



Friday, 17 February 2017

The Research Director
Legal Affairs & Community Safety Committee
Parliament House, George St
Brisbane, QLD, 4000

By email: lacsc@parliament.qld.gov.au

Dear Sir/Madam,

Liquor and Other Legislation Amendment Bill 2017

With the introduction of the "Liquor and Other Legislation Amendment Bill 2017" (the bill), and subsequent referral to the Legal Affairs and Community Safety Committee (LACS), we would like to submit a joint response to the bill.

Our Nightlife Queensland represents people from across the state who rely on licensed venues and associated industries for their livelihood. We are caterers, bar staff, cleaners, waiters and small business owners. In Queensland alone, there are 20 thousand workers and hundreds of small businesses who contribute over \$500 million to the local economy every year.

The Safe Night Fortitude Valley Precinct Association Inc. is the peak industry association for the Night Time Economy in Brisbane's Fortitude Valley, and is responsible for the management of stakeholder engagement in the precinct.

Safe Night Precincts (SNPs) exist in key entertainment areas across Queensland. SNPs are managed by local boards operating as incorporated associations. These boards manage and plan for the precinct to address a range of community safety issues.

Local boards promote the safety of the community and the precinct's amenity by developing and implementing initiatives to minimise the risk of harm of violence from anti-social behaviours including the abuse and misuse of alcohol and drugs.

The Fortitude Valley SNP actively supports community organisations that provide rest and recovery services in the precinct for people who have consumed alcohol or drugs.

We share the Government's concern about alcohol-fuelled violence in our nightspots across Queensland. As an industry, we have worked well with Governments over many decades to get the policy settings right. We look forward to working with the committee on its inquiry into this bill.

We would be very interested in appearing at the public hearing being held.

Yours faithfully,

[Redacted signature]

Nick Braban
Secretary - Our Nightlife Queensland

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Liquor and Other Legislation Amendment Bill 2017 – Legal Affairs and Community Safety Committee Inquiry Response



Tightening of the temporary late-night extended hours permit regime.....3
 Use in One Calendar Month & Consecutive Days..... 4
 Definition of "Special Occasion" 5

ID Scanners.....6
 Venues that "need" ID Scanning 6
 Time of Application 7

Benefits of this approach.....8
 Jobs and the Economy..... 8
 Culture and Public Recreational Access 8

Contact us for more information8

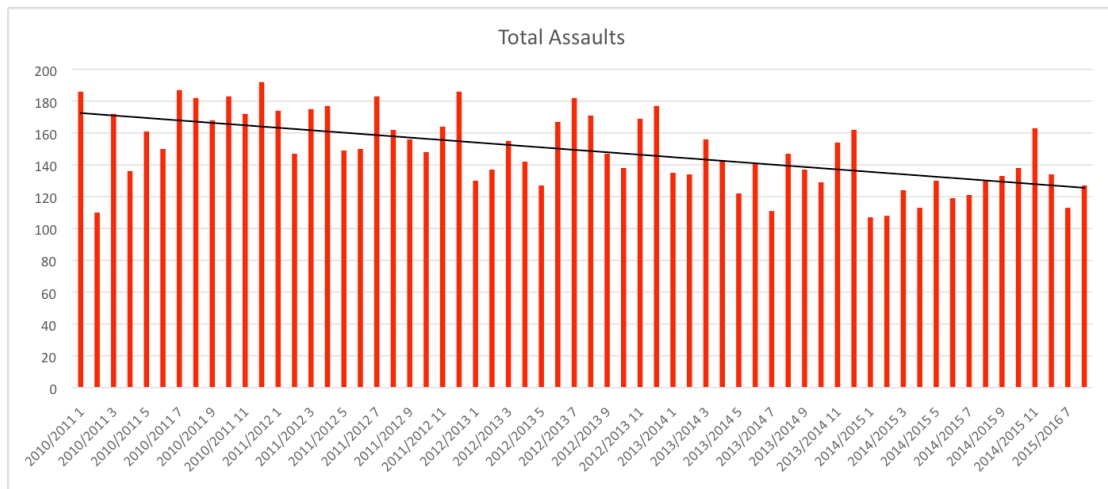
Tightening of the temporary late-night extended hours permit regime

Our Nightlife Queensland (ONQ) and the Safe Night Fortitude Valley Precinct Association (SNFVP) are generally supportive of a review of how extended hours permits (XHPs) are approved.

