

17 February 2017

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

lacsc@parliament.qld.gov.au

Dear Mr Pegg

LIQUOR AND OTHER LEGISLATION AMENDMENT BILL 2017

The Queensland Coalition for Action on Alcohol (QCAA) welcomes the opportunity to provide feedback on the proposed changes to the alcohol measures introduced under the *Tackling Alcohol-Fuelled Violence* legislation in 2016.

The *Liquor and Other Legislation Amendment Bill 2017* (the Bill) aims to make the following amendments:

- Repeal the 1am lockout
- Repeal the 3a.m. Safe Night Precincts
- Wind back trading hours for licensees removed from a Safe Night Precinct due to a boundary change
- Reduce the number of one-off late-night extended hours permits and tighten eligibility requirements
- Extend the banning order sentencing regime to include prescribed drug offences
- Provide certainty over introduction of ID scanners and clarify need for licensed venues with one-off late night trading permits to continue to use ID scanners beyond their usual trading hours.

QCAA was a strong supporter of the legislation to reduce alcohol-related violence associated with licensed premises. These measures were introduced because of the strength of the evidence on their effectiveness in reducing alcohol harm.

While the *Tackling Alcohol-Fuelled Violence Legislation Amendment Act 2016* (TAFV Act) interim evaluation report found no change in the rate of decline in the incidence of alcohol-fuelled violence, police representatives have reported a reduction in the severity of the assaults.¹ These more subtle benefits should not be underestimated or undervalued. Care is needed in evaluating the effectiveness of these measures to ensure that there is a consideration and understanding of the nuances associated with the data.

QCAA is disappointed that the Queensland Government has backed down on its commitment to implement all of the measures in its *Tackling Alcohol-Fuelled Violence Amendment Act 2016*. Queenslanders overwhelmingly support these measures with 72 per cent of Queenslanders supporting

the introduction of earlier last drinks and 64 per cent believing that the Queensland Government should honour its commitment to introduce a 1am lockout in safe night precincts.²

This submission addresses each of the amendments included in the Bill and indicates QCAA's position according to whether there is support, support with further changes, or no support for the amendment.

1. Repeal the 1am lockout

QCAA does not support the cancellation of the legislated 1am lockout provision.

While the evidence for the effectiveness of restricted entry policies like lockouts as a measure to reduce alcohol-related violence is not conclusive, the lockout was included in the Tackling Alcohol-fuelled violence legislation because lockouts were part of the very successful suite of measures introduced in Newcastle, Kings Cross and Sydney CBD Entertainment Precincts. These locations saw significant and sustained reductions in the levels of harm when special trading conditions for licensed venues were introduced.

There are other reasons we have reservations about the cancellation of the lockout provisions. First, the preliminary report makes clear that many of the provisions of the legislation have been circumvented by the industry. Second, the preliminary data are not sufficient to justify action, other than making efforts to have the legislation actually implemented.

It was never intended that lockouts would be introduced as a stand-alone measure to reduce harm. Lockouts have been introduced as part of a suite of measures that had been proven effective. Together, these measures were designed to support the key measure of reducing the availability of alcohol in the community.

Police support the introduction of lockouts because of their impact on patron movement between venues, allowing police to better protect the safety of patrons from alcohol harm. Evidence from New South Wales suggests that the lockout in Kings Cross Precinct has been effective in reducing pedestrian traffic during the hours of the lockout and following last drinks.³

The planned introduction of the lockout in Queensland six months after earlier last drinks were introduced would have provided an opportunity to examine the impact of lockouts and identify their 'individual' contribution to reducing alcohol-related violence. This opportunity will be lost with the cancellation of this measure.

2. Repeal the '3a.m. Safe Night Precincts'

QCAA does not support the abolition of 3a.m. Safe Night Precincts.

Safe Night Precincts were established as part of the *Safe Night Out Strategy* of the previous Government. They were introduced following the Drink Safe Precinct trial in Fortitude Valley, Surfers Paradise and Townsville. These precincts use place-based management strategies to improve community safety and public amenity in late night entertainment precincts.

3a.m. Safe Night Precincts were forecast in the *Tackling Alcohol-Fuelled Violence* legislation passed in February 2016 and their introduction was timed to coincide with the introduction of lockouts from 1 February 2017. Safe Night Precincts that wished to continue being able to trade until 3am were required to apply to become a 3a.m. Safe Night Precinct and meet certain conditions. If they were successful in becoming a prescribed 3a.m. Safe Night Precinct, venues within the precinct could continue to trade until 3am (subject to licence conditions) but they were required to introduce a lockout from 1am.

