this space evidenced by*

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<sup>137</sup> Department response to submissions, p 25.

<sup>138</sup> Submission no. 549, p 2.

<sup>139</sup> Submission no. 455, p 2.

*festivals like Soundwave and Future Music being cancelled, I think it is a positive thing for entrepreneurs to be trying to create cultural and contemporary experiences for people at this juncture. Our upcoming festival, FOMO, being held on 9th of January at Riverstage, has recently been voted number one upcoming festival for summer on inthemix.com (owned by Junkee Media). This is great for Brisbane, and Queensland as a whole, for the city and its events to be featured on Australia's number one contemporary music website. I simply would not have been able to develop an event like this without the bedrock of my nightclub business.<sup>140</sup>*

The department cites evidence (discussed earlier in this report) that since the introduction of the liquor reform measures in Newcastle patrons go out earlier, and consequently pre-load less; and spend more money at licensed venues. The increase in licenced premises and a diversified night time economy is also noted.<sup>141</sup>

The national Live Music Office advocates that the Bill be amended to:

*Introduce a reference in the legislation objectives to the live music and entertainment sector. This would follow precedents in NSW, SA, WA and VIC that recognize the important role liquor regulation plays in the responsible development of the live music industry. An amendment to the Bill with reference to the live music industry would also support new licenses, or variations and transfers of existing licenses to support live music venues as well as policy responses within the harm minimisation direction of the Bill.<sup>142</sup>*

It also suggests that live music venues be exempt from lockouts, to which the department has responded '*... the lock out must be applied to all late-trading premises in 3am Safe Night Precincts, to ensure that patrons are not moving to other venues in the early hours*'.<sup>143</sup>

APRA-AMCOS is the collecting society in Australia in respect of the public performance and communication rights of composers and music publishers, including live performers. It considers that:

*The lock-out legislation was introduced very quickly and venues had little time to consider the potential economic implications and how to mitigate economic risk across their business operation. The reality for many venues is that entertainment is cross-subsidised by other areas of business revenue, including food and beverage, and gaming.*

*While it could be argued that live-artist performances generally occur earlier in the evening and are therefore not impacted by the lock-out time, it appears there may be a 'domino' effect of a lock-out impacting overall venue income and subsequently the venue decision to program live-artist performances.*

*There is considerable research relating to the economic, cultural and social contributions of live music. In 2011 APRA AMCOS commissioned Ernst & Young to assess the economic contribution of the venue-based live music industry. The study found that nationally the venue-based live music sector contributed \$1.2b to the national economy, and provided over 15,000 full-time jobs. Similarly, a study undertaken by Deloitte Access Economics for Arts Victoria estimated that in*

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<sup>140</sup> Submission no. 179, p 3.

<sup>141</sup> Department response to submissions, p 52.

<sup>142</sup> Submission no. 171, p 3.

<sup>143</sup> Department response to submissions, p 53.

*2009/10 live music in venues generated a direct economic contribution of \$301 million to the Victorian economy.<sup>144</sup>*

The department response is that:

*The Queensland Government's policy does not reduce general (non-liquor) trading hours for licensed premises, so live music (along with the service of food and non-alcohol beverages) will be allowed to continue after the service of alcohol ceases at 2am, or 3am in approved 3am safe night precincts.*

*Newcastle research indicates that patrons adapted to the new regulatory environment by going out earlier in the evening. The replication of this effect in Queensland would mean that live music could also be offered earlier in the evening to match changes in patronage patterns.<sup>145</sup>*

### Issues for specific regions

A number of regions in Queensland identified issues specific to their region which they submitted would mean significant detrimental effects would result from the Bill's proposals. SNP boards in tourism centres such as the Gold Coast, Cairns, Airlie Beach all advised that the proposals would harm the tourism industry. For example, Surfers Paradise:

We [Surfers Paradise] are an international tourist destination and with the new lockout laws we are definitely not enticing anyone to come here, in fact we are sending a message that this an unsafe place to visit even though it is a minority who do the wrong thing. We all have a vested interest in curbing alcohol fuelled violence but we are punishing everyone with the new proposed laws.<sup>146</sup>

Cairns:

*A risk averse approach to this issue does not serve every community in Queensland well, especially those communities that rely on tourism as their main industry. The Global Economic Crisis (GEC) has hit tourism areas hard, especially in Cairns and communities are negotiating solidly for tourist dollars. The Cairns Hospitality Industry has a high percentage of international 'working visa' employees, along with working backpackers. Many of the restaurants, hotels and nightclubs employ international workers on visas as well as local staff. Tourism is a million dollar industry in Cairns and a vibrant nightlife is one of its major attractions.*

*We strongly disagree with the proposed earlier closing hours as it will have adverse effects on our tourism economy and will have unintended consequences for the visitors to the inner city. Incidents of alcohol-related violence in the inner city of Cairns is at its lowest in years and it is counterproductive to close licensed premises early when the precinct is a safe, vibrant, well frequented area of our city. We offer instead recommendations on 'what works' in Cairns and urge considerations of our successes.<sup>147</sup>*

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<sup>144</sup> Submission no. 196, p 3.

<sup>145</sup> Department response to submissions, p 10.

<sup>146</sup> Submission no. 176, p 1.

<sup>147</sup> Submission no. 175, p 4.

and Airlie Beach:

*In the 2013/2014 fiscal year the Whitsundays hosted approximately 684,000 domestic and international overnight visitors. Approximately 72.85% of international visitors are from European countries. In 2013/2014 overnight holiday visitors dropped by 1.9% overall. The proposed 1am lockout and 3am cessation will make the Whitsundays less attractive to visitors with the vibrancy of our nightlife economy a crucial element to its tourist appeal. In much of Europe governments are removing restrictions and increasing trading hours with a much better success rate of reducing violence. The Whitsundays as a whole has a variety of appealing activities including those that make up the nightlife economy but if bars close because the viability of being able to remain operational ceases, less people will stick around in town which means less money being spent in town supporting other retail, accommodation and food industries who are also mostly small business owners who live locally and depend on a strong tourist industry to survive. It is the belief of our members that the nightlife industry is an integral part of the local economy and should be helped and fostered to deal with local issues in much the same way as other industries, who have worked with government and other bodies in improving their safety and general obligations to the wider community.*

*We are far from Sydney, Newcastle, Brisbane the Gold Coast or the Valley, our demographics and problems are vastly smaller and different and we feel it's largely unfair to paint us with the same brush. I think you will find precincts like Cairns and Townsville are vastly different also.<sup>148</sup>*

An immediate and practical impact of the proposals on small communities with high tourist numbers, such as Airlie Beach, was also highlighted by the SNP board:

*At 2 am if 5 venues called last drinks and started closing you would have a minimum if not more then 1000 patrons leaving controlled environments and out on the street. This would put a huge pressure on police, food vendors and taxis to try [to] clear the town quickly. It wouldn't clear quickly as our small town does not have the services to cope with such numbers at the one time. Our trial bus service as it stands is great but funding will run out and for a 21 seater bus to operate two nights a week is expensive (187.90 per hour for the bus plus \$43 per hour for security). A part of our evaluation for this service is a feasibility assessment and planning for the future as it is something we would like to keep going if successful but if this Bill goes through 1000 plus people trying to get home at the same time will be impossible for us to manage with just one small bus.<sup>149</sup>*

#### Exemptions for casinos

Briefing the committee, the department advised the committee that:

*The bill ensures that casinos and airports operating under a commercial special facility licence and industrial canteen licences will not be subject to the changed trading hours. This is due to the strict controls and safeguards already required to*

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<sup>148</sup> Submission no. 174, p 3.

<sup>149</sup> Submission no. 174, p 4.

*be in place at these venues and is consistent with the existing treatment of these premises under the Liquor Act....<sup>150</sup>*

*I met with my counterparts in New South Wales just yesterday and we talked about the impact of the Kings Cross changes on Star casino in Sydney because it is an absolutely analogous situation. Their reaction was that for the first few weeks—and it was literally only a few weeks—the casino security had to be boosted and they turned away a whole lot more people. So I do not know that it actually enhanced the casino's profitability very much, but there are a few people who tried to do exactly that—to shift from Kings Cross to the casino because, as you know, in Sydney it is not all that far...*

*It is not as close as here. But that only lasted a matter of a few weeks, and people got the message that it may have been okay in the old days to be drunk in Kings Cross but it certainly was not okay to be drunk and continuing to drink in a casino environment. Casinos on the whole pride themselves on the extent to which they have got security and surveillance facilities in place to prevent incidents happening in the casino. I do not know that they would be terribly welcome in the casino, to be really honest.<sup>151</sup>*

The rationale for differential treatment of casinos when it comes to alcohol trading hours was also supported by the Queensland Police Union of Employees:

*Casinos are different. I do agree with a level playing field. What I can say is that the casinos—you have the three in Queensland—are extremely strict. When it comes to intoxicated people and people behaving badly, their security are a hell of a lot more strict and they have a lot more systems in place than a lot of the other licensed premises. But if it is to be across the board, it would be across the board. That is the problem. Generally, a lot of people will not travel from the Valley or from the outer suburbs into the casino purely for a drink, but they are certainly policed a lot better with their own security than any of the other venues.<sup>152</sup>*

Strong opposition to the exemption of casinos from liquor trading restrictions has unified most of those who generally support other measures in the Bill (for example health experts, emergency services staff, academics) with those who generally oppose them (such as industry groups and patrons).

The differential treatment of casinos on the basis of a perceived lower risk than other venues was strongly rejected by submitters.

A nightclub patron told the committee:

*This is a slap in the face for all the bars and clubs in Queensland. Why should the location of the drinks being served change what the lockout times are for the same drinks. 24 hour casino trading hours is fine but having no 3am last drinks in Casinos like Labor want for every other Hospitality industry is just wrong.<sup>153</sup>*

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<sup>150</sup> Hansard transcript, Department briefing, 2 December 2015, p 2.

<sup>151</sup> Hansard transcript, Department briefing, 2 December 2015, pp 11-12.

<sup>152</sup> Hansard transcript, Department briefing, 28 January 2016, p 19.

<sup>153</sup> Submission no. 404, p 2.

The perceived promotion of gaming was also criticised. For example:

*I am extremely outraged at this displacement of intentions, why let someone keep gambling by themselves when people cannot be free to enjoy dancing until dawn. Only randomly do I hear "let's go hit the pokies". The amount of support and encouragement the youth give each other while going out clubbing is far greater th[e]n just watching friends gamble away their wages, I have seen that happen too many time[s] before.<sup>154</sup>*

*There is absolutely no positive social interaction whilst gambling, you gamble, you go broke, you suffer depression. Whereas you go out for a few drinks with friends and listen to some good music and have a nice fun night and wake up the next day feeling satisfied. The two couldn't be further from each other.<sup>155</sup>*

*I feel this is business pulling the puppet strings of politics. We should not be glorifying gambling and attracting people to gambling venues by allowing them to be the only sites serving alcohol after 12pm. Where is our social conscious [sic]?<sup>156</sup>*

*Allowing drinking in poker rooms and casinos but not in venues that are supporting youth culture is outrageous...<sup>157</sup>*

Both FARE and QCAA argued that there should be no exemptions for casinos. For example:

*...we feel it is manifestly unfair to reward big business by exempting casinos and their attached business because they have the "safe guards in place". Surely if they can prove they have stringent 'safe guards' shouldn't other operators (small business operators) be given the same grace. There are great operators who also have security, CCTV and safety measures in place. Of course at the moment this is specifically related to Brisbane as plans are already well underway for the building of Casino Complex in Brisbane City. However, the future of other Queensland towns could also offer Casinos different laws than those being imposed on existing businesses that have operated responsibly and ethically for many years.<sup>158</sup>*

See also the discussion at section 2.1.4 of this report, in respect of de-coupling alcohol trading hours from gambling and adult entertainment trading hours.

### Drugs

The committee sought to consider the role of drugs in respect of violence stemming from entertainment venues.

Mr Tony Brown advised:

*In terms of drugs, last year as chairperson of the Newcastle Community Drug Action Team we organised an ice forum and over 150 Newcastle citizens showed up. I undertook some research on the impact of crystal methamphetamine or ice compared to alcohol. We were very fortunate to have a great speaker there, Associate Professor Adrian Dunlop, who is New South Wales's chief addiction*

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<sup>154</sup> Submission no. 284, p 2.

<sup>155</sup> Submission no. 416, p 2.

<sup>156</sup> Submission no. 410, p 2.

<sup>157</sup> Submission no. 290, p 1.

<sup>158</sup> Submission no. 174, p 9.

*specialist and director of alcohol and drugs for Hunter New England Health. His basic view was that the alcohol problem is 10 times worse than that of crystal methamphetamine. I brought some statistics along today in anticipation that the industry would roll out this worn, old excuse that it is the drugs.*<sup>159</sup>

And Mr Lance Mergard of ChaplainWatch advised:

*When it comes to violence, drugs are not necessarily something that we see as a related incident as much as we see with alcohol.*<sup>160</sup>

Hospital staff too spoke of the different effects of alcohol and drugs on the individual and on those dealing with them:

*A lot of times people do delve into both, but if you ask any emergency or front-line staff member they will tell you that the ice epidemic is not what it seems. The fantasy epidemic was not what it seemed. Alcohol is our biggest traumatic incident in the emergency department with verbal assaults, threats, spitting and biting, all of which carry very significant traumatic incidents to us which also includes three-to six-month blood tests which we then have to take home to our families and all the trauma that goes along with that. Patients who are under the influence or intoxicated by other things, whether it be drugs or whatever—ice, heroin, whatever it may be—are usually easier to deal with because we can sedate them to maintain our safety. Alcohol is a very different ball game, unfortunately.*<sup>161</sup>

#### Perpetrator focus

Some submitters considered that the Bill sought to punish all for the actions of a few, and urged a greater focus on individual responsibility instead. For example, Mr Tom McGuire from the Queensland Hotels Association told the committee:

*The problem that I see about the proposed legislation that we are looking at today is that it has not looked at the most important factor—the perpetrator. There is nothing in there about him or her. If we are not going to hold to account people who cause immense social damage through violence, no matter what time of the day it occurs, we have big problems.*<sup>162</sup>

A number of those who submitted via the Our Nightlife Queensland website indicated that what was needed was a focus on the individuals who cause trouble. For example:

*More policing on the night club strips and rules that target individuals rather than times of operations for businesses.*<sup>163</sup>

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<sup>159</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 62.

<sup>160</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 6.

<sup>161</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 36.

<sup>162</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 15.

<sup>163</sup> Submission no. 374, p 1.



George Keskinidis also held the view that:

*Offsite alcohol consumption, illicit drugs and human behaviour are the real issues that need to be addressed.*<sup>164</sup>

Others who raised this include Cairns Safe Night CBD precinct, Clubs Queensland and the Townsville CBD Liquor Accord.

The department advised that there are already provisions in Queensland legislation to address alcohol-fuelled violence (some of which, it is noted, have been recently introduced):

*For example, police have been provided with powers in order to respond to alcohol and drug related violence and anti-social behaviour. This includes the power to ban people who have been involved in disorderly, threatening or violent behaviour in or near licensed venues, a Safe Night Precinct or an event where liquor is being sold...*

*In 2014, the quantum of certain fines and penalties for offences relating to alcohol was also increased...*

*On-the-spot fines were also increased for offences that occur inside or in the vicinity of a licensed premises, including for causing a public nuisance, urinating in a public place, refusing to leave licensed premises, obstructing police and failing to obey a more-on direction.*

*The Queensland Criminal Code also now contains an offence for unlawful striking causing death, which carries a maximum penalty of life imprisonment. To date, several persons have been charged with this offence.*<sup>165</sup>

Notably, this 2014 law provides that assault is not an element of the offence.<sup>166</sup> This has the effect of removing possible defences of provocation and accident which are available under a charge of manslaughter. The offence also provides that the consequence (death) does not have to have been reasonably foreseeable for a conviction to be made.<sup>167</sup>

#### Cultural change through education

Related to the expressed need for a greater focus on the perpetrators of violence are suggestions for cultural change to tackle alcohol-fuelled violence.

There was some discussion at the Brisbane hearing for this Inquiry about cultural change that has been brought about by a number of means in Australia's recent history, such as changes in respect of smoking, the wearing of seat belts and drink driving. Professor Kypri commented:

*The advances in smoking were built on a bedrock of regulation. So what we see is the most visible bit of that which is the advertising on television; likewise with drink-driving. Both of them built on a very solid bedrock of regulation. In fact, the drink-driving laws were not popular when they came in, but they required enforcement and so on. There were some big changes. They are public health success stories—*

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<sup>164</sup> Submission no. 173, p 4.

<sup>165</sup> Department response to submissions, p 47.

<sup>166</sup> Criminal Code, s 317A (3).

<sup>167</sup> Legal Affairs and Community Safety Committee, 54<sup>th</sup> Parliament, Report no. 70, Safe Night Out Legislation Amendment Bill 2014, pp 6-7.

