



23 December 2015

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

lacsc@parliament.qld.gov.au

Dear Sir or Madam

Thank you for the opportunity to provide input to the Committee's consideration of the *Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015*.

The Queensland Hotels Association (QHA) is pleased to make a submission, which is attached. The submission has been cleared by the State Board of the Association, and represents a firm policy position on behalf of the Association's 820 hotel members.

Please do not hesitate to contact me or the QHA Chief Executive should you require clarification or expansion on any issues raised.

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██████████ ██████████
Post: GPO Box 343 Brisbane Qld 4001

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom McGuire', is written over a horizontal line.

Tom McGuire
President

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QUEENSLAND HOTELS ASSOCIATION
SUBMISSION ON THE
TACKLING ALCOHOL-FUELLED VIOLENCE LEGISLATION AMENDMENT
BILL 2015
DECEMBER 2015

References:

- A. *Liquor Act 1992*
- B. *Liquor Regulations 2002*
- C. *Liquor and Fair Trading Legislation (Red Tape Reduction) Amendment Bill 2015*
- D. *Queensland Code of Practice for the Responsible Service, Supply and Promotion of Liquor*, June 2005
- E. Labor Queensland 2015 Election Policy document – *Tackling alcohol-fuelled violence* dated January 2014
- F. KPMG Evaluation of the Temporary Late Night Entry Declaration (Victoria Government) November 2008
- G. Legislative Assembly of Queensland Law, Justice and Safety Committee *Inquiry into Alcohol-Related Violence - Final Report March 2010* Report No. 74
- H. NSW Bureau of Crime Statistics and Research reference: kg13-11384
- I. *Tackling Alcohol-Fuelled Violence Legislation Bill 2015*
- J. *Queensland Police Service Annual Statistical Review 2014-2015*

Introduction

Thank you for the opportunity to provide input into the Committee's consideration of the *Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015*.

It is a fact that in Queensland, more than 70% of alcoholic beverages by volume are consumed in other than a licensed venue. We also know that alcohol consumption in Australia is trending lower, with average consumption per head down more than 20% over the last thirty years and beer sales now the lowest in 60 years. This means that it is not the *volume* of alcohol being consumed that is the central issue, but the *nature* of the consumption and the *attitude* of certain consumers to their own social and legal obligations, including in a nighttime entertainment environment. It therefore stands to reason that education and solutions towards a more responsible drinking and socialising culture is the long term solution, and that such education must embrace all of the population, and consider all areas where alcohol is consumed and where mis-use and anti-social behaviour can occur.

The Queensland Hotels Association (QHA) welcomes the Government's overall policy goals of continuing efforts to bring about a more responsible socializing, drinking, and drug-taking culture in Queensland, particularly amongst our young adult population. At the outset, we confirm that the Queensland hotel industry supports and strives to adhere to, the core patron and harm minimization principles of the Queensland *Liquor Act 1992* and associated regulations and voluntary codes. The industry supports an evidence-based approach to the development of public policy, and the QHA makes this submission in the interests of sharing our corporate experience and knowledge, and with a view to further improving service, patron care and patron safety in Queensland's entertainment environments.

Queensland's existing licensed practice culture

The Association submits that, in the twenty years from 1995 to the present time, considerable progress has been made in further improving patron safety and licensed business amenity throughout Queensland. This has been achieved through a comprehensive range of regulatory and legislative measures, through ongoing commitment to improved training, facilities, and best practice by licensees, and by a steady but ongoing reduction in the per-capita liquor consumption amongst Queenslanders. Unfortunately, these changes have been brought about in a piecemeal, sometimes unilateral, and iterative manner involving an uncoordinated series of Government reviews, inquiries and one-off policy and regulatory interventions.

Much has been done over the last 20 years to bring about a more responsible service culture amongst Queensland's licensed businesses. For example, in the last 10 years there have been at least four major reviews or inquiries which, collectively, have imposed more than 100 additional and specific compliance, regulatory or best practice measures on mainstream licensed businesses. These include mandatory and universal RSA, annual licence and risk-based licensing fees of around \$20 million annually, specified ratios of security staff and CCTV (Brisbane only), a State-wide 3.00 am lockout, a ban on general licensed trading before 10.00 am (previously 7.00 am with low risk), mandatory free water supply, mandatory Approved Manager and RMLV regime, the advent of a *Risk Assessed Management Plan* system for new liquor licences and change of licence conditions, advertising and promotion restrictions, a voluntary *Code of Practice for the Sale, Supply and Promotion of Liquor*, imposition of 'high risk' legislation enabling a business to be officially branded as 'high risk', voluntary transition to safety glass, an exponential growth in liquor accord membership and acceptance resulting in more than 100 Liquor Accords across Queensland, and changes to the *Liquor Act 1992* prohibiting certain classes of people entering licensed premises. The end result of these and other, industry-initiated measures is a steady and ongoing improvement in responsible practice and patron care measures to the point that, in most areas of trade, including the night economy, it is a demonstrably safer environment inside a licensed premises than it is outside in public spaces in major towns and cities across Queensland.

