

**BRISBANE CITY
LICENSEES
ASSOCIATION**

PO Box 7024
Riverside Centre
Brisbane Qld 4001

07 3832 2122

22 December 2015

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Madam/Sir

Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015

We refer to the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 ("the bill") which was introduced into the Queensland Parliament on 12 November 2015. It is noted that the bill has been referred to the Legal Affairs and Community Safety Committee for investigation and consideration, and that the Committee has invited public submissions on the bill as part of its deliberations.

This letter contains the submissions in response to the Committee's invitation on behalf of the Brisbane City Licensees Association ("BCLA").

The BCLA was formed on the initiative of the then Deputy Mayor and Council Majority Leader Cr David Hinchliffe through meetings and workshops held on 9 March and 5 April 2005. These meetings followed then Premier Beattie's safety summit on 25 March 2005 and the subsequent release of the Brisbane City Safety Action Plan. Since that time, the Association has been committed to responding to the concerns about safety in the inner city, and to taking responsibility for bringing about improvement in safety standards both within and external to licensed premises, and has been an active contributor to the development of liquor licensing and related policy.

Although the bill deals with a number of matters which are unrelated to public safety and violence (whether alcohol fuelled or otherwise), the central issues for the BCLA are those related to the proposed changes to trading hours. The BCLA does not support the approach set out in the bill and makes the following comments and observations.

At the heart of the BCLA's concerns are the confusing and unnecessary complexity surrounding closing times, the way in which these will be determined, and the unworkable additional conditions which will apply during extended trading periods.

Firstly, it is poor policy to create different operating conditions for licensees operating businesses in competition with each other in identical markets. The bill in its present form is likely to result in parts of the city operating with 2am trading and no lock out, cheek by jowl with areas operating until 3am but with a 1am lock out. The creation of these types of divisions and rivalries is unhelpful, and will do nothing to advance the goal of reducing liquor-related violence. On the contrary, our members are of the view that complex and pointless rules create additional triggers for misbehavior.

Additionally, whether a licensee has the opportunity to trade until 3am will be a decision of the Safe Night Precinct Board. The bill does not propose amendments which govern the way in which such a decision is made, which means it will be a matter for the rules of the various associations, or as we understand it, a vote carried by a simple majority. We have already heard anecdotally of clear differences of opinion among licensees in SNPs about which option would be best, meaning that there is the potential for this approach to create disharmony and instability within SNPs – precisely the opposite of what the Safe Night Policy was intended to achieve. Consider for example how those on the losing side of the vote will react if there are negative economic consequences of the choice made.

The situation is further complicated due to the existence of a number of identifiable precincts which have either been prescribed as SNPs but have reservations about creating an incorporated association (such as the Brisbane CBD, Townsville and Brisbane Inner West), or have simply not been prescribed at all. On the one hand, the two-tiered approach has the appearance of a further attempt by Government to force the association of licensees, or on the other to unfairly advantage or disadvantage one area over another.

Our group has been in discussions with Government for more than 12 months regarding the proposal for mandatory ID scanning in certain licensed venues. The changes now proposed, in that they apply pressure on licensees to incorporate SNP Boards, appear to also amount to a gateway to this undesirable policy. The following is an extract from recent communications with the Premier and others regarding this issue, and we would respectfully ask that the Committee be cognisant of these matters in its deliberations:

The Right Honourable Premier and Members of Parliament

I attach below the Annual Statistical Review 2014/15 North Brisbane District, a district that includes the Fortitude Valley and Inner West SNP's established in late 2014, and the proposed Brisbane City SNP. The SNP Legislation was an initiative of the LNP Government, legislation not supported by the ALP in Opposition.

The Statistics show a 5% decline in assaults in the '14 - '15 year, a welcome result certainly, but one that could not be attributed to SNP initiatives, as a Central Plank of this Initiative is Mandatory Scanning which the ALP has wisely put on hold while it is reviewed.

These Statistics also show declines in Robberies of 19.1%, and declines in Kidnapping and Abductions of 25.4%, likely attributable to Vlad Laws and the general crackdown on criminal elements and organisations instigated by the LNP.

