



To. The Hon Duncan Pegg MP
Chair of Legal affairs and Community Safety Committee
Parliament House George Street Brisbane Qld 4000

Submission: **Liquor and Other Legislation Amendment Bill 2017**

The Just Let It Go Foundation submits the following information for consideration by the Legal Affairs and Community Safety Committee when evaluating the merit of the proposed changes to the TAFV act of 2016. The Just Let It Go Foundation is a registered Harm Prevention Charity that delivers the Fortitude Valley SNP's safety (anti violence) campaign Don't Stop the Fun. The foundation submitted and appeared before the committee in relation to the introduction of the TAFV legislation in early 2016 and requests the opportunity to appear before this committee in relation to the proposed amendments to the TAFV act. The foundation was also present at both of the Attorney Generals stakeholder roundtables held at Parliament house in 2015 and 2016. The foundation's Campaign Director Simon Turner is also a board member of the Fortitude Valley SNP.

The Just Let It Go Foundation wishes to raise a number of points to increase the committees understanding and awareness of some of the proposed changes to the TAFV act by the Liquor and Other Legislation Amendment Bill 2017. The foundation would initially like to premise its support of "Government's aim to promote a vibrant night-time economy throughout Queensland, while recognising that SNPs are best equipped to deal with an additional hour of liquor service given the enhanced safety measures in place in these areas."

Repeal of the 1am Lockout

The Just Let It Go Foundation supports the removal a proposed 1am Lockout in all SNP across Queensland. As submitted and presented before the committee overseeing the formation of (TAFV Act), the foundation maintains its view that an enforced lockout would increase the risk of harm to patrons of entertainment precincts. Further, a measure such as a 1am lockout would have cataclysmic effects on Queensland's night time tourism and entertainment economies and cultures as witnessed in Sydney and evidenced by the subsequent relaxing of laws proposed in the recommendations of the Callinan Report.

Extended Trading Permits

A late night trading venue in Fortitude Valley prior to the introduction of the (TAFV Act) would trade up to 104 times a year till 5am, (Friday and Saturday night trading). With the introduction of TAFV Act in April 2016 this number was reduced to 12 for the same period of time. The proposed further restriction of this bill on late night trading permits will see this reduced from 12 to just 6.

This suggested reduction of a further 50% of permits is hinged on an Interim reports claim "that there has been a lack of fidelity to "last drinks" at 3a.m. in SNPs across Queensland due to systematic and widespread use of temporary late-night extended hours permits. In this regard, since 1 July 2016, there has not been a single weekend night where all venues in Fortitude Valley ceased liquor service at 3a.m"

As a board member of the Fortitude Valley SNP at no time have I witnessed any discussions or arrangements between licensee's to collectively subvert the extended late night trading permits,



and allegations of “gaming” and “lack of fidelity” raised in the report are inaccurate. In fact it has been my experience that venues over this time have ‘kept quiet’ their intentions to apply for extended trading to gain a competitive edge for their business. I would therefore like to provide a plausible explanation as to the reports “findings”.

1. A maximum of 12 permits were available to venues of an SNP upon application within a 6 month period (July- Dec 2016) not 12 months as the legislation intends.

In effect the level of availability was actually equivalent to 24 permits in a 12 month period. I would note that I am not aware if the researchers of the interim report accounted for this anomaly and whether any consideration of this anomaly was given prior to the claims of “systematic gaming” of the permit system.

2. The approval of permits is not simply based on the submission of an application but requires the approval of the regulatory body (OLGR) and the local QPS station. At no time in the approval process is there an interested or vested party involved in the determination of a permit. Given the transparency of this process, it would become evident to the regulatory body if a pattern of systematic gaming of the permits was being practiced.

3. The number of extended permits is arbitrary as a measure and will not by its very design, deliver the proposed outcome. For example; A precinct that has 20 licensed venues, (some SNP’s have more than twice this number) has the potential to apply under the new proposed measure of 6 per annum, up to 120 permits in that precinct calendar year. Given that the majority of trade within an SNP is conducted on a Friday and Saturday night, it is probable that a least one venue in an SNP on approval, could be trading to 5am on every Friday or Saturday night (which there are only 104) in a calendar year. Simply halving the number of permits from 12 to 6 may still not mathematically extinguish the availability of alcohol at the high risk period of trading, 3-5am in an SNP. What the proposed measure will do is only limit the number of venues trading between 3-5am, subject to approval.

It is suggested to the committee that the number of permits is an arbitrary component and one that does not by its design necessarily control the general trade, sale and availability of alcohol in an SNP.

In summary;

1. The number of licensed venues of an SNP is the determinant of the number of weekends of late night trading of an SNP per annum.
2. The current system of evaluation and approval is transparent and adequate.

Banning Orders

The Just Let It Go Foundation supports an increase in the issuing of banning orders by police and magistrates in Queensland. As a crime prevention measure, banning orders are a powerful deterrent form of social exclusion. Yet without adequate enforcement or a means of identifying breaches of a banning order, which ID scanners offer, the potential effectiveness of this preventative measure will remain unrealised. The net result of this means the effectiveness of banning orders will remain at



the same low levels and the potential increase to patron safety may not be realised by the Liquor and Other Legislation Amendment Bill 2017.

ID Scanners

The Just Let It Go Foundation supports the implementation of mandatory ID scanners for late night licensed venues. The foundation proposes to the committee that licensee's be required to operate scanners during licensed hours of trade where there is an identified increase in the risk of harm to patrons. Without the use of ID scanners during these periods of trade, persons with current banning orders would remain undetected by venues.

The inherent value of ID scanners is in the technologies capacities to "data match" banning orders with ID recognition. As a crime prevention measure, banning orders increase the safety of patrons of an SNP by "socially excluding" offenders from the entertainment environment. By ensuring the consistent use of ID scanners during periods of late night trading by major venues, the safety of patrons in venues and precincts will be increased.

The foundation recommends that the committee consider the inclusion of all major late night licensed venues with the capacity to trade after midnight for the mandatory use of ID scanners. This would include without exception Casinos and International canteen licensed venues. Without the inclusion of all major late night licensed trading venues, the risk of violence in non-participating venues would increase by providing high risk people identified in banning orders with entry to a licensed venue. Any exemption of these licensees would increase the risk of harm to other patrons in these major venues, in turn, creating 'natural havens' for banned people seeking entry to a licensed late night venue.

The introduction of a mandatory ID scanning system will require industry support and cooperation. However the value of the proposed ID scanning system would be severely compromised if exceptions were made for selected licensees, especially those trading in late right periods of high risk.

In summary considerations needs to be made to define the type of venue required to introduce ID scanners. These may include;

- A) the size of a venue
- B) period of trade of a venue
- C) history of incidents of a venue
- D) level of risk of a venue
- E) the location of the venue

References: Liquor and Other Legislation Amendment Bill 2017 Explanatory Notes

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