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Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015

On 12 November 2015, the Attorney-General and Minister for Justice and Minister for Training and Skills, the Hon Yvette D'Ath MP, introduced the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 into the Queensland Parliament.

ALH Group welcomes the opportunity to comment on the key objectives of the bill which seek to tackle alcohol-fuelled violence, particularly late at night, through an evidence-based, multi-faceted approach by way of legislative amendments.

The bill if passed proposes that;

- Regular service hours for alcohol in licensed venues across Queensland would end at 2am unless the venue is located in a prescribed safe night precinct approved for 3am liquor trading in which case a 1am lock out will apply
- The 1am lockout would apply to all licenced venues within prescribed safe night precincts approved for 3am trading, including those which cease trading at 2am

ALH Group agrees that the problem of alcohol-fuelled violence in Queensland is very serious but respectfully submits that the Bill as currently drafted is badly flawed:

- The proposed restrictions on trading hours **will not help** to stop alcohol-fuelled violence; in fact, it might make it worse.
- The Bill will have **negative unintended consequences** for Queensland's hospitality and leisure industry.

ALH Group respectfully suggests that politicians, public servants and policy advisers who believe that lockouts are an effective solution to the problem of alcohol-fuelled violence are not as familiar as they could be with the entertainment habits of young people in 2015; that is, those people who will be locked out of licensed premises. While generalisations are always hazardous, it is ALH Group's experience and observation that when young people go out at night, they like to go out until late at night. They also like to consume the amount of alcohol that they budgeted for on the night. A lockout policy will result in some combination of them starting drinking earlier, and then drinking as much as they would if they started later without a lockout, and/or continuing to drink after the lockout with alcohol that they have pre-bought, at private functions held in backyards, flats or public places such as street parties etc. Unlike licensed venues, there is no security at private functions, and this will probably result in more violence than if alcohol is consumed at licensed premises.

There is no reason to think that the amount of alcohol-fuelled violence will fall following these changed drinking patterns. If anything, it will go up, and the evidence from Newcastle, where lockouts were instituted in 2008, bears this out. The issue essentially is one of demand and supply. While the demand for alcohol exists, people will continue to consume it, and a small majority will engage in violent acts. This problem cannot be solved by a partial, piece-meal, time-specific suppression of some of the sources of the supply of alcohol.

Additionally, there is a Queensland-specific factor which might make the situation even worse. If licensed premises on the Gold Coast institute lock outs, people will go to Tweed Heads in northern NSW to drink. There will be a loss of business from Queensland to NSW, and maybe a shift of violence to NSW, but other problems will be created for Queensland as drinkers make their way back to Queensland after their night out. Aside from these factors, the Gold Coast is a major tourist destination and visitors rightly expect that businesses serving alcohol will be open at all hours or at least that the Government won't prevent them from opening. This is also true of the Sunshine Coast. Tourists go to the Gold and Sunshine Coasts for leisure and entertainment, and the ability to consume alcohol, at a time which suits them, is an integral part of this experience.

In the spirit of constructive engagement ALH Group would be very pleased to work with the Queensland Government to help develop effective and efficient solutions to the problems that this bill is intended to address. ALH supports the future introduction of proven measures that will reduce the prevalence of alcohol-related violence in Queensland and Australia. But lockouts are not the answer. Lockouts do not reduce violence. They shift it and hide it from public view.

About ALH Group

ALH operate 330 licensed venues and over 500 retail liquor outlets across Australia employing almost 16,000 people. These venues offer a diverse hospitality experience including, sports bars, bistros, restaurants, cafes, electronic gaming, retail liquor, accommodation, nightclubs and wagering.

Our hotels

- Serve over 49,000 meals each day
- Offer over 1,700 accommodation rooms
- Spend over \$28 Million per annum on bands acts and DJ's
- At a local (hotel) level ALH sponsor over 1,000 clubs nationally and our hotels provide a meeting place for many local community groups.

