

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Submissions - Liquor and Other Legislation Amendment Bill 2017
Date: Wednesday, 15 February 2017 9:36:04 PM
Attachments: [Alcohol service tightened for public safety.msg](#)

Acting Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Sir / Madam,

Please find submissions below in relation to the Liquor and Other Legislation Amendment Bill 2017 for your consideration. We note in the cover letter to various stakeholders, the Committee refers to submissions received in relation to the *Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015* and seeks advice on whether stakeholders views have changed since that time. It is in our submission critical that the Committee more relevantly review relevant submissions to the *Safe Night Out Legislation Amendment Bill 2014* specifically the relevant submissions relating to mandatory networked ID scanners.

It is our submission that the Committee is tasked with reviewing the legislation which includes minor amendments to the mandatory Networked ID scanning regime introduced in the *Safe Night Out Legislation Amendment Bill 2014* despite significant opposition from broad sections of the Liquor Act. The trading hours environment at the time of the SNOLAB 2014 is now dramatically changed and in simple terms, ID scanning was only ever a trade-off to keep 5am trading which has now been removed. It is critical the Committee run fresh eyes over the system designed for a very different trading environment including but not limited to the following submissions:

<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/006.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/019.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/003.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/004.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/028.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/009.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/016a.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/024.pdf>
<http://www.parliament.qld.gov.au/documents/committees/LACSC/2014/SafeNightOut2014/submissions/021.pdf>

Many in the industry thought ID scanning was dead in the water and unless properly considered by this committee and properly debated on the floor with appropriate amendments sought and passed, then a flawed scheme will replace the flawed lockout scheme it purports to replace (or at least be adjunct to). In its current form Part 6AA, Division 2 of the Liquor Act 1992 is simply too inflexible to be implemented by 1 July 2017 without far more consultation than the current two days for submissions to this committee the industry has been provided. It may well be appropriate for the Bill to simply defer commencement of the Networked ID scanning system until not before 1 July 2018 as part of this Bill and allow a robust redesign of the system to address some of the issues detailed below. Many of the stakeholders who made submissions above, did not see their concerns reflected in any reasonable amendments to Newman's first draft of the Bill. Their 2014 submissions deserve to be subject to current consideration, further consultation and ideally result in wholesale changes to the current scheme. This is a matter for this Bill, even though it may appear only tangential, it was clear that the AG and Premier have linked Mandatory ID scanning to this Bill as detailed in their Media Statement attached. Any consideration of this Bill should take a holistic approach and reconsider the mandatory ID scanning system in the current trading environment.

It is our view that in the current minority Parliament, with a more robust Committee system and a cross bench reviewing any form of regulatory overreach that pervades a Bill, that the submissions highlighted above including those of the Information Commissioner, Caxton Hotel, BCLA, CSPLA, QHA, Qld Council for Civil

Liberties, Queensland Law Society, Security Providers Association of Australia and others will receive more consideration, and result in significant changes to the initial drafting, than that which was pushed through under the Newman Government's majority. We call on the current LNP members, and all members of the Parliament, to reconsider their position on the fine details of the mandatory networked ID scanning regime. The current scheme should be amended to at least consider the following matters:

- Amend s173EE to 173ET to achieve the following policy outcomes:
 - Mandatory ID scanning to only apply to premises with a condition endorsed by the Commissioner (as opposed to classes of licenses which inflexibly capture all or most premises trading after 12midnight entirely regardless of compliance history)
 - Before endorsing a condition on a License, the Commissioner MUST consult with the local Liquor Accord to identify which premises in a locality justify implementation of ID scanning.
 - Some accords may submit that ID scanning is not required at all or only at 2-3 larger venues in a regional locality or numerous large venues in the Valley.
 - Arguments could be made to exempt AEP venues, live music venues, some small bars or restaurants in a Special Facility license (such as Libertine at the Barracks) which are currently captured by the current Newman era inflexible drafting.
 - This is a genuine, case by case consideration, having proper regard to local specific issues and in consultation with Liquor Accords.
 - Conditions could also be drafted in a locality specific manner which could exempt Caxton Street on Origin or Suncorp Stadium nights.
 - Conditions could also be drafted to ensure they only applied on nights a venue ACTUALLY trades after 12midnight. The current section requires scanning from 10pm on a Monday night even if the venue closes at 12midnight.
 - A licensee who disputes a condition or the form of a condition endorsed by the Commissioner can appeal to QCAT for a review of the decision.
 - Licensees could also voluntarily implement ID scanning and access the secure network data without risk of being fined if they waved in a person known to the licensee or allowed a large group in to address a queuing issue. (EG: Eatons Hill Hotel could link to the network but still let in a known good patron)
 - Banning Notice provisions to be extended to allow a suburb or suburbs to be included in an enforceable Police Ban (with or without ID scanning systems in the locality) so a Police Officer in Mt Isa, Charters Towers or suburban Cairns can ban a patron from local pubs with the same penalties as a precinct.
 - Double the penalty for a patron breaching a banning order, **target the actual offenders.**
 - Make initial banning orders 28 days (currently 10 days) and maintain court and Senior Police 3 month bans.
 - A grant program accessible by Licensees directly (as opposed to Boards) to fund annual rental fees for a 2 year transitional period and IT costs associated with installation.
 - Commencement not earlier than 1 July 2018
 - A mandatory review of the sections after 2 years.

