

21/12/2015



The Research Director

Legal Affairs and Community Safety Committee

Parliament House

George Street

BRISBANE QLD 4000

### Submission to the Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015

To whom it may concern,

I, Mark Napier wish to make a submission in relation to Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015. My understanding is that the primary objective of the Bill is to reduce alcohol and drug related violence in Queensland's nightlife.

My submission should be considered to highlight the effects that the proposed new legalisation (regarding a blanket rule in the reduction of trading hours) with imposed lock outs, has on small business owners and the detrimental effects that may be felt if these new laws are passed through parliament.

I have been in the industry since 1998 and my background in hospitality spans from pubs, restaurants and predominantly late night venues. You could say that I am an old hand at this game and I have learnt a lot about the industry since my involvement commenced.

My business is the Mad Cow Tavern, EST 1997. The venue has been trading for 18 years and could be considered an iconic pub that is known throughout Australia.

The tavern has operated under its current licence; Sunday – Thursday 8pm – 3am (no lockout) and Friday – Saturday 8pm – 5am (3am lockout).

I employ five full time and approximately thirty casual employees, most who rely on their employment at the Mad Cow as their sole jobs and depend on those hours to be able to live, pay for university and to support their families.

The Mad Cow Tavern is leading the way in compliance and well-regulated venues and other venues aspire to be as vigilant. Our relationship with Police and Office of Liquor and Gaming is terrific and we work together on local issues with local solutions. So I ask the current government, why is my business being included in the blanket legislation?

It should be noted that the Mad Cow Tavern has not received a breach of any kind since 2009 from either Police or OLG. So I ask the current government, why is my business being included in the blanket legislation?

I also see when I travel throughout Queensland, that other venues are taking great strides forward in an attempt to ensure an improvement in compliance operations and that individual staff are becoming more responsible for the service of alcohol in these venues.

I have experienced many changes over the years as governments come and go but the business has been able to adapt so that it has complied with the relevant legislation even with an increase in red tape and compliance conditions.

I do understand that a Police Officer or an Accident and Emergency Director might consider alcohol to be the cause of the majority of issues they deal with at the weekend but that may well be an issue with society and not with the opening and closing hours of pubs and clubs.

In the period between 2011/2012 to 2014/2015, indicates Townsville's CBD (includes areas outside licenced premises and entertainment precinct), represents only 11% of overall offences compared to all other suburbs in Townsville (20+ suburbs).

- Overall assaults in the TSV City 8% (508) compared to ALL Suburbs (6,174)
- Drug Offences in the TSV City 6% (793) in comparison of Total All Suburbs (12,828)
- Liquor (excl. Drunkenness) in the TSV City 21% (974) in comparison of Total All Suburbs (4,697)
- Good Order Offences in the TSV City 34% (5,082) in comparison of Total All Suburbs (15,114) (this is a reflection of the Police presences in Flinders Street/Dean Park/Mall with known itinerants, so indicates a higher %)
- From 2011/2012 to 2014/2015 TSV City has had a decline in Overall Assaults, Drug Offences, Liquor (excl. Drunkenness) and Good Order Offences. **A decline of 54.47%**
- And from 2011/2012 to 2014/2015 TSV City **had a 18.95% decline** compared to Total All Suburbs

Statistics supplied by Right to Freedom of Information for Townsville. "Statistics, data, and information relating to the number of alcohol related incidents within Townsville over the past 3 years broken down by suburb and by year"

(Attached letter Application under the Right to Information Act 2009)

(Attached Statistics)

So I ask the current government, why is my business being included in the blanket legislation?

I believe our entertainment industry is slowly dying as we cannot get creative with our product due to the ever increasing regulations on our businesses. I, alongside with other licensed traders are all in favour of safer venues/amenities and we particularly don't want violence in and around our businesses as quite simply "it's bad for business". So I ask the current government, why is my business being included in the blanket legislation?

Our local accord in Townsville has worked with local council in respects to local issues that would improve our local amenities and to reduce further the overall offences in our precincts.

