

23 December 2015

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
Brisbane QLD 4000

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Dear Committee members

Submission: Tony Brown
Newcastle NSW representing
a number of other local NSW
communities

Tackling Alcohol-fuelled Violence Amendment Bill 2015

Please find following our submission in regards to your above Inquiry.

Some NSW communities are pleased to share with the Queensland community Newcastle's remarkable efforts in the face of coordinated liquor industry self-interest motivated denigration, of sustainably preventing alcohol related non domestic harms including violence, whilst simultaneously creating a much safer, more diverse and prosperous night time economy with more job opportunities for our young people.

The common denominator in the successful reduction in alcohol fuelled violence in Newcastle, Norway and Kings Cross has been the adoption of an enforceable package of scientific evidence-based measures focused on the modest reduction in the dangerous oversupply and availability of alcohol. In particular, small reductions in "last drinks" times in extended trading hours past midnight.

None of the above successful harm prevention measures adopted in the above three diverse sites that are applicable to Qld could be reasonably be construed as "prohibition".

Newcastle is regarded as the "quintessential" Australian town. Our modest and sustained achievements that have been the subject of substantial independent scientific analysis and verification by reputable organisations including BOCSAR, **have withstood the important test of time.**

The broad cross sample of the above national and international sites where "earlier last drinks" have been very successful in substantially reducing the levels of alcohol fuelled violence and other harm indicators including related hospital admissions (see Queensland Coalition for Action on Alcohol (QCAA) submission), confirm this simple cost saving measure's desirability and **applicability across the whole of Qld.**

Acknowledgement

We pay tribute to the many Queenslanders from all occupations, locations and politically persuasions and industries, including the majority of the liquor industry whom for many years express concern with the disproportionate adverse impact of the dangerous oversupply, availability and promotion alcohol has on our younger generations and vulnerable communities.

Unequivocal independent scientific evidence has emerged identifying a package of key simple measures shown to simultaneously, sustainably and substantially reduce alcohol

related non-domestic violence, improve the diversity and prosperity of the night time economy (**NTE**) and creating more job opportunities for our young people.

The Bill brings into sharp practical focus for all Parliamentarians and their constituents regardless of their political persuasion, the paramount imperative of ensuring the ongoing safety of their communities via the most cost effective and evidence based means possible.

We commend the Queensland government and its officers for the overall contents of this Bill but reiterate that the safety, health and welfare of particularly our younger generation and other more vulnerable communities must be placed **above “politics”**.

We strongly encourage all members of the Qld Parliament to adopt a **bi-partisan approach** to the successful and timely transition of this Bill incorporating the modest suggestions below, into law and the consequential anticipated triple win for sustainable community safety, business prosperity and jobs.

About the author

Tony is a qualified solicitor with an Honours Degree in Law who voluntarily led and represented around 150 Newcastle community members, small businesses and concerned citizens in the Police initiated case that culminated in the landmark “Newcastle conditions” by the former NSW Liquor Administration Board in March 2008.

His work, study and experience has provided him with invaluable insights into the practical public policy and legal application of available independent scientific alcohol violence prevention research evidence and the ecology of the liquor industry including their interactions with various governments and the media.

A number of communities including Kings Cross, Byron Bay, Hamilton, Moorebank, Bondi Junction and Casula have invited Tony to voluntarily advise and support them to mobilise, promote and retain the adoption of similar successful evidence based measures proven to prevent alcohol related violence without any additional costs to taxpayers.

Tony chairs the Newcastle Community Drug Action Team and the Hunter Multicultural CDAT.

He has retained a strong interest in the Qld jurisdiction providing a detailed submission to a Parliamentary Inquiry into *alcohol related violence* in 2009, attended the Attorney General’s Round Table discussion with the industry and community in Brisbane on 6 August 2015 and has a 21 year child who works in Qld and regularly attends Brisbane and Gold Coast night clubs on weekend nights.