However, this steady and ongoing improvement on the supply side, has not been accompanied by a commensurate improvement on the consumption side of the trade. Indeed, it is arguable that society as a whole, and certainly the young male demographic which is so prominent in risk-based, violent and anti-social incidents, has actually regressed over this same time frame to the point where 'improving the culture' almost implies a requirement to improve the attitude, behaviour and response to authority of individual consumers, rather than the licensed industry. It is certainly the view of the Queensland hotel industry that the rights, obligations and accountabilities of the licensed trade (supply side) are currently well out of balance with the rights, obligations and accountabilities on consumers (consumption side).

It begs the question that, if alcohol is the cause of all these problems, why is it that the level of problems and violence have not declined in line with the 20% reduction in per capita alcohol consumption since 1985 ?

In this context, it is disappointing that the Queensland Government has so readily succumbed to the temptation to propose additional regulatory measures for every licensed business across Queensland, including further reduced licensed trading hours, on top of reductions in trading hours which were imposed unilaterally in 2009.

SPECIFIC COMMENTS RELATING TO ISSUES RAISED IN THE *BILL*

General – the range of measures proposed in the Bill represent a blunt approach to liquor licencing regulation and are a distinct departure from Queensland's historic risk-managed approach to the development and evolution of licensing policy and regulation. Proposed measures which fall into this category include:

- State-wide blanket 2am cessation of liquor sale and supply for all licensed businesses located outside the boundary of any of the 15 *Safe Night Precincts* (SNPs).
- The proposed ability for SNP Boards to determine whether the precinct trades under different conditions to those that apply in all parts of the State except the SNP areas – that is, to 3am with a corresponding 1am lock out, or whether the SNP trades to 2.00 am with no lockout.
- For new takeaway liquor applications, no takeaway sales permitted after 10pm – this will include 'over the bar' on-premise takeaway sales.
- No strong alcoholic drinks to be served after midnight, with prospective exemptions for bars specialising in premium spirits. Once again, this represents a clear case of double standards and mixed messaging. .
- Police breathalysing of offenders as supplementary evidence to suggest a licensee offence regarding serving unduly or disorderly patron.
- Relaxation of mandatory drug and alcohol referral (DAAR) conditions as part of bail – this represents a weakening of existing deterrents to anti-social and

criminal activity where the influence of alcohol and/or illegal drugs is purported to be a causative factor.

- Widening of offences for which a DAAR bail condition can be imposed to give courts wider discretion – this might be considered a welcome and positive development, except for the relaxation of its mandatory application as outlined above..

MAJOR CONCERNS WITH THE PROPOSED LIQUOR LICENSED TRADING HOURS PROPOSALS

Licensed trading hours

The proposed licensed trading hours regime will create two distinct types of licensed business, a small group of traders with 3.00 am trading privileges and a much larger group of licensed traders with 2.00 am trading privileges, **with the only determining factor being the geographic location of the business**. This proposed outcome represents a case of the current low risk licensed businesses being penalized by the imposition of reduced late trading hours despite their generally safe, low-risk and low social impact trading history across Queensland. This puts such businesses at a commercial disadvantage compared to licensed businesses located in major entertainment precincts, where longer trading hours are proposed to be available based solely on the geographical location of the business. This is manifestly unfair and patently illogical.

It is regrettably quite apparent that, in arriving at this proposal, the Queensland Government has been transfixed by the licensing regulation in New South Wales which has imposed quite severe trading conditions on two small licensed precincts in that State, being the Kings Cross and Newcastle CBD areas. In so doing, the remaining 99%+ of New South Wales where a more liberal trading hours regime continues to apply, including the ability to trade until 7.00 am, has been conveniently ignored. So, in effect, the Queensland proposals bring the very strictest parts of a very small geographical footprint in New South Wales to the entire geographical area of Queensland. As a consequence, the measures proposed in the Bill suffer badly from a sense of perspective – in effect, the Bill proposes a wide range of changes based on lowest common denominator patron behaviour in New South Wales, and proposes to universally adopt in Queensland a range of severe regulatory interventions which have been imposed in only two small geographical areas of New South Wales. This, despite the ‘start point’ in relation to regulatory environment and industry practice being starkly different in the two jurisdictions. Certainly, Queensland has never seen the high levels of anti-social and violent activity that was the trigger for the Newcastle and Kings Cross interventions in New South Wales.

Perhaps the most disturbing proposal in the Bill is that shorter trading hours are proposed for the lower-risk environment trading areas in Queensland – surely this is the world turned upside down, when clearly higher tempo and higher

density trading environments are recommended to trade longer than those venues and locations with low or no risk ?

