



21 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

I refer to the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 ("the bill") which was recently introduced into the Queensland Parliament. I note that it 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.

Please accept this letter as my submission in response to the Committee's invitation.

By way of my personal background, I have been working in hospitality since 14 years of age, and in the nightclub industry since I was 17. I took on my first General Manager position in 2009, and completed a Bachelor of Business at QUT in 2011.

Upon completing my degree I took over the family business which was established in the mid 90's, and I now own and operate 3 separate venues which all trade until 5am. Between these venues I cater to well over 2000 patrons each week, and the businesses are the primary income provider for nearly 150 individuals.

The 3 venues are diverse in nature, including a bar called "Our Place", a dance/nightclub called "Hot Gossip" and an adult entertainment venue called "Showgirls". Two of the venues are located in Fortitude Valley, one in the Brisbane CBD

I believe my participation in the industry puts me in a strong position to comment on the Governments proposals as set out in the bill. My submissions address each of the items as summarized below.

Gaming Machine Act 1991

Section 235(2) on hours of gaming is amended to enable the extension of gaming hours for up to 2 hours after the end of liquor trading hours.

Section 490 provides that the reduction of liquor hours for premises affected under s 62 of the Liquor Act 1992 does not similarly reduce gaming hours, which remain the same.

Gaming activity is regarded as having the potential to cause problems among vulnerable members of the community, and it is my understanding that in the past the Government has been careful to ensure that gaming activity is accompanied by other activities and services in licensed premises to combat problem gambling. Allowing gaming rooms to

continue to trade without other services being available seems to be a fairly dramatic change in direction from the traditional approach.

However, none of my venues provide poker machines, and as such my businesses would only be affected in an indirect way.

Liquor Act 1992

Section 74A is introduced to enable the sale of craft beer at promotional events. Craft beer is defined as being beer produced in a craft brewery, which is in turn defined as being premises that are either licensed under a producer/wholesaler licence or the equivalent in another jurisdiction, and which produce no more than 5 million litres of beer in any financial year under the liquor licence. The sale of craft beer at promotional events can be for the purpose of consumption away from the premises, with the ability to supply samples at the event as long as there is no charge for the sample. The Commissioner is able to endorse additional conditions on the permit limiting the total volume of beer able to be sold to a person.

Part 4A in Division 8 creates the Craft beer producer permits, which under s103W allow for a producer to sell craft beer produced at the person's craft brewery at a promotional event for consumption away from the event or to provide samples at the event free of charge. Such a permit can be granted for single events or for recurring promotional events so long as the place and type of the event remains the same. This permit restricts the total volume of beer able to be sold to a person to 9 litres (unless a contrary condition is enforced).

As the retail packaged liquor market is now completely dominated by the large supermarket chains, through their brands such as Dan Murphy's, First Choice, Liquorland, BWS and so on, I see this as an opportunity being given to small brewers to sell their beer through means other than the big retailers who can use their market power to their advantage and to the producer's detriment.

Accordingly, I believe this is a positive initiative.

Section 86 amended limiting the hours to which an application for extended hours may relate. Special facility licences that are casinos or airports continue to be able to apply for trading up to 5am, premises in a safe night precinct may apply for trading up until 3am, or otherwise up until 2am. Subsection (2A) restricts the ability to apply for extended trading for the purposes of selling takeaway liquor between 10pm and midnight to commercial special facility licences.

Part 6AB in Division 5 deals with 3am safe night precincts, and enables the SNP Board to apply to Government to allow premises located within such a precinct to apply for 3am trading rather than the standard 2am extended trading. If this occurs the whole of the SNP is subject to a 1am lock out (proposed replacement Sections 142AA and following).

My strong preference is for the trading hours regime to be left as it is at present, or even modified to remove the lock out which has an artificial and negative impact on businesses without any obvious positive benefit.

The reason for this is that in Queensland we don't have the underlying issues that would require any dramatic change.

Introducing such dramatic changes so quickly is likely to have negative short term effects. These effects range from increases in bingeing early in the night to compensate

for earlier closures, to increases in house parties and/or "after parties" in the suburbs where police will not have adequate resources to cope with the associated issues. While in theory it is possible that people will start to begin their night out earlier if the new laws are introduced, this cultural change will take time to take effect – perhaps years. In the interim many venues which survive from only a couple of nights trade will effectively have their trading hours cut by up to 25% with revenue reductions of the same scale. Most businesses, especially small businesses, cannot and will not survive this.

IF the new laws must be introduced then a staged introduction such as 4am last drinks and 2 am lockout for a 12 month period would help employers and businesses better adapt to the changes and reduce the amount of incidences of venues going out of business.

I believe it is also important for the Committee to focus accurately on the relationship between the regulation of liquor trade and violent and anti-social behaviour. Although the interventions which have occurred in other jurisdictions might appear to have delivered reductions in violence, these areas all started with assault rates which were multiples of the rates in Queensland, and despite the changes in NSW for example, the rates of assault there remain more than double ours. So despite the rhetoric, it is evident that merely restricting businesses does not fix the problem.

Coward punches are one thing, but these are very infrequent. The recent emergence of this kind of incident or of it happening more frequently isn't because people are more drunk than they were 5 years ago or 20 years ago. It is symptomatic of some other greater cultural problem. Consequently this type of behaviour will not be affected by reducing trading hours.