The BCLA is a body representing many Licensees in this Statistical area, and members express great concern about what they see as the detrimental effects that the ALP's proposed 1am Lockout will have on the Industry, and the great raft of problems it will likely cause, including probable violence, reduced Employment opportunities, reputational damage to the Tourism Industry, a probable negative knock on effect to the Tertiary Education Industry, and a dearth of occupants for the 10,000 plus new inner city units soon to be added to our skyline. They also question where the Empirical imperative is to drive this strategy, given the latest Statistical Survey, and each survey before it over a period of many years which shows a similar pattern of decline.

Members are also concerned about a review of Vlad Laws and others which would appear to have been so successful in managing the problem of gangs and organised crime, and would caution against any relaxation in this area.

BCLA members are widely supportive of 3am closing, however do not support a 1am Lockout, Mandatory Scanning, or restrictions on certain drinks served past midnight, and would respectfully ask that these aspects of ALP policy be reviewed in light of these very favourable QPS Statistics.



myPolice Brisbane Central IMMEDIATE EMAIL NOTIFICATION

Annual Statistical Review 2014/15 - North Brisbane District

North Brisbane District crime statistics

North Brisbane District Officer Acting Chief Superintendent Paul Ziebarth today welcomed the release of the Queensland Police Service's Statistical Review which demonstrated a reduction in assaults, robbery offences and break-ins across the district. The Statistical Review represents a comprehensive insight into the level and nature of crime reported for each police region and district

throughout Queensland.

The overall crime rate across the district increased by 1.6 percent.

“The overall rate of offences against the person decreased during 2014/15 with assaults decreasing by five percent, robbery offences decreasing by 19.1 percent and other offences against the person including kidnapping and abduction offences decreasing by 25.4 percent,” Acting Chief Superintendent Ziebarth said.

“Sexual offences increased by eight percent. Reported rapes or attempted rape offences decreased by 11.5 percent and there was an 18.8 percent increase in other sexual offences.

“The increase can be attributed in part to more people reporting incidents of sexual offences to police especially historical cases.”

The rate of break-ins across the district fell by 11.6 percent. Unlawful entry into houses decreased by 17.5 percent while unlawful entry into shops fell by 14.3 percent.

“A lot of break-ins are opportunistic and are preventable,” Acting Chief Superintendent Ziebarth said.

“It is encouraging to see a steady decrease in these offences and demonstrates the community is actively participating in crime prevention. Police will continue with proactive policing and community programs, such as the Brisbane North myPolice blog and Neighbourhood Watch groups.”

Acting Chief Superintendent Ziebarth encourages the community to remain vigilant with the rate in fraud offences increasing by 47 percent.

“There was a decrease in computer fraud and cheque fraud. Credit card fraud increased by 24.8 percent, identity fraud increased by 34.6 percent and other fraud offences such as card skimming or falsification of records increased by 84 percent,” Acting Chief Superintendent Ziebarth said.

“It is extremely important that people protect their identity and not give their details to unverified third parties and to destroy bank statements and personal documentation rather than simply throwing them in the bin.

“Fraud criminals are out there and once your identity is taken, it takes a lot of hard work to get it back again.”

Note: All percentages used in this release relate to the number of reported offences per 100,000 people. Media seeking regional and district crime statistics from the Queensland Police Service 2014/15 Annual Statistical Review can locate details on the QPS website at www.police.qld.gov.au.

When Queensland’s crime data is compared to other jurisdictions it is clear that there is no genuine case for further change. Assault rates in Sydney, for example, are more than double that of Brisbane. Therefore the regulatory balance here must be worthy of some credit, and should only be adjusted with the utmost caution, and only in ways where the outcomes can be monitored and assessed.

Since its introduction as part of the 17 Point Plan, the lock out has been, fairly, the subject of widespread criticism, including from the BCLA. This is in circumstances where a relatively few premises, and the patrons of those

premises, have been affected. If the bill is passed in its current form, what is likely is that a lock out will be in place in many times the number of venues presently affected, and the negative impacts of the lock out will be felt by many times the number of patrons. The senseless nature of the lock out is not lost on patrons, and the angst, frustration and at times aggression which is felt by those people when they are needlessly excluded from our businesses is a trigger for violence, and a retrograde step in our collective efforts to improve behaviour.