*both smoking and drink-driving. I think this is of a similar order of magnitude in terms of reducing harm in the community.*<sup>168</sup>

Dr Rosengren, discussing the law changes that made seatbelt wearing compulsory and the consequent public acceptance of this now, said:

*...we need to have the courage to recognise what is in the community's interest, in contrast to what is in an individual's interest. In the health system we face this challenge on a regular basis—what is an individual's best outcome versus what is a community best outcome. Certainly with the issue of alcohol we are talking about a community outcome so we need to have the courage to act along those lines.*<sup>169</sup>

Evidence does show that the restrictions on alcohol can lead to a cultural change in drinking habits, with people going out earlier.<sup>170</sup> There is no evidence to show that education campaigns alone have been successful in terms of reducing alcohol-fuelled violence.<sup>171</sup>

The Queensland Nurses Union advised that there was certainly a role for community education:

*I do very strongly think there is a role for school based nurses—starting in primary school actually and not leaving it until high school when the kids start to get into a bit of trouble. I think there is a role not only for nurses but other health workers to actually play that role of educating the community. It does start not only in the school but also in the home, so community based education would be very much supported as well. I think it is about challenging the culture we have in Australia and challenging the assumption that we can only have a good time when we have a few drinks under our belt. I think it is going to take a fair bit of doing to undo that culture...*<sup>172</sup>

Dr Wayne Petherick submitted that:

*Education campaigns in this regard have been shown to be effective as long as they are long term and on message. It is my opinion that the many one-punch assaults that have been perpetrated are perpetrated by predatory individuals operating outside of normal social conventions and therefore will be less amenable to the proposed legislation and legislation like it. An examination of the comments made on social media by some alleged offenders show that many of them are out looking for trouble. They will continue to do so regardless of the laws or policies put in place. History has shown us this is most typically the case in wanton acts of predatory violence.*<sup>173</sup>

Clubs Queensland presented the committee with a copy of a report commissioned by Lion Nathan and written by Dr Anne Fox. The report describes the role of culture with regard to violence:

*The understanding that drunken comportment is culturally, not chemically, determined should be a core element in alcohol education and messages. As long as we continue to promulgate the myth that alcohol can radically transform a*

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<sup>168</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 58.

<sup>169</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 13.

<sup>170</sup> Miller et al, 2015.

<sup>171</sup> Babor et al, 2010. *Alcohol: No Ordinary Commodity: Research and Policy*.

<sup>172</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 37.

<sup>173</sup> Hansard transcript, Brisbane hearing, 1 February 2016, pp 50-51.

*person's behaviour we can expect to see undesirable conduct in and around drinking venues. We must take the genie, the magic, out of the bottle and return the responsibility for conduct to the individual....*<sup>174</sup>

Professor Kypri commented on this report:

*Dr Anne Fox is a British anthropologist. She was paid by Lion, the alcohol industry body, to produce a report. They commissioned a report from her on causes of violence in the night-time economy. She published a 99-page report, quite nicely written, but very deliberately, it seems to me, avoidant on the body of evidence that seems not to agree with her position. So she has been highly selective in what she has drawn attention to. Her basic argument is that alcohol is not a cause of violence. She downplays the role of it and focuses more strongly on 'cultural' influences on violence. I am happy to say more about that, but that is the nutshell.*<sup>175</sup>

Dr Petherick responded:

*The comment I would make with regard to that is one that Professor Kypri raised with regard to the Fox study, and that is that she places a fairly heavy premium on culture. It has been found repeatedly and over a very long time that culture plays a significant role in the perpetration of violence. So we must consider culture, and I think in that particular report that was probably appropriate.*<sup>176</sup>

Mr Tony Brown advised:

*...what the industry seems to neglect is the fact that alcohol is not only a carcinogen, a teratogen, a neurotoxic; it also is a mind-altering substance. I understand—and I stand to be corrected—that the first part of the body affected by excessive alcohol intake is the frontal lobe judgement skills. So all these ideas about educating people and doing this and that to them—highly intoxicated people cannot think straight. It is a chemical reaction. So we really have to question the demand reduction part of the three pillars to this national drug strategy. Research from Babor, from the World Health Organization down, shows the relatively ineffectiveness of demand reduction measures compared to supply based measures, and first and foremost in the supply based measures is earlier last drinks.*<sup>177</sup>

The department also offered advice on Dr Fox's report and on the need for cultural change:

*It is noted that Dr Fox's industry-funded research does not appear to have been published in an outlet whose editorial protocols entail the same level of rigorous peer-review used to evaluate the research that supports the Government's policy*

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<sup>174</sup> Fox, Anne, 2015. Understanding behaviour in the Australian and New Zealand night-time economies: An anthropological study.

<sup>175</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 53.

<sup>176</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 55.

<sup>177</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 65.

framework. It is also noted that Professor Kypros Kypri has challenged the validity of the methodology and research findings of the Dr Fox's industry-funded report.<sup>178</sup>

The Government acknowledges that cultural factors contribute to alcohol-fuelled violence. The Government's policy framework includes initiatives to change the culture around drinking and violence more generally through initiatives that apply State-wide.

Dr Fox's perspective is inconsistent with "a rigorous body of experimental and observational evidence from around the world that provides important insights into the real relationship between alcohol and violence".<sup>179</sup> In a direct rebuttal of Dr Fox's claims, Professor Peter Miller cites numerous studies whose findings indicate that closing licensed premises two hours earlier results in a 30-40% reduction in assaults and injuries presenting at Emergency Departments; that people who receive alcohol are more aggressive than those who receive no alcohol or placebo beverages; that alcohol increases the level of negative verbal behaviour displayed between men and their partners; that normally non-violent individuals can become violent when consuming substantial amounts of alcohol; and that heavier consumption of alcohol results in conflict situations between partners turning violent.<sup>180</sup>

In view of such overwhelming evidence, restricting and policing the availability and terms of supply of alcohol is entirely justifiable as an effective policy measure to reduce violence. In this regard, whilst the Government's policy framework includes initiatives aimed at achieving cultural change around perceptions of alcohol and violence, it also implements measures that have been shown in numerous independent, international, peer reviewed studies to curb violent and anti-social behaviour through modification of drinking patterns.

### The need for better data

A number of submissions have queried data used to inform the existing research into reducing alcohol-fuelled violence, as discussed above<sup>181</sup> and throughout the report. For example, hospital and ambulance data is not collected for this purpose at present; and assault rate data relies on reporting. Further, there is a lack of evidence around the efficacy of lockouts, with the Victorian trial seriously compromised by implementation issues.

Chill Out Zone submits that:

*The matter currently before the Committee is of great importance to Queensland, particularly in relation to the economy and tourism. It is vital that decisions be*

<sup>178</sup> Jackson N and Kypri K, 2016, 'A critique of Fox's industry-funded report into the drivers of anti-social behaviour in the night-time economies of Australia and New Zealand', *Addiction*, doi:10.1111/add.13149

<sup>179</sup> Miller P, 2015, 'FactCheck: can you chance a violent drinking culture by changing how people drink?', *The Conversation*, 10 March, <https://theconversation.com/factcheck-can-you-change-a-violent-drinking-culture-by-changing-how-people-drink-38426>.

<sup>180</sup> Miller P, 2015, 'FactCheck: can you chance a violent drinking culture by changing how people drink?', *The Conversation*, 10 March, <https://theconversation.com/factcheck-can-you-change-a-violent-drinking-culture-by-changing-how-people-drink-38426>.

<sup>181</sup> See pp 7-9.

*made based on evidence, and that the evidence used is analysed and scrutinised independently.*<sup>182</sup>

In this regard, Chill Out Zone suggests that:

*One of the most effective strategies that could be done by the Queensland State Government is to develop a facility similar to the NSW Bureau of Crime Statistics and Research where data was not only available, but independently interpreted so all stakeholders were able to identify trends, and hopefully develop effective, local level strategies that would address alcohol related harm in all its forms.*<sup>183</sup>

Similarly, Professor Wayne Hall notes the importance of evaluating any interventions that are introduced:

*One of the big problems in this area is that we get policies implemented, trialled and not properly evaluated, so we end up not learning from the experience and particularly not learning about what does not work as much as what does work. What I think we need is much better publicly available data on alcohol sales and consumption and data on alcohol related harm that is publicly available for competitive evaluation that should be made publicly available for debate.*<sup>184</sup>

#### A focus on retail sale of alcohol

Many submitters highlighted the impact of ‘preloading’ on alcohol-fuelled violence in entertainment precincts. Some indicated that it was important to target retail liquor outlets in order to stem this problem. This matter is discussed further in Section 2.1.3 of this report, in respect of the proposal to limit extended trading hours for retail liquor outlets.

#### ID scanning

Though not within the scope of the Bill, the use of ID scanners as a means of reducing alcohol-fuelled violence in entertainment venues was raised by a number of submitters as a viable alternative to restricting hours of service. At the public briefing by the department on the Bill, the Deputy Director-General advised:

*While not forming part of the bill, further consultation will also be undertaken in relation to mandatory ID scanning. This is to determine whether ID scanners represent the most appropriate and cost-effective measure to enforce banning orders. The mandatory ID scanning provisions will commence on 6 September 2016, unless the results of consultation require other action to be taken beforehand. Stakeholder submissions to the Attorney-General on the bill are being received and will continue to be considered throughout this legislative process.*<sup>185</sup>

Some of the comments made in respect of ID scanners are provided here to inform the government’s further consideration. For example, Mr Les Pullos was strongly supportive of scanners:

*Let me talk to you very quickly about scanning, which is a serious alternative to anything. If you do nothing else, put a proper scanning and banning regime in place. If it were necessary for all of the hotels and clubs that open after 12 o’clock*

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<sup>182</sup> Submission no. 185, p 14.

<sup>183</sup> Submission no. 185, p 14.

<sup>184</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 51.

<sup>185</sup> Hansard transcript, Department briefing, 2 December 2015, p 5.

*at night to have scanners and if they were required to use them after 12 o'clock at night, we would very quickly be able to create a 'country town' dynamic in the city. If you are in Dalby and you play second row for the football team and you play up at the Royal Hotel on Saturday night and the superintendent comes along and says to all of the publicans, 'This young bloke is not going to get into any of the pubs for six months,' then everyone knows he is not going to get in there. The only way that we can create this country town dynamic is by making this scanning process mandatory, and I could go on and on.*

*The scanning needs to be a bit like the airport. You cannot scan everyone. Do they profile at the airport? Of course they do if someone is of Middle Eastern appearance. In our case, if there is a group of young blokes on a football trip from Townsville you are going to scan every one of them, but if there are three pretty girls in pretty dresses and Louis Vuitton handbags you are probably not going to scan them but you are probably going to let them in. So scanning is an alternative. If all else fails and it all falls on its face, think about the scanning aspect because it is a very good alternative on Friday and Saturday nights.<sup>186</sup>*

And the Cairns police advised:

*There are two venues at this stage that run ID scanners in town quite effectively. The police working in the city are very supportive of those ID scanners. They have advantages not only to the clubs but also to policing, with the prevention of minors getting in and also the ability to put people who are banned from the city into that system for the security operators to realise that they are banned. The liquor board has had a couple of companies come and display the scanners in the operational sense, so there is a great drive for it. Unfortunately, to my knowledge there are only two of the bigger clubs operating with scanners.<sup>187</sup>*

ID scanners were one of the suite of interventions in the Geelong Liquor Accord, and the subject of study by Professor Peter Miller (see data section above).

### **2.1.2. Improving existing intervention and therapeutic program referral processes**

#### Outline of amendments

The Bill amends the Bail Act to redefine the nature of a Drug and Alcohol Assessment Referral (DAAR) condition under existing section 11AB of the Bail Act. A DAAR is a referral to a short course provided to a person in which their drug or alcohol use is assessed and they are given information about appropriate treatment options and may be offered counselling or education. The Explanatory Notes provide that "*the changes will ensure that a DAAR bail condition applies to those most likely to benefit from the program*".<sup>188</sup>

The Bill amends the existing framework for the application of a DAAR bail condition by:

- omitting the mandatory nature of the condition
- ensuring that the court has discretion to include the condition as part of a grant of bail for any offence to which the Bail Act applies (subject to the provisos set out in section 11AB of the Bail Act)

<sup>186</sup> Hansard transcript, Brisbane hearing, 1 February 2016, pp 21-22.

<sup>187</sup> Hansard transcript, Cairns briefing, 21 January 2016, pp 4-5.

<sup>188</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 5.

- confining the imposition of the condition to cases where the bail granting authority is a court; and
- no longer criminalising a failure to complete the condition, in recognition of its therapeutic nature and the challenges associated with overcoming addiction.<sup>189</sup>

The key purpose of these amendments is to encourage and facilitate participation in these types of programs. The Explanatory Notes also provide that the proposed amendments to the Bail Act “return the position to that which existed prior to the 2013 amendment to section 29 of the Bail Act”.<sup>190</sup>

The Bill also amends:

- the Penalties and Sentences Act to allow a sentencing judge to include the completion of a DAAR course as a condition of an order under section 19, with the consent of the defendant; and
- the definition of ‘drug assessment and education session’, relating to the existing drug diversion condition under section 19, to omit the requirement that the session be provided one-on-one; thereby providing greater flexibility in delivery of the condition.<sup>191</sup>

### Submissions

A number of submissions, in particular the submissions from the Queensland Network of Alcohol and Other Drug Agencies Ltd (QNADA) and the QPUE, were supportive of the proposed changes to the Bail Act.

The QLS is supportive of the removal of the mandatory nature of the DAAR course. However, the QLS queries whether it is necessary to obtain the consent of the person requesting bail when imposing a condition requiring the completion of a DAAR course.<sup>192</sup> In this regard, the Department noted:

*To require the consent of the defendant is a policy decision that was made after consultation with the Chief Magistrate and Deputy Chief Magistrate. Further, the requirement for consent for this particular bail condition is consistent with the existing approach in the PSA [Penalties and Sentences Act] with regards to the analogous ‘drug diversion condition’ under section 19.<sup>193</sup>*

The QLS also made the suggestion that perpetrators of domestic violence may also be additional recipients of a DAAR course.<sup>194</sup>

The department responded as follows to this suggestion:

*The Bill ensures that the DAAR course bail condition can apply to a much wider cohort by allowing the courts to include the condition as part of a grant of bail for any offence to which the Bail Act applies (subject to the proviso under section 11AB).<sup>195</sup>*

However, a number of submissions were not supportive of the removal of the mandatory nature of the DAAR course as a bail condition. For example, the Queensland Hotels Association considered the removal of the mandatory nature of the condition to “represent a weakening of the existing deterrents to anti-social and criminal activity where the influence of alcohol and/or illegal drugs is purported to

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<sup>189</sup> Explanatory Notes, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 5.

<sup>190</sup> Explanatory Notes, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 6.

<sup>191</sup> Explanatory Notes, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 6.

<sup>192</sup> Submission no. 191, p 1.

<sup>193</sup> Department response to submissions, p 74.

<sup>194</sup> Submission no. 191, p 1.

<sup>195</sup> Department response to submissions, p 23.

*be a causative factor.*<sup>196</sup> Similarly, the CBD Townsville Liquor Accord submits that the Bill appears to weaken the requirements for violent offenders to attend drug and alcohol counselling and does not focus on individuals taking responsibility for their own actions.<sup>197</sup> A similar point was made by the Safe Night Cairns CBD Precinct Inc. and the Safe Night Airlie Beach CBD Precinct Inc. in their submissions.<sup>198</sup>

The department responded to these concerns by highlighting the fact that the DAAR course condition is not intended to be punitive but instead a brief therapeutic intervention to assess a person's drug and alcohol use, and to provide them with information about treatment options and, potentially, counselling and education services.<sup>199</sup>

### **2.1.3. Treatment of undecided and new applications for extended liquor trading hours**

Under the Bill, extended liquor trading hours applications that have been received but not yet determined prior to 1 July 2016 may be considered and granted without regard to the Bill's provisions for restricted liquor trading hours. However, on and from 1 July 2016, extended liquor trading hours will automatically be wound back to 3am in an approved safe night precinct, and 2am otherwise.<sup>200</sup>

This proposed amendment was not addressed in the submissions to the committee on the Bill.

### **2.1.4. Prohibiting new extended trading approvals for takeaway liquor**

Currently, the Liquor Act provides for the granting of an extended trading hours approval for the sale of takeaway liquor between the hours of 9am and 10am or between the hours of 10pm and 12 midnight.<sup>201</sup>

Under the Bill, the Liquor Act will be amended to prohibit the approval of extended trading hours for takeaway liquor after 10pm. This change is in line with the government's policy to reduce the supply of alcohol late at night.<sup>202</sup>

Transitional provisions provide as follows:

- any applications for late-night extended trading hours for takeaway liquor undecided as at 10 November 2015 will lapse and no new applications will be accepted
- appeal proceedings will be retrospectively prevented from being considered by the court or tribunal.

However, currently approved late night extended trading hours for takeaway liquor will remain in place and not be wound back by the new provisions.

#### Issues raised by submitters

A number of submitters supported these provisions either in whole or in part.<sup>203</sup> Tony Brown's submission states that:

*...substantial independent evidence links alcohol related violence to the density of bottle shops and their location proximate to areas of social disadvantage.*<sup>204</sup>

<sup>196</sup> Submission no. 164, pp 4-5.

<sup>197</sup> Submission no. 149, p 6.

<sup>198</sup> Submission no. 175, p 8; Submission no. 174, p 14.

<sup>199</sup> Department response to submissions, p 72.

<sup>200</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 3.

<sup>201</sup> Section 86(2A) of the Liquor Act.

<sup>202</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 3.

<sup>203</sup> Submission no. 2, p 1; Submission no. 153, p 1; Submission no. 195, pp 6-7; Submission no. 140, pp 13, 207, 482; Submission no. 186, p 6; Submission no. 191, pp 2-3; Submission no. 168, p 14; Submission no. 151, p 8.

<sup>204</sup> Submission no. 168, p 14.



The Public Health Association of Australia (PHAA)'s submission supports limiting hours of takeaway liquor. The submission cites research that the sales of takeaway liquor are linked to the number of assaults in the community.<sup>205</sup>

Some submissions raised issues or provided suggestions relating to the prohibition of new extended trading approvals for takeaway liquor.<sup>206</sup> It is noted that the current extended trading approvals for takeaway liquor would not be wound back to 10pm under the new legislation.