Consideration of contents of the Bill

1. Title: *Tackling Alcohol-fuelled Violence Amendment Bill 2015 - amend*

We encourage the **replacement of the above title** with a more appropriate description that does not connote the use of potential violence “tackle” to stop the violence. Other key considerations detracting from this title include

- a. More than 50% of the **acute harms** (and equally primarily preventable) arising from the dangerous oversupply and availability of alcohol and failed RSA late into the night **are not violence related**. These are defined as “non-intended” injuries and include alcohol poisoning, trips, falls, pedestrian/traffic accidents, drownings etc.
- b. Dangerous levels of primarily preventable binge drinking and preloading that are synonymous with the so-called “vibrant” night time economy (**NTE**) can be significant contributors to **chronic alcohol related harms** including permanent **liver damage**, a number of cancers and the “hidden epidemic” Fetal Alcohol Spectrum Disorders (**FASD**) – the most common form of non-genetic birth defects.

UK studies have found current levels of drinking amongst you people as creating a medical “**timebomb**”.

- c. Alcohol related deaths and injuries have a very broad **burden of harms**. The dreadful impact of an alcohol fuelled death or critical injury as we have previously witnessed, has an enormous “**ripple effect**” through immediate family and friends and, the broader community. Human lives have irreplaceable value.

I have sadly met too many grieving parents including in Qld, who have lost children through unprovoked alcohol- related violence and, alcohol poisoning at a very young age.

- d. The combination of the above avoidable acute and chronic alcohol related harms have a profound **negative budgetary impact** on public health, policing and other costs and the associated misallocation of scarce Qld government resources. The Bill’s measures will substantially reverse these costs and waste of public resources and enable successive governments to divert resources to much needier areas such as public education, health prevention, sustainable business investment etc.

These Qld law reforms that pleasingly will apply **state-wide**, have the real potential to derive **international acclaim** as a successful cost saving public health intervention that simultaneously has proven a stimulus for the economy by lifting the odium and stultifying oppressive impact of violent and malevolent NTEs.

International and national Qld tourism destinations are much more likely to attract more responsible tourists including their families because of safer, diverse and more inviting NTEs. It is understood that tourist families stay longer and spend more than individual young people. It is also understood that the average international Qld tourist is a 40 year old Chinese visitor – hardly the type of visitor who would be deterred by a modest reduction in last drinks times of Qld pubs and nightclubs.

A positive and constructive title of the Act should complement and symbolically acknowledge such likely achievements.

Why we should support the QLD state-wide adoption of the alcohol law reforms

Some advocate that certain geographic areas of the state should be exempted from the application of these life and cost saving law reforms on the basis that they may have low levels of alcohol related violence.

There are a number of difficulties with such assertions including those factors mentioned above about the **true burden of harms** – the full impact of the dangerous oversupply, availability, promotion, service and subsequent misuse of alcohol that extends substantially beyond levels of reported alcohol related non-domestic violence.

It is estimated that only around 25% of alcohol related violence is reported to the authorities.

A major benefit of the state-wide adoption of these law reforms is that they are predicated on the adoption of proven evidence-based **preventative** and cost saving measures.

An ounce of “prevention” is worth a tonne of cure.

High levels of dangerous intoxication that is synonymous with the cycle of preloading, binge drinking and extended trading is one of the biggest predictors for alcohol related harms.

No government should have to rely upon the performance indicator of an accumulation of young dead or seriously injured bodies related to an alcohol fuelled “body count” before they are forced to belatedly intervene to stem the deadly tide.

A final reason for the state-wide adoption of the modest reduction in latest drinks and other effective measures including a **common** state wide 10pm closure of **all** Qld bottle shops is the relative simplification and efficiency of **regulation and enforcement**.

Industry for a long time has demanded a **level and consistent playing field** of regulation.

Any regulation system that is loaded with geographic, situational and historical type exemptions and exceptions runs a much **higher risk of failure** and the susceptibility to **corruption and undue influence** as various industry players seek and exploit loopholes to gain a competitive advantage over another in what is a very contested market with increasing concentration from the Woolworths/Coles duopoly.

The alleged failure of a trial of a **lockout** or “**one way door**” (**OWD**) policy in Melbourne some time ago was attributed to the inconsistent application of standard set of conditions to all liquor outlets involved in the trial area.