In Queensland we operate 119 hotels and 397 retail liquor outlets and employ almost 6,500 people. **We have had approval for 34 venues to trade extended hours until 3am in 2015** and there have been **no** incidents of alcohol-related violence during extended trading hours since those licences were issued. The bill aims to fix a problem which **does not exist for ALH venues** but which will cost ALH dearly in terms of lost business.

ALH Group believes that individuals have the right to choose to consume alcohol in licensed venues as a form of social activity. We have a responsibility to deliver best practice in terms of our service of alcohol and to set a positive example to our customers and to other licensees.

ALH does not agree with the blanket proposals to wind back on-premises trading hours to 2am nor with the proposed 1am lockout in safe night precincts, for the following reasons:

- Queensland already has the most restrictive on premise liquor and gaming trading hours in Australia.
- Based on our national experience, in which many of our hotels trade until 5am, a well-run hotel presents a very low risk of violence, even if it is trading under extended hours.
- As discussed in detail elsewhere in this submission, the proposed measures are likely to failing their intended effect, while causing commercial harm to licensed venues

Existing regulatory framework in Queensland

ALH's view is that Queensland's existing regulatory framework, properly applied, is sufficient to curb alcohol-fuelled violence. Licensed trading conditions in Queensland should continue to be based on a risk-management approach. The trading risk and management practices in place at each individual venue should be the determinants of trading conditions (including trading hours)

All liquor licences in Queensland are subject to a base fee plus any additional fee calculated by the risk criteria. The risk criteria relate to trading hours, service practices and compliance history.

Significant liquor licence fees apply for venues with extended trading hours or authorised trading hours between 12am and 3am.

A three-year review of the Queensland Liquor Act introduced major licensed trading reforms in January 2009, and included a comprehensive consideration of trading hours. ALH was concerned that there was not enough evidence-based research, both prior to, and post implementation, to determine policy effectiveness. Despite this, the QLD government amended the Liquor Act 1992 to impose a moratorium on all applications for extended trading hours between 12 am and 5 am, effective 16 September 2009.

This moratorium was lifted on 1 September 2014. **ALH has since had 34 hotels approved to trade until 3am with additional licence conditions applied.** The application process has been at significant expense. The decision to allow hotels to trade until 3am has enabled us to increase employment at our hotels.

Queensland already has the most restrictive on premise liquor and gaming trading hours in Australia. For example:

- NSW allows 24 hour trading with the provision of gaming at any time for 18 hours
- South Australia allows 24 hours with the provision of gaming at any time for 20 hours
- VIC allows 24 hours with the provision of gaming at any time for 20 hours

Despite the trading hour differences by State, in our view, there is no difference in the number of alcohol related incidents and our statistics support this claim.

Alcohol-related violence survey report

From 19 March to 16 April 2010, the Queensland Government sought the public's views about alcohol-related violence after the Law, Justice and Safety Committee handed down a report titled 'Inquiry into Alcohol-Related Violence - Final Report' which included a number of recommendations.

Over 16,000 responses were received to an on-line survey posted by the government. The majority of respondents were users of licensed premises, aged 18 to 39 (91.9%). Results indicate the community wants the government to improve the safety of entertainment precincts and transport services, and introduce new law enforcement security measures.

Key results summary

- 89% opposed earlier lock out times.
- 80% opposed earlier closing times in entertainment precincts.
- 74% opposed earlier closing times in suburban venues.

Prohibition on early trading hours

In December 2007 the then Premier, Anna Bligh, announced an overhaul of Queensland's liquor licensing laws that would phase out the sale of liquor before 10am except in special circumstances. Later announcements confirmed that while licensees could have recourse to serve liquor during earlier trading hours in special circumstances, no gaming could be conducted prior to 10am in any circumstances. This meant that even those with the authority to serve liquor prior to 10am could not offer machine gaming before 10am. The prohibition on gaming before 10am was legislatively introduced on 1 January 2009.