The Bill's proposal that licensed trading conditions be determined by geographic location is unscientific, selective and illogical – it ends up by proposing different trading hours solely on the basis of geographic location, a clear and illogical departure from Queensland's historically successful risk-managed approach to licensing industry policy and management (and, a system clearly endorsed by Labor during its almost twenty years in Government since 1992).

Any licensed trading regime based on geography is immediately going to create commercial winners and losers around the selected boundaries. This creates inequity, and will lead directly to a migration of licensed businesses, and young patrons, to the 'advantageous' locations, in this case, inside the SNP boundaries. Of more fundamental relevance is that geography is not a determinant of venue risk, management practices, or personal behaviour – there can be well run and poorly run businesses in any geographic location. The Bill's confusion in this area is best illustrated by the fact that, if the Bill's proposed trading hours regime becomes law, the acknowledged highest density and highest traffic licensed trading environments in Queensland, those being Fortitude Valley, Surfers Paradise and other Safe Night Precincts, would trade for longer than other licensed areas, and will potentially attract more and more applications for licensed businesses on this basis. Yet these are the areas with the most management challenges now, simply by virtue of larger patronage numbers, greater foot traffic and higher venue concentration. Paradoxically, relatively later trading hours will also lead to a migration of young patrons to these areas, amplifying problems with community and public resourcing, and could have the effect of simply magnifying the existing law and order issues in entertainment precincts which are at the heart of the industry's and the community's current concerns. This irrational outcome has potential to further concentrate the existing anti-social and criminal activity in those late-night entertainment precincts and, at the same time, commercially harm mainstream businesses which are not located in a SNP area.

This proposal will, if adopted, exacerbate the existing problems in late-night entertainment precincts and, at the same time damage the viability and commercial interests of licensed businesses located in low risk and very low risk environments – in short, it will be the worst of both worlds.

Inequity for young patrons and regional cities

The proposed trading hours regime provides clear commercial advantage to licensed businesses located inside SNPs, by virtue of one additional late trading hour per day. In practical terms, such late trading hours are normally only utilized on the later days of the week, typically the major 'going out' nights of Friday and Saturday. Within youth culture, this means that young patrons will be much more likely to travel immediately and directly to those venues and precincts which will

trade to 3.00 am, rather than start their night at a local venue and then progress later to the SNP areas.

The flow-on from this likely outcome is threefold:

- Local businesses within the radius of influence of SNPs will lose customers and revenue through no fault of their own;
- Young patrons located in major population centres without an SNP will likely expend considerable amounts of money taking taxis or public transport to the nearest SNP area. Typical examples are young people travelling from West Moreton Shire (population 320,000) to Fortitude Valley, and young people travelling from Logan City (population 290,000) to Brisbane CBD. The revenue and investment of major entertainment hotel businesses with a positive record of service such as the Eatons Hill Hotel, currently servicing youth entertainment needs in the Caboolture and North Brisbane market, will be severely damaged through patron migration to SNP locales. In the border areas such as Coolangatta, there will be such a marked difference between licensed trading conditions in Queensland (2.00 am) and New South Wales (as late as 7.00 am) that particularly young people will travel to Tweed Heads venues to the detriment of the existing licensed businesses in Coolangatta and other nearby parts of Queensland. The outcome will be similar to that which previously applied to poker machine migration to Tweed Heads.
- Visitation numbers and foot traffic in SNPs will become much higher than is currently the case, potentially contributing to higher levels of friction and door exclusions from licensed venues in SNPs, greater demand for transport, greater demand for community services and counsellors and, unfortunately, higher levels of anti-social and violent activity within SNPs directly linked to higher visitation numbers. This means that the proposed measures aimed at reducing night-time violence and criminal activity will be, in fact, counter-productive.

The numbers game in Safe Night Precincts – it must be understood that the existence of and nature of the current declared major entertainment precincts is the direct result of deliberate public policy decisions over the years, just as the *Safe Night Precincts* will be the outcome of the current proposals. As a society, we have consciously decided to establish and resource entertainment precincts where high numbers of licensed and associated businesses are located and which, by design, attract a high volume of patronage and night-time foot traffic. In the case of the larger precincts such as Fortitude Valley and Surfers Paradise, these night-time crowds can number up to 15,000 (mainly young) people on a weekend night. We have deliberately gone down this path as a means of concentrating relatively scarce community resources such as police, medical and counsellor support, and in order to mitigate against the option of large numbers of suburban parties in residential areas, the obvious consequence were entertainment precincts not to exist. We must therefore recognise that these larger numbers of patrons will bring with them a statistically rational but nonetheless larger number of incidents issues to deal with. Why is it that a 'rave

party' of 15,000 young people is praised if there were "*only 10 drug incidents and eight arrests*", but a similar level of incidents in a night entertainment precinct with the same patronage number is somehow classed as an unacceptable level of anti-social behaviour. Whilst there is no excuse for poor behaviour at any time, it is simply a fact that in today's society there will be incidents of drug use, egotistical behaviour and anti-social and criminal activity whenever there is a gathering of large numbers of young people.

