

19 February 2017

Newcastle NSW

Mr Duncan Pegg
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

lacsc@parliament.qld.gov.au

Dear Committee Members

Lost Lives – Lost Opportunities - Liquor and Other Legislation Amendment Bill 2017

Introduction

In early 2016 I was kindly afforded the opportunity to be the final witness at the Committee's hearing into the Queensland government's initial Bill establishing the current alcohol safety law reforms.

My evidence to the Committee in the Parliament chamber and previous written submission was predicated on my practical experience from leading the Newcastle local residents and other small business/community coalition in the police initiated legal proceedings culminating in the February 2008 NSW Liquor Administration Board Newcastle "conditions". It was also based upon the associated requirement of a thorough understanding of the independent scientific evidence supporting such alcohol law reforms.

Much of my time since the instigation of the Newcastle conditions has been voluntarily promoting the triple win benefits of the adoption of a package of alcohol supply based measures including reduced last drinks times and earlier one way door policy to derived a predictable 15 -20% per hour reduction in alcohol related non domestic assaults.

The latest results in Newcastle demonstrate

- Around a **70% reduction in weekend night assaults** in the CBD estimated to have prevented more than 6,000 assaults on primarily young people since March 2008
- Over a **100% increase in the number of smaller bars and licensed restaurants** resulting in a much safer, vibrant and more diverse night time economy employing many more young people
- **Overwhelming community and patron support**

Similar results are being derived in Kings Cross with some small expected lag in business growth.

There are no inherent reasons why the Queensland public and business community should not be enjoying the same benefits enjoyed by Newcastle since 2008 depicted in the following BOCSAR graphs.

I have also been defending the same conditions and above benefits from a systematic and sustained attack from the alcohol industry and their supporters based on false and misleading information.

I applaud the Queensland government and its onus of putting public safety ahead of alcohol industry profits and political advantage, for its timely objective review of its own alcohol reforms. Over the last nine years **Newcastle has established that sustained public safety and business prosperity do not have to be mutually exclusive.**

I however, seriously question the effectiveness and utility of some of its proposed amendments intended to reduce alcohol related violence contained with its 2017 Amendment Bill.

Institute for Social Science Research (ISSR) Interim Evaluation Report¹ - Exemptions

The most saddening outcome of the above report was:-

“There has been no obvious reduction in alcohol - related assaults in the period 1 July 2016 to 31 December 2016, either in SNPs, or Queensland – wide”

This represents a **profound lost opportunity** for Queensland to have effectively prevented deaths and serious injuries for many young people and associated reductions in police and health costs of a similar magnitude that have been derived in Newcastle and Kings Cross.

The aggravating factor in the above poor outcome is that a number of organisations and individuals including myself, cautioned that the proposed (and subsequently adopted) exemptions contained within the Bill would erode or negate the potential life and cost saving benefits.

Unfortunately the exploitation of the existing exemptions has undermining the “fidelity” (ISSR’s word) of the trial in terms of reduce alcohol related harms and public costs. It also provides the vocal industry detractors and their political supporters a ready-made opportunity to falsely challenge the conclusive evidence of the effectiveness of the adoption of alcohol availability/supply based measures to prevent and reduce alcohol related harms at no additional costs to tax payers.

As we experience in NSW in other forms of alcohol control laws, weak alcohol and gambling legislation in the forms of **complexity, exemptions and loopholes** accompanied by ineffective enforcement and deterrence measures provides a fertile ground (as the ISSR findings suggest) for some in the industry to collude and profit at the expense of public and emergency workers’ safety, health and welfare. Such blatant behaviour should not go unrewarded. It undermines the community’s confidence in such laws and the administration of justice in Queensland.

And it would appear that some Queensland policy makers have learnt little from the ISSR report and the practice of the calculating Fortitude Valley nightclub owners and controllers to exploit and abuse the exemptions in the existing last drinks legal provisions.

The proposed “tightening” of reduce trading hours exemptions are completely inadequate. For example retaining 5am opening for private functions eg weddings and birthdays is clearly open to further exploitation by “entrepreneurial” operators.

It is suggested that the number of exemptions (non-cumulative) for all licensed premises regardless of location be limited to 3 a year and only of special events of state or national significance gazetted by the government.

Lockout or one way door policy

I concur with the ISSR report observations that a reduction in last drinks times with no exemptions (preferably precinct or state-wide) is the single most effective measure in preventing and reducing alcohol related non domestic violence.

¹ <https://www.thepremier.qld.gov.au/newsroom/assets/alcohol-fuelled-violence-six-mth-report.pdf>

Our views however, differ with respect to the effectiveness of the lockout in reducing alcohol related harms particularly, with the lockout being an integral component of an important “package” of availability/supply and effective enforcement based measures.

There is insufficient evidence available to draw a conclusion that as an integral part of package of measures, lockouts do not meaningfully contribute to a reduction in alcohol related harms and other related benefits.

The ISSR report found that:-

“The current research evidence suggests that the introduction of lockouts (one-way doors) is not likely to significantly change current trends (except for pre-loading)” (p7).