The researchers engaged to do the evaluation of the Tackling Alcohol-fuelled Violence Legislation Amendment Act 2016 (TAFVLAA) found in their six-month interim report that in Fortitude Valley between July and December 2016 (the first six months of the act having come into force), there had been no change to the existing **downward** trends in common and serious assaults during the late night high-risk liquor service period:

“For the hours of 20:00 to 06:00 there has been a continuing downward trend in common and serious assaults in Queensland and for the hours of 03:00 and 06:00 a continuing downward trend in ambulance attendances in SNPs and a continuing downward trend in common assaults in the Fortitude Valley. This downward trend includes the period since the introduction of the Policy.” – Page 7, *Impact of the last drinks and lockouts*, Institute for Social Science Research (ISSR), University of Queensland.

Seeing as good trends that have existed for over a decade continue to be in effect, the retrospective element of the bill counting XHPs that have been used between 1 January 2017 and assent of the bill against a venues new limit of six XHPs in a calendar year seems unwarranted. Further, restrictions around the use of more than one XHP in a month and on consecutive days limits the ability of industry to both capitalize on seasonal trends, and cater for public demand during these times. We also have concern around what a “special event” constitutes, and who is making this consideration.



Total Reported Assaults, 6pm-6am each day, All SNPs in QLD

Source: QPS Statistical Services (data file can be provided on request)

Use in One Calendar Month & Consecutive Days

There are times in the year where multiple “special occasions” can occur within one calendar month. The clear example of this is during December. It seems illogical to prevent industry from catering to public demand during a month where many citizens celebrate the end of the year. This will surely result in consumer backlash when we reach this time of year.

Further, it is entirely likely that two “special occasions” (for example large corporate events which are unrelated to each other) may occur on two consecutive nights.

The bill allows for the commissioner to grant consecutive permits, or more than one in a month, but only if these relate to “a single special occasion that occurs over multiple days” (bill explanatory notes page 4). Based on our examples above, this seems rather restrictive at certain times of the year.

We would ask that these provisions be removed. The reduction to six XHPs in a year would surely achieve the policy aims of the bill, whether used in a short period or spaced out over a calendar year. The total liquor hours permitted remain the same across the year, and there is no evidentiary basis that a further reduction in crime would occur via restricting their use in a shorter period of said year.

It has been shown there were no “spikes” in crime in the July to December 2016 period, despite the use of XHPs in a concentrated manner during the December month, which further illustrates our point.

Definition of "Special Occasion"

The bill defines what constitutes a "special occasion" to allow an XHP to be used.

Firstly, the new criteria only allows XHP use for a "special occasion" that persons independent of the licensees, and of the owner or occupier of the licensed premises, wish to celebrate on the premises.

Secondly, the new criteria allows for "Special public events" such as a unique or infrequent event of local, state or national significance.

Referencing arguments made in the previous section around crime reductions and the lack of "spikes" in crime surrounding past use of XHPs, this all seems a step too far.

Industry and the public have no confidence in the ability of the commissioner and his delegates in the Office of Liquor and Gaming Regulation to be able to effectively and efficiently make decisions on what constitutes these "Special public events". Opinion on cultural significance is divided enough in the citizenry, let alone the bureaucracy. Who is to say that an event such as a dance music festival does not stand up to this criterion whereas the Rugby League Grand Final does?

Further, entertainment venues often host tours of large live and electronic music artists. These are arranged internally, and don't necessarily align with "Special public events". It seems overreach to not allow a venue to gain an XHP for one of these nights. It will limit investment in music touring in this state, having a deleterious effect on culture and the economy, whilst not achieving any effect on the policy objectives of this bill, namely, crime reduction.

We would ask the committee to review and further define this section of the bill, or strike it completely. The aims of the bill are surely achieved via the 50% reduction in XHPs available, any further red-tape will only stifle investment, and add further confusion to what is an already technical piece of legislation (the Liquor Act).

ID Scanners

Whilst there are no changes to the current mandatory ID scanning legislation, the committee has made reference to it as an issue for further debate and discussion.

It has long been our joint view that the current structure is too prescriptive, and targets venues that simply do not need the imposition of a scanning regime.