A more complicated but valid suggestion also included:

- A licensee could be provided a flexible opportunity to keep regular patrons IDs on file so scanning was only required once and they could bypass the ID scanning queue. The onus would have to be on the licensee to keep such records accurately. The default is simple, if the ID could not be produced of a patron seen entering after 10pm then a breach of the main section would be proven and the flexible exemption would not apply. The list could be checked against the system each day automatically to ensure bans were not in place for these persons.

We understand the following stats apply to banning notices issued in Fortitude Valley, the City and Caxton Street/Inner West Precincts (collectively) in 2016/17:

- 25 June – 6 Notices
- 4 July – 9 Notices

- 6 July – 8 Notices
- 13 July – 8 Notices
- 20 July - 8 Notices
- 25 July – 3 Notices
- 8 August – 6 Notices
- 11 August – 4 Notices
- 15 August – 8 Notices
- 16 August – 9 Notices
- 22 August – 9 Notices
- 1 Sept – 9 Notices
- 5 Sept – 3 Notices
- 12 Sept – 12 Notices
- 13 Sept – 11 Notices
- 16 Sept – 5 Notices
- 20 Sept – 10 Notices
- 26 Sept – 14 Notices
- 27 Sept – 6 Notices
- 24 Oct – 9 Notices
- 3 Nov – 6 Notices
- 14 Nov – 13 Notices
- 5 Dec – 15 Notices
- 12 Dec – 15 Notices
- 3 Jan – 21 Notices
- 16 Jan – 18 Notices
- 30 January – 16 Notices
- 14 February – 11 Notices

NB: In some cases where a ban crosses over two release periods above then the notices are duplicated in each count, the actual total is less than the numerical sum of the above numbers (estimated at approx. 10%). The numerical count above, for 7 months is only 275. It is well less than 1 patron per premises per month.

In simple terms this is a multi-million dollar double check to ensure that somewhere between 3 and 21 patrons don't sneak into pubs in the City, Valley and Inner West in any 10 day initial banning notice period, and in default we have to scan 100% of the estimated 20,000+ patrons who collectively enter venues in these areas after 10pm. The actual best policy is delete s173EE-173ET entirely and create a voluntary framework, protecting privacy of IDs and protecting licensees who share such sensitive data. There is no need for approximately 22 pages of related laws in their current form almost entirely aimed at liquor licensees not the actual offenders.

The Parliament of Queensland is being asked to replace a 1am lockout with a mandatory ID scanning system at a time when only 11 patrons appear to be currently banned from the capital City precincts combined! In order to manage these bans licensees are being forced to scan IDs and invade the privacy of 20,000+ patrons. It is policy over reach to say the least.

More broadly, we note the objectives of the Bill broadly include the following with our brief commentary added:

- repealing the lockout
 - Fully supported
- repealing the 3a.m. Safe Night Precincts (SNPs) model
 - Fully supported
- winding back trading hours for licensees removed from an SNP due to a boundary change
 - This has some risk given licensees may have sought finance on a business purchase based on being located in a precinct. We are not aware of any consultation proposing to amend these boundaries which are in a Regulation and can be changed on a bureaucratic whim. Further committee consideration of these provisions is justified.
- tightening the temporary late-night extended hours permit regime,

- Licensees complied with the law as it stood and a full year's worth of permits were used in 6 months due to the specific timing of the relevant legislative changes. This simply amplified the effect of the 12 permits per venue. If no change is made and the sections are left as is without amendment, or only the special event considerations implemented, then 12 permits per annum is not excessive and in 2017 will be spread over 12 , not 6 months.
- extending banning order sentencing regime to prescribed drug offences
 - No concerns, subject to a better designed ID scanning system.

We thank the Committee for the opportunity to make these submissions.

Regards

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