

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Re: Call for Submissions - Liquor and Other Legislation Amendment Bill 2017
Date: Friday, 17 February 2017 4:56:52 PM
Attachments: [2F66801C-9BE6-4097-91B9-0F20C1405F79\[4\].png](#)

We refer to your letter of 15 February 2017 seeking submissions from stakeholders in relation to the Liquor and Other Legislation Amendment Bill 2017. The committee of the Brisbane CBD Safe Night Precinct Board Inc (the CBD SNP Committee) discussed the amendments today, and makes the following submissions in relation thereto. For ease of reference, the bullet points which appear in your letter under the heading "Objectives of the Bill" have been used.

Repealing the lockout

The CBD SNP Committee supports the repeal of the lockout. It has been the long-held view of CBD licensees that the lockout was a misconceived and inappropriate policy for CBD venues, a view reflected in the findings of the independent researchers engaged to conduct the review of the Tackling Alcohol Fuelled Violence (TAFV) policy as referred to in the Attorney General's speech to Parliament upon the introduction of the bill.

Repealing the 3am Safe Night Precincts model

The CBD SNP Committee makes no submission in relation to this aspect.

Winding back trading hours for licensees removed from an SNP due to a boundary change

The CBD SNP Committee makes no submission in relation to this aspect other than to comment that this would seem to be a logical outcome of such a change.

Tightening the temporary late-night extended hours permit regime

It is the view of the CBD SNP Committee that the proposed changes are flawed, and arise as a result of the mishandling of the trading hours changes brought about by the TAFV policy.

Historically, the Liquor Act has fixed the latest time for the cessation of liquor sales, with a grace period of half an hour for consumption of liquor. After that time, the expectation was for all patrons to have left the relevant premises. Although no offence is committed by any person as a consequence of persons being present on licensed premises outside liquor trading (and consumption) times, the legislation includes the power for a liquor investigator to remove persons so found, and the Office of Liquor and Gaming Regulation, and its various previous iterations, published guidelines based on this power to this effect.

Exceptions were permitted. A licensee could approach the regulator and ask for the policy not to be enforced if, for example, the licensee wished to host the viewing of a sporting event televised after hours. The forbearance to enforce the policy was usually in the form of a letter of comfort as no formal approval mechanism existed (or was needed).

That policy position changed as part of the TAFV policy, whereby the Government actively encouraged licensees to remain open without liquor sales or consumption. After hours Gaming and Adult Entertainment activity were openly supported.

It is the view of the CBD SNP Committee that continuing to allow licensed premises to remain open, but without the ability to sell liquor is a risky proposition. It will lead to the increased use of illicit drugs and the illegal consumption of liquor through the use by patrons of things like hip flasks and wine sacks which can be easily concealed. Unscrupulous licensees will possibly facilitate these activities, and may even look for opportunities to surreptitiously supply liquor.

Of course the opportunity to relieve the burden on law enforcement and emergency services agencies and NGOs will be compromised.

In terms of one off extended hours permits, until the commencement of the Tackling Alcohol Fuelled Violence amendments it was only possible for hours to be extended out to the latest possible permanent trading time. In other words, if a licensee already had trading hours until 5am, then they could not extend the hours further using an extended hours permit. This of course changed on 1 July 2016 with the commencement of the TAFV provisions, and for the first time licensees could apply for an extended hours permit which would allow trading to continue beyond the latest time permanent trading hours would allow.

The Attorney General refers in her speech to the systematic and widespread use of extended hours permits, and the potential for these to compromise the policy. Other reports referred to accusations that licensees had “gamed the system” so as to deliberately confound the policy. These comments of course completely ignore that every one of the permits in question was the subject of a government approval process and included consultation with Queensland Police Service.

In any case, these approvals have led to an expectation among licensees that extensions of this kind should be available, when as is noted above, historically they were not.

The fundamental flaw, therefore, was in the failure to fix 3am as the latest time when liquor can be sold and supplied, whether that sale or supply occurred under permanent approved extended trading hours, or an extended hours permit. The solution is not to limit the number or frequency of extended hours permits, or the circumstances in which they can be obtained, but rather to ensure they are consistent with a 3am last drinks policy.

Why, for example, should a licensee operating with trading hours until 12 midnight, who previously had a straightforward opportunity to apply for extensions on a modest 12 occasions per year, pursuant to a process that included consultation with Police, a consideration of relevant impacts and the licensee’s record, suddenly have those opportunities severely curtailed? Such an extension might only be until 1am or 2am. There is unlikely to be any evidence to support a reduction in these opportunities, and there is certainly nothing in the Attorney General’s speech or any other document which suggests that the number and frequency of these permits had any effect or bearing upon the efficacy of the TAFV policy.

The proposed rules for extended hours permits are cumbersome, complex and unfair. For example, under the proposed rule, a licensee would possibly be unable to extend trading hours on a Sunday night merely on the basis that it preceded a public holiday, despite the demand which typically exists for additional services on these days. A function venue might require several extensions during peak periods such as the period preceding Christmas, but would, under the proposed rules, be limited to just one per month. The proposed provisions use a local music festival as an example of a special public event. However, it is doubtful whether an extended hours permit could be granted for an after party for one of the performers due to the restriction that the permit may only be granted for the time the

special occasion is happening or a reasonable time before and after – the example given allows half an hour after the conclusion of the relevant event.

The solution is not to create a more restrictive regime around extended hours permits. The use of these permits has never been a significant issue, and they are well-controlled by their nature, in that they require consideration and approval on a permit by permit basis. The system of 12 permits per year, without a need to justify the application according to cumbersome definitions and tests, has worked well for many years. The solution is to fix the latest time that liquor can be sold, supplied and consumed including through the authority of an extended hours permit.

Extending banning order sentencing regime to prescribed drug offences

The CBD SNP Committee supports the inclusion of illicit drugs in the consideration of these matters. It is the firm belief of CBD licensees that many of the violent incidents which occur are a direct consequence of the use by the offender of illicit drugs.

Please do not hesitate to contact me if you require anything further.

Kind regards

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