Safe Night Precincts that elected not to become a 3a.m. Safe Night Precinct were to retain their status as a Safe Night Precinct but venues would be required to serve last drinks at 2am. Thus, 3a.m. Safe Night Precincts differed from Safe Night Precincts by the later timings for last drinks and requirement for a lockout.

The proposal to repeal the 3a.m. Safe Night Precincts reflects their redundancy should the withdrawal of the lockout proceed. QCAA's objection to the withdrawal of 3a.m. Safe Night Precinct is tied to the abolition of the lockouts. The 3a.m. Safe Night Precincts should be retained if the lockouts are retained.

Should the repeal of 3a.m. Safe Night Precincts proceed, the 15 Safe Night Precincts throughout Queensland should be required to meet the higher standards established for 3a.m. Safe Night Precincts.

3. Wind back trading hours for licensees removed from a Safe Night Precinct due to a boundary change

QCAA supports this amendment.

If Safe Night Precinct boundaries change and a venue is no longer located within the boundary of the precinct, it should be subject to the same trading hour restrictions as other venues located outside Safe Night Precincts.

4. Reduce the number of one-off late-night extended hours permits and tighten eligibility requirements

QCAA supports the cessation of the approval of late-night extended hours permits after 'last drinks' provisions.

QCAA has long opposed the provision of any exemptions to trading hour restrictions through one-off extended trading permits, since these undermine the legislation's intention that there be a cessation of the service of alcohol at 2am, and 3am in Safe Night Precincts. Earlier last drinks have been repeatedly shown to be the most effective measure to stop alcohol harm in these circumstances. Therefore, QCAA recommends that no permits to extend drinking should be available to licensed premises.

If these are to be permitted, the number should be kept to a minimum. QCAA is encouraged to see that these permits will only be used where a genuine need has been identified and that it is not intended that venues will be granted all six permits in any one calendar year unless there is a genuine need. While it is proposed to reduce the maximum number permits, this number could be reduced further in light of the large number of licensed venues in Queensland and evidence outlets have colluded to circumvent the legislation resulting in a licensed venue always operating late on any weekend.

QCAA supports the amendment to pro-rata the number of permits available to new licences in the year the licence is approved. However, the number of permits available should be determined by the month in which the venue opens rather than the month in which the licence is granted to account for situations where there is a delay between the granting of a licence and opening of the venue.

QCAA supports moves to tighten eligibility requirements for these permits and provide rigour to the assessment of applications. However again, these requirements should be tightened further to reduce the potential for abuse.

The Bill defines a special occasion as:

a "special public event"; or a wedding, birthday or other private occasion being celebrated at a function that is not open to the public. "Special public event" is further defined as a unique or infrequent event of local, State or national significance.⁴

Examples of events that may be considered of local, State or national significance are also included in the Bill:

*a televised international sporting event involving an Australian team; or a local music festival occurring over a weekend.*⁵

QCAA is concerned about the inclusion of birthdays and private occasions as special occasions. The ubiquitous nature of birthdays and the lack of detail over what constitutes a private occasion will substantially weaken efforts to restrict access to these permits and they may in fact provide a de facto route for venues to seek a permit for an event that essentially reflects business as usual.

QCAA notes that the Bill provides a head of power for the relevant Minister to prescribe in a regulation an event, or class of events, which would or would not be considered a "special public event". In light of the potential for these permits to be exploited, it is important that there is a consultation process associated with this activity.

QCAA also supports greater control over the use of these permits so that permits can only extend liquor service hours on one day per calendar month and cannot be approved for two or more consecutive days. Exceptions to these restrictions on permits will weaken the effectiveness of this change.

Finally, support is also given under this amendment to the linking of the permit to the duration of the special occasion. This will need careful consideration since the duration of an event can be affected by a number of factors. Televised broadcasts of sporting events, for example, may well be interpreted to mean the moment from which the pre-game discussion gets underway and continue until the post-match analysis finishes, rather than the duration of the match itself. This can add a substantial amount of time to the broadcast and extend alcohol service hours much later than intended.