This means, therefore, that we should be very cautious in introducing a trading hours regime which reinforces failure by directing even higher numbers of young people into the SNP areas and venues at the expense of suburban and regional city venues which currently meet that demand, largely without notice and with a much lower level of incidents and anti-social, and without placing a requirement on young people to travel long and expensive distances to party until late.

Proposed trading hours pits licensee against licensee

The proposed two-tiered trading hours regime breaks all the rules – simplicity, fairness, fair competition, trading conditions based on geography not risk assessment or performance, and the ability of non-licensed businesses to dictate the trading conditions of licensed businesses. The proposed trading hours regime is so illogical that it ends up by proposing shorter and earlier trading hours for lower risk regional and rural trading environments compared to higher density and higher patron traffic trading environments.

Particularly problematic is the proposal to permit later trading hours to 3.00 am for businesses located within a designated Safe Night Precinct. Not only is this inequitable and illogical, but the proposed system for determining the licensed trading conditions is adversarial and demonstrably flawed. The Bill proposes that, within each DSP, the decision as to whether to trade to 2.00 am then close, or to 3.00 am with a 1.00 am lockout, will be determined by a vote of the SNP Board. This proposed system will pit licensee against licensee, and may create a system wherein the members of the SNP Board who are not licensees, will determine the licensed trading conditions for all licensed businesses within that Safe Night Precinct. How we have arrived at such an unfair and illogical proposal for setting licensed trading hours is open to question, and once again represents an unnecessary and illogical departure from established policy development practice based on consultation and a risk-assessed management process. The proposed two-tiered approach to licensing hours is fundamentally flawed, and will only serve to weaken industry support for the measures proposed in the Bill.

Low risk late trading

Not all late-trading licensed venues are liquor and youth oriented, nor are they high risk. For example some licensed resorts and mainstream accommodation hotels trade late for a small number of guests who may be interested in cocktails and dancing, whilst some suburban hotels are quiet and low risk very late into the

evening, choosing to stay open for routine licensed business, including various forms of entertainment, gambling and watching sport. As a consequence, any proposals to address alcohol-related violence in and around licensed venues must be carefully targeted, **based on risk and consideration of the venue's risk, trading profile, and trading history**, and the Bill's proposal for a universal shorter trading hours (except for SNP areas) 'solution' to address what is a relatively narrow problem profile should be resisted. The existing compliance system provides that the licensing regulator may and does impose specific trading conditions on individual licensed businesses targeted against the assessed trading risk profile of that business and the trading and management history of the business. In this way, relevant and specific management measures are targeted to the requirements of each licensed business.

The *Liquor Act 1992* already contains provision for widespread application of a *Risk Assessed Management Plan* (RAMP) by licensed businesses which became effective from 1 January 2009, and which has been an effective measure in further reducing anti-social and violent behaviour. This is a wheel that does not require re-inventing. We should and must retain our existing risk-assessed regulation and compliance system, which has and continues to serve the objectives of the Act well, and is a fundamental requirement for ongoing and future success.

Lockouts

Lockouts of patrons from licensed premises is a phenomenon seen only in Australia. Since around 2004, late-night lockouts based on a specified lockout time have been introduced in various Australian jurisdictions, generally with inconclusive results. Lockouts involve the banning of entry to patrons to one or all licensed premises in an area after a nominated time; for example, "no patron is permitted to enter or re-enter a licensed venue in Goondiwindi after 3.00 am". The general aim of lockouts is to discourage venue-hopping by intoxicated or unruly patrons late at night, and to discourage patrons who might have been refused service or entry to venues to simply move on to another venue late at night. In public spaces, lockouts have a similar impact to a normal closing time in that, for periods of time astride the lockout time, a higher surge of patrons is experienced from patrons moving to a preferred venue prior to being locked out, and from patrons seeking transport or other services in the period after they have not gained entry to a licensed venue by lockout time. Critics of lockouts, and some research, suggests that the imposition of a lockout time actually contributes to a higher level of anti-social activity and conflict in the public areas of precincts due to the higher demand for transport, and the higher number of mobile patrons moving through the licensed precinct in search of friends, a chosen venue to enter, or transport means.

The evidence around the effectiveness of lockouts as a preventative or deterrent measure to anti-social activity and violence is inconclusive. For example, Queensland has had a State-wide 3.00 am lockout condition on every licensed

premises (except casinos) since 2006 but this has apparently had little effect in reducing late-night crime and violence, otherwise, why would the Government be proposing a further suite of measures in an attempt to do so ?.