Some of the issues discussed to date;

- Better late night transport solutions - no action
- Better transport hubs - no action
- Public Toilets - no action
- Better facilities for Police and Chaplains - noted but no action
- Better town planning - noted but no action

Flinders Street East is the most visited place by tourist and locals alike in Townsville every week, yet the facilities and amenities have little funding through local council therefore increases amenity pressures within the area and services.

Facts that exist for my business locally if the bill is passed in relation to trading hours;

- The statistics suggest we do not need the change in trading hours. As a local community, licensed venues, council and other authorities have dealt with and continue to work together to obtain local solutions for local issues.
- Approx. 70% of my trade comes from Friday and Saturday nights, effectively the Labor government is taking away approximately 25-30% from my business.
- Mid-week trade in Townsville is nearly non-existent so any lockdown will again disadvantage trade and cost jobs.
- I will be disadvantaged when any conferences, expo's, conventions, visits by US and other Navy Ships, army exercises, JCU events, sporting carnivals are taking place.
- I will be disadvantaged on nights that the Cowboy's play at home. These nights bring people into Townsville from the western communities, our neighbouring cities hundreds of kilometres away.
- The backpacker and tourism market will be disadvantaged as Townsville does not present as a destination for young tourist.
- Effectively my business will lose approx. one million dollars in revenue.
- Effectively my employment of local people will halve.
- Effectively I may not be able to make financial commitment. (Close of business, a business that has traded for 18years.)

The proposed blanket ruling of 3am closure with a 1am lockout (in precincts) or 2am closure (outside precincts), supports big companies on the back of gambling, will effectively shut small businesses down that would normally be open for business, cost jobs, negatively affect tourism and cost millions of dollars in revenue for Townsville and Queensland. So I ask the current government, why is my business being included in the blanket legislation?

I am not against gambling or adult entertainment, but the proposed amendments seem to be biased towards big business leaving the door open for trade yet restricting small business which is clearly questionable.

It also makes no sense at all to me that the proposal which prohibits the service of alcohol at 2am or 3am in licenced venues does not include the closure of casinos at the same time. To think that young, impressionable people will be allowed to enter gambling establishments after they have finished at clubs and pubs, will only serve to increase the number of problem gamblers! What support networks will the government create to solve that issue? Surely in an attempt to reduce alcohol fuelled violence, the government will inadvertently increase the number of problem gamblers in society which can be just as destructive as alcohol fuelled violence and destroy lives/livelihoods.

It has been stated by OLGR that Casinos have a greater requirement, but this is not backed by fact. The number of cameras and guards is simply a correlation between the size of the business overall. If we were to extrapolate out the numbers of cameras, staff and security at a very large "pub" or nightclub, you will find the quantum is similar. The Casino Control Act 1982 carries no requirements on alcohol service, aside from at tables, yet we are all regulated by the same act when it comes to liquor service. Again clearly questionable.

So I ask the current government, why is my business being included in the blanket legislation?

The previous government, in consultation with the local communities formed local solutions for local issues that continue to work in our precincts and licensed venues.

Moving forward, the Labor government should not stop our freedom of choice or interfere with small businesses attempting to do business. The community cannot afford to lose any more jobs as the labour market is becoming increasingly difficult in this region. The Labor government definitely should not affect our vibrant tourism and night time economy.

For the sake of the 1% of people who wish to commit a violent act whilst consuming alcohol or drugs, why doesn't the current Labor government simply increase the penalties for the individual?

Some solutions other than reduction of trading hours or lockouts could be;

- Local solutions for local areas
- Rest and recovery services
- Transport design and initiatives associated with this
- Local engagement groups to bring stakeholders together
- Drug and alcohol referral pathways
- Education and Culture change via smart, modern and industry partnered campaigns
- Use of the current liquor act to manage trading hours and lockouts, and targeting of problem businesses with harsher penalties
- Implementation panel reporting to AG/Premier as per SNOS

In summary there are better ways of managing the issues surrounding alcohol with the elephant in the room that seems to be too hard to deal with - drugs.

