

## **Safe Night Out Legislation Amendment Bill 2014**

### **About 'No Curfew'**

No Curfew is a community group made up of likeminded individuals who oppose a curfew or any sort of lock-down or lock-out on Queensland's nightlife.

No Curfew is apolitical and fundamentally believes that the vast majority of young people should not be punished for the irresponsible, reckless and sometimes despicable actions of a very small minority.

No Curfew believes that a modern economy needs to have a vibrant late night trading sector and opposes any moves to diminish this goal.

No Curfew believes young people should be given the opportunity to be a part of the solution to alcohol and drug fuelled violence.

No Curfew is keen to be a part of the solution to alcohol and drug fuelled violence and welcomes the opportunity to comment on the Safe Night Out Legislation Amendment Bill 2014.

### **Consultation**

No Curfew acknowledges the fact that this legislation was drafted after consultation across a various forums. No Curfew commends this approach to public policy and would draw the committee's attention to the contrast with the NSW Government that blindly introduced a curfew with no consultation and little notice. We would welcome this approach being adopted in other states.

### **General Overview**

No Curfew supports many aspects of this legislation.

No Curfew is very pleased that a lock out or shut out of Queensland's night life is not a part of the Governments strategy to address alcohol and drug fuelled violence.

No Curfew strongly believes in changing the culture amongst young people to ensure they take greater personal responsibility for their actions.

This legislation introduces a number of initiatives that promote greater personal responsibility. It will also implement measures of increased powers and resources for authorities in implementing these laws which, providing they are used appropriately, will be beneficial.

No Curfew recognises that the vast majority of young Queenslanders go out and enjoy themselves in nightlife precincts and act appropriately. According to the Queensland Government 2012 Drink Safe Precincts (DSP) Evaluation Report, approximately 50,000 patrons visit the Fortitude Valley on weekend nights. Among those, an average 33 total arrests are made, of which 3 are charged with assault.

That means if a lockdown or curfew was introduced, 99.9% of patrons, who do the right thing and not get in trouble with the law will be punished for the actions of isolated offenders.

No Curfew believes this would be grossly unfair.

No Curfew also notes the results of the Qld Government consultation on the Safe Night Strategy in which the issue of “*Personal Values—lack of respect and concern for others*” was the number one issue nominated by respondents that was most significant and required prioritising.<sup>i</sup>

Extended Trading Hours was 8<sup>th</sup>.

However it is also acknowledged that extraordinary physical and psychological pain is experienced by victims of alcohol and drug fuelled violence. It is not only victims that are hurt, but also their family and friends who in many cases have to care and look after the victim at much personal expense.

No Curfew strongly supports the measures contained in this bill to ensure that alcohol and drug fuelled violence at entertainment precincts is curbed.

### **Specific Measures**

Establishing 15 Safe Night Precincts across Queensland to ensure popular nightspots have coordinated prevention and support initiatives in place to keep patrons safe

No Curfew believes the ‘Drink Safe Precincts’ have been a success in the Fortitude Valley, Townsville and Surfers paradise since their inception. They have facilitated policing organisation, precinct coordination, triage assistance, data collection and other measures that have assisted with the safety of patrons.

With that said, crowds and queues are the most contentious issues amongst our followers and often the source of frustration. Ways to further decentralise large crowds should continually be investigated.

Increased penalties for other violent and antisocial offences such as serious assault of public officers, public nuisance, refusing to leave a licensed premises, obstructing police, failing to obey a move-on order and urinating in public

No Curfew supports this objective as a deterrent to inappropriate and illegal behaviour in entertainment precincts.

Some members are cautious of this power being abused, so we will continue to seek feedback from our membership throughout implementation to monitor how these powers are utilised to ensure they are not abused.

A 12 month trial of ‘sober safe centres’ in the Brisbane CBD where police can detain severely intoxicated people in a secure, supervised centre for up to eight hours

No Curfew supports this initiative as a trial. This will ensure patrons are forced to take personal responsibility for their actions whilst not putting further strain on policing and watch house resources. Making public information on the measures for gauging what is a “severely intoxicated person” and any relevant standards or tests are recommended.

Empowering police to issue banning orders and ensuring police have the resources to have a presence and ability to respond quickly to alcohol and drug related violence

No Curfew would submit that this is a crucial element of the strategy. This will provide a tool to restrict troublemakers and offenders from entertainment precincts and venues at times of peak risk.

Some members are cautious of this power being abused, so we will continue to seek feedback from our membership throughout implementation to monitor how these powers are utilised to ensure they are not misused.

Stronger and better co-ordinated action to ensure licensees provide a safe environment and comply with liquor licensing rules, including ‘mystery shopper’ style tests

No Curfew supports any action to enforce existing legal obligations on licensees. However, this should not be seen as an alternative or substitute for greater personal responsibility as the most effective change in decreasing violence and into social behaviour.

Mandatory ID scanners in venues trading after midnight in ‘Safe Night Precincts’

No Curfew supports this objective in principle however believes that further work needs to be done by the Government in regards to the privacy concerns associated with such a measure.

More clarification is needed in terms of how they are to be used, what times they are to be used, who has access to the data, and how long the data is retained.

An awareness campaign, including advertising, to promote clear standards of responsible behaviour for patrons, licensees and police

No Curfew supports an awareness campaign as a way of communicating the strong new measures and penalties on perpetrators of alcohol and drug induced behaviour.

However, No Curfew again stresses that there is no substitute for the common sense and respect of patrons.

An extension of the moratorium on decisions about late night trading hours to 31 August 2014 to allow the measures in the action plan to be established and take effect

No Curfew believes that the current 3am lock out should be immediately scrapped.

No Curfew believes that the current situation leads to a disproportionate amount of patrons on the footpaths after a certain time in the morning which leads to concerns around safety and behaviour.

No Curfew proposes a trial of no lockout for a twelve month period to assess the positive effects of the consistent flow from venues and the alleviation of transport stress and taxi rank pressure.

No Curfew would point out to the committee that QISU evidence suggests that most incidents occur firstly in the home, and secondly in public places such as outside pubs and clubs on footpaths rather than in entertainment precincts.

#### Giving local Councils the right to veto Adult Entertainment license applications

No Curfew does not have a position on this specific proposal. However, it does make sense that laws with relation to entertainment areas in general are made at a local council area wherever possible.

Each area is different. They have different needs, different flows of people, and different demographics. Surfers Paradise is different to Cairns. Fortitude Valley is different to Toowoomba. Mackay is different to Caxton Street.

Wherever possible, local councils should be able to tailor solutions as is appropriate to their local area.

#### **Concerns**

One concern of No Curfew that has not been addressed in this legislation is the issue of improved transport around entertainment precincts.

Safe and easy access to public transport is a serious concern that must be addressed by the Government along with taxi availability.

The queues at taxi ranks and the lack of regular transport during the early hours of the morning is a serious concern and No Curfew would recommend the Department of Transport and Main Roads to conduct a review and construct a transport plan aimed at addressing these issues.

#### **Conclusion**

No Curfew supports the proposed legislation and believes it is a strong step forward in working with the community to address alcohol and drug fuelled behaviour that is inappropriate and unacceptable in the eyes of all Queenslanders.

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<sup>i</sup> <http://www.premiers.qld.gov.au/publications/categories/reports/assets/alcohol-related-violence-survey-results-summary.pdf>