More to the point, formal reviews of such lockout provisions in Queensland, Ballarat, Melbourne and Sydney have concluded that there is little evidence that lockouts of themselves represent an effective measure in reducing violence. Indeed, there is some evidence that the imposition of lockouts results in more anti-social and criminal activity being created in public streets and public areas as a direct consequence of patrons being refused entrance to licensed premises where there is closer supervision and a higher level of physical and other security. The case against the imposition of even more restrictive lockout provisions in Queensland based around a 1.00 am timeline is weak at best. Further information which underlines the very mixed evidence around the effectiveness of lockouts is at Annex A.

As with other one-off interventions, lockouts represent simply one more element of the comprehensive suite of regulatory, training, physical and people-based measures which are usually combined to form a holistic precinct-safety and patron-care system in all of the major entertainment networks. As such, lockout provisions should be considered as one more weapon in the industry and regulator's fight against violence, and a measure to be applied in a targeted manner, based on the specific needs, performance and trading history of a particular venue or precinct. Despite this, lockouts are not a suitable mechanism to be applied State-wide or without appropriate consideration and consultation.

Illicit Drug Use in Queensland

Industry acknowledges the fact that those who mis-use alcohol can contribute to anti-social and criminal acts in public places and on licensed businesses. It is for this reason that there is strong industry support for regulation and practices which seek and impose remedial acts and policies which are evidence based. However, it is also quite apparent that the insidious and increasing impact of illegal drugs and their use on patron behavior continues to be ignored in public consideration of violence in the night economy. Per-capita alcohol consumption is in steady decline, but the consumption and acceptance of illegal drugs use is on the rise and there is much evidence that some drugs contribute significantly to both the level of and the degree of violence and senseless behaviour in entertainment precincts. For example, the *Queensland Police Service 2014 Annual (Crime) Statistical Review* reports that drug-related crime and arrests increased by a staggering 20% in the 2014 reporting year

Once again, the Government's proposed intervention in licensed trading conditions completely ignores the role of illegal/illicit drugs on patron behaviour and in the night economy. The community, the police, the licensed trade and the Queensland Hotels Association continues to be concerned about the negative and increasingly influential impact of illicit drug use for so-called 'recreational'

purposes particularly in the under-30 years age bracket. Anecdotal feedback from QHA members indicates that the use of cannabis, ecstasy and, more recently, methyl amphetamines (ice), is common-place amongst younger people in Queensland entertainment precincts and venues, in regional towns, in remote working communities, and in coastal areas associated with the tourist industry. Police statistical reporting bears this out.

Such drug use raises a number of issues for liquor licensing authorities and licensed premises but, in the context of harm minimization, it seems that there is a high probability that a reasonable share of the social, behavioural and health problems and incidents currently attributed to the consumption or mis-use of alcohol, may in fact have their genesis in whole or in part in the use of illicit and illegal drugs.

Queensland is currently experiencing a methamphetamine epidemic, with the *Queensland Police Service 2014 Annual (Crime) Statistical Review* stating that drug-related crime and arrests had increased by a staggering 20% in the 2014 reporting year. Illegal drugs of all kinds have become cheaper and more readily available with 'ice' selling on the streets for as low as \$30 a point, and an ecstasy tab selling for around \$25 in city areas. At these prices, illegal drugs have become a common alternative to alcohol consumption within the younger patron demographic, as evidenced by police reports that up to 60% of attendees at rave and music concerts have consumed some form of illegal substance (drug) at or prior to attending such events. Indeed, in the case of music events, Australian police services have effectively given up on arresting the users of illegal drugs, and now work with event organisers with a view to ensuring that the known risk of illegal drug use is mitigated through appropriate medical support. The high level of use of illegal drugs in the community is further exemplified by the very high ratios of drivers who are testing positive for illicit drug use during roadside breath testing stoppages.

The bottom line is that illegal drugs and, in particular ecstasy and methamphetamines are now in common use amongst our young people and are seen as legitimate and commercially-attractive alternatives to alcoholic beverages by young patrons. It follows that if we continue to pursue public policy outcomes which render liquor licensed premises less attractive and accessible, and more expensive as entertainment venues, we run the clear risk of increasing the relative attractiveness of illegal drugs as a source of stimulation and enjoyment for young people.

Whilst this is a complex social issue with few obvious solutions, there is potential for liquor and licensed businesses to bear the compliance and stigma burden of negative impacts which emanate from drug use, but which are conveniently sheeted home to the use of liquor. For example, hospital admission data collection records the influence of alcohol, but does not generally record affectation by drugs.

In recent times, the licensed industry has supported Police efforts to address drug use by supporting a range of policing counter-drug measures in and around licensed venues. It is however apparent that an holistic approach to the use, mis-use and negative effects of drug use for 'recreation' purposes is required and a suitable start point would be actually recognizing that illegal drugs are a factor in patron behaviour and anti-social and criminal activity in Queensland. Such recognition could inform the development of an illicit drugs use protocol by the OLGR, working in conjunction with Queensland Health and industry representatives.