In May this year, the BCLA wrote to the Premier (and others) in an effort to draw attention to the broader implications of the Government's liquor reform policy. The content of that correspondence remains apposite to the consideration of the bill, and we set out in full that content below.

Job losses on the way in the Night Time Economy.

The Hospitality Industry in Queensland, and the 'Night Time Economy,' is responsible for a great many good things. It provides diverse dining, entertainment, cultural and social activities which enrich our state and foster tourism. It contributes to Queensland's attraction to International youth travellers, and the International students who seek out our Universities, Colleges, and lifestyle. In recent years Hospitality has become a defining rivalry between states.

Hospitality provides the employment that puts our children through University. The Late Night Industry in particular provides the employment that enables International Students to earn a modest income pay their inner city rents, and support their time in Queensland, and it provides casual employment to the thousands of Internationals on Working Holidays. Hospitality has a known 'knock on' employment ratio of five jobs in support Industries for every one direct Hospitality position, making it one of the biggest employers and job generators in the State.

Sadly, Hospitality in Queensland has been under pressure from our State Governments for a number of years, including the Beattie years with the introduction of The Seventeen Point Plan, The Blight years with the introduction of annual Liquor Licence Fees, and The Newman years with SNP's, Forced Association, and Scanning for some, but not all Venues licenced to trade beyond 1am. [Notably, Casinos were excluded under LNP legislation, an outrageous distortion of the market].

We understood prior to the recent State Election in January, from material provided to the BCLA by the ALP, that Labour policy was to reduce late night trading to 3am. The published ALP Policy did not include continuation of mandatory ID scanning and we were aware that all sitting ALP members voted against the LNP's SNP Legislation, and took heart in then Opposition Leader Annastacia Palaszczuk's speech in Parliament which was highly critical of Scanning, having identified the dangers of identity theft and misuse seemingly lost on others.

A reasonable expectation was that the SNP Legislation would be repealed by Labour, so it is highly disappointing that the Government is considering keeping some or all aspects of SNP Legislation, including Scanning. It is our considered opinion that SNP's and Scanning will be highly damaging to those businesses required to participate, it will cause business failures, and it will be entirely counterproductive to job creation, in fact, many jobs will be lost forever. We believe that the Newcastle example so often quoted is a sad case of 'the operation was a success but the patient died'.

The notion that Scanning will be beneficial because of public law and order issues cannot be substantiated, and ignores the reality that a raft of societal issues is likely to be at the heart of any reported changes in the behaviour of some members of the public. Given that the QPS over a great number of years has cited declining incidents of Crimes against the Person in the Brisbane CBD and greater Queensland, perhaps it is all in the reporting?

It has recently been reported that alcohol consumption in Australia per capita is at the lowest point in 50 years [Alan Kohler, ABC], yet it is very easy and convenient to blame alcohol for everything, and pay lesser attention to illicit drugs, Illegal steroids, and the gym junky craze, because alcohol is legal and the easy and obvious whipping boy. With all due respect to one very highly respected and well intentioned person, people who have come to the attention of the law, or those seeking assistance from Hospitals, are not forth coming about what they may have consumed, and for very obvious reasons, so to blame alcohol and by association those who sell it, is flawed and entirely unreasonable.

The relevance of the attached article about the number of inner City apartments being built, is really very simple. Over the next 2.5 years, over 10,000 units will be built in inner Brisbane. If we assume that the percentage made available for Rental continues at 58%, then 6000 new units will join the rental pool. Demand for existing rental units is largely provided by International Students and youth on Working Holiday Visas, and the thousands of mum and dad investors buying 'Off the Plan' may assume this market will grow . But in reality, any contraction in employment opportunities for these international youth has the potential to affect demand for this increased stock, and returns.