“...Using **qualitative** data, Miller et al (Miller et al., 2015) found that lockouts can impact negatively on smaller bars and those that trade earlier, because patrons chose to go to venues offering the most options for entertainment and socialising”. (p59)

The ISSR report has been **selective** in its reliance upon qualitative data moderating the recognised benefits of lockouts as part of a package of measures. In particular, it appears to have overlooked or discounted the substantial **logistical benefits acknowledged by police** (more reliable qualitative data than liquor outlet owners) for managing crowds and the **amenity benefits to local residents (and businesses)** of controlling the time of passage of noisy and intoxicated patrons through their neighbourhood/business precinct.

Secondly, it is hard to rate as objective, responses from smaller bar owners and other earlier licensed traders with the opportunity to trade later and removal of lockout. They have an obvious **financial vested interest**. Of the more than 100 smaller bars and licensed restaurants now in Newcastle CBD, virtually if not all have Development consent conditions of midnight closing or less. Some of these especially those with Primary Service Authorisations would desire to derive potentially more profits through an increase in alcohol sales from extending trading with little regard for the negative cumulative impact on public safety.

The final significant weakness in the ISSR’s report findings about the lockout and its subsequent proposed removal in the Bill is the reference to “preloading”.

Some of the same scientific reports relied upon in the report recognise **preloading as one of the key predictors of subsequent alcohol related violence**. This is acknowledged in the above identified quote at p7 of the report.

The Newcastle lockout is one positive combination factor that has demonstratively improved Newcastle’s problematic dangerous **binge drinking culture** simply by requiring patrons’ earlier attendance of licensed premises than was previously the case. Professor Miller’s Newcastle study observed this important change in culture.

Newcastle’s streets have become much safer and more vibrant in part due to the lockout provisions (as part of a bigger package of measures). The lockout has helped lift the odium and malevolence of a mono-economy dominated by violent late night pubs and clubs. The lockout has partly enabled smaller, more diverse and inviting licensed premises to flourish. These business and job creation benefits though not the subject of any epidemiological studies, should not be discounted or ignored.

Earlier attendance equates to less preloading on unlimited supplies of heavily discounted alcohol compared to prices and entry charges in the late trading pubs and clubs. Lower levels of intoxication = less street violence = less violence against emergency workers = less costs to taxpayers.

Saving young lives and preventing harms to brave front line emergency workers from alcohol related incidents must be the primary concern for the Committee. A very strong case containing a broader range of evidence for the abandonment of the lockout component of Queensland's package of alcohol harm prevention law reforms has simply **not been established** and therefore, the Bill must retain this important lockout measure with no exemptions.

Bottle shop closing times

Given the intractability of domestic violence in Queensland and across the country, I encourage the Committee to use this important opportunity to reconsider the catalytic impact or link between alcohol and domestic and family violence.

I encourage the Committee not to overlook the opportunity to amend the Bill before it to immediately apply after the promulgation of the legislation, **a 10pm closing time on all packaged liquor outlets across the whole of Queensland.**

In doing so it may wish to note the following observations (emphasis added):-

“• Rosie Batty, Australia's pre-eminent advocate for action against family violence has said: “Alcohol is involved in up to 65% of family violence incidents reported to police, and up to 47% of child abuse cases throughout Australia. **To date, the role of alcohol has not been adequately recognised or addressed at either a national or state level.** Implementing actions that address alcohol will greatly contribute to preventing and reducing family violence. The involvement of alcohol and its impact on family violence must be acknowledged and must be addressed.”

• NSW Police, in their submission to the Callinan Review, said: “Emerging evidence suggests that off-licensed premises may play a more critical role than previously thought in contributing to domestic violence, assault and underage drinking. **Research has demonstrated that one of the most effective supply reduction strategies for mitigating and/or reducing the harms associated with the consumption of alcohol is reducing trading hours for packaged liquor.**”

• The Victorian Royal Commission into Family Violence in its final report said the following: The Commission considers greater attention should be paid to the relationship between alcohol supply and family violence in light of the evidence showing that **alcohol misuse increases the severity and frequency of family violence.**

• Studies have shown **60 per cent** of people presenting with injuries to emergency wards had consumed alcohol bought at a store in the hours leading up to their injuries. (Peter Miller, 2015)

• Ambulances are more commonly called to neighbourhoods near bottle shops, with areas near larger chain stores reporting even higher injury rates. (Morrison & Smith, 2015)

• Research shows that violence in homes increases by 26 per cent for every extra 10,000 litres of alcohol sold. (Liang & Chikritzhs, 2011)

• In December 2016, the South Australian Government amended its Liquor Act to include the mention of family violence as a harm related to alcohol”.

I also rely upon the National Drug Law Enforcement Research Fund (NDLERF) Report No. 68 *Alcohol/Drug-Involved Family Violence in Australia (ADIVA) 2016* by Prof Peter Miller, Elise Cox, Dr Beth Costa, et al <http://www.ndlerf.gov.au/sites/default/files/publication-documents/monographs/monograph-68.pdf> that confirmed a strong link between alcohol and domestic/family violence in support of my submission to immediately adopt a 10pm uniform closing of all bottle shops across the whole of Queensland.

Other matters contained in the Bill

Please note I also rely upon and support the Queensland Coalition for Action on Alcohol submission to this Inquiry.

I would be pleased to discuss the details of my submission with the Committee at its public hearing.

Yours sincerely

A solid black rectangular box used to redact the signature of Tony Brown.

Tony Brown

NSW Bureau of Crime Statistics and Research Graphs - Newcastle CBD