In relation to the proposed community awareness campaign(s) flowing from the proposed licensing reforms reforms, the QHA is of course opposed to any advertising or information campaign which attempts to link the consumption of alcohol and illicit drugs. The reason for this is that licensed trade is legal, and drug trade is illegal. Whilst the industry acknowledges that the mis-use of alcohol can contribute to social and personal harm in some circumstances, it does not in any way accept that the use of alcohol is analogous to or comparable to the use of illicit, illegal and prohibited drugs of any kind.

Proposed exemptions for Whiskey Bars and similar sellers of premium spirits

Section 155 of the Bill outlines a range of measures aimed at limiting or preventing the sale of high alcohol content beverages after midnight to give effect to the policy objective of "*banning the sale of high-alcohol-content drinks, including shots, after midnight*" (Reference E). Putting aside the rationale for such a proposal in a universal-RSA serving environment, the same section of the Bill then goes on to propose conditions under which certain licensed businesses can apply for an exemption on the banning of sale of high-alcohol drinks based on the nature of the business. In effect, the Bill proposes that small bars with a seating capacity of not more than 60 people (but no limit on non-seated patrons) can apply for an exemption from the ban on the basis of the special nature of such bars "*and the way in which liquor is served at the premises, differs from other types and qualities of liquor sold, and ways in which liquor is served, in the locality*". This is simply meaningless nonsense.

Alcohol is alcohol, and alcohol served after midnight is alcohol served after midnight. Any proposal to offer different or exempted trading conditions around alcoholic beverages on the basis of the sign over the entrance door is doomed to fail. Since 2009, Queensland's licensed industry has, at its own training and implementation cost, met a 100%, universal, RSA obligation for service of alcoholic beverages. This means that every retail seller of alcoholic products in Queensland is aware of and obliged to apply the regulations and best practices related to responsible sale and supply of alcoholic products. If these practices are not adhered to, then the compliance regulator has sufficient authority and incentive to act.

However, the size, licence type, and geographical location of a licenced venue is not and never will be a determinant of responsible practice. The proposal to exempt certain licensed venues from any provision of the Liquor Act simply provides an invitation for the exemption to be exploited for commercial gain. In this case, no regulatory or commercial case has been offered for the proposed exemption, which simply ignores the fact that some of the highest content alcoholic beverages in the trade inventory are included in the product sale menu of those venues proposed to be the beneficiaries of exemption.

Alcohol is alcohol. When it enters the bloodstream or brain cells of a consumer it has the same affect whether it came from a backyard still or a 60 year old single malt bottle. The proposed exemption is analogous to a road safety measure which bans Toyota Corollas from the road but permits Ferraris on the road because they cost more. The proposal is unnecessary, illogical, defies the evidence around alcohol, and opens a clear opportunity for exploitation which should be closed off before it sees the light of official sanction.

In summary

Much has been done over the last 20 years to bring about a more responsible service culture amongst Queensland's licensed businesses. For example, in the last 10 years there have been at least four major liquor-related reviews or inquiries in Queensland which, collectively, have imposed more than 100 additional and specific compliance or regulatory measures on mainstream licensed businesses. The end result of these and other, industry-initiated, measures is a steady and ongoing improvement in responsible practice and patron care measures to the point that, in most areas of trade, including the night economy, it is a demonstrably safer environment inside a licensed premises than it is outside in public spaces in major towns and cities across Queensland.

Unlike Newcastle in 2008 or Kings Cross in 2014, Queensland does not have a crisis of alcohol-fuelled violence. Indeed, the Queensland Police Service Annual Statistical Review 2014-15 provides clear evidence that liquor-related offences in Queensland continue to decline, and that anti-social and criminal activity in Queensland is well short of crisis levels. In the financial year 2014-15, liquor related offences decreased by 12%, assaults and offences against the person decreased by 3%, but drug offences increased by 20%. The same Police Statistical Review shows that in the ten year period to 2015, Queensland has recorded a 30% decrease in the rate of offences against the person, and a 12% decrease in the overall crime rate.

In Australia, more than 70% of alcoholic beverages by volume are consumed in other than a licensed venue. It therefore stands to reason that education and solutions towards a more responsible drinking culture must embrace all of the population, and consider all areas where consumption, mis-use and anti-social behaviour can occur.

The hotel industry agrees with and supports the concept of evolutionary change to licensing regulation and policy to reflect changes in technology, customer behavior and industry products and processes. Indeed, the hotel and wider licensed industries in Queensland have a commendable record of working cooperatively with the Government and other stakeholders to seek and implement evidence-based measures that work to effectively address areas of concerns. That is why we should not waste opportunities for sensible, incremental and evidence-based measures by seeking to impose well-intentioned but blunt, inequitable and unnecessary measures that will generate confrontation and which have clear potential to be counter-productive.