The RSA Liquor Professionals raised concerns about the competitive advantage these amendments would afford existing off-premises licences. Further to this, nine submissions, including medical groups, proposed that trading hours beyond 10pm for all liquor outlets be wound back to 10pm on 1 July 2016.

The department response stated:

*The purpose of this amendment is to stop proliferation of takeaway liquor outlets between 10pm and midnight, as a complementary measure to the changes to liquor trading hours. However, it is not within the scope of the amendment to wind back existing takeaway liquor trading hours held by licensees.*

*The sale of liquor is a regulated industry, given the potentially harmful nature of the product. Businesses operate subject to this regulated environment, and commercial interests must be balanced against the need to minimise harm to the community arising from liquor trading hours.<sup>207</sup>*

At the public hearing, Dr Gardiner, President, Queensland Branch, Public Health Association of Australia, stated:

*We recommend that the vision for a 10pm close applies to all packaged liquor outlets with no exceptions, and we caution that exemptions should be minimised to ensure that the implementation of the changes is consistent with the objective of the amendment bill.<sup>208</sup>*

...

*The College for Emergency Medicine has a couple of concerns around the legislation in its current form. The issue around takeaway alcohol and restricting any new licences beyond 10pm does seem to be counterintuitive.<sup>209</sup>*

Professor Peter Miller's research indicates a high level of preloading amongst people visiting entertainment precincts in Geelong and Newcastle:

*One of the most significant factors noted in the interviews was the amount of alcohol interviewees consumed before attending licensed venues. Table 19 reports the finding that a third of interviewees in Geelong had preloaded more than five drinks—the internationally recognised limit for single occasion risky drinking—*

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<sup>205</sup> Submission no. 151, p 8.

<sup>206</sup> Submission no. 194, p 9; Submission no. 170, p 10; Submission no. 157, p 4; Submission no. 184, p 2; Submission no. 181, pp 1-2; Submission no. 195, pp 4, 7; Submission no. 143, p 2; Submission no. 178, pp 10-11, 15; Submission no. 156, pp 2-3; Submission no. 168, pp 4-5, 14; Submission no. 151, p 8.

<sup>207</sup> Submission no. 194, p 9; Submission No. 157, p 4; Submission No. 184, p 2; Submission No. 181, pp 1-2; Submission No. 195, pp 4, 7; Submission no. 143, p 2; Submission no. 178, pp 10-11, 15; Submission no. 156, pp 2-3; Submission no. 168, pp 4-5, 14; Submission no. 151, p 8; Department response to submissions, pp 54-6.

<sup>208</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 8.

<sup>209</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 9.

*before going to a licensed venue. The findings also show this number is significantly less for Newcastle, although a quarter of all interviewees still reported consuming more than five drinks before going to a venue. Further, previous research in the UK has shown that people who reported drinking before attending licensed venues (eg at their own or a friend's home) reported significantly higher total alcohol consumption over a night out than those not drinking until reaching bars and nightclubs (Hughes 2007).*

*...people who pre-drank were also significantly more likely to be in a fight...Almost one in five (17.8%) people in a fight had been pre-drinking, whereas only 11.5 percent of those who did not pre-drink were in a fight. This finding replicates those of Hughes and colleagues in the UK who found that individuals who drank before going out were more than 2.5 times more likely to have been involved in a fight in the city's nightlife during the previous 12 months (Hughes 2007).<sup>210</sup>*

Other submissions commented on the associated issue of preloading posing certain risks.<sup>211</sup>

The committee also heard directly from venue patrons who indicated that they preloaded before heading to an entertainment precinct.<sup>212</sup>

Professor Hall, Director, Centre for Youth Substance Abuse Research, University of Queensland, at the public hearing, stated:

*No-one is saying that reductions in trading hours are all that we need to do. This is a straw man that industry keep putting up. We need to do a lot of things, particularly with regard to the issue of preloading.<sup>213</sup>*

Associate Professor Petherick on behalf of Our Nightlife Queensland submitted a report that discusses preloading extensively and contains the following point in its summary of opinions:

*Preloading before coming into entertainment precincts on alcohol and/or other drugs is contributing to the problem. It is thus my opinion that, providing clubs are doing their due diligence once on premise that this problem falls outside of the purview of the venues themselves and constitutes more of a public health problem. This is because the venues have no control over what is done in private.<sup>214</sup>*

At the public hearing, Dr Petherick, Associate Professor of Criminology at Bond University further stated:

*We know that about 85 per cent of patrons consume alcohol or drugs at venues other than the nightclubs and pubs where they spend the late evening and early morning hours. Many of them are under the influence of alcohol when they arrive and by many, if not most, definitions this preloading is binge drinking.<sup>215</sup>*

<sup>210</sup> Miller et al, 2015. *Dealing with alcohol-related harm and the night-time economy*, pp 102-103.

<sup>211</sup> Submission no. 172, p 1; Submission no. 173, pp 15-16; Submission no. 175, pp 8, 15.

<sup>212</sup> Hansard transcript, Townsville hearing, 22 January 2016, pp 15-17.

<sup>213</sup> Hansard transcript, Brisbane hearing, 1 February 2016, p 51.

<sup>214</sup> Submission no. 172, p 1.

<sup>215</sup> Hansard Transcript, Brisbane hearing, 1 February 2016, p 50.

The submission from Mr George Keskinidis proposes that off-premises alcohol consumption is the real issue for anti-social behaviour:

*A study was undertaken in the night-time entertainment districts of three metropolitan cities (Sydney, Melbourne and Perth) and two regional cities (Woolongong and Geelong) in Australia in 2011...which focused on Patron Offending and Intoxication in Night Time Entertainment Districts (POINTED). The study was funded by the National Drug Law Enforcement Research Fund. Of significance was that the study had identified that almost two-thirds of the overall sample (65%) of 6756 males and females reported consuming alcohol before attending licensed venues/'going out'. In addition, the study also found that participants most commonly pre-drink in private homes (82%); at private functions (5%), in cars (4%) and at work (1%). Overall, participants who reported pre-drinking were more likely to engage in heavier alcohol consumption patterns and risk behaviours.<sup>216</sup>*

Safe Night Cairns CBD Precinct Inc submitted that preloading was identified in Cairns:

*...there is evidence that 80 per cent of all alcohol consumed is take-away and is being consumed in private residences (Howard, Gordon and Jones, 2014). Research has supported the belief that there are more alcohol related incidents in private residences than in and around licenced premises (Clough, Hayes-Jonkers, Pointing 2013, Miller et al., 2012). Research also concluded that preloading and refusal of entry were more indicative of violence on the streets. These findings suggest that 'a clear demand exists for more interventions that focus at community, social, family, or individual level' (Miller et al., 2015: 72). The Amendment Bill has not taken this research into consideration.<sup>217</sup>*

In support of addressing the issue of preloading, rather than limiting liquor trading hours at licenced venues, Mr Braban, Secretary, Out Nightlife Queensland, stated at the Brisbane public hearing:

*Trading-hours reductions will see the closure of certain venues and the truncation of trade and entertainment expenditure in others. Johnny Rotten from the Sex Pistols said when talking about their seminal first album-*

*You gotta bear in mind, the youth-and this is just in Britain alone-have nowhere to go in the evenings. They've closed all the social centres. There's not even a patch of grass to kick a ball on.*

*There is nothing I would like to see more than young people adjust their overconsumption of substance, but it needs to be understood that it is the businesses that I represent that are these modern social centres that Johnny was referring to. We need to invest in the experience that these can provide via the arts, via entertainment and via music. This investment should take the shape of changing culture so these businesses can continue to exist.*

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<sup>216</sup> Submission no. 173, p 16.

<sup>217</sup> Submission no. 175, p 8.

*We should address consumption at the front end-that is, before people come out – otherwise we wind up with the wasteland spoken about in that quote, and we all know what youth do at night when there is nothing to do.*<sup>218</sup>

Mr Pullos, Director, Pullos Group, illustrated the issue of preloading from his perspective:

*There has been very little talk and very little willingness on the part of either side of parliament to address it. I have some thoughts as to why that might be, but let's talk about the Royal George and Brunswick and Ann in the centre of the Valley. On a Saturday night a rum and Coke costs \$9.70. I was in the bottle shop at Samford last Friday afternoon, when a young bloke who looked about 17 produced his ID. He was 18 ½. He bought a bottle of vodka and two bottles of Coke, which came to \$44. There are 37 nips in a 1,125 ml bottle of vodka, which is \$1.20 a drink, ladies and gentlemen. We charge \$9.70 versus \$1.20, and yet there has not been a word from you people about preloading. Is there a problem there? Why do you not want to take on Coles and Woolies? Please take them on. Are you concerned they might back up? That is obviously the problem. That is the first issue. Preloading desperately needs to be addressed. It is all over the world. Every study that has ever been done shows that preloading is a serious issue.*<sup>219</sup>

### **2.1.5. Trading hours for gaming and adult entertainment**

Currently, the Liquor Act provides that the hours during which gaming and adult entertainment may take place on a licensed premises are linked to the venue's approved liquor trading hours or consumption hours.

The Bill clarifies that licensees may stay open beyond the hours of liquor service to provide other services such as food, non-alcoholic beverages and entertainment.

New provisions commencing on 1 July 2016 will remove the linkage of gaming hours to liquor consumption hours. Gaming applications will be able to be approved for a period of up to two hours after the service of liquor at the licensed premises ceases. This will allow gaming services until 5am in prescribed 3am SNPs and 4am outside of prescribed SNPs, upon approval.

#### ***Issues raised by submitters***

Four submissions provided comment supporting the de-linking of liquor and gaming licences as proposed in the legislation.<sup>220</sup>

Ten submissions raised the issue of an advantage that these amendments may provide to the gaming industry. Submitter comment included that this amendment is 'pandering to the gambling industry', 'favours large hotel chains over independent venues with no electronic gaming machines'.<sup>221</sup>

<sup>218</sup> *Transcript of Proceedings (Hansard)*, Public hearing (Examination of Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015), Legal Affairs and Community Safety Committee, 1 February 2016, Brisbane, p 17.

<sup>219</sup> *Transcript of Proceedings (Hansard)*, Public hearing (Examination of Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015), Legal Affairs and Community Safety Committee, 1 February 2016, Brisbane, p 20.

<sup>220</sup> Submission no. 189, pp 3-4; Submission no. 192, p 2; Submission no. 152, p 2; Submission no. 186, p 6.

<sup>221</sup> Submission no. 4, p 1; Submission no. 5, pp 1-2; Submission no. 170, pp 2-3; Submission no. 148, p 3; Submission no. 149, p 5; Submission no. 190, pp 22-23; Submission no. 357, p 2; Submission no. 161, pp 6, 8-9.

The Brisbane Entertainment Group states:

*Allowing gaming rooms to continue to trade without other services being available such as liquor seems to be a fairly dramatic change in direction from the traditional approach to reducing problem gambling.*<sup>222</sup>

The Valley Chamber of Commerce & Valley Liquor Accord provided comment:

*On face value, this legislation appears to be an attack on precincts like Fortitude Valley, and the way they do business, whilst protecting other business models and areas predicated on gambling.*<sup>223</sup>

The department's response in relation to the issues raised:

*The initiatives contained in the Bill aim to change drinking culture and promote a diverse night-time economy that includes, but does not revolve solely around, the service of alcohol. Therefore, it is intended that licensees will be able to stay open beyond the hours of liquor service to provide other services, such as food, non-alcoholic beverages and entertainment. The proposal to decouple the link between liquor consumption hours and gaming hours is one measure consistent with the intention that venues be able to stay open after liquor service ceases. The changes will apply to new gaming applicants who may seek approval to conduct gaming for a maximum of two hours after liquor service ceases, while existing licensees will retain their current gaming hours and will not have to wind back gaming hours to reflect new liquor consumption hours.*<sup>224</sup>

Fourteen submissions commented on the potential for the amendments to increase problem gambling.<sup>225</sup> For example:

Jordan Welsh submitted that [the government] should support live music instead of gambling.<sup>226</sup> The Just Let It Go Foundation submitted:

*...the extension of gambling hours of poker machines in suburban pubs and clubs will increase the risk and harm to families in Queensland. It will contribute to an increase in gambling addiction, to an increase in family debt and failure to meet cost of living expenses.*<sup>227</sup>

The QLS stated:

*The extension of gaming hours beyond the curfew imposed by this legislation on the consumption of alcohol does not appear to be within the remit of this enquiry.*<sup>228</sup>

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<sup>222</sup> Submission no. 160, pp 1-2.

<sup>223</sup> Submission no 190, p 23.

<sup>224</sup> Department response to submissions, p 69.

<sup>225</sup> Submission no. 6, p 2; Submission no. 9, p 1; Submission no. 10, p 2; Submission no. 11, p 2; Submission no. 185, pp 2, 6-7, 13; Submission no. 170, pp 9-12; Submission no. 176, p 2; Submission no. 191, p 2; Submission no. 168, pp 16-17; Submission no. 706, pp 2-3; Submission no. 180, pp 1-2; Submission no. 356, p 2; Submission no. 190, p 22; Submission no. 12, p 2; Submission no. 194, pp 5-6.

<sup>226</sup> Submission no. 11, p 2.

<sup>227</sup> Submission no. 170, p 12.

<sup>228</sup> Submission no. 191, p 2.

The QLS submitted that this would be best determined by specific enquiry into the effects of gambling, and which considered the evidence in relation to the harm minimization effect of curfews on problem gamblers.<sup>229</sup>

In response the government stated:

*It is not considered that decoupling the link between liquor and gaming hours will result in an increase in problem gambling. Gaming licences are not automatically granted and are subject to a thorough assessment process.*

...

*A Community Impact Statement considers a range of social issues such as the potential for problem gambling, proximity of gaming sensitive sites (e.g. pawn brokers, schools, shopping centres), accessibility of gaming machines, expenditure on gaming machines in the area and the compatibility of gaming with the amenity and character of the locality. A Community Impact Statement also assesses the potential economic impacts on employment and business and possible contributions to the community.<sup>230</sup>*

### **2.1.6. Banning the sale of high alcohol content and rapid consumption drinks after midnight**

The Explanatory Notes advise:

*Consumption of high levels of liquor after midnight in licensed premises can potentially lead to increased intoxication and associated problems for patrons and the community. New South Wales successfully introduced limits on types and amount of liquor that can be sold in the Kings Cross Precinct and the Sydney CBD Entertainment Precinct for late-night liquor trading periods.<sup>231</sup>*

The Bill amends the Liquor Act to allow for high alcohol content and rapid consumption drinks (as defined in the Liquor Regulation), to be prohibited from being sold or supplied after midnight. The specific types and amounts of drinks will be prescribed by regulation following further consultation with stakeholders.

Exemptions may be granted to businesses which specialise in the sale of premium spirits and:

- have the capacity to seat no more than 60 patrons at a time
- the service of liquor is conducted in a manner that does not facilitate rapid liquor consumption;
- the type and quality of liquor supplied differs from other types and qualities of liquor sold in the locality
- the exemption would not otherwise cause undue adverse impacts on public health and safety or amenity in the community
- provided the area to which the exemption applies is a fixed area capable of being defined on a permanent or semi-permanent basis by walls or structures.<sup>232</sup>

<sup>229</sup> Submission no. 191, p 2.

<sup>230</sup> Department response to submissions, pp 68-71.

<sup>231</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 4.

<sup>232</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 3.

The definition of premium spirits will be defined by regulation following further consultation with stakeholders.<sup>233</sup>

### *Issues raised by submitters*

Support for banning the service of rapid intoxication drinks after midnight was shown by way of comment in eight submissions.

Several issues and proposals were raised in relation to the banning of rapid intoxication drinks after midnight.

Several submissions raised the issue that drink restrictions would be ineffective and may cause issues.<sup>234</sup>

Lachlan Bird indicates that the ban on the service of rapid intoxication drinks after midnight will be difficult to enforce and explain to customers, and will lead to rapid intoxication prior to midnight.<sup>235</sup>

Diageo Australia submits that the ban on the service of rapid intoxication drinks after midnight cannot be justified, as there is no increased harm associated with any particular beverage type. Intoxication and risk, in their view, is determined by how many standard drinks have been consumed and over what time period.<sup>236</sup>

Safe Night Airlie Beach CBD Precinct Inc, RSA Liquor Professionals and the Valley Chamber of Commerce & Valley Liquor Accord all raised concerns about the definition of “rapid intoxication drink” and “premium spirits”. The latter submission expressed concern about the government deciding what constitutes a premium brand of liquor.

The government’s response stated:

*The ban on the service of high alcohol content and rapid intoxication drinks after midnight is considered a necessary part of the multi-faceted approach to target alcohol-fuelled violence. Rapid or excessive consumption of alcohol poses particular risk by overwhelming the body’s capacity to clear alcohol from the bloodstream, elevating blood alcohol content and the risk of harm.<sup>237</sup> It has been identified that midnight is the key time after which alcohol-related harm increases.<sup>238</sup>*

*A recent study by the National Drug Law Enforcement Research Fund identified a trial in which only mid-strength alcohol was served after midnight. The report found that restricting the service of high-alcohol drinks had “substantial effects on intoxication and harm”. The final report recommended that community-wide responses to alcohol management include this intervention.<sup>239</sup>*

*The Legislative Assembly Committee on Law and Safety in New South Wales found that banning high-alcohol content drinks and rapid consumption drinks after*

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<sup>233</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 4.

<sup>234</sup> Submission no. 5, p 2; Submission no. 144, pp 4-5; Submission no. 146, p 3; Submission no. 177, pp 2, 4-5; Submission no. 192, pp 4-5; Submission no. 175, pp 6, 20-21; Submission no. 152, p 2; Submission no. 194, pp 2, 9; Submission no. 190, pp 25-27.

<sup>235</sup> Submission no. 5, p 2.

<sup>236</sup> Submission no. 144, pp 4-5.