Other details that should be considered in relation to Townsville

- Only 8 venues who trade from 3am – 5am out of approximately 80 licenced venues within the Drink Safe Precinct
- Approximately 25 venues trade from 12am – 2/3am. (Previous recommendations of reduction of hours here and has no licencing conditions as those who trade from 3am – 5am)
- All 3am – 5am venues but 2 venues trade only 3am – 5am Friday and Saturday (peak times)
- Busiest nights Tuesday, Friday and Saturday
- Very quiet nights, Sunday, Monday, Wednesday & Thursday. (so you could say business are dependent on those Friday & Saturday nights to stay open)
- Flinders St East is the most visited area in Townsville behind the Strand and is even more popular after Cowboys home games.
- Venues that trade from 3am – 5am employ approximately 200 people. Approximately 35 full time, 15 part time, 220 casuals
- Peak nights Friday & Saturday approx. 250-300 would work.
- Approximately \$23million in gross trade from venue who trade 3am – 5am.
- Over 30 thousand persons per week visit the Drink Safe Precinct, this includes restaurants and venues who trade prior too and after 12am.
- Venues are at capacity at 3am with most numbers leaving from 3:30am – 4:30am.
- Townsville Transport system could not cope with the influx at 3am, we simply do not have an effective late night transport system in place.

**So I ask the current government, why is my business being included in the blanket legislation?**

I trust this submission will be considered by the Parliamentary Committee. If you require any more clarification on any item in this letter, please do not hesitate to contact me any time.

Regards

Mark Napier



Director Mad Cow Tavern – Est. 1997

Po Box 374, Belgian Gardens, 4810 QLD





**Public Safety  
Business Agency**

13 April 2015

Our Ref: RTI/14215  
Your Ref:

Mr Shawn Andersen  
PO Box 1401  
TOWNSVILLE QLD 4810

Dear Mr Andersen

**Re: Application under the Right to Information Act 2009**

I refer to your application received by the Public Safety Business Agency (PSBA), Right to Information and Privacy Unit on 18 March 2015, in which you seek access to the following documentation pursuant to section 23 of the *Right to Information Act 2009* (RTIA):

- *“Statistics, data, and information relating to the number of alcohol related incidents within Townsville over the past 3 years broken down by suburb and by year.”*

The PSBA, Right to Information & Privacy Unit is authorised to deal with information access applications on behalf of Queensland Police Service under section 30(3) of the RTIA and section 50(3) of the *Information Privacy Act 2009* (IPA).

From the terms of your request, I am satisfied that the documents to which access is sought does not concern your personal information. Accordingly, your application will be dealt with under the RTIA.

**FEES AND CHARGES**

**Application Fee**

I acknowledge receipt of the non-refundable application fee of \$43.35. No further fees or charges are payable.

**SEARCHES**

Following receipt of your application, searches were conducted for documents relevant to your request. As a result of those searches, one (1) x statistical data spreadsheet was collated and a determination made concerning it.

**DECISION**

I am an officer authorised by the Chief Executive Officer, PSBA under section 30(4) of the RTIA to make decisions concerning the provisions of the RTIA. The Chief Executive Officer is the principal officer of this agency.

**Right to Information & Privacy Unit**  
200 Roma Street Brisbane  
Queensland 4000 Australia  
GPO Box 1440 Brisbane  
Queensland 4001 Australia  
Telephone +61 7 3364 4666  
Facsimile: +61 7 3364 4675  
Email: [rti@psba.qld.gov.au](mailto:rti@psba.qld.gov.au)

I have determined today to **fully release** the statistical data spreadsheet.

Please find **enclosed** on CD the statistical data spreadsheet.

**Note:** Data produced for geographical areas other than State, Region or District are subject to inconsistency, therefore, should be treated as an estimate only. Also note that the suburb data is subject to miss spellings. Since there is a large volume of suburbs, pivot tables have been provided to allow you to select the suburb to display the offence data. A control sheet has also been provided to show group totals and the figures for Townsville Police District.

### **REASONS FOR DECISION**

The right of access is contained in section 23 of the RTIA which provides:

#### ***23 Right to be given access to particular documents***

- (1) Subject to this Act, an individual has a right to be given access under this Act to—*
  - (a) documents of an agency; and*
  - (b) documents of a Minister.*
- (2) Subsection (1) applies to documents even if they came into existence before the commencement of this Act.*

I draw your attention to section 44(1) of the RTIA which provides that it is parliament's intention that documents should be released unless giving access would be contrary to the public interest.