The hotel industry is disappointed that the measures proposed in the *Tackling Alcohol-Fuelled Violence Legislation Amendment Bill 2015* fail to build constructively on Queensland's historically successful evidence-based and risk-managed approach to licensed industry oversight. The Queensland hotel industry is disappointed by, and rejects the inequity of, the proposed two-tiered licensing hours system based solely on geographical location. This approach is inequitable to patrons and licensees, commercially harmful to licensed businesses located in low and no risk trading environments, and will be counter-productive by driving more licensed businesses and younger patrons to even higher traffic SNP areas.

Appearing before the Committee

The regulatory measures proposed in the *Bill* should be the subject of further consultation between the Queensland Government and the Queensland hotel industry, the largest element of the Queensland liquor industry. The Queensland Hotels Association would welcome an invitation to appear before the Committee to expand on matters raised in this submission, should the Committee see fit to extend such an invitation.

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**ANNEX A
TO QHA SUBMISSION
DATED 22 DECEMBER 2015**

**EVIDENCE THAT LOCKOUTS ARE AN EFFECTIVE WAY TO PREVENT AND
REDUCE CRIME IS INCONCLUSIVE**

Lockout evidence

The evidence around the effectiveness of lockouts as a precinct and patron safety measure is mixed.

Without consultation with liquor industry stakeholders, the Queensland liquor regulator introduced a trial 3.00 am lockout in the Brisbane City Council (BCC) footprint in order to assess the impact of such a measure on anti-social activity associated with the mis-use of alcohol and illegal drugs in 2005. Lockouts were then topical and seen as something of a panacea by Australia's licensing regulators, and ideas such as this tend to spread like fashion as they are discussed informally at liquor regulators' meetings. The 3.00 am lock-out was subsequently extended State-wide in Queensland in 2006, and remains in place today. The hotel industry generally does not have an issue with the 3.00 am lock-out as the vast majority of Queensland hotels and licensed businesses are closed before 3.00 am. Notwithstanding, industry does have an issue with the veracity and evaluation of the lockout as a patron and community care issue. The effectiveness of the lockout in terms of its objective of reducing trouble, petty crime and anti-social activity has never been appropriately assessed. In the two Queensland forums which were convened to examine aspects of the lockout, the simply held a consistent line that the lock-out was "effective" without ever providing, releasing or demonstrating statistical evidence to support this assertion. The "*we just know that it must be working*" response is the common approach of the Office of Liquor and Gaming Regulation, the statistical analysis capacity of which is rudimentary at best. In addition, requests to see statistical evidence that the lockout measures have had a positive effect on anti-social activity in Queensland have simply been ignored. This is consistent with the wider pattern of licensing regulation in Australia where imposed measures and restrictions are seldom genuinely reviewed, amended, lifted or evaluated – simply added to, with the result that we are left with an ever-rising level of complex compliance and reporting (red tape), which makes living within the rules progressively more problematic for licensees.

There has been little evaluation of the Queensland lockout and there is no persuasive evidence that it has reduced the incidence of alcohol-related violence in Queensland significantly. In 2008, the effectiveness of the Queensland lockout as a preventative safety measure was assessed in a cursory manner by the Queensland Office of Liquor and Gaming Regulation (OLGR) through a desk-top review process. This desk-top review failed to reach definitive conclusions as to the effectiveness or otherwise of Queensland's lockout as a contributing patron care measure.

In 2010, the Queensland Parliament's Law, Justice and Safety Committee *Inquiry into Alcohol-Related Violence - Final Report March 2010* also considered the impact of the state-wide 3.00 am lockout and advised that "*there has been little evaluation of the lockout and there is no persuasive evidence that it has reduced the incidence of alcohol-related violence significantly*". (Reference H, page 53).

One submitter to that inquiry stated: "*The government introduced the 3am lockout on a trial basis and with a commitment to have it independently evaluated. The independent evaluation was never undertaken and after the twelve months trial period the lockout was declared a success and implemented on a state-wide basis. Had an independent evaluation of the lockout been undertaken, it may have, for example, identified some of the impacts of the lockout on patrons and what may be required to support patrons to better manage the lockout as part of their night out. I understand that the Valley Liquor Accord has conducted a patron survey that indicates that a significant percentage of respondents feel less safe since the implementation of the lockout*".

In testifying to that Committee's hearings, Professor Ross Homel was emphatic in his view stating: "*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.....and I am certainly not opposed to measures that are both politically palatable and effective. But it is the combination of the two that I am looking for. The 3am lockout was probably worth a try, but I think the evidence is pretty much in that we need to do an awful lot more to address the problem*".

Despite consistent advice to the contrary, the Committee concluded that "*Despite the lack of comprehensive evaluation, venue managers, some police and other stakeholders have told the Committee they believe the lockout assists them to effectively manage sites. Given the uncertain state of the evidence and the relatively short period in which widespread lockout arrangements have operated, the Committee does not recommend the removal of the lockout.*" (Reference G)

There are numerous examples of this absence of evidentiary link in relation to the effectiveness or otherwise of lockouts, but perhaps the most glaring being the *Law, Justice and Safety Committee's* recommendation for advancing the State-wide lock-out condition by one hour, despite its Report saying, and we quote from page 53 of the Report "*there has been little evaluation of the lockout and there is no persuasive evidence that it has reduced the incidence of alcohol-related violence significantly*". This is but one example of many where industry's pleas for empirical evidence to be the basis of any recommendation have been ignored.