<sup>237</sup> National Institute on Alcohol Abuse and Alcoholism, 2013, ‘*Alcohol Overdose: The Dangers of Drinking Too Much*’, in Department response to submissions, p 56.

<sup>238</sup> Miller PG et al, 2014, ‘*Interventions for reducing alcohol supply, alcohol demand and alcohol related harm FINAL REPORT*’, National Drug Law Enforcement Research Fund, in Department response to submissions, p 56.

<sup>239</sup> *Ibid.*

*midnight, in conjunction with the other measures introduced to address alcohol-fuelled violence and anti-social behaviour in Kings Cross and the Sydney CBD Entertainment Precinct, appeared to be having the desired effect and should be continued.*<sup>240</sup>

*It is acknowledged that intoxication and risk derives from the number of standard drinks that are consumed over particular time period. Accordingly, the amendment is intended to target[t] drinks that have a high alcohol content, or are generally consumed rapidly, which causes elevated blood alcohol content levels.*

*It is noted that the specific drinks that will be subject to the ban have not yet been determined. The Attorney-General will be undertaking further consultation with a range of stakeholders as to the meaning of “rapid intoxication drink”.*

*The Attorney-General will also be undertaking further consultation with stakeholders on the meaning of “premium spirits”, for the purposes of the exemption for specialist bars.*<sup>241</sup>

Some submissions raised the potential issue of economic impact (drink restrictions impacting on revenue).<sup>242</sup> Each submitter worked in hospitality and expressed concern about lost revenue and patronage if these amendments are accepted. In its response to submissions the department acknowledged there would be some economic impact on individual businesses but stressed the potentially harmful nature of the product and emphasised that the sale of liquor is a regulated industry.<sup>243</sup>

Four submissions raised the issue of drink choice restrictions impacting on freedom of choice for patrons and patron enjoyment.<sup>244</sup> It was noted by some that people are sometimes having their first drink at this time such as cinema goers and restaurant workers. The department acknowledged this issue but reiterated the harmful nature of the product and that the sale of liquor, as stated above, is a regulated industry.<sup>245</sup>

Four submissions commented on the issue of drink restrictions becoming a disadvantage for bars that sell cocktails or high-end liquors.<sup>246</sup> In particular, Our Nightlife Queensland noted that a blanket approach to banning the service of rapid intoxication drinks after midnight would destroy the business of high-end whisky bars. The government responded:

*Consideration has been given as to the effect of the ban on those bars that specialise in the sale of premium spirits. Accordingly, the Bill contains provisions to provide the Commissioner with the discretion to grant an exemption to licensed premises, or part of licensed premises...<sup>247</sup> [in certain circumstances]*

A number of submitters raised issues including:

- (a) Exemption for specialist bars is unworkable. The department responded:

<sup>240</sup> Legislative Assembly Committee on Law and Safety, 2014, ‘Measures to reduce alcohol and drug-related violence: Preliminary Inquiry’, Parliament of New South Wales, Report 4/55, in Letter from the Department dated 18 January 2016, p 56.

<sup>241</sup> Department response to submissions, pp 56-7.

<sup>242</sup> Submission no. 6, pp 1-2; Submission no. 9, pp 1-2; Submission no. 11, pp 1-2.

<sup>243</sup> Department response to submissions, p 58.

<sup>244</sup> Submission no. 7, pp 1-2; Submission no. 8, pp 1-2; Submission no. 146, p 3; Submission no. 161, p 10.

<sup>245</sup> Department response to submissions, p 58.

<sup>246</sup> Submission no. 172, p 43; Submission no. 10, pp 1-3; Submission no. 177, pp 4-5; Submission no. 194, pp 2, 9-10.

<sup>247</sup> Department response to submissions, p 59.



*It is considered that the requirement to be satisfied that “the type and quality of liquor sold, and the way in which liquor is served at the premises, differs from other types and qualities of liquor sold, and ways in which liquor is served, in the locality will not preclude the Commissioner from granting exemptions to multiple venues in the same area. This measure is intended to ensure that the exemption may only be granted to venues that are genuinely specialist in their offerings.”<sup>248</sup>*

- (b) Exemption for specialist bars is discriminatory and anti-competitive. The department response submits that the amendments are not anti-competitive.<sup>249</sup>
- (c) Intoxication should be dealt with via existing legislation or voluntary approaches. The department in its response emphasized the research cited above as the underpinning driver for this particular policy.
- (d) Transparent stakeholder engagement required regarding definitions in regulation. The department noted this proposal.
- (e) The definition of “rapid intoxication drinks” should include those items banned in Kings Cross and Sydney CBD. The department advised that it noted this proposal.<sup>250</sup>

### **2.1.7. Ensuring that blood alcohol content readings lawfully taken by police are admissible as evidence**

It was a government commitment to “empower police to breathalyse intoxicated or disorderly patrons for the possible prosecution of patrons, management and licensees who have breached regulations of the Liquor Act”. Accordingly, the Bill amends the Liquor Act to clarify that the results of a breath analysis test, conducted under existing police powers, are admissible as evidence in prosecutions against a licensee under the Liquor Act.<sup>251</sup>

The Explanatory Notes provide:

*It is noted that this amendment is not intended to change the requirements for Liquor Act offences. Rather, it will allow for blood alcohol content readings to be used as supplementary evidence, where there is other evidence to suggest that a licensee may have committed an offence, such as continued alcohol service when a patron has been exhibiting the indicia of undue intoxication.”<sup>252</sup>*

### **Issues raised by submitters**

The QPUE supports this provision and envisages this provision would only be used to take readings from specific offenders, complainant and witnesses.<sup>253</sup>

## **2.2 Regulation of Licensed Premises**

### **2.2.1. Risk-assessed management plan exemptions**

#### **Current situation**

Currently, an application for or relating to a licence or restricted liquor permit made under s 105 of the Liquor Act must be accompanied by a proposed risk-assessed management plan exemptions (RAMP) for the licensed premises. However, where the application is for a subsidiary on-premises

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<sup>248</sup> Department response to submissions, p 60.

<sup>249</sup> Department response to submissions, p 59 and 63.

<sup>250</sup> Department response to submissions, p 59 and 63.

<sup>251</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 5.

<sup>252</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 3.

<sup>253</sup> Submission no. 186, p 6.

licence for a low risk premises (i.e. where liquor is not sold between 12am and 5am, where the premises are not the subject of an adult entertainment permit and not situated in a residential area) it is exempt from providing a RAMP unless the Commissioner determines otherwise.

A premises is a “low risk premises” if liquor will not be sold at the premises between 12am and 5am; and the premises would not be the subject of an adult entertainment permit; and the premises are not situated in a restricted area.<sup>254</sup>

### *Proposed amendments*

The Explanatory Notes note that RAMPs can be time consuming and a burden for business and that the regulatory burden on low risk premises is not commensurate with the level of risk posed. Additionally, proceeding timeframes for liquor applications and approvals made by these licensees are protracted as a result of the requirement for the Commissioner to approve the licensee’s RAMP. Therefore, it is proposed that the Bill will extend the exemption from preparing a RAMP beyond low risk cafes and restaurants to these other low risk licence types:

- a subsidiary off-premises licence with a principal activity of a florist
- a subsidiary off-premises licence with a principal activity of gift baskets.<sup>255</sup>

The current safeguard which enables the Commissioner to require a RAMP to be prepared by low risk premises in certain circumstances would continue to apply to the newly exempted licence types.<sup>256</sup>

The committee notes this proposed amendment is taken from the Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015 (Red Tape Reduction Bill) which was introduced by the Member for Mansfield, Mr Ian Walker MP, as a Private Members Bill on 6 May 2015. The Red Tape Reduction Bill was referred to the committee for detailed consideration. The committee tabled its report on the Red Tape Reduction Bill on 14 September 2015 (Red Tape Reduction Bill Committee Report).<sup>257</sup> However, in the Red Tape Reduction Bill, the following additional low risk licence types were included:

- subsidiary on-premises licence (meals)
- subsidiary on-premises licence with a principal activity of caterer
- subsidiary on-premises licence with a principal activity of education
- industrial canteen licence
- producer/wholesaler licence (provided there is no on-site consumption)
- community other licences.<sup>258</sup>

### *Other jurisdictions*

The committee understands that the only other jurisdiction with legislation specifically providing for the preparation of a RAMP to accompany a licence application is the Australian Capital Territory (ACT). In the ACT, the relevant Act requires a RAMP to be prepared for licensed premises where liquor is consumed, regardless of the level of risk presented. However, it appears that the level of detail required for the RAMP is commensurate with the level of risk posed by the premises.<sup>259</sup>

While the New South Wales legislation does not require the preparation of a RAMP to accompany licence applications, some licences and authorisations require the application to be supported by

<sup>254</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 9.

<sup>255</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 8.

<sup>256</sup> Section 105A(3) of the Liquor Act.

<sup>257</sup> Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015 (Report No. 8), September 2015

<sup>258</sup> *Explanatory Notes*, Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015, p 4.

<sup>259</sup> See Liquor Act 2010 (ACT).

various documents, including a community impact statement (CIS). A CIS tends to be required for venues where liquor is served without another service or which have extended trading hours or the nature or the possible impact of the venue warrants a CIS.<sup>260</sup> A recent review of liquor licensing laws in Tasmania<sup>261</sup> and a 2013 review of the Western Australian Act<sup>262</sup> have both proposed that a CIS be prepared for certain 'high risk' applications.

### *Submissions*

This proposed amendment was addressed by the QPUE. The QPUE supported the extension of the exemption to the requirement to prepare a risk-assessed management plan.<sup>263</sup>

## **2.2.2. Sale of takeaway liquor to signed-in guests and visitors**

### *Current situation and proposed amendment*

Currently, under section 77(1) of the Liquor Act, a community club licensee is authorised to sell liquor on the licensed premises to a member of the club, a member of a reciprocal club, and visitors who, with the permission of the management committee of the club, play a sport or game that is part of the club's business on the day on which the sport or game is played, for consumption on or off the premises. A community club licensee is also authorised to sell liquor on the licensed premises to a guest of a member, guest of a reciprocal member, an interstate or overseas visitor, a visitor who resides at least 15 kilometres from the club, a person attending a function on the premises, and an applicant for membership for 30 days after receipt of the application for consumption on the premises.

However, community clubs are restricted to selling liquor to members and reciprocal members only. It is important for community clubs to be able to provide a full range of hospitality services to members, guests and visitors, as this revenue contributes to maintaining club objectives, services and facilities.

Accordingly, the Bill makes an amendment to allow community clubs to be permitted to sell takeaway liquor within the approved hours to non-members who are signed-in guests or visitors.

### *Submissions*

In its submission, Clubs Queensland supports the sale of takeaway alcohol within the approved hours to non-members who are signed in as guests or visitors. Clubs Queensland notes that it has been actively seeking change in this area for some time:

*Member data indicates takeaway liquor sales represent approximately 3-5% of total beverage sales at best, and it is not foreseen that the changes proposed will see a massive change to this. This issue is more one of convenience so that visitors and guests can enjoy the full range of services and products that community clubs have to offer. Community clubs feel it is commercially appropriate that they are able to meet the needs of all patrons.*

*Feedback from clubs constantly point to statements such as:*

- *"We're a hospitality venue. We should go about providing hospitality services efficiently."*

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<sup>260</sup> *Liquor Act 2007 (NSW) and Liquor Regulation 2008 (NSW).*

<sup>261</sup> *Review of the Liquor Licensing Act 1990 (Tas) – Proposals Paper July 2014, p 13.*

<sup>262</sup> *2013 Review of the Liquor Control Act 1988 (WA).*

<sup>263</sup> *Submission no. 186, pp 5-6.*

- *“Revenue from visitors is vital to our business. It’s hard to understand the logic of this restriction.”*
- *“It is embarrassing and insulting to the visitor who does not understand why the person in front of them can buy liquor and they can’t. As guests in our state (tourists), you can hear them saying to themselves why can’t I spend my money with you!”<sup>264</sup>*

The QPUE also supports these measures.<sup>265</sup>

However, Just Let It Go Foundation opposed this measure:

*With the extension of trading hours and availability of takeaway alcohol to members of clubs, an increased level of drinking at later hours in home environments and subsequently and more so consequently the risk and harm of assaults to women and children in family home environments will increase. This legislation in effect will literally fuel the fire of alcohol related violence and domestic violence in Queensland.<sup>266</sup>*

The department responded as follows:

*Community clubs already have the ability to sell liquor to a member of the club or a member of a reciprocal club. The Bill seeks to allow for community clubs to also sell takeaway liquor to signed-in members and guests. This is intended to ensure that all patrons of community clubs have the same ability to purchase takeaway liquor.<sup>267</sup>*

### **2.2.3. Allow sale of craft beer at promotional events**

#### **Current law**

In Queensland, there is currently no provision in the Liquor Act which enables producers of craft beer to sell or supply their liquor produce off-premises by way of a promotion at events such as food and wine festivals or farmers’ markets. It is only possible to hold a promotional event offering liquor at a venue which itself holds a liquor licence

#### **Proposal under the Bill**

In relation to the proposals under the Bill relating to the sale of craft beer at promotional events, the committee notes that many of the proposed amendments are taken from the Liquor and Fair Red Tape Reduction Bill which was introduced by the Member for Mansfield, Mr Ian Walker MP, as a Private Members Bill on 6 May 2015. The committee tabled its report on the Red Tape Reduction Bill on 14 September 2015 (Red Tape Reduction Bill Committee Report).<sup>268</sup> The Red Tape Reduction Bill is yet to be conclusively debated in the Legislative Assembly.

The Bill proposes two methods by which a craft beer producer may be authorised to sell liquor at promotional events:

1. **Conditioning method:** the Commissioner may condition a producer/wholesaler licence for a craft brewery issued under the Liquor Act to enable the licensee to sell its own craft beer at promotional events for the duration of the licence. This method benefits Queensland

<sup>264</sup> Submission no. 189, p 3.

<sup>265</sup> Submission No. 186, p 5.

<sup>266</sup> Submission no. 170, pp 11 -12.

<sup>267</sup> Department response to submissions, p 101.

<sup>268</sup> Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015 (Report No. 8), September 2015

craft beer producers by providing a single approval process allowing the licensee's craft beer to be marketed at any number of appropriate and eligible events, subject to other conditions that may be imposed on the licence.

2. Permit method: Craft beer producers from other jurisdictions (who are not eligible for the licence condition described in the preceding paragraph because they do not hold a licence issued under Queensland's Liquor Act) will be eligible to apply for a permit allowing the marketing of their craft beer products at eligible events in Queensland. Producer/wholesalers licensed in Queensland may also apply for the permit if the licensee finds this more temporary method preferable to the conditioning method. A permit may allow the licensee to attend a nominated event (for example, a particular farmers market held every Saturday) each time the event is held during a period defined in the permit. The period may not exceed three months.

The Bill provides that only genuine craft breweries may seek to market their product under the authority of a licence condition or permit. The Bill defines a craft brewery, in part, as a brewery with a beer production level of less than 5 million litres per annum. A large "mainstream" brewery and its smaller subsidiary company will intentionally be ineligible to have its producer/wholesaler licence conditioned to allow for the sale of craft beer at promotional events, and will be equally ineligible to apply for a craft beer producer's permit. In this regard, the committee notes that Recommendation 2 of the Red Tape Reduction Bill Committee Report has been taken up in the Bill. Recommendation 2 provided that the definition of 'craft brewery' should be changed from a maximum threshold of 40 million litres of beer produced in any one year period under licence to 5 million litres.<sup>269</sup>

The Explanatory Notes provides:

*To ensure the safe and responsible supply of craft beer at promotional events, the Bill regulates the manner in which, and to whom, craft beer may be sold at such events. The existing obligations and offence provisions under Part 6 of the Liquor Act will, for the most part, apply to licensees and permittees who sell or supply craft beer at promotional events, including the provisions relating to responsible service, supply and promotion of liquor, preservation of amenity and prohibition on sale to minors. However, particular requirements of Part 6 – such as the requirement to have an approved manager and to display signage containing the licensee's information – will not apply to the sale of craft beer at promotional events in order to avoid imposition of unnecessary regulatory burden.<sup>270</sup>*

### **Other jurisdictions**

Other jurisdictions provide for special permits or conditions on existing licences for craft brewers or winemakers so they can hold tastings and make sales at shows away from the licensed premises. Safeguards such as RSA requirements continue to apply (as they would under this Bill). More specifically, the liquor legislation in other states and territories tend to allow for the promotion of a wine producer's or brewer's own product under special types of permits or conditions or authorisations on existing licences. Most jurisdictions' legislation set out the circumstances in which a person or body corporate will qualify as a producer or brewer etc. of wine, beer etc. (generally requiring the content of a designated amount of the producer's own product). Some jurisdictions appear to have legislative provisions which embrace the promotion of producers' products and attempt to reduce red tape regarding undertaking onsite and off-site activities.

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<sup>269</sup> Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015 (Report No. 8), September 2015, pp 21-23.

<sup>270</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 3.