Further, it allows little flexibility for nights such as the State of Origin on precincts like the Inner West SNP.

Venues that “need” ID Scanning

The Fortitude Valley SNP has been actively developing preventative measures to reduce incidents of anti-social behaviour in our entertainment precinct. The aim of these measures is to increase patron safety in the precinct in 2017 by delivering:

- A Social educational campaign; “Don’t Stop the Fun”
- ID Scanner trial for major venues

The Fortitude Valley SNP in consultation with QPS has identified a need to increase patron safety by effectively enforcing QPS *banning* and *move on notices*, with the identified potential to act as a deterrent of anti-social and risky behaviour in our precinct. Currently, there is no measure or procedure to enforce these orders and effectively remove banned individuals from the entertainment precinct.

To achieve the policy objective around ID scanning, a blanket application is simply not required. Identification of key venues can be completed utilising OLGR’s “most violent venues” data and via QPS feedback through the QPrime system. Further risk-criteria could be applied including:

- Trading, compliance and incident history,
- Venue size and capacity,
- Licensing conditions,
- Venue Type: i.e. Large Clubs & Pubs vs smaller cocktail and “whiskey” bars, live performance venues.

There is widespread support for scanners in the large, already identified venues in the Valley SNP. This does not translate into the smaller, niche venues in the area. In the spirit of co-operation, a review of the mandatory aspects should be undertaken before the 1 July 2017 introduction.

As at 16 February 2017, there are 53 venues in the Valley SNP which will require scanners. Any logical review of the area sees this figure reduce to approximately 20-25 venues. If this approach is taken it will achieve full industry support, rather than the pain of forcing smaller businesses to wear the burden of technology which will not achieve anything for them.

These venues do not attract a style of patron which fits the recidivist offender profile who attracts police bans. They are also small enough, with a low volume of patron turnover, for management and security to easily manage who they do not want in the venue.

We have seen since the introduction of the TAFVLAA that carte-blanche application of broad stroke legislation does not achieve public, industry nor evidentiary support. The scanning element of policy will achieve the outcomes government is seeking if a more nuanced approach is taken.

We support a staged introduction of scanning. Venues that are not included in the initial implementation based on the agreed criteria, but that are then identified by OLGR and QPS to have problems, can be quickly conditioned to have scanners. The Liquor act provides for this power, and these aims can be achieved under this framework rather than blanket application.

Time of Application

The current structure would force venues to scan from 10pm, every night they intend to trade past midnight. Again, a nuanced approach can be taken here. In the Valley for example, you will find all venues that are required to scan under the aforementioned risk criteria, would begin doing so on Friday and Saturday nights by this time. The rest of the week however, this is simply not workable, nor does the volume of patronage and incidence of crime require such a measure.

The ISSR report and their continued evaluation of the TAFVLAA deliberately only focuses on Saturday and Sunday trading, and their defined "High Alcohol Hours" (HAHs). HAHs are defined as the hours between 8pm Friday to 6am Saturday, and 8pm Saturday to 6am Sunday.

Industry and government both seem to agree that policy needs to be focused on these periods, not the rest of the week. Hence it would be entirely logical to limit scanning to a period within these hours.

If there are issues identified by OLGR and QPS at certain venues outside of these HAHs, licenses can again be conditioned on a case-by-case basis under current Liquor act powers to require scanning.

We would advocate for “mandatory” scanning at our identified High Risk Venues from 11pm to close, on Friday and Saturday nights only. You will naturally find most venues will begin much earlier, but this allows flexibility for smaller venues to manage staff costs and resourcing effectively, whilst still having the desired safety outcomes.

Benefits of this approach

Jobs and the Economy

With these small changes to the bill, both the effect on jobs and business output will not be detrimental.

Small business will not bear the burden of costly interventions like scanners, and bigger businesses can operate knowing they are having a positive effect on public safety.

Further, businesses of all types can continue to invest in the music and entertainment sector to host special events in the knowledge it is commercially viable.

Culture and Public Recreational Access

Allowing some flexibility to XHPs will continue to stimulate output in the cultural sector of Queensland.

Further, the public will be able to celebrate holiday periods with the access to venues that they know and love.

Contact us for more information

As an industry, we are always focused on getting the best outcomes for workers and our patrons. We want to make sure we can get the best policies for Queensland.

We are always open and willing to consult at any time.