Of major concern is the massive increase in steroid and other body enhancing drug use. As per the nature of these drugs, people who use them are often more aggressive and prone to violence. There doesn't seem to be much in the way of research into the recent and prolific emergence of these drugs, however it is widely accepted within the industry that many male patrons are often more aggressive capable of inflicting much more damage in altercations due to the use of these body enhancing drugs. I believe that addressing this issue will be a large step to reducing violence and anti social behaviour in and around our nightlife venues.

Further to the above by reducing trading hours you reduce the time people actually spend together in a social setting, already affected dramatically by social media. This will further erode the ability of people to get on with one another in direct social settings. People need to practice being in these social settings if they are to learn appropriate behaviours.

The proposed two tiered system will be too confusing. For example, it seems that patrons who have been locked out for the 1am to 3am period can re-enter after 3am (for non-liquor services i.e. gaming and adult entertainment). How will that work?

If restrictions on the sale of alcohol are implemented past 3am in safe night out precincts, my strong suggestion is that this should be done without the lockout to start with. If this doesn't work then we can implement a 2am or even 1am lockout down the track. This would be an important step in determining the actual benefit/cost of lockouts as current research on their efficacy is largely inconclusive, this is often ascribed to the fact that lockouts country-wide have been implemented as part of larger legislative packages.

It might be argued that reducing the hours venues are open by 20% will reduce the number of alcohol related incidences by 20% but this does not solve the problem. It is simply dumb logic no better than saying that if we restrict cyclists from using the roads during peak traffic hours we will reduce cyclist fatalities - after all who needs to cycle at these hours, they could catch the bus, the train or drive their car... which incidentally sounds awfully similar to "You can have a coffee, you can have a water, you can have a softdrink... you can have a flutter on the pokies".

It is no different than closing down the beaches for several hours a day to reduce the amount of shark attacks, drowning and other ocean related incidences. However thankfully common sense prevails and such laws are not contemplated because it doesn't solve the underlying problem, it damages rich and healthy cultures, and more than anything it just hurts the very people the laws are designed to protect.

A new Part 6 in Division 1AB is introduced on the sale, supply and consumption of liquor in car parks. The new definition of 'car park' used means an area with a surface designed or adapted for the parking of vehicles, regardless of whether the area is used for this purpose or not. This states that a licensee is not able to sell, supply or allow liquor to be consumed in a regulated car park of the licensed premises unless the licensee is authorised to do so under a car park approval. An application for such an approval is able to be made under s142ZZF, and in determining the application the Commissioner must have regard to the effect on the health and safety of the community that the grant of the approval may have.

One of my venues has a courtyard area at the rear which arguably has a surface (concrete) which is suitable for parking vehicles, although it is never used for this purpose and most vehicles could not gain access to it. The definition needs to be reworded to ensure it excludes areas like this, which are clearly not in use for that predominant purpose (even if they are suitable) and even if used occasionally for vehicles.

A new Part 6 in Division 1B bans the sale of supply of certain liquor products during the restricted period. 'Rapid intoxication drinks' are defined as being those facilitating or encouraging rapid consumption because they are either designed to be consumed rapidly or contain a high percentage of alcohol, and are prescribed by regulation. The restricted period is that between 12 midnight and 5am, and the prohibition applies to premises trading after midnight with the exception of special facility licences for airports or casinos, or industrial canteens. Exemptions are able to be granted if various conditions are satisfied, including that the way in which liquor is served does not promote the rapid consumption of it and that the type and quality as well as the way in which it is served differs from that available within the locality.

I believe that it's quite unnecessary to introduce this change, but I would be happy to support it if there was an adequate way of defining the relevant drinks. I find the proposed definition confusing and doubt whether it has been drafted by someone with proper knowledge of the range and style of liquor products and drinks which are available. Overall I feel that current RSA laws are quite strict, and readily enforceable so why not simply use these? For example, if a patron is drinking shots but is not unduly intoxicated, why should they be prevented from doing so? On the other hand, a patron who is unduly intoxicated must not be allowed to consume liquor of any description, whether a rapid intoxication drink or otherwise. There is really no need for this change, but if it must be introduced, then the restrictions need to be much more clearly articulated.

A new Part 7 in Division 1A references the definition of 'document' as used in the Evidence Act 1977, which is a broader definition than earlier employed in the Liquor Act 1992. This includes documents in writing, maps, plans, photographs, any device in which sounds or other data are recorded and able to be reproduced, any film or tape and any other record of information. Section 183AA gives power to an investigator to require the production of documents that are believed to be in the possession or control of a person.

I feel that increases to investigators powers like this have the effect of creating greater rifts between businesses and regulatory bodies. It has been well established that collaborative and consultative approaches to meeting regulatory requirements has much more effect than the heavy handed approach. Powers like this which are easily taken advantage of by investigators only cause concern for honest business people and are probably more likely to encourage businesses to destroy and or stop keeping non essential records, and also make documents less accessible or transparent.

Thank you for the opportunity to provide these submissions. I wish the Committee well in its deliberations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Johnson', with a long horizontal flourish extending to the right.

Nathan Johnson
Managing Director