Tertiary Education is currently Australia's fourth largest export industry, down from third several short years ago. Given the importance to the Tertiary Education Industry of hospitality employment, including that provided by late night venues, any attack on Hospitality will have a consequence for the Universities and Colleges of this state and probably beyond.

It is not hard to imagine that Government over-reach which caused hardship and reduced employment in The Hospitality Industry, could knock on into reduced numbers of internationals on Student or Working Holiday Visas, a reduction in international students at Australia's very

expensive Universities and Colleges, reduced demand for expensive inner city accommodation, and financial hardship for those Investors struggling with diminished demand.

We would urge your Government to re-consider its position before saddling the Hospitality Industry with unwarranted 'nanny state' initiatives which will have consequences beyond those imagined.

The pre-election Labour Party commitment was 3am closing. We at the BCLA support this, and are happy to come out in support of this. However we do not support a 1am Lockout, and we do not support Scanning and Forced Association, and urge the Government to proceed without these measures. We are also of the view that restrictions on the sale of Cocktails and Shots after midnight is simply not justified or justifiable.

We would suggest that a transition to 3am closing, with 4am closes from 1 July, and 3am closes from 1 January or similar would allow patrons, the taxis industry, the QPS, and the late night Industry a welcome period of adjustment. We would also suggest that there is time for these changes to be reflected in Annual Fees, due 1 July.

BCLA advocates for a far simpler and more measured approach to reform. As noted above, the bill presents an unnecessarily complex model, which will create divisions within the industry, cause job losses, and negatively affect tourism and the broader economy.

BCLA believes the Government would receive widespread industry acceptance of a reduction in trading hours to a maximum of 3am, without a lock out and without complicated and unnecessary interventions such as mandatory ID scanning and bans on certain kinds of drinks.

The legislation in its present form has clear, enforceable rules around responsible service of alcohol and intoxication, which allow the regulator to investigate and target the tiny proportion of licensees who do the wrong thing. The risks associated with the blanket approach reflected in the bill are too great, and the BCLA cannot support social experimentation at the cost of jobs and responsibly run businesses.

Yours sincerely



for Nigel Kilvington
Chairman

Off-the-plan unit demand is building up

SOPHIE FOSTER

IT'S a great time to find an inner city rental with new apartment builds in Brisbane to hit record levels this year and continue to build over the next two years.

Off-the-plan sales are surging in the Queensland capital, allowing more apartment projects to "reach sufficient pre-commitment levels to obtain finance and begin construction", according to the latest BIS Shrapnel inner Brisbane apartment market report, out yesterday.

About 2880 new inner city apartments are set for completion this financial year, with 3610 expected to be finished next year. And a record 4040 apartments are expected to be completed in the 2016/17 year, BIS Shrapnel said.

The result is an expected larger number of apartments available for rent, and apartments currently make up 58 per cent of the inner Brisbane market.

INSIDE
SATURDAY'S
COURIER-MAIL



Just under a third are currently owner-occupied (31 per cent), while a surprising 11 per cent are kept empty or as second homes.

BIS Shrapnel spokesman Angie Zigomanis said he expected the number of empty or second home apartments to rise as more investors flocked to the market.

"With the majority of this stock investor purchased, there is an expectation some apartments may not find their way to the rental market," he said.

Most of the new apartments

due for completion in the next two years are already under construction (81 per cent), while the rest are not far off hitting sufficient pre-sales to get the construction diggers in.

Trent Meade, 32, and wife Cecilie, 26, were among those who have put pre-sale money down for Gurner's FV project in Fortitude Valley – based on a strong belief that the area was ripe for growth.

"We've got our businesses in Fortitude Valley and we live locally regardless," he said.

"We bought in because of how substantial the Gurner FV project is going to be in itself and for the area. There's also big upside in the Valley, being so close to the CBD, a major train station, services. It's a vibrant precinct that can potentially have good gains."

Areas that are seeing significant activity with large scale high rise developments include the CBD/Spring Hill, inner east, inner north, West End, Toowong, Woolloongabba and Hamilton.

IV- AMBROSIO/NOE

THURSDAY 21 MAY