Prior to the prohibition, as many as 562 venues were authorised to commence gaming prior to 10am with up to 45 of these authorised to conduct gaming from as early as 7am:

ALH Group had 55 venues that traded before 10am in December 2008

- From 8:00am 24
- From 8:30am 23
- From 9:00am 8

This meant a loss in trading hours of 633 hours per week or almost 33,000 hours per year. ALH now operates 119 hotels in Queensland.

In summary

- Queensland has the most restrictive on premise liquor trading hours on the Eastern seaboard
- Queensland has the longest theoretical gaming shut down period of any other Australian jurisdiction
- On-line gambling occurs 24/7 and the past decade has seen bricks and mortar EGM gambling participation drop from 39% to 19% (1999 – 2011)
- The restriction on early trading resulted in lost jobs
- The majority of Queensland casinos are permitted to trade before 10am
- The restriction on early trading hours is costing the Queensland Government lost revenue

Many of our venues trade late hours to meet gaming demand which is very low risk of alcohol related violence. Hotels have already experienced a significant drop in trade post the pre 10am trading ban Jan 1 2009

Measures that address the problem

Licensed venues have the advantage of specially trained staff in the responsible service of alcohol (RSA) As a result of all the regulatory requirements such as RSA, RSG CCTV etc. we believe hotels are the safest place for customers to have a drink, consume a meal or place a bet.

Hotels have worked over many years with state governments and their local liquor accords on the following key priorities:

- Ensuring there is no sale and supply to underage
- Not tolerating Intoxication and drunkenness
- Ensuring a safe environment within the hotel
- Ensuring amenity of the surrounding area

ALH has measures in place aimed at responsible consumption of alcohol, including

- Greater emphasis on measures promoting personal responsibility that lead to a more responsible drinking culture and a greater level of personal accountability for people who engage in unacceptable behaviour as a result of excessive alcohol consumption
- Law and order solutions that provide a greater police presence in entertainment precincts and increased penalties for repeat offenders.
- A comprehensive, accurate and consistent scheme for the collection and evaluation of data related to alcohol and illegal drugs, to assist with evidence based public policy.
- Mandatory education about alcohol to promote and encourage more responsible drinking practises
- ALH have led the market in implementing tempered glassware, the provision of free water, comprehensive CCTV coverage and participation in local liquor accords.

Safe practices enforced by our hotels include:

- Assessing intoxication levels of customers using a number of methods, including observing changes in behaviour, observing emotional and physical state, and monitoring noise levels and drink purchases
- Monitor emotional and physical state of customers for signs of intoxication and ill effects of illicit or other drug usage
- Identify customers to whom sale or service must be refused according to state and territory legislation, including minors, those purchasing on behalf of minors, intoxicated persons, and persons affected by the consumption of illicit and other drugs
- Promoting low and mid strength alcohol beverages

Additionally, ALH hotel staff must undertake formal state approved training that requires them to:

- Ensure proof of age prior to sale
- Ensure alcohol beverages are consumed in a responsible manner
- Prohibit the rapid or excessive consumption of alcohol beverages
- Identify erratic drinking patterns and consumers at risk
- Refuse service in situations of misuse
- Provide appropriate assistance to customers when refusing service
- Serve standard drinks only

Lockouts

A lockout, also known as a “curfew” or “one-way door policy” relates to a strategy where after a certain time, no new patrons may enter the licensed premises, but existing patrons may remain on that premises. A number of individual premises use lockouts as a method of controlling patron numbers in their venues. Towns or areas that advocate the success of lockouts are more often regional towns that are considered as “closed” environments; in that there are no other premises or neighbouring towns providing potential entertainment venues - other than someone’s home or a public place.

There is currently **no** evidence, national or international, that lockouts have been proven as an effective measure in major cities.