Melbourne in Victoria - trialed a CBD 2.00 am lockout in 2009, which was also independently assessed by KPMG (Reference F). An independent audit by KPMG found the Melbourne lockout led to an increase in reported assaults between midnight and 2am, and also between 2am and 4am. There were also more ambulance trips due to assaults between 8pm and midnight, compared to

the three months before the lockout trial period. There is a common-sense explanation for why this occurs: when tens of thousands of people - of different social milieu, gender and states of intoxication - surge onto the street around the time of the lockout, it creates a violent flashpoint. In Brisbane this problem will arguably occur twice, once at the proposed lockout at 1.00 am and then at last drinks at 3am. After three months the Victorian government dumped the lockout policy.

The KPMG report of the Melbourne 2.00 am trial concluded that “*Overall, it is extremely difficult to reach conclusive findings in this evaluation about the effectiveness of the temporary Lockout, due to the range of variables in play*”.

Newcastle and Kings Cross Lockouts – much has been written and much has been concluded from the radical changes to licensed trading conditions that were introduced in Newcastle CBD (NSW) in March 2008 and the Kings Cross precinct of Sydney in 2014. Indeed, the key state-wide licensing changes proposed in the Queensland Bill derive directly from the New South Wales interventions, despite the fact that the New South Wales measures have only been applied in two very small geographical areas of NSW, and that the licensing environment in New South Wales was and remains significantly different, and inferior to, that of Queensland. For example, Queensland already has the most restrictive licensed trading hours in the Commonwealth, even before the proposed further reductions outlined in the Bill.

In March 2008 the NSW Liquor Administration Board imposed a series of trading conditions on 14 late trading hotels and venues in Newcastle CBD. These measures included:

- 1.30 am lockout;
- 3.00 am last drinks;
- 3.30 am closure;
- Drink strength restrictions after 10.00 pm.

Also, a range of additional non-venue measures were introduced in Newcastle at the same time including: additional CCTV coverage, controlled taxi ranks, improved coordination of public transport and taxi services, enhanced police operations and a police crack-down of street criminals including those who were in breach of bond, parole, or licensed banning orders. These measures had an immediate impact on patron behavior and criminal and anti-social activity in Newcastle CBD including a fall of 21% in assaults in and around licensed premises in Newcastle CBD in the 12 month period from March 2008 to March 2009. So, it can be said that this suite of measures, including the lockout provisions, had a positive influence on patron behavior and criminal outcomes in the period following their application.

Unlike Queensland, New South Wales has a relatively sophisticated ability to capture and analyse crime statistics through its NSW Bureau of Crime Statistics and Research (BOCSAR). The BOCSAR figures in relation to Newcastle CBD offences tell us that:

- In the year prior to March 2008 interventions, there were 304 assaults in and around licensed premises in the Newcastle Local Government Area (LGA);
- In the year to March 2009, 12 months after the interventions, there were 233 assaults in and around licensed premises in the Newcastle LGA – a fall of 23.4% on the 2008 figure;
- In the year to March 2010 there were 282 assaults in the Newcastle LGA – an increase of 21% on the 2009 figure – a reduction of 7.2% on the 2008 figure.

However, BOCSAR analysis tells us that the comparable figure for the whole of New South Wales over the same period was a reduction of 18% on 2008 figures, meaning that in relative terms, the Draconian interventions in Newcastle were not as effective as other, targeted measures which were applied cooperatively across New South Wales during the same period, and which did not include a lockout. BOCSAR figures also tell us that, in the four year period from March 2008 to March 2012, the relative performance of Newcastle failed to keep pace with successful accord and industry interventions in all and other parts on New South Wales which did not involve a lockout. The relative figures for this period are:

NSW Licensed premises and environs assault rate changes March 2008 to March 2012:

Newcastle LGA	-25.3%
Campbelltown LGA	-42.7%
Gosford LGA	-37.7%
Wollongong LGA	-34.6%
All of NSW	-30%

Source: NSW Bureau of Crime Statistics and Research reference: kg13-11384

The clear conclusion from these official BOCSAR statistics is that, despite introducing severe restrictions such as lockouts and early closing times from March 2008, Newcastle continues to lag behind the rest of New South Wales in terms of the progressive reduction in criminal assaults in and around licensed premises, compared to other parts of NSW. This, together with other experiences in Melbourne, Queensland and Ballarat demonstrates that the jury remains well and truly out in relation to the effectiveness of lockouts as a deterrent to anti-social and criminal activity in public places.