For example:

- In New South Wales, recent changes have been made to the Liquor Act 2007 (NSW) as a result of the 2013 statutory review which recommended the introduction of a framework to ensure there is equity between all producers in the sale of liquor on licensed premises and at promotional events such as farmers' markets.<sup>271</sup> Since these changes came into effect on 1 March 2015, brewers and distillers can sell their products directly to the public at industry liquor shows, producers' markets or fairs. Notice must first be provided to the Independent Liquor and Gaming Authority, the local police and the local council.
- In the relevant South Australian legislation, extensive provision is made for enabling a number of licensees to collectively market their own products under one licence and for the endorsement of producers' licences to allow them to offer tastings and sales at wine fairs and shows away from the licensed premises.<sup>272</sup>
- The Victorian liquor legislation also allows promotional activities on the licensed premises and, via a promotional event authorisation, at other temporary venues such as festivals and shows.<sup>273</sup>
- In Western Australia, an exemption is provided under the Western Australian liquor regulations from having to obtain a licence or permit for sales or supplies of producers' products, subject to specified requirements.<sup>274</sup>

#### *Issues raised by submitters*

A number of the submissions were supportive of allowing the sale of craft beer at promotional events. For example, the submissions from the Queensland Police Union of Employees, the Brisbane Entertainment Group and the Revelry Entertainment Pty Limited supported the sale of craft beer at promotion events. Specifically, Revelry Entertainment Pty Ltd made the following comments in support of this proposal:

*We are strong supporters of the craft beer industry and often supply many of these products which are popular with our patrons. The growth in this market segment is symptomatic of the more eclectic attitude toward liquor consumption which has developed over the last decade or so, and reflects the growing preference for quality rather than quantity.*

*As the proposed changes will assist with the continuation of the growth of this diverse market, we believe they should be supported.*<sup>275</sup>

Similarly, the Brisbane Entertainment Group submitted as follows:

*As the retail packaged liquor market is now completely dominated by the large supermarket chains, through their brands such as Dan Murphy's, First Choice, Liquorland, BWS and so on, I see this as an opportunity being given to small brewers to sell their beer through means other than the big retailers who can use their*

<sup>271</sup> See 2013 Review of the *Liquor Act 2007* and *Gaming and Liquor Administration Act 2007*, November 2013, p 66 (especially Recommendation 40) and the Liquor Legislation Amendment (Statutory Review) Act 2014, especially section 33.

<sup>272</sup> Liquor Licensing Act 1997 (SA).

<sup>273</sup> Liquor Control Reform Act 1988 (Vic).

<sup>274</sup> *Liquor Control Act 1988* (WA) and Liquor Control Regulations 1989.

<sup>275</sup> Submission no. 161, p 9.

*market power to their advantage and to the producer's detriment. Accordingly, I believe this is a positive initiative.*<sup>276</sup>

However, there were a number of submissions which were not supportive of the proposals.

The main issues raised in the submissions against the proposal to allow the sale of craft beer at promotional events are that the amendments:

- change the balance of the industry
- increase alcohol-related harms
- increase the regulatory burden
- introduce a confusing dual license and permit system

Each of these issues is discussed below.

#### *Change the balance of the industry*

The Pullos Group were concerned that the proposed amendments will unnecessarily and unreasonably change the current balance in the industry:

*That there are a growing number of small breweries around the State is a matter of record. The licensing arrangements for these are already quite generous in terms of the ability to retail as well as wholesale beer. This is as a consequence of legislative provisions which date back to well before the passage to the current 1992 Act. However, the retailing opportunities for these producers are, in the current world, vastly more extensive than existed back in the 70s and 80s, so to extend the promotional opportunities for only those operators in the way proposed is taking matters too far. It would, for example, be a dramatic change for hotel licensees to be permitted to set up promotional tasting stands at markets and to sell take away liquor to those customers. And yet this is the opportunity being suggested for craft brewers. Accordingly, in my view the status quo should remain, and the Committee should recommend that the proposed system of craft beer producer permits not proceed.*<sup>277</sup>

In response, the department commented as follows:

*Allowing producers of craft beer to sell their product at food and wine events in Queensland has the potential to assist food tourism and give local businesses some exposure.*

*It is acknowledged that craft beer producers face challenges in marketing and distributing their product. As a consequence of the smaller volumes of beer produced by these businesses, it is often difficult to sell the product via the traditional retail liquor market. Unlike Queensland wine and cider producers, who are able to market their products at promotional events through a permit system under the Wine Act 1994, craft beer producers do not have this ability.*

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<sup>276</sup> Submission No. 160, p 2.

<sup>277</sup> Submission no. 192, p 5.

*The amendment improves regulatory fairness whilst supporting the growth of Queensland's craft beer industry and the industry in general.*<sup>278</sup>

*The increased risk of alcohol-related harm*

Denise Fitzgibbons from the Robina Tavern raised a number of concerns involving the proposal to sell craft beer at promotional events such as weekend and farmer's markets:

*With the ongoing publicity campaigns against driving under the influence of alcohol and drugs, why would the sale and service of alcohol at such an uncontrolled venue as a market place be being considered? Policing would be a nightmare, and at great expense to the taxpayer. Which government department would be responsible for this policing, considering the transient nature of markets? What about the issues of a liquor license, responsible serving of alcohol and responsible management of a licensed venue? All issues we have to comply with in order to sell alcohol. There is also the issue of exposing children to the selling and purchasing of alcohol in these uncontrolled environments.*<sup>279</sup>

The department noted in its response that alcohol, such as wine and cider, is already available to sample and purchase for off-site consumption at food and wine festivals. Accordingly, the department considers the proposal to not pose a significant risk to Queensland communities. Additionally, the majority of the obligations and offence provisions under Part 6 of the *Liquor Act 1992* will apply to licensees and permittees, including the provisions relating to the supply of liquor to minors and unduly intoxicated or disorderly persons. The department also notes that:

*Craft brewers will also be required to provide and maintain a safe environment and ensure the amenity of the area is not adversely affected. Craft brewers must not engage in an unacceptable practice or promotion that would encourage the irresponsible consumption of liquor.*

*To assist with compliance, craft brewers will be required to maintain a record of all promotional events at which the person has given free samples of their craft beer, sold their craft beer for takeaway consumption, or taken orders for their craft beer. This additional requirement will enable OLGR to monitor attendance by craft beer producers at promotional events and to ensure that craft beer producers are only selling their own products at those events in accordance with the licence or permit authority.*<sup>280</sup>

*The amendment increases regulatory burden*

RSA Liquor Professionals attached to its submission a copy of the submission by the Craft Beer Industry Association (CBIA) to the Committee's inquiry into the Liquor and Fair Trading (Red Tape Reduction) Legislation Amendment Bill 2015 (Red Tape Reduction Bill). The CBIA raised a number of concerns in its submission to the Red Tape Reduction Bill Inquiry regarding the increase in regulatory burden contemplated by the proposed changes, which are largely similar to those being considered in relation to craft beer under the Bill, and the significant consequences for getting it wrong.<sup>281</sup>

The department responded by explaining that the types of appropriate promotional events needs to be specified to ensure that licensees maintain their principal activity of the production and/or

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<sup>278</sup> Department response to submissions, p 94.

<sup>279</sup> Submission no. 145, p 1.

<sup>280</sup> Department response to submissions, p 95.

<sup>281</sup> Submission no. 194, Attachment (CBIA submission to the Red Tape Reduction Bill), p 1.



wholesale sale of liquor on premises, subject to their licence, rather than being broadly allowed to sell takeaway liquor to the general public at any public event. In relation to the issue raised concerning the high penalties imposed for getting it wrong, the department explains that such offences attract a maximum penalty of 350 penalty units, which is the same maximum penalty that currently applies to existing offences under the section for failure to keep relevant records.<sup>282</sup>

#### *Concerns about the proposed dual license / permit system*

Another issue relates to concerns about the confusing nature of the proposed license system for Queensland craft brewers and the permit system for interstate craft brewers.<sup>283</sup>

During the hearing in relation to the Red Tape Reduction Bill Inquiry, the CBIA confirmed its preference for a permit system only (rather than a licence system) and explained that the proposed dual license / permit model may result in a lack of clarity for craft brewers around the conditions of a conditional licence and the imposition of disproportionately high penalties for inadvertent mistakes.<sup>284</sup>

The department noted the concerns of the CBIA and concluded that:

*It is considered the licence/permit scheme strikes a fair balance between assisting Queensland produces and encouraging craft beer produces from other jurisdictions to showcase their products at promotional events that bolster Queensland's tourism and hospitality profile.*<sup>285</sup>

#### *Alternative proposal: craft brewers should be allowed to provide free samples but not sell*

The Pullos Group suggested an alternative proposal in the event that it is thought necessary to improve craft beer producers' promotional opportunities. The Pullos Group suggests that the craft brewers' permit should be limited to the supply of free samples, with any purchase of product undertaken by way of an order placed after the event.<sup>286</sup>

On this point, the RSA Liquor Professionals submission refers to the CBIA submission to the Red Tape Reduction Bill Inquiry in the CBIA state that it is uneconomical for brewers to not be able to charge for samples and that any permit scheme must enable brewers to charge for their beers for consumption on site.<sup>287</sup>

The department responded to these comments as follows:

*The amendment does not limit the size of the sample. Requiring that samples be provided free of charge is a safeguard against the risk of large 'samples' being sold in a manner that would encourage general consumption at the event. This outcome would be at odds with the policy intent of the amendment.*<sup>288</sup>

### **2.2.4. Amend the cancellation or suspension procedure for approved managers**

#### **Current law**

Under the Liquor Act, a licensee or permittee must ensure that a person employed as an approved manager holds a valid approval as an approved manager. The Liquor Act also provides that the Commissioner may suspend or cancel the approval of an approved manager if the Commissioner believes that a ground exists to suspend or cancel the approval, or believes suspension or cancellation

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<sup>282</sup> Department response to submissions, p 96.

<sup>283</sup> Submission no. 194, Attachment (CBIA submission to the Red Tape Reduction Bill), p 1.

<sup>284</sup> *Transcript of Proceedings (Hansard)*, Public Hearing (Red Tape Reduction Bill 2015), Legal Affairs and Community Safety Committee, 20 July 2015, p 16.

<sup>285</sup> Department response to submissions, p 97.

<sup>286</sup> The Pullos Group, Submission no. 192, p 5.

<sup>287</sup> Submission no. 194, Attachment (CBIA submission to the Red Tape Reduction Bill), p 1.

<sup>288</sup> Department response to submissions, p 98.

of the approval is warranted. The Commissioner must also cancel a person's approval as an approved manager immediately if the person is a disqualified person due to being an identified participant in a criminal organisation. The Commissioner must also then, as soon as practicable, give the holder of the approval a written notice of the decision.<sup>289</sup>

### *Proposed amendments*

Under the Bill, a licensee or permittee is notified in the case where the approval for a person who is performing an approved manager function at the venue has their approval suspended or cancelled, so that the licensee or permittee can fulfil their obligations under the Liquor Act. Under the new provision, if the Commissioner knows or suspects the holder of the approval is employed by a licensee for a licensed premises or permittee for a premises to which a permit relates, the Commissioner must give that employer written notice of the decision to suspend or cancel the approval.<sup>290</sup>

### *Issues raised by submitters*

This proposed amendment was not addressed in any significant detail in the submissions to the committee on the Bill; however the Security Providers Association of Australia Ltd raised concern about the adequacy of training required to be an approved manager<sup>291</sup>

## **2.2.5. Use of car parks for sale and consumption of liquor**

### *Current law*

Section 153A of the Liquor Act currently provides that, if licensed premises include a car park, the licensee must not sell or supply liquor (or allow it to be consumed) in the car park unless the Commissioner for Liquor and Gaming (the Commissioner) has given approval for this activity.<sup>292</sup>

Given that car park events are normally outdoor events conducted on the boundaries of licensed premises, these events have a greater potential to cause disturbance to neighbouring areas than events conducted inside licensed premises. Generally, this is related to the lack of noise attenuation afforded by car park areas.<sup>293</sup>

### *Amendments to the Bill*

In relation to the use of car parks for the sale and consumption of liquor, the Bill amends the Liquor Act to:

- require licensees to apply for approval from the Commissioner to sell, supply or allow the consumption of liquor in the car park of the licensee's licensed premises
- provide guidance as to matters the Commissioner must consider in relation to a car park approval
- clarify that a car park approval is a specific time-limited approval applying only on the days, and during the hours, stated in the approval
- clarify that a car park approval is subject to conditions, as determined by the Commissioner.<sup>294</sup>

The Explanatory Notes also provide:

*To ensure the new division has equal application to all licensed venues in Queensland on commencement, the transitional provisions of the Bill specify that*

<sup>289</sup> See sections 155AD, 142ZE(3), 142ZE(4) and 142ZAA of the Liquor Act.

<sup>290</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 12.

<sup>291</sup> Submission no. 3, p 2.

<sup>292</sup> Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015 (Report No. 8), September 2015, p 13.

<sup>293</sup> Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015 (Report No. 8), September 2015, p 13.

<sup>294</sup> By inserting a new Division 1AB into Part 6 of the Liquor Act.

*the requirement for a licensee to seek approval to sell or supply liquor or allow liquor to be consumed in a car park applies regardless of any licence condition granting a licensee the use of the car park for that purpose. This will ensure that all future car park events are approved and conducted with due regard to health and safety of members of the public and the amenity of the community or locality.*<sup>295</sup>

### **Issues raised by submitters**

The QPUE indicated support for these provisions in its submission.<sup>296</sup>

However, a number of submitters indicated a number of concerns with these provisions in particular the proposed wording of the definition of “car park”.

For example, The Pullos Group made the following comments in its submission:

*The main issue created by the ramping up of the provisions regarding dealing with this activity is uncertainty, and the root of this is the proposed definition of “car park”, which states:*

*An area with a surface designed or adapted for the parking of vehicles, whether or not the area is being used for that purpose.*

*The concerns are fairly obvious. What characterises a surface so that it would be regarded as having been designed for the parking of vehicles? Vehicles are of course capable of parking on all manner of surfaces - concrete, bitumen, gravel, compressed blue metal, paving, ceramic tiles, aggregate, dirt, sand, mud, grass and so on.*

*The “whether or not the area is being used for that purpose” element adds to the difficulty. For example, a licensee might have a level yard at the back of the hotel, which is regularly used for customers to park their cars, but with a grass surface which potentially would not be regarded as being a relevant surface, and therefore despite obviously being a car park it would be outside the definition.*

*By the same token, an area with a concrete surface which is used primarily as a beer garden, but which is occasionally used for staff parking or delivery vehicles would possibly be within the definition despite obviously not being a car park.*

*A simple solution would be to amend the definition to exclude an area which is not ever available for the purposes of patron or general public parking. This would remove the uncertainty around places like driveways, loading docks, staff only areas, service areas and so on.*<sup>297</sup>

The Brisbane Entertainment Group also indicated concerns regarding the definition and recommended that it be reworded as it was too broad in its scope. By way of an example, the Brisbane Entertainment Group noted that the current wording captures a courtyard area which is suitable for parking vehicles although it has never been used for that purpose.<sup>298</sup>

The department responded specifically in relation to this point:

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<sup>295</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 13.

<sup>296</sup> Submission no. 186, p 6.

<sup>297</sup> Submission no. 192, pp 3-4.

<sup>298</sup> Submission no. 160, p 4.

*It is considered both necessary and appropriate that the definition of 'car park' is broad enough in scope to ensure the various types of areas contemplated are captured by the provisions. However, a common sense approach to the provision regarding which surfaces have been adapted for the parking of vehicles, and whether or not it is being used for that purpose, will be applied. In this regard, it is recognised that each situation will need to be assessed on its merits and licensees will be required to assess their individual circumstances, and consult with the Office of Liquor and Gaming Regulation, where required.*<sup>299</sup>

### **2.2.6. Directors' liability**

Clause 13 of the Bill repeals section 96 of the *Fair Trading Act 1989* (Qld) (Fair Trading Act) which is a provision dealing with vicarious liability. The objective of this amendment is to ensure consistency across Queensland statutes dealing with directors' liability and to bring the Fair Trading Act in line with the broader Queensland policy in relation to vicarious liability.<sup>300</sup>

The *Directors' Liability Reform Amendment Act 2013*, which commenced on 1 November 2013, implemented the policy of State legislation only including directors' liability provisions when appropriately justified and generally devoid of 'onus of proof' reversal clauses. It also made the liability of executive officers under particular Queensland Acts more consistent with other Australian jurisdictions.<sup>301</sup>

The Explanatory Notes also provide:

*The repeal of section 96 of the Fair Trading Act will make the liability of executive officers in that Act align with Queensland and Australia-wide policy on the vicarious liability of executive officers.*<sup>302</sup>

#### **Issues raised by submitters**

The Queensland Law Society indicated support for the proposal to repeal section 96 of the Fair Trading Act relating to the vicarious liability of directors. The QLS submitted that this change will meet the policy objective of bringing the Fair Trading Act in line with the broader Queensland policy, and other jurisdictions with respect to vicarious liability.<sup>303</sup>

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<sup>299</sup> Department response to submissions, p 98.

<sup>300</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 13.

<sup>301</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 13.

<sup>302</sup> *Explanatory Notes*, Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015, p 20.

<sup>303</sup> Submission no. 191, p 2.

### 3. Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals
- the institution of Parliament.

The committee has examined the application of the fundamental legislative principles (FLPs) to the Bill and has found potential FLP issues in relation to clauses 18, 37, 40, 41, 49, 55, 62 and 72.

#### 3.1 Rights and liberties of individuals

##### 3.1.1. Clauses 40 and 41 – Rights and liberties of individuals

**Clause 40** of the Bill seeks to amend section 142ZAA(2) of the Act to provide that, as soon as practicable after a person becomes a disqualified person, the Commissioner must give written notice of the cancellation of their approval to that person, and, where the person is employed by a licensee/permittee of licensed premises, to the employing licensee/permittee.

Similarly, **clause 41** seeks to amend section 142ZE(4) to provide that, as soon as practicable after making a suspension or cancellation decision, the Commissioner must give written notice of the decision to the holder of the approval and, where the holder of the approval is employed by a licensee or permittee, to the employing licensee/permittee.

There is a potential FLP issue in that extending the notification requirement to an approval holder’s employer arguably breaches the right to privacy of that approval holder as their employing licensee or permittee is then made aware that the employee-approval holder has had their approval suspended/cancelled, or that they have become a disqualified person.