In Victoria, a 2am lockout was trialled between June and September 2008 and applied to designated trouble spots in Melbourne. Once concluded, the Victorian Government declined to extend the trial and has since announced that the policy has been abandoned altogether. Further it found that during the trial "there has been an increase in reported assaults between the hours of midnight and 2am when compared to the corresponding period in 2007, and a small increase compared to the lead-in period. This is also similar for the period between 2am and 3.59am" *KPMG Evaluation of the Temporary Late Night Entry Declaration, November 2008*

Following a similar trial in Queensland Professor Ross Homel; Foundation Professor of Criminology and Criminal Justice and Director of the Institute for Social and Behavioural Research at Griffith University in Brisbane emphatically told a Queensland Parliamentary Committee that... "The 3am lockout is a complete, absolute 100 per cent failure from all of the data that we have been able to observe. I will just say that dogmatically. You can interrogate me at your will on that one, but I can defend that statement. It is what I regard as a politically attractive but completely ineffective strategy."

Key research findings

The effects on lockouts have been researched for many years, with most researchers finding that are ineffective or counter-productive. Some representative conclusions are"

"Based on [the research available], the balance of evidence suggests that precinct-wide lockouts are ineffective in reducing alcohol-related harm in night-life districts, and are associated with some negative consequences". *Peter Miller, Ashlee Curtis, Tanya Chikritzhs, John Toumbourou, 2015ⁱ*

"It seems that in recent years, in Australia at least, lockouts have become a kind of 'autoreply' from politicians and police when concerns are raised about ongoing violence in the NTE, rather than an evidence-based intervention." *Peter Miller, Darren Palmer, Emma McFarlane, Ashlee Curtis, 2014ⁱⁱ*

"A recent a study of 10 years of crime data from Ballarat found the lockout had no discernible long-term impact on alcohol-related emergency department attendances". *Kypros Kypriⁱⁱⁱ, Professor / NHMRC Senior Research Fellow School of Medicine and Public Health*

The Newcastle Experience

There have been many references by various stakeholders on the public record to the conditions imposed on licenced premises in Newcastle and the subsequent outcomes. For example, the Minister for State Development, Dr Anthony Lynham (commenting in his capacity as a former surgeon) has said that "Based on the Newcastle experience, we should see a reduction in Emergency Department admissions on Friday and Saturday nights, due to assaults dropping by up to 30%."

Unfortunately, there is no reason to believe this is true. The Newcastle experience has become a myth, and it is necessary to do some myth-busting. While assaults did fall in Newcastle immediately after lockout conditions came into force, they fell across NSW in this period, including in places with no lockouts. In fact, Newcastle has done worse, in terms of declining assaults, than NSW as a whole.

Specifically, the facts on the Newcastle experience are as follows.

1. In March 2008, the Liquor Administration Board imposed a series of conditions on 14 late trading hotels in the Newcastle CBD.
2. The imposed conditions were
 - a. 1.30 am lockout
 - b. 3.30 am close
 - c. Sale of alcohol to cease 30 minutes before close
 - d. Drink restrictions after 10pm (incl No shots, can't buy more than 4 drinks at once).
3. Assaults before and after the conditions in Newcastle were imposed
 - a. In the year to March 2008 there were **304** assaults in and around licenced premises in the Newcastle LGA
 - b. In the year to March 2009, there were 233 assaults in and around licenced premises in the Newcastle LGA – **a fall of 23.4%** on the 2008 figure.
 - c. In the year to March 2010 there were 282 assaults in and around licenced premises in the Newcastle LGA – **an increase of 21.0%** on the 2009 figure. The 2010 figure was just 7.9% below 2008, which compared badly to NSW as a whole, where assaults in and around licensed premises fell by 18%.
 - d. Four years after the imposition of the Newcastle lockout, that city still lagged behind the rest of NSW. The comparative figures for the decrease in assaults in and around licensed premises in NSW for the four years to March 2012 were
 - i. All NSW -30.0%
 - ii. Campbelltown -42.7%
 - iii. Gosford -37.7%
 - iv. Wollongong -34.6%
 - v. Newcastle -25.3%

(All assault data sourced from NSW Bureau of Crime Statistics and Research, Reference: kg13-11384.)