I have examined the spreadsheet carefully and have decided that it does not contain exempt information under section 47(3)(a) and Schedule 3 of the RTIA. I have further decided that disclosure of the spreadsheet would not be contrary to the public interest under section 47(3)(b) and Schedule 4 of the RTIA.

Accordingly, I have decided to release the spreadsheet in its entirety.

### **Disclosure Log**

Pursuant to section 78 of the RTIA, documents released as a result of this application will be considered for publication on the Queensland Police Service Disclosure Log. Please note, documents containing personal information and/or information considered to be either exempt or contrary to the public interest will not be published in accordance with section 78B of the RTIA.

### **REVIEW**

Your attention is drawn to the **enclosed** sheet which details your right of review.

Should you have any further inquiries concerning this matter, please write or contact Garrán Kealy on (07) 3364 4666 quoting reference number RTI/14215.

Yours sincerely



**G KEALY**

Information Rights Officer  
Right to Information & Privacy Unit

Offence Category	TOWNSVILLE [all suburbs]					TOWNSVILLE [Townsville City]				
	2011/2012	2012/2013	2013/2014	Jul 2014 - Feb 2015	Totals	2011/2012	2012/2013	2013/2014	Jul 2014 - Feb 2015	Totals
1 Grievous Assault	80	77	70	42	269	12	6	6	6	30
2 Serious Assault	840	770	698	522	2,830	68	57	53	37	215
3 Serious Assault (Other)	180	258	275	174	887	6	26	18	10	60
4 Common Assault	634	618	563	373	2,188	73	55	43	32	203
5 Sexual Offences	385	436	432	353	1,606	43	45	52	19	159
6 Robbery	73	84	66	35	258	4	3	5	1	13
7 Other Offences Against the Person	230	270	240	116	856	16	10	9	4	39
8 Unlawful Entry	3,372	3,296	2,546	1,375	10,589	76	61	57	43	237
9 Other Property Damage	2,953	2,696	2,448	1,565	9,662	170	143	106	89	508
10 Unlawful Use of Motor Vehicle	1,027	979	801	409	3,216	22	24	23	12	81
11 Other Theft (excl. Unlawful Entry)	6,796	6,102	5,593	3,300	21,791	360	405	325	181	1,271
12 Drug Offences	2,863	3,469	3,699	2,797	12,828	218	274	157	144	793
13 Prostitution Offences	7	0	1	0	8	1	0	0	0	1
14 Liquor (excl. Drunkenness)	1,037	1,287	1,687	686	4,697	227	237	300	210	974
15 Trespassing and Vagrancy	226	247	339	287	1,099	9	15	21	21	66
16 Weapons Act Offences	218	214	245	230	907	16	10	19	10	55
17 Good Order Offences	4,186	4,017	4,084	2,827	15,114	1,680	1,334	1,217	851	5,082
18 Traffic and Related Offences	2,317	2,201	2,314	1,358	8,190	134	102	151	77	464
<b>Totals</b>	<b>26,830</b>	<b>26,830</b>	<b>26,830</b>	<b>16,830</b>	<b>96,995</b>	<b>1,215</b>	<b>1,215</b>	<b>1,215</b>	<b>1,215</b>	<b>10,251</b>

Comments:

NO's 1 to 4, total overall Assaults (the TSV City (includes CBD, Flinders street, Palmer Street, Mall, Dean Park) represents only .08% of overall assaults in the TSV City (508) compared to ALL Suburbs (6174)

NO 12, Drug Offences TSV City 6% in comparison of Total All Suburbs

NO 14, Liquor (excl. Drunkenness) TSV City 21% in comparison of Total All Suburbs

NO 17, Good Order Offences TSV City 34% in comparison of Total All Suburbs (this reflects with the Police presences in Flinders Street/Dean Park, so indicates a higher %)

OVERALL – TSV CITY vs ALL SUBURBS COMBINED only represents 11% of overall total offences combined.