##### Comment

The committee notes that whilst there is arguably a *prima facie* breach of an approval holder’s right to privacy, which may have very detrimental consequences for their continuing employment prospects, it could be argued that, as a matter of public policy, it is in the interests of a licensee or permittee to be informed if their employee has engaged in conduct of such gravity that their approval under the Liquor Act has been suspended or cancelled.

However, the committee is satisfied that the employing entity’s right to know about employee misconduct which could potentially jeopardise their continuing business interests, outweighs the breach of privacy to the employee approval holder that arises from the Commissioner informing the employing entity of the suspension or cancellation.

##### 3.1.2. Clause 62 – Rights and liberties of individuals

**Clause 62** proposes to insert new provisions, including new section 337 which provides that where, immediately before commencement, an extended trading hours approval was in force for licensed premises which permitted trading between 2am and 5am, then from commencement (1 July 2016) the extended trading hours approval will have effect as if it authorised trading only between 12am and 2am, or, where the premises are in a 3am safe night precinct, between 12am and 3am.

There is a potential FLP issue as it is anticipated that the reduction in approved trading hours from 1 July will have a detrimental effect on the revenue able to be generated by affected businesses. Many of these businesses may have tailored their business model around an expectation that they would be able to trade (for the foreseeable future) between 2am and 5am and would likely therefore have made

future business plans that were contingent on an anticipated level of revenue/projected earnings that reflected revenue levels currently achieved when trading is permitted between 2am and 5am.

Any interference with a business model could have a detrimental effect on the welfare of business owners and employees employment prospects if the business suffers a significant loss of revenue from a reduction in permissible trading hours.

### **3.1.3. Clause 62 – Administrative power**

**Clause 62** proposes to insert, *inter alia*, section 334. Section 334 provides that, where there was a proceeding in a court or tribunal relating to an extended trading hours application (takeaway liquor) that, immediately before commencement had not been decided, on commencement the proceeding ends and must not be further considered by the court or tribunal.

The potential FLP issue is based on the principle that legislation should make rights and liberties, or obligations, dependent on administrative power only if subject to appropriate review. The OQPC Notebook states, “*Depending on the seriousness of a decision and its consequences, it is generally inappropriate to provide for administrative decision-making in legislation without providing for a review process. If individual rights and liberties are in jeopardy, a merits-based review is the most appropriate type of review*”.<sup>304</sup>

The former Scrutiny of Legislation Committee of the Queensland Parliament was opposed to clauses removing the right of review, and took particular care to ensure the principle that there should be a review or appeal against the exercise of administrative power. Where ordinary rights of review were removed, thereby preventing individuals from having access to the courts or a comparable tribunal, the SLC took particular care in assessing whether sufficient regard had been afforded to individual rights, noting that such a removal of rights may be justified by the overriding significance of the objectives of the legislation.<sup>305</sup>

The removal of the right of judicial review in respect of extended trading hours applications for takeaway liquor is acknowledged in the Explanatory Notes, which provide that:

*..this potential breach is considered justifiable on the grounds of public interest, due to the harm minimization benefits of limiting late-night takeaway liquor sales to ordinary liquor trading hours.*<sup>306</sup>

### **3.1.4. Clauses 37 and 49 – Natural justice**

**Clause 37** proposes to insert a new section 137CB which allows for the immediate suspension of a car park approval by the Commissioner where the Commissioner believes on reasonable grounds that a (specified) ground exists for taking disciplinary action in relation to a licence.

The notice of immediate suspension must be accompanied by a notice under section 137(1) that is essentially an information notice and show cause notice hybrid advising that the Commissioner proposes to take disciplinary action relating to the licence and containing the information required under that section. The notice must invite the licensee, to show cause why the proposed action should not be taken, and must advise the licensee how to make submissions and representations about the proposed action.

The suspension advised under section 137CB will continue until either the Commissioner revokes it, takes disciplinary action under section 137A, or 60 days has elapsed since the suspension commenced.

Similarly, **clause 49** inserts new section 155AO which allows the Commissioner to immediately suspend an exemption from the restriction on the sale/supply of rapid intoxication drinks where the

<sup>304</sup> OQPC, Fundamental Legislative Principles: *The OQPC Notebook*, p 18.

<sup>305</sup> OQPC, Fundamental Legislative Principles: *The OQPC Notebook*, p 19.

<sup>306</sup> Explanatory Notes, p 14.

Commissioner believes on reasonable grounds that the licensee or permittee has failed to comply with the conditions imposed on the licence or permit.

The suspension advised under section 155AO will continue until the Commissioner ends the suspension, varies or revokes the exemption, or the elapsing of 60 days from the suspension's commencement.

A potential FLP issue exists as legislation should be consistent with the principles of natural justice which developed at common law and incorporate the following three principles: (1) something should not be done to a person that will deprive them of some right, interest, or legitimate expectation of a benefit without the person being given an adequate opportunity to present their case to the decision-maker; (2) the decision maker must be unbiased; (3) procedural fairness should be afforded to the person, meaning fair procedures that are appropriate and adapted to the circumstances of the particular case.

The immediate suspensions outlined above will occur before the licensee is given an opportunity to respond to the allegation of a breach and without first allowing them to be heard as to why their approval or exemption should not be suspended. This is a *prima facie* breach of natural justice, although it should be noted that a breach of natural justice may on occasion be justified, typically for exigent or emergency circumstances.

In the case of proposed section 137CB, the power to immediately suspend under this section arises when the ground mentioned in section 136(1)(a)(iv) exists for taking disciplinary action for that licence. The ground under section 136(1)(a)(iv) is a failure to comply with a condition stated in a car park approval for the licensed premises.

As noted above, a *prima facie* breach of natural justice may be excused/justified where exigent or emergency circumstances dictate an immediate response.

The Explanatory Notes explain in relation to clause 37 that the intention is that the suspension may be applied to car park approvals granted in respect of future events that have not yet occurred.<sup>307</sup>

### **3.1.5. Clauses 62 and 72 – Rights and liberties, or imposition of obligations retrospectively**

**Clause 62** proposes to insert new Part 12, Division 17 which prohibits (new section 333) a person making an extended trading hours application (takeaway liquor) during the retrospectivity period (10 November 2015-commencement). If such an application was made but had not been decided before 10 November 2015, the application is taken to have lapsed on that date.

In addition, the decision of a court or tribunal made during the retrospectivity period on a proceeding relating to an extended trading hours application (takeaway liquor) must be construed so as to prohibit the sale of takeaway liquor between 10pm and midnight (see section 335).

**Clause 72** proposes to insert new section 239 into the *Penalties and Sentences Act 1992*, a transitional provision regarding the imposition of a DAAR (Drug and Alcohol Assessment Referral) condition.

It provides that section 19(2B) applies to an order made under section 19(1)(b) in relation to an offender on or after the commencement, regardless of whether the act or omission constituting the offence for which the order is made happened, or the proceeding for the offence was started, before or after the commencement.

New section 19(2B) of the *Penalties and Sentences Act 1992*, inserted by this Bill, allows the court, where an offender consents to completing a DAAR course, to impose a condition that the offender complete the DAAR course by a stated day, even in cases where the offending conduct occurred before commencement of the TAFVLA Act 2015.

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<sup>307</sup> Explanatory Notes, page 25.

The FLP issue raised in relation to section 4(3)(g) of the *Legislative Standards Act 1992* which provides that legislation should not adversely affect rights and liberties, or impose obligations retrospectively. Strong argument is required to justify an adverse effect on rights and liberties, or imposition of obligations, retrospectively.

In this instance, clause 62 retrospectively prohibits the making of an application for extended trading hours (takeaway liquor) after 10 November 2015 and provides that applications made but not decided before that date are taken to have lapsed. Also, despite anything to the contrary in a court or tribunal decision regarding an extended trading hours application (takeaway liquor) made between 10 November 2015 and commencement, on the day the decision takes effect any extended trading hours approval for the application will not authorise the sale of takeaway liquor between 10pm and midnight.

The cumulative effect of these provisions is to curtail the capacity to make decisions regarding extended trading hours (takeaway liquor) during the retrospectivity period (10 November 2015-commencement). Applications cannot be made during that period, or if made previously but not determined are deemed to have lapsed. Any decision of a court or tribunal on such an application during the retrospectivity period is also subject to being read down so as to prohibit the sale of takeaway liquor between 10pm and midnight.

In acknowledging this potential breach of FLPs, the Explanatory Notes provide the following justification:

*...this potential breach is considered justifiable on the grounds of public interest, due to the harm minimisation benefits of limiting late-night takeaway liquor sales to ordinary liquor trading hours.*<sup>308</sup>

Clause 72 also can be said to operate with an element of retrospectivity because it enables a DAAR condition to be attached to a good behaviour bond, even where the offending conduct occurred before commencement of this legislation.

### **3.1.6. Clause 62 – compulsory acquisition of property**

**Clause 62** proposes to insert new Part 12, division 17 into the *Liquor Act* to prescribe a number of transitional provisions, including new section 332 which provides that *Despite any Act or other law, no compensation is payable by the State to a person because of the operation of this subdivision.*

Similarly, clause 62 inserts section 340(5) which also provides that *Despite any Act or other law, no compensation is payable by the State to a person because of the operation of this section.*

This means that the State will not provide compensation to licensees affected by changes to liquor trading hours and the determining of applications for liquor trading hours after 2am (or 3am in approved precincts), or by restrictions on the granting of approvals to sell or supply alcohol in car parks.

The potential breach of FLPs relates to the principle that legislation should provide for the compulsory acquisition of property only with fair compensation.<sup>309</sup> The OQPC states, “*A legislatively authorised act of interference with a person’s property must be accompanied by a right of compensation, unless there is a good reason*”.<sup>310</sup>

<sup>308</sup> Explanatory Notes, page 14.

<sup>309</sup> *Legislative Standards Act 1992*, section 4(3)(i).

<sup>310</sup> OQPC, *Fundamental Legislative Principles: The OQPC Notebook*, page 73.



The Explanatory Notes acknowledge that the lack of compensation may breach FLPs and provide the following justification:

*... this is considered justified because liquor trading hour applications may still be granted to the extent that it can be approved and the licensees can trade the approved liquor hours until 1 July 2016. For car park approvals, it is not considered necessary to provide compensation because it is implementing a completely new system that applies to all licensees.<sup>311</sup>*

In respect of section 340 and its interaction with section 341, the Explanatory Notes advise:

*Section 340 states that the new section 142ZZE applies to a licensee despite any condition on the licensee's licence that may authorise the use of the car park for the sale, supply or consumption of liquor. The intention is that all licensees in Queensland will be required to seek new approval under section 142ZZE for every specific occasion on which it is intended to sell, supply or allow liquor to be consumed in a car park – regardless of any pre-existing authorisation to conduct these activities. This will allow the Commissioner to consider the impact of each proposed event (as provided for in section 142ZZG) and condition any resultant approval appropriately. To remove any doubt, section 340 declares that any pre-existing authorisation granted by licence condition cannot be considered a car park approval under section 142ZZE. The section also states that no compensation is payable due to the operation of the section.*

*Section 341 provides that, if the Commissioner granted an approval to use a car park for the sale, supply or consumption of liquor under section 153A prior to the commencement of clause 42, the approval no longer has effect. This is intended to prevent a situation in which licensees may avoid the enhanced consideration and conditioning powers (inserted by clause 42) by applying for car park approvals under the existing section 153A prior to commencement.<sup>312</sup>*

Regarding the FLP issues for section 340, the Explanatory Notes state:

*Section 4(2)(a) of the Legislative Standards Act requires legislation to have sufficient regard to the rights and liberties of individuals. Clause 42 of the Bill provides for a new Division 1AB under Part 6 of the Liquor Act that requires a licensee to seek the Commissioner's approval for the sale, supply or consumption of liquor in a car park. A new section 340 inserted by Clause 62 of the Bill intends that the requirement to seek this approval applies even if the licensee is authorised by a licence condition to use a car park for the sale, supply and consumption of liquor.*

*This amendment will prevent a licensee from exercising an existing authority under a licence condition to conduct car park events without formally seeking the Commissioner's further approval for each event. Accordingly, a licensee will have to seek approval from the Commissioner prior to each car park event being conducted. Therefore, the Bill breaches fundamental legislative principles, as it*

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<sup>311</sup> Explanatory Notes, page 17.

<sup>312</sup> Explanatory Notes, page 32.

*could affect a previously held ability of a licensee (under a licence condition) to conduct certain commercial activities without further approval.*

*Nevertheless, the amendments are considered justifiable as it will place all licensed premises in Queensland on equal footing in terms of the requirement to seek approval for car park events. The amendments therefore provide for an appropriate balance between the legitimate business activities of licensees and relevant amenity and harm minimisation considerations. Licensees, generally, may benefit from the amendment because the Commissioner's ability to apply approval conditions to car park events possibly may make the prospect of approval more likely. For example, under the new provisions, hotels will have the ability to apply for approval of car park events in the same manner as all other licensees, with any approval subject to appropriate conditions defined by the Commissioner.<sup>313</sup>*

As previously acknowledged, reductions in approved liquor trading hours may detrimentally impact on those businesses that have made planning decisions based on revenue forecasts tied to extended trading hours.

### **3.1.7. Clear and precise**

There are a number of cross-referencing discrepancies which appear to be unintentional oversights, most likely arising from the legislation passing through a number of drafts in which changes to one part of the document are not reflected by also changing related cross-referencing.

- **Clause 18** amends section 4 (Definitions) of the Liquor Act by proposing to insert a number of new definitions into the Act. The new definition for a "lock out condition" (states) 'for part 4, division 8, see section 142AB'. There is no part 4, division 8 in the current Liquor Act as this division was omitted from the Liquor Act by section 46 of the *Safe Night Out Legislation Amendment Act 2014*, operative from 1 September 2014. Section 142AB is now in Part 5, Division 5 of the Liquor Act, making the reference to Part 4, Division 8 in the clause 4 definition of a "lock out condition" obsolete.
- **Clause 49** proposes to insert a number of new provisions into the Liquor Act, including new section 155AL which provides for the giving of an exemption notice by the Commissioner to a licensee who has been granted an exemption from the usual restrictions on the sale or supply of rapid intoxication drinks for licensed premises or part thereof.
- Subsection 155AL(3)(d)(i) requires the notice to state 'any other requirements the Commissioner considers necessary to remain satisfied of a matter mentioned in section 155AK(1)(a) to (d). The matters listed in 155AK (1) run from (a) to (e). It is not immediately clear that (e) should have been left out of the cross-reference and it may simply be an oversight. The discrepancy is not addressed in the Explanatory Notes in respect of 155AL, which tends to lend weight to the possibility that the omission of matter (e) from the s.155AL(3)(d)(i) cross reference to 155K(1) (a)-(d) in cl.49 was unintentional/an oversight.
- **Clause 55** proposes to insert a new section 173NR into "new Part 7, division 1A". New sections 173O, 173P and 173Q are in "new Part 6AB, division 5". Given that 173NR precedes 173O-Q alphabetically, it is unclear how this numbering will work when 173NR is in Part 7 and 173O-Q are in Part 6AB.

<sup>313</sup> Explanatory Notes, pages 18-19.

### 3.2 Offence provisions

#### PROPOSED NEW OR AMENDED OFFENCE PROVISIONS

Clause	Offence	Proposed maximum penalty
38	s142AB(3) A licence holder must comply with a lock out condition.	100 penalty units
42	s142ZZE(1) A licensee must not, in a regulated car park for the licensee's licensed premises— (a) sell or supply liquor; or (b) allow liquor to be consumed.	25 penalty units
43	s143B A licensee who is exempt from the restriction on the sale or supply of rapid intoxication drinks for licensed premises under section 155AK must, at all times while the exemption is in force, keep the exemption notice at the premises.	25 penalty units
44	s148AB(1) A licensee or permittee authorised under this Act to sell, to persons at a promotional event, craft beer produced by the licensee or permittee must not sell the craft beer to a person, or permit or allow the craft beer to be sold to a person— (a) for consumption at the promotional event; or (b) in unsealed containers.	100 penalty units
	s148AB(2) A licensee or permittee authorised under this Act to supply, to persons at a promotional event, craft beer produced by the licensee or permittee for consumption at the event, free of charge and for the purpose of sampling the craft beer, must not— (a) charge a person for a sample; or (b) allow or permit a person to be charged for a sample.	100 penalty units
49	s155AI(1) A licensee or permittee for licensed premises or premises to which a permit relates must not, during the restricted period, sell or supply a rapid intoxication drink at the premises.	100 penalty units
52	s162B(2) A person must not take liquor into the area defined in the permit for the event while the permit is in force.	25 penalty units
	s162B(3)	25 penalty units

Clause	Offence	Proposed maximum penalty
	<p>A person must not take liquor from the area defined in the permit for the event—</p> <p>(a) while the permit is in force; and</p> <p>(b) during the 1-hour period after the permit expires.</p>	
	<p>s162C(2)</p> <p>A person must not take liquor into the venue of the event or occasion while the permit is in force.</p>	25 penalty units
	<p>s162C(3)</p> <p>A person must not take liquor from the venue of the event or occasion—</p> <p>(a) while the permit is in force; and</p> <p>(b) during the 1-hour period after the permit expires.</p>	25 penalty units
57	<p>s183AA(3)</p> <p>A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1). <i>[regarding production of relevant documents]</i></p>	50 penalty units
58	<p>s217(4A)</p> <p>A licensee under a producer/wholesaler licence, or a permittee under a craft beer producer permit, (each a producer) must make and maintain a correct and up-to-date record (a promotional events record) of each promotional event at which the producer—</p> <p>(a) sells, to persons at the event, craft beer produced by the producer for consumption away from the event including, for example, by taking or receiving, or causing or permitting an agent or employee to take or receive, orders for the producer’s craft beer; or</p> <p>(b) supplies, to persons at the event, craft beer produced by the producer, free of charge, for the purpose of sampling the craft beer.</p>	350 penalty units
58	<p>s217(5)(c)</p> <p>A licensee commits an offence if the producer’s promotional events records are not kept as required by subsection (4B).</p>	350 penalty units
59	<p>s226(d)</p> <p>A person who contravenes a condition specified in a car park approval commits an offence.</p>	<p>If the premises are in a restricted area -</p> <p>for a first offence— 500 penalty units;</p> <p>for a second offence— 700 penalty units or 6</p>

Clause	Offence	Proposed maximum penalty
		months imprisonment; for a third or later offence—1000 penalty units or 18 months imprisonment  If the premises are not in a restricted area - 40 penalty units

**3.3 Explanatory notes**

Part 4 of the *Legislative Standards Act 1992* relates to Explanatory Notes. It requires that an Explanatory Note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an Explanatory Note should contain.