Thus Newcastle, the one jurisdiction with a lockout, had the **worst** record for assaults. Newcastle's experience cannot credibly be claimed as justification for the bill. In fact, the Newcastle experience points to the conclusion that lockouts are counterproductive. A number of explanations suggest why this should be so.

First, lockouts create a sense of complacency. Because something has been done, governments and other key stakeholders believe that nothing much if at all more needs to be done. The causes of alcohol-fuelled violence are then neglected as are real solutions to the problem.

Second, as already noted in this submission, time-dependent lockouts do not reduce the amount of drinking (and possibly consequent violence), they shift it too earlier in the night, or to venues where there is no lockout.

Summary

ALH believes that the non-evidenced based reduction in trading hours and lockouts proposed by the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 will;

- **Not have any effect** on reducing alcohol-fuelled violence
- **Reduce employment at our hotels** which will cost some of our employees their jobs or a reduction in hours employed.
- **Reduce potential employment opportunities** at our hotels.
- **See customers shift their consumption** from the Gold Coast to northern NSW
- **See regulatory neutrality further diminished** between the hotel sector versus Casinos and on-line entertainment providers.
- **Significantly reduce sector confidence**, particularly given the lifting of the five year moratorium on extended hours in Sept 2014. We have subsequently applied to increase trading hours at almost 100 venues (until 3am) of which more than a third have been approved this year. This process has been at significant expense to our business.
- **Impose an unjust late night trading fee.** We already pay a substantial late trade fee for extended trade from 12 midnight to 3am.
- **See an increase in cost of all product offerings** at our hotels i.e. beverages, food, accommodation etc.
- **See a reduction in venue refurbishment and capital expenditure.**

ALH invests considerably in Queensland and want to ensure sustainable employment and investment into the future.

I would welcome the opportunity to further discuss our submission. Please do not hesitate to contact David Curry, Head of Regulatory and Corporate Affairs on (03) 9829 1010 if you require further information.

Yours sincerely,



Bruce Mathieson Jnr
Chief Executive Officer

Appendix

Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm

Peter Miller, Ashlee Curtis, Tanya Chikritzhs, John Toumbourou, 2015^{iv}

“Based on [the research available], the balance of evidence suggests that precinct-wide lockouts are ineffective in reducing alcohol-related harm in night-life districts, and are associated with some negative consequences”.

...Research examining this type of intervention is limited, generating ambiguous results at best. Trials have been conducted without evaluation, and data is normally extremely limited.

*The most recent evaluations of lockouts have both come from Newcastle in New South Wales. Kyri et al. (2014) compares Newcastle and the neighbouring suburb of Hamilton. Both entertainment districts had lockouts, but only Newcastle had restricted trading hours. No evidence indicated that lockouts had any impact on alcohol-related assaults. Using qualitative data, Miller et al. (2014b) found that **lockouts can impact negatively on smaller bars and those that trade earlier, because patrons chose to go to venues offering the most options for entertainment and socialising.** While both studies were part of a multi-pronged intervention, they each reported potential negative consequences associated with lockouts and found **no evidence of them having any positive impact.***

*Another study on lockout interventions within Queensland in 2004 (Palk et al., 2010) examined the effectiveness of a five-week trial lockout at 3 am using first response (general police) data. During the lockout trial period, the number of street disturbances reduced significantly (12.3% reduction) as well as sexual assaults (33.7% reduction). No significant declines were found for general assaults, property damages, or stealing. While these results initially seem promising, a major limitation is the extremely short evaluation period of only five weeks, making conclusions speculative at best. A particular problem of this study, and most studies published thus far, is the inability to control for levels of police activity. It has been demonstrated several times that **high levels of street policing, especially when it adopts a zero-tolerance approach to anti-social behaviour, is effective in reducing alcohol-related assaults and injuries** (Miller et al., 2014a; Miller et al., 2012c).*