5. Extend the banning order sentencing regime to include prescribed drug offences

QCAA supports this amendment and recommends that alcohol and other drugs testing should be introduced for all arrests near licensed venues, and for all arrests in Safe Night Precincts. QCAA supports drug and alcohol testing as an avenue to collect data and support the formation of future alcohol policies. De-identified data that is collected from this testing should be made publicly available to support the formation of evidence-based policy.

6. Provide certainty over introduction of ID scanners and clarify need for licensed venues with one-off late night trading permits to continue to use ID scanners beyond their usual trading hours.

QCAA supports this amendment.

The introduction of mandatory ID scanners in venues that trade after midnight and are located in Safe Night Precincts has been on the government's agenda since the previous government introduced its *Safe Night Out Strategy* in 2014. This amendment provides certainty for venues over their implementation and the timeframe in which networked ID scanners need to be in place.

There is little evidence to show the effectiveness of ID scanners, particularly as a measure in their own right, but they are supported by a variety of stakeholders and provide the ability to collect data about patron visitation to licensed venues.

The effectiveness of ID scanners in reducing levels of alcohol-related violence is undermined by the manner in which they are implemented and the impact of alcohol on the body in terms of impaired judgement, decision-making ability and reduced inhibition.⁶ Scanners are often used selectively which means important data on perpetrators, victims and witnesses may not be collected. Staff operating the scanners have been known to skip women and friends of security staff and reduce scanning when there are long queues to enter a venue. These inconsistent scanning practices will clearly reduce the effectiveness of ID scanners, a conclusion that is supported by research where assaults and emergency department presentations were not significantly reduced following the introduction of ID scanning.⁷

The ability to collect data presents opportunities for evidence-based policy development and evaluation. This data should be made available to researchers to facilitate research and guide

alcohol policy.ⁱ It provides a valuable opportunity to investigate patron behaviours such as patterns in attendance of licenced venues, movement between venues over the course of an evening and trends in patronage by population cohorts.

Use of ID scanners should be monitored and enforced to maximise their potential. While ID scanners may provide some benefit relating to patron management and data collection, they should not be considered an alternative to more effective policy measures such as regulation of outlet density and trading hours.

7. Other comment

Early trading permits

Section 103IB refers to early trading permits before 10am. Under Section 103IB (2), venues seeking to trade between 7am and 9am must demonstrate a community need unless they are a sports club where demonstration of need is not required. Sporting clubs should be required to meet the same requirements as other venues and demonstrate a community need if they would like to open between 7am and 9am.

Thank you again for the opportunity to provide input to the consultation on the *Liquor and Other Legislation Amendment Bill 2017*. QCAA would welcome the opportunity to discuss these issues in detail at the public hearing on 22 February 2017.

Yours sincerely



**PROFESSOR JAKE NAJMAN
CHAIR**

¹ Pers comm

² Foundation for Alcohol Research and Education (2017) *2017 Queensland Poll: Perspectives on alcohol-related violence and policies* January 2017 FARE: Canberra, available at <http://fare.org.au/2017/01/2017-queensland-poll-perspectives-on-alcohol/>

³ Foundation for Alcohol Research and Education (2016) *Busted Correcting the Sydney lockout myths* August 2016, FARE: Canberra

⁴ Queensland Government (2017) *Liquor and Other Legislation Amendment Bill 2017*

⁵ Queensland Government (2017) *Liquor and Other Legislation Amendment Bill 2017*

⁶ Miller, P. G., Tindall, J., Sonderlund, A., Groombridge, D., Lecathelinais, C., Gillham, K., ... & Palmer, D. (2012). *Dealing with Alcohol and the Night-Time Economy (DANTE): final report. Geelong, Victoria: Deakin University and Hunter New England Population Health for the National Drug Law Enforcement Research Fund.*

⁷ Miller, P. G., Tindall, J., Sonderlund, A., Groombridge, D., Lecathelinais, C., Gillham, K., ... & Palmer, D. (2012). *Dealing with Alcohol and the Night-Time Economy (DANTE): final report. Geelong, Victoria: Deakin University and Hunter New England Population Health for the National Drug Law Enforcement Research Fund.*

ⁱ This data should include a record for each new entry and banning order, including the venue, its capacity, the individual's date of birth and place of usual residence (by Australian Statistical Geography Standard, electorate, Local Government Area and suburb), as well as a randomly generated identifier.