Explanatory Notes were tabled with the introduction of the Bill and they are fairly detailed and contain the information required by Part 4 and a reasonable level of background information and commentary to facilitate understanding of the Bill's aims and origins.

**Appendix A – List of Submissions**

No	Name
1	Edward Fricker
2	Stephen Pate
3	Security Providers Association of Australia Limited (SPAAL)
4	Peter Hollands
5	Lachlan Bird
6	Desha Joseph
7	Kayla Prince
8	Jaydn Lamb
9	Araceli Nefa
10	Ben Squire
11	Jordan Welsh
12	Joshua Gardner
13	Robert Comiskey
14	Kate Saunders
15	Tom Bassingthwaite
16	Elyse Minhinnick
17	Jeremy Di Re
18	Chloe Turner
19	Tara Ormsby
20	Zac Lowth
21	Hanna Rigley
22	Thomas Carmody
23	Simon Vanzella
24	Nathan Edwards
25	Ethan Drew
26	Jason Leon
27	Jonathan Waters
28	Reece Richardson
29	Brodie Potter
30	Kara Brayford
31	Tony Ng
32	Emmett Goddard
33	Sheriden Hackney
34	Myles Eaton
35	Rhys Southern
36	Sam Trousdell
37	Tom Waterman
38	Michael Kancelarczyk
39	Stephanie Gill
40	Eloise O'Neill
41	Sarah De Candia
42	Trista Schull

43	Broc Sorensen
44	Megan Sorensen
45	Kurt Falkenstein
46	Lee Berry
47	Brooke Barrett
48	David Ham
49	Courtney Goldstein
50	Jacque Coplick
51	Emily King
52	Kyle Dempsey
53	Aodhan McCann
54	Lex Baker
55	Sam Gorringer
56	Jessica Mealy
57	Aden Janes
58	Brendan Cassels
59	Paul Frazer
60	Damien Grealy
61	Jasmine McNabb-Anstee
62	Max Jonasen
63	Lachlan Pascoe
64	Natalie Wilkinson
65	Thomas Combes
66	Simon Whicker
67	Jessica Ferris
68	Anthony Charlton
69	Melissa Harpley
70	Gemma Lyons
71	Dale Harvey
72	Jack Garrood
73	Kyle Tenana
74	Adam Buckley
75	Shanice Goiser
76	Zack Watson
77	Zac Jack
78	David Boland
79	Tim Preston
80	Jessica Main
81	Krystylee Davis
82	Holly Dent
83	Justin Stevens
84	Rachel Southey
85	Beau Sharpe
86	Gabriel Burnett Webster

87	Sophie Perissinotto
88	Adem Boga
89	Damien Ellis
90	Memory Sione
91	Linda Eaton
92	Scott Paget
93	Kell Roberts
94	Aron Banks
95	Ella Kirby
96	Caitlin Grant
97	Cameron Nichols
98	Anna
99	Vania Kelemete
100	Alexander Lockett
101	Mark Watkins
102	Liam Thompson
103	Philleon Allen
104	Christiana Probst
105	Christopher Schroeter
106	Stephanie Dahl
107	Alex Ritchie
108	Neil Saipaia
109	Paul Mason
110	Alexandra Filips
111	Sean Walsh
112	Jason Scerri
113	William Reese
114	Brendan Chan
115	Kim Cowley
116	Alistair Cox
117	Corey Chapple
118	Chanakya Dhiman
119	Chance Moiola
120	Nic Joham
121	Tina Inglis
122	Caleb Robinson-Cook
123	Sophie Knight
124	Genevieve Bange
125	Jasmin Lear
126	David Madden
127	Mitch Hills
128	Sam Dine
129	Jesse Costa
130	Cheyenne Cahill



131	Timothy Langford
132	Nathan O'Neill
133	Amal Doukari
134	Kurt Schulte-Schrepping
135	Isaac Andreou
136	Nicholas Scafidi
137	Emmanuel Pappas
138	Thomas Harrison
139	Shardae Ros
140	Professor Peter Miller, Deakin University
141	ALH Group
142	Steven Isles
143	Prof Wayne Hall, UQ
144	Diageo Australia
145	Denise Fitzgibbons – Robina Tavern
146	Distilled Spirits Industry Council of Australia Inc (DSICA)
147	Prof Kypros Kypri, University of Newcastle
148	Mark Napier – Mad Cow Tavern
149	CBD Townsville Liquor Accord
150	Taxi Council Queensland
151	Public Health Association Australia
152	RSL & Services Clubs Association Qld (RSLSCAQ)
153	Australian Medical Association (AMA)
154	Queensland Nurses Union (QNU)
155	Metro North Hospital and Health Service
156	Royal Australasian College of Surgeons
157	Australian College for Emergency Medicine (ACEM)
158	ChaplainWatch
159	Brisbane City Licensees Association
160	Brisbane Entertainment Group
161	Revelry Entertainment Pty Ltd
162	Stephen Anning
163	Dominic Davies
164	Queensland Hotels Association (QHA)
165	Queensland Network of Alcohol and other Drug Agencies Ltd (QNADA)
166	Heart Foundation
167	Toowoomba Safe Night Precinct
168	Tony Brown
169	Shawn Andersen
170	Just Let It Go Foundation
171	Live Music Office
172	Our Nightlife Queensland (ONQ)
173	George Keskinidis – Salus and George
174	Safe Night Airlie Beach CBD Precinct Inc

175	Safe Night Cairns CBD Precinct Inc
176	Timothy Martin – SinCity Nightclub
177	Matthew Bellward
178	Queensland Coalition for Action on Alcohol (QCAA)
179	Oh Hello!
180	Katina Black
181	Foundation for Alcohol Research and Education (FARE)
182	The Flying Cock
183	Katarzyna Group
184	Drug ARM Australasia
185	Chill Out Zone
186	Queensland Police Union of Employees (QPUE)
187	Surfers Paradise Licensed Venues Association
188	Caxton St Precinct Liquor Accord
189	Clubs Queensland
190	Valley Chamber of Commerce & Valley Liquor Accord
191	Queensland Law Society (QLS)
192	The Pullos Group
193	Scantek Qld
194	RSA Liquor Professionals
195	National Alliance for Action on Alcohol (NAAA)
196	APRA AMCOS
197	Richard Steel
198	James Weymouth
199	Sarah Wood
200	Jason Reynolds
201	Liam Borchard
202	Dempsey Laurie
203	Jason Roesler
204	Ryan Goldsworthy
205	Nathan Costabeber
206	Clifton Baggerman
207	Daniel Eichmann
208	Samuel Meddows
209	Gabrielle Dowling
210	Gemma Guy
211	Adam Klemm
212	Jason Clark
213	Matthew Mallardi
214	Alessandro Piovesan
215	Sulie Buckton
216	Troy McCormack
217	Justin Tomarchio
218	Daniel Neilsen

219	Jessica Taylor
220	Daniel Coombes
221	Victoria Tinkler
222	Nil
223	Nil
224	Nil
225	Nil
226	Nil
227	Nil
228	Lauren Perrett
229	Dylan Jamieson
230	Scott Thomas Douglas
231	Brett Whitbread
232	Rob Stanier
233	Richard Bradford
234	Lauren Clarke
235	Ben Silver
236	Genai Devenna
237	Jonathan Richard
238	Sally Matthews
239	Madolyn Gabiola
240	Craig Upton
241	Nick Maher
242	Adam Howard
243	Liam Cassidy
244	Jordan Dart
245	Luis Bond
246	Steve Flynn
247	Wade Meechan
248	Jade Hyam
249	Sandy Ham
250	Carlo Xavier
251	Adam Wallace
252	Nikki Mckenzie
253	Hannah Carr
254	Hayden Clelland
255	Leah Cattanach
256	Max Jonasen
257	Shardae Ros
258	Thomas Harrison
259	Emmanuel Pappas
260	Susan Tsimouris
261	Nicholas Scafidi
262	Isaac Andreou

263	Kurt Schulte-Schrepping
264	Amal Doukari
265	Nathan Oneill
266	Timothy Lanford
267	Cheyenne Cahill
268	Jesse Costa
269	Sam Dine
270	Mitch Hills
271	David Madden
272	Jasmin Lear
273	Genevieve Bange
274	Sophie Knight
275	Caleb Robinson
276	Matthew Blanch
277	Laura Hewitt
278	Kacper Majchrowski
279	Cody Blucher
280	Sunny Ho
281	Corrinne Hamilton
282	Taylor Harris
283	Kyle Burchill
284	Conan Cook
285	Karen Johnson
286	Rollo Moodie
287	Karley Gillis
288	Matt Rodrigues
289	Lara O'Kane
290	Manesh Magan
291	Emma Finney
292	Terrie Suffolk
293	Taryn Riedy
294	James Marriott
295	Jason Haly
296	Claudia Cranshaw
297	Rebecca Sedgman
298	Debbie Sweeney
299	Claire Bretherton
300	Ben Madden
301	Daniel Mahler
302	Karen Scaife
303	Amy Lawson
304	Adam Cassidy
305	Janelle Caston
306	Mark Hillman

307	Troy Bennett
308	Joel Briggs
309	Saascha Kessell
310	Damon Holland
311	Michaelia Sires
312	Susan Anderson
313	Zoey Hines
314	Dean Hamilton
315	Chris Lawrence
316	Kathy Page
317	Hannah Cockerill
318	Leigh Workman
319	Sherwyn Dutt
320	Mandy O'Grady
321	Tayla Cooper
322	Michael Spurway
323	Kevin Lennon
324	Courtney Findlay
325	Steve Payne
326	Ben Page
327	Kate Ball
328	Alana Absolon
329	Divena Ball
330	Ashlyn Hoare
331	Daniel Ammendola
332	Clare Goodwin
333	Francis Wynn
334	Emily Buckholz
335	Jayden Lipscomb
336	Marlee McNeill
337	Nick Murdoch
338	Alex North
339	Danielle Mangano
340	Melissa Philp
341	Brenton Blades
342	Adrian Linssen
343	Kim Simonsen
344	Jack Conway
345	Teagan Ellis
346	Rachel Bentley
347	Hollee Hart
348	James Cooper
349	James Sheather
350	Cain Grant

351	Daniel Kirkpatrick
352	Thomas Lumsden
353	Jennifer Ball
354	Keeran Garnauf
355	Brooke McInnes
356	Jesse Joosten
357	Maja Korver
358	David Best
359	Nikki Kramer
360	Ashleigh Stainer
361	Tony Paul
362	Taeve Kieth
363	Belinda Simmons
364	Chae Newbury
365	Lee
366	Brennan Cockburn
367	Michael Higgins
368	Danvir Sanghera
369	Lillie Lane
370	Chelsea Holloway
371	Lee Jackson
372	Amy Walsh
373	Alex Harkin
374	Kail Terepai
375	Tara Roach
376	Sara Lodder
377	Erin Butcher
378	Eden Jackat
379	Billie Kingi
380	Wil Barclay
381	Thiago Oliveira
382	Christopher Gibson
383	Mark Tentori
384	Stephane Elmosnino
385	Sammi Lowe
386	Rosemellie Korman
387	Joshua Dowdle
388	Mikaela Patterson
389	Beau Matthews
390	Caelun Richardson-Lester
391	Daniel Mills
392	Philomene Bell
393	Lisa Nagl
394	Shane Cumpston

395	Leisa Kirmos
396	Stacy Wong
397	Chantal Horneman
398	Aaron Young
399	Mark Wyatt
400	Zena Hosseini
401	William Hickman
402	Phoebe Allan
403	Todd Hignett
404	James Fazi
405	Sarah Kent
406	Melanie Campbell
407	Nick Arthur
408	Matt Rodrigues
409	Paul Blee
410	Anna Masci
411	Scott Elliott
412	Paul O'Kane
413	James Carr
414	Bruce Smith
415	Dale Rider
416	Chris Magus
417	Joel Caldwell
418	Alister Smith
419	Nicholas Grace
420	Stephanie Payne
421	Jamie Grenenger
422	Alexander Andersen
423	Nicola Chong
424	Natalie Willmot
425	Ben Rippingale
426	Devon Maher
427	Kayla Gutierrez
428	Nicole Armstrong
429	Joey Daye
430	Abhi Nimhan
431	Julian Cullen-Arthurs
432	T J Leota
433	Imogen Thomson
434	Aydan Sturgess
435	Nathan Bethell
436	Emily Gray
437	Hollie Taylor
438	Mina Gilbert

439	Daniel Vasiliou
440	Morgan Baker
441	Jamila Newcombe
442	Rhiannon Deaves
443	Rebecca Salter
444	Joey Curtis
445	Kendall Banks
446	Jordan Smith
447	Patrick Kirkman
448	Jared Iwinski
449	Samantha Rowland
450	Brittany Doyle
451	Stuart Meteyard
452	Zion Vaega
453	Tenae Klemra
454	Abbie Porter
455	Harrison Bell
456	Gemma Herd
457	Sean Stewart
458	Mitchel Box
459	Hannah Brown
460	Bryce Brickley
461	Sophia Vazanellis
462	Jason Smith
463	Claire Boothby
464	Jacob Fitz-Walter
465	Danielle Abbott
466	Karla Arkell
467	Natasha Stacey
468	Elena Simonova
469	Jessica Rabbit
470	Danielle Willis
471	Eryn Russell
472	Jared Broadbent
473	Georgina Pola
474	James Christensen
475	Emma Mitchell
476	Shelbi Tidswell
477	Daina Teasdale
478	Daisy Hughes
479	Sophie Hesse
480	Dillon Kovacs
481	Rebekah Ayers
482	Luke Davidson



483	Jordan Young
484	Zane Catlin
485	Jack Barker
486	Bradley Anderson
487	Kat Mons
488	Joshua Christian
489	Eloise Smith
490	Eamon Conway
491	Fatima Pilia'e-Smith
492	Ben Mumford
493	Sally Casten
494	Scott Brique
495	Miguel Cabrera
496	Trent Hammond
497	Leilani Verenitani
498	Rosie Eccles
499	Max Wilson
500	Marney O'Dea
501	Bonnie Manton-Smout
502	Ashleigh Nekeman
503	Simonne Lupinetti
504	Paige Reeves
505	Mira Ederer
506	Andrew Flynn
507	Ajshe Citaku
508	Alexandra McHugh
509	Melanie Clarke
510	Tim Boardman
511	Mitchell Jones
512	Jake Hinkelbein
513	Elly Kirkham
514	Rachel Goodwin
515	Katherine Pobaldor
516	Storm Angus
517	Sean Foxwell
518	Tyrah Bradley
519	Geoffrey Wynard
520	Stamatina Papamanolis
521	Daniel Budgen
522	Jamie Bright
523	Steven Richardson
524	Tiahna Jennings
525	David Cadman
526	Courtney Willocks

527	Jessica Lloyd
528	Jayden Damrow
529	Alyssa Hankinson
530	Brook Cameron
531	Geraldine Rapson
532	Matthew Bolton
533	Sean Devonshire
534	Christine Lennon
535	Hayley Stewart
536	Holly Morrison
537	Laura Scott
538	Tameka Adams
539	Alex Shipman
540	Caitlin Druery
541	Denika Muston
542	Stef Lawson
543	Toby Byron
544	Elliot Tudehope
545	Shelby Wareham
546	Renaë Mudiman
547	Mikayla Cleary
548	Joel Meyers
549	Tamara Bell
550	Andrew Purse
551	David Heron
552	Daniel Cunningham
553	Cara Spicer
554	Brett Foulget
555	Dane Hutton
556	Nadia Al
557	Tjana Want
558	Neal Cranch
559	Emma Corbett
560	Debbie Vicencio
561	Monique Dolman
562	Lisa Ris
563	Josh Dodt
564	Aaron Marlin
565	Harry Stratford
566	Daniela Hidalgo Rocha
567	Sheridan McClelland
568	Lauren Fraser
569	Ben Stephen
570	Shane Day

571	Monique Miorandi
572	Brooke McLay
573	Alex Thomas
574	Tess Ashenden
575	Riley Fergus
576	Sam Hadgkiss
577	Vaughan Kelly
578	Isaac Bayley-Boulton
579	Grant Otte
580	Alisha Musil
581	Ben Sielaff
582	Mike Edwards
583	Sol Freeman
584	Nial Francis
585	Caleb Puru
586	Peter Gregory
587	Philip Carter
588	Ned Walker
589	Phil Wallace
590	Micah Reimers
591	Frank Abernethy
592	Angie Malone
593	Jordan Musk
594	Lily Johnson
595	Kate McGauley
596	Kathleen Foote
597	Justin Jones
598	Steve Barber
599	Tim Carter
600	Stephen Wilmot
601	Jessica Hill
602	Nick Loannou
603	Leah Martin-Brown
604	George Park
605	Lauren Brown
606	Hayley Mills
607	Chris Harvey
608	John Yost
609	Marissa Hughes
610	Shane Wilkie
611	Tony Randall
612	Peter John Thornley
613	Daniel Hermann
614	Paul Brown