*In another example, a temporary 2 am lockout was set in Melbourne for three months during 2008, affecting 487 licensed venues (KPMG, 2008). The main aim was to reduce alcohol-related violence and disorder. Results indicated decreases in assaults in the affected areas ranging from five percent to 36 percent when compared to the three months immediately preceding implementation. **Within these results, however, increases in assaults were noted between 12 and 2 am, and 2 and 4 am** (KPMG, 2008). Limitations to this study largely revolve around data specificity and research design. For example, a major concern involves the fact that a large part of the data used for evaluation (emergency department data) comprised all alcohol-related incidents (assault, DUI, intoxication, etc.) across all metropolitan areas in Melbourne without specifying which cases were assaults, and which cases were linked to venues included in the lockout intervention. Adding further complication, a third of the*

venues within the entertainment district were excluded from the study and allowed to maintain their original mode of operation with patron re-entry permitted throughout business hours. This compromised the ability of the trial to assess the impact of the intervention. A clear picture of intervention effects on the main outcome variable (alcohol-related violence in the NTE) is extremely difficult, if not impossible to ascertain (KPMG, 2008).

An evaluation of the lockout in Ballarat (Victoria) used police data for the 12 months before and 12 months after the lockout (Molloy et al., 2004). It found that the number of assaults within licensed premises decreased (47.5%) as did those in public places (33.3%). Overall property damage outside of licensed premises also decreased (17.3%) but property damage to licensed premises increased (25%). Again, these results seem promising, but **the decreases in assault and property damage actually began six months before the implementation of the lockout**. At the same time, Ballarat police increased its presence in the CBD on weekend nights as well as liaising regularly with venue operators, security personnel, and patrols in both marked and unmarked police vehicles (Molloy et al., 2004). Lastly, using police data is problematic as only 34 percent of alcohol-related assaults are typically reported (Laslett et al., 2010). In an attempt to counter these issues, Miller, Coomber, Sonderlund and McKenzie (2012a) evaluated the long-term effect of lockouts on alcohol-related attendances at Ballarat's emergency department using the frequency of alcohol-related injuries. They discovered **there was no long-term impact as a result of the intervention, apart from shifting injury attendances at the emergency department to later at night**.

Bleetman et al. (1997) evaluated Operation Blade in Glasgow, Scotland, which aimed at reducing knife crime. The intervention included a midnight lockout policy as well as a reduction in licensed venue trading hours from 3 to 2 am. The evaluation measured emergency department assault presentations. Results indicated a 19 percent reduction in assaults for 10-months following implementation, but this apparent success was **ultimately attributed to the increased police presence in the NTE following implementation of Operation Blade**. Further, **the ten-month decrease precipitated an eventual increase in assaults which then surpassed pre-intervention rates**, indicating a decay of intervention effects (Bleetman et al., 1997).

Based on the findings reported above, the balance of the evidence suggests that precinct-wide lockouts are ineffective in reducing alcohol-related harm in night-life districts, and are associated with some negative consequences."

ⁱ Miller, P., Curtis, A., Chikritzhs, T. & Toumbourou, J. (2015) *Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm*. National Drug Law Enforcement Research Fund: Canberra.

ⁱⁱ <http://www.palgrave-journals.com/cpcs/journal/v16/n1/abs/cpcs201312a.html>

ⁱⁱⁱ <https://theconversation.com/earlier-pub-closing-times-key-to-reducing-alcoholfuelled-assaults-23829>

^{iv} Miller, P., Curtis, A., Chikritzhs, T. & Toumbourou, J. (2015) *Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm*. National Drug Law Enforcement Research Fund: Canberra.