615	Lucy Shand
616	Zac Thompson
617	Dean Shortridge
618	Andy Tuumaga
619	Shayna Hana
620	Stirling Farquhar
621	Cagdas Ozturk
622	Amy Griffin
623	Marnee Zamora
624	Paige Holden
625	Christina Kent
626	Anthony Tizzone
627	Amal Doukari
628	Danielle Cassidy
629	Anthony Dillon
630	Moale McKnight
631	Peter Madsen
632	Isirie Wilson
633	Jacob Booth
634	Mathew Cousins
635	Kiara Herlihy
636	Michael Jaynes
637	Krystal Schoer
638	Helen McDonald
639	Gary Walter
640	Molly Mulherin
641	Amara McDonald
642	Samantha McCandless
643	Rianna Shoemaker
644	Steven Harland-White
645	Alex Hill
646	Raymond Dell
647	Nick van Bussel
648	Alex Nott
649	Myles Gibson
650	Darran Dunleavy
651	Nick Frazer
652	Dylan Thomas
653	Andre Das
654	Mitch Exton
655	Jeremy Markey
656	Patrick Donohue
657	Jay Berry
658	Ashley Nicholson

659	Mark Johnson
660	Patrick Cenita
661	Ben Pringle
662	Lachlan Keenan
663	Bruno Watt
664	Elissa Stewart
665	Daniel Naidu
666	Michael Forson
667	Hugh Foster
668	Anthony Roumeliotis
669	James Ellis
670	Bradley Garnett
671	Jacob Pedersen
672	Grace O'Connor
673	Michael Wilson
674	Zac Ross
675	Jackson Napier
676	Daniel Burke
677	Mark Brennan
678	Michael Wilson
679	Nil
680	Jordan Shertock
681	Georgia Volkens
682	Steve Marr
683	Rowena Garlick
684	Chelsea Makoare
685	Katia Nogueira
686	Jennifer Kelly
687	Jeffrey Bullen
688	Callam Davidson
689	Emmet Troy
690	Zac Daunt
691	Prue Thomas
692	Noah S Naera
693	Scott Thompson
694	Nathan Ward
695	Simon Meola
696	Chris Stumer
697	Alista Miletic
698	Wayne Poulton
699	Mel McConachy
700	Lachlan Bannerman
701	David Stapleton
702	Hisayo Treacher

703	Bayly Nasralla
704	Chris McAllister
705	Hayley Cameron
706	Katina Black
707	Christopher Brooks
708	Brent Sykes
709	Caelan Reid
710	Dassatn Tarbutt
711	Takanori Tai
712	Shaun King
713	Steven Rixon
714	Edward Trimmer
715	Alison Wiley
716	Gareth Austin
717	Matt Seib
718	Caitlin Barry
719	Dave Curry
720	Ellen Jackson
721	Josh Halliday
722	Gary McCrossan
723	Alicia Mitchell
724	Bede Mudge
725	Megan Pattison
726	Ryan Nilsson
727	Navneet Singh
728	Anna Lorcan
729	Nicholas Wilson
730	Yasaman Sattary
731	Jackie Hunter
732	Isaac Dickinson
733	Saba Salim
734	Cameron Delahunty
735	Alexandra Sultan
736	Zoltan Ognjenovits
737	Robert McMahon
738	Scott Ferris
739	Noyan Inal
740	Kiarra Mraz
741	Candice Gunn
742	Amy Leung
743	May Vrazofski
745	Jacinta Towson
746	Oscar Ferne
747	Martin Pedersen

748	Bonnie Talbot
749	Dean Grivins
750	Alex Epps
751	Josh Ritchie
752	Nathan Letts
753	Nick Cunningham
754	Stacy Harvey
755	Stephen Briscoe
756	Elizabeth Nolan
757	David Flynn
758	Nikita Redmond
759	Roger Macqueen
760	Trevor Ronnfeldt
761	Gabby Bennett
762	Australasian Professional Society on Alcohol and other Drugs (APSAD)
763	James Reid
764	Kyron Colin Sprudzans
765	Kalvin Nocen
766	Nicholas Pelecanos
767	Jamie Wright
768	Tyler Zohs
769	Patrick Duck
770	Clay Greaves
771	Liam Carroll
772	Melissa Tan
773	Fady Nahabia
774	Chamber of Commerce and Industry Queensland (CCIQ)

## **Appendix B – List of Witnesses**

In order of appearance before the Committee:

### **Public Briefing – Brisbane, 2 December 2015**

- Mr David Ford, Deputy Director-General, Liquor, Gaming and Fair Trading, Department of Justice and Attorney-General

### **Public Briefing – Cairns, 21 January 2016**

#### *Police representatives*

- Acting Chief Superintendent Rhys Newton
- Acting Inspector Gary Hunter

#### *Cairns Hospital representatives*

- Ms Joanne Brown, Director of Alcohol, Tobacco and Other Drugs Service (ATODS), Cairns and Hinterland Hospital and Health Service (CHHHS)
- Ms Morag Goodinson, Nurse Practitioner, ATODS, CHHHS

### **Public Hearing – Cairns, 21 January 2016**

#### *Care services/charities*

- Ms Esther Knight, Secretary, Cairns Street Chaplaincy
- Ms Carol Christopher, former Director of the Cairns Street Chaplains and Committee Member, Management Committee, Safe Night Cairns CBD Precinct Inc.

#### *Industry*

- Mr Ross McFarlane, General Manager, Gilligan's Backpackers Hotel & Resort
- Mr Dominic Davies, owner of 'The Woolshed' (former Secretary/President of Cairns Liquor Accord)

#### *Safe Night Precinct/Precinct Liquor Accord*

- Mr John Lynch, President, Cairns City Liquor Safety Accord; President, Safe Night Cairns CBD Precinct Inc. and General Manager, 'The Union Jack Hotel'

#### *Employees/patrons*

- Mr Dale Harvey (D.J. at Gilligan's Backpackers Hotel & Resort)
- Ms Stacy Wong (Events and Functions Co-ordinator, Gilligans)

#### *Cairns City Council*

- Councillor Bob Manning OAM, Mayor

### **Public Briefing – Townsville, 22 January 2016**

#### *Townsville police representatives*

- Inspector Roger Whyte, Townsville Patrol Services
- Superintendent Glenn Kachel, District Officer, Townsville

#### *Townsville Hospital representatives*

- Dr Graeme Maw, Staff Specialist, Emergency Department



- Ms Lisa Lucas, Extended Hours Clinical Nurse Consultant, Emergency Department
- Dr John Reilly, Medical Director, Mental Health Service Group

### **Public Hearing – Townsville, 22 January 2016**

#### *Industry/Safe Night Precinct/Precinct Liquor Accord*

- Mr Mark Napier, Director, Mad Cow Tavern and Representative of CBD Townsville Liquor Accord
- Mr Nick Westenberg, Public Policy and Government Relations Manager, Diageo Australia
- Ms Stacy Harvey, President, Safe Night Airlie Beach CBD Precinct Inc.
- Mr Shawn Anderson, Owner, The Bank nightclub

#### *Townsville City Council representatives*

- Councillor Jenny Hill, Mayor
- Councillor Gary Eddihausen, Chair, Healthy and Safe City Committee

#### *Employees/patrons*

- Ms Rebecca Sedgman (Promotions and Functions Manager, Mad Cow Tavern)

### **Public Briefing – Gold Coast, 28 January 2016**

#### *Gold Coast Hospital and Health Service*

- Dr David Green, Director Emergency Department
- Ms Liz Green, A/Nurse Unit Manager, Emergency Department
- Ms Holly Pakula, Social Worker, Emergency Department
- Dr Kevin McNamara, Medical Director Alcohol and Other Drugs

#### *Queensland Police Service*

- Senior Sergeant Munckton, Officer in Charge, Surfers Paradise Police Station
- Senior Sergeant Hunter, Officer in Charge, Broadbeach Police Station

### **Public Hearing – Gold Coast, 28 January 2016**

#### *ALH Group*

- Mr Bruce Mathieson Jnr, Chief Executive Officer
- Mr David Curry, Head of Regulatory Affairs
- Mr Stephen Clarke, Queensland State Manager

#### *Chill Out Zone, Gold Coast*

- Ms Angela Driscoll, Co-ordinator

#### *Surfers Paradise Licensed Venues Association*

- Mr Tim Martin, A/President

#### *Queensland Police Union of Employees*

- Mr Ian Leavers, General President

## **Public Hearing – Brisbane, 1 February 2016**

### *Community based organisations*

- Mr Lance Mergard, Senior Chaplain, ChaplainWatch
- Mr Simon Turner, Director, Just Let It Go Foundation

### *Public health bodies*

- Prof Jake Najman, Queensland Coalition for Action on Alcohol
- Dr David Rosengreen, Queensland Faculty Chair, Australasian College for Emergency Medicine
- Dr Paul Gardiner, Queensland Branch President and Danielle Dalla, Senior Policy Officer, Public Health Association Australia (PHAA)

### *Industry and industry representatives*

- Mr Nick Braban, Secretary, Our Nightlife Queensland
- Mr Tom McGuire, President, Queensland Hotels Association
- Mr Les Pullos, Director, Pullos Group
- Mr Trent Meade, President, Revelry Entertainment / Fortitude Valley Safe Night Precinct Association
- Mr Sarosh Mehta, President, Caxton St Precinct Liquor Accord
- Mr Robin Maini, CEO, Valley Chamber of Commerce
- Mr Doug Flockhart, CEO, Clubs Queensland
- Ms Penny Wilson, CEO, RSL and Services Clubs Association Qld Inc

### *Health and safety employees representatives*

- Ms Beth Mohle, Secretary Mr James Gilbert, OHS Officer Ms Lita Olsson (Clinical Nurse Consultant, RBWH), Queensland Nurses Union
- Ms Sharron Caddie, Assistant Secretary Mr Torrin Nelson, Ambulance State Councillor, United Voice

### *Security and transport industries*

- Mr Garry Oliver, National President, Security Providers Association of Australia
- Mr George Keskinidis, Salus and George
- Mr Benjamin Wash, CEO, Taxi Council Queensland

### *Academics*

- Professor Kypros Kypri, Centre for Clinical Epidemiology and Biostatistics, School of Medicine and Public Health, University of Newcastle
- Professor Wayne Hall, Director, Centre for Youth Substance Abuse Research, University of Queensland
- Dr Wayne Petherick, Associate Professor of Criminology, Bond University

### *Alcohol reform campaigner, Newcastle (NSW)*

- Mr Tony Brown

## STATEMENT OF RESERVATION

### LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE (LACSC)

#### CONSIDERATION OF THE TACKLING ALCOHOL-FUELLED VIOLENCE LEGISLATION AMENDMENT BILL 2015

This statement of reservation is submitted by the Non-Government Members of the Committee on behalf of the LNP Opposition.

The LNP Opposition is concerned that the approach adopted in this Bill won't have the desired outcomes of reducing alcohol-related violence in all its forms and in all urban, regional and rural communities across Qld.

We believe that this issue needs a multi-faceted approach, rather than simply reducing trading hours and introducing a lockout, which is the primary objectives of the Bill.

A recent survey by the Foundation for Alcohol Research and Education indicated that the top 4 initiatives needed to address issues around alcohol consumption were; increasing penalties for people involved in alcohol-related violence (89%), closed-circuit television in and around licensed premises (89%), increasing police numbers at times and places where alcohol-related violence is greater (88%) and more public transport options in areas where there are pubs, clubs and bars (84%). None of those issues are included in the Bill.

We also believe that the issue of recreational, illicit and synthetic drug fuelled violence has not been adequately addressed as part of this debate.

In relation to the data and evidence presented to the Committee to justify the case for the changes being put forward in the Bill, the LNP Opposition has significant concerns that the data is not often recent, is not often derived from Queensland and does not quantify the relationship between emergency department hospitalisations and alcohol-related violence. In fact, the Department confirmed that the data used at the beginning of the explanatory notes relating to 65,000 hospitalisations in Australia every year is based on a Melbourne study that is more than 15 years old and does not specify the relationship between those hospitalisations and alcohol-related violence.

Further, Dr David Rosengren, Chair of the Australasian College for Emergency Medicine (Queensland faculty) confirmed at the Brisbane public hearing on 1 February that:

*“The first one that I think is very important is that there is an absolute lack of clear and definite data around many of the arguments that have been put forward for and against the legislation. It is close to impossible for us to truly quantify the impact of alcohol on the community simply because we do not have any mechanisms, certainly in the health system in Queensland, to actually record it or document it with any certainty. Therefore, to rely on arguments of absolute evidence for and against is*

*significantly challenging, as is often the case with many of our public community health and safety initiatives that we have tackled as complex problems in the past. So I would raise that as an issue that I think needs to be addressed in the longer term but also one which the College for Emergency Medicine certainly acknowledges is clouding our ability to make clear arguments on this.”*

He goes on to add that:

*“... I think the data that we have at all levels is grossly flawed and that there is a possibility that simple improvements in measuring might be one contributing factor.”*

In contrast to that, the data provided about the extent of the issue in Queensland seems to be more readily available.

The Security Providers Association of Australia Limited (SPAAL) provided data around assault rates, which is a key component of this debate. Many have spoken about the ‘Newcastle solution’ as part of this debate. SPAAL indicated that assault rates in the Brisbane area subject to the current additional trading conditions are already 63% lower than Newcastle. They also indicated that:

*“Fair comparison statistics drawn from Queensland Police and NSW BOCSAR statistics demonstrate the following:*

- *Brisbane Police District Assault Rate 2015 = 256.8 assaults per 100,000 population*
- *Sydney LGA Assault Rate 2015 = 1652.8 assaults per 100,000 population*
- *Newcastle LGA Assault Rate 2015 = 700.7 assaults per 100,000 population”*

The notion that the situation in Queensland and indeed in different parts of Queensland such as Cairns and Townsville was different to other cities such as Sydney and Newcastle was mentioned by several submitters to the Committee’s deliberations.

There were other such issues that were raised and need to be considered as part of the debate, which will be further discussed by the LNP Opposition during the parliamentary debate. These include issues such as displacement, the culture of violence, public transport, ID scanners and the complicated nature of what the government is proposing in this Bill.

In 2014, the former LNP government introduced the Safe Night Out strategy, following months of public consultation and discussion about the issue of alcohol and drug related violence.

The \$44.5 million strategy was a comprehensive plan dealing with alcohol and drug related violence that included more than 60 initiatives designed to change the culture that has developed in Queensland and prevent further deaths and violence. It also focused on individual responsibility, rather than punishing the majority of people who do the right thing, for the sins of a few.

**Key elements of the strategy included:**

- 1) Compulsory drug and alcohol education in Queensland schools from Years 7 to 12;
- 2) Establishing 15 Safe Night Precincts across Queensland to ensure popular nightspots have coordinated prevention and support initiatives in place to keep patrons safe;
- 3) A new offence of “unlawful striking causing death”, which will carry a maximum penalty of life imprisonment and require the offender to serve 80 per cent of his or her prison sentence;
- 4) Increased penalties for other violent and antisocial offences such as serious assault of public officers, public nuisance, refusing to leave a licensed premises, obstructing police, failing to obey a move-on order and urinating in public;
- 5) Empowering police to issue banning orders and ensuring police have the resources to have a presence and ability to respond quickly to alcohol and drug related violence;
- 6) Stronger and better co-ordinated action to ensure licensees provide a safe environment and comply with liquor licensing rules, including ‘mystery shopper’ style tests; and
- 7) An awareness campaign, including advertising, to promote clear standards of responsible behaviour for patrons, licensees and police.

The LNP Opposition believes that the Safe Night Out strategy should be given a chance to work, given all the time and consultation that was involved in putting it all together. It is a comprehensive strategy that takes a holistic approach to addressing the issue of alcohol and drug related violence.

The early results were very encouraging. Initial police data indicated that overall assaults had decreased by 9%, sexual offences by 18%, property damage by 10% and drug offences detected by the police had increased by 26% across the 15 Safe Night Out precincts in the 2014/15 financial year.

This indicates that targeted intervention and a high visibility policing strategy is clearly improving the general safety of patrons who frequent Queensland’s most popular nightspots.

These are only early results and some elements of the Safe Night Out strategy have not yet commenced.

Some of the other points that should be considered as part of the debate include:

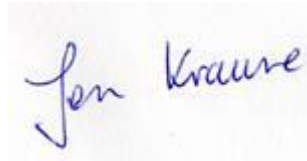
1. Of the 767 submissions, approximately 746 opposed the bill. Of the remaining 21 submissions there was a mix of partial /to full support included. These figures are overwhelming and should not be ignored;

2. The exemption of casinos from any reduction in trading hours creates an uneven playing field and may have unintended consequences of displacement;
3. The Government's approach to the structure of public hearings, submissions and timeframes to consider the full implications of this debate has meant that the finalisation of this report had to be rushed;
4. The Government's recommendation regarding the reduction of trading hours for "take away" outlets was not advised until the eleventh hour, leading to the inability to discuss/consult or even initiate stakeholder input or a full explanation of what that entailed. This denied the opportunity for the non-government members to make an informed decision on this issue; and
5. The Government's request to amend the definition of a lockout to "one way door," with no advance discussion or debate, appears to be nothing more than a cosmetic change due to the overwhelming opposition to the imposition of a lockout.

This forms the basis as to why we tender this statement of reservation.



**Tarnya Smith MP**  
Member for Mount Ommaney



**Jon Krause MP**  
Member for Beaudesert



**Christian Rowan MP**  
Member for Moggill