While OWD measures in isolation may be problematic, as part of a bigger “package” of proven availability/supply measures (primarily earlier last drinks) and effective RSA compliance, **OWD provide the Police with an important logistical tool** to more effectively disperse patrons from the streets, particularly where dangerous levels of intoxication are involved.

A major fallacy of those opposed to OWD policies is that they turn all patrons out onto the streets at once.

- A dominant drinking attitude of younger people is stay in the licensed premise to closing time whether it be 10pm, 12 midnight, 3 or 5am
- Patrons are not “locked in” licensed premises and have the freedom to leave earlier than closing time or OWD if there are episodic variations in the availability of taxis etc
- Under the Bill provisions patrons within the premises before the application of any OWD control are free to remain till closing time
- Patrons quickly adjust to the new entry controls as proven in Newcastle.

In Newcastle prior to 2008, a major public safety issue was the unrestricted pedestrian migration of thousands of intoxicated patrons (“mullet run”) between a large number of late trading licensed premises. After the introduction of Newcastle’s enforceable OWD controls, Police report that they could much more effectively direct at risk persons off the streets and return home rather than milling around and causing problems.

There were also no problems with intended patrons queuing past the commencement of the OWD operation time.

2. 3am cessation of alcohol service

During the AG’s Round Table discussion on 6 August 2015, we encouraged the government not to become too target focused on Newcastle and Kings Cross’s 3am closing/last drinks time for the nominated safe drinking precincts and the 2am for other extended trading premises.

The best independent scientific evidence based on scientific studies in Newcastle (Kypri, Miller et al) Norway, Amsterdam and elsewhere suggests that for every one hour reduction in last drink times, you can expect an approximate 20% reduction in assaults. A similar reverse outcome is derived from an increase in hours if for example policing costs are kept constant.

Another industry myth busted at the Round Table was that 24hr provision of alcohol is essential to achieve a “vibrant” international city.

Industry representative could not honestly suggest cities such as Los Angeles and San Francisco were neither “international” nor “vibrant. Yet, California enjoys a 2am last drinks and has a drinking age of 21. The fact is that **many other international cities prosper under last drinks time of 3am or earlier.**

The industry hysteria generated originally in Newcastle and replicated by a minority in Sydney and Queensland reflects a self-interest “flat earth” mentality. It is our experience that the amount of objection and hostility to the adoption of precinct or state-wide enforceable proven cost saving alcohol harm prevention measures is usually proportional to the extent to which the complainants’ businesses rely upon **irresponsible business models** predicated on maximising the dangerous oversupply of alcohol to their thirsty patrons late into the night.

In contrast in Newcastle, more **astute business operators** following the introduction of last drinks adjusted their business models to successfully accommodate the improved regulatory conditions. Some others took their blood money and moved out of the late trade large booze barn market segment to more family orientated standard closing time hotels.

The reality is that 12 out of the 14 licensed premises respondent to the Newcastle 2008 “conditions” remain open today nearly 8 years after the commencement of reduced late trading hours. One pub was destroyed by a fire, the other closed by Police action. The same licensing conditions still enjoy overwhelming patron and community support. The sky has not fallen in Newcastle. In fact, these modest conditions have contributed to a much safer, more diverse and prosperous Newcastle NTE with more jobs. This is explored more in the following section.



Recent picture of queue outside *Argyle House* (former *Fanny's*) c/o Newcastle Herald

The Qld public should not be deprived of proven life and cost saving alcohol harm prevention reforms. They should not continue to be **held to ransom** by a minority of noisy well-connected liquor industry representatives unwilling or incapable of adjusting their irresponsible business models to reflect the reasonable level of public safety demanded by the community, concerned parents and **brave front line emergency workers** sick of being used as **punching bags by drunken patrons**.

It must be remembered that a 2am closing is not a new proposal to Qld. It was advocated by the Qld Police Association as early as [October 2010](#).

We recommend clear and transparent mechanisms within the legislation to provide for further timely reductions in last drinks times if the level of cooperation from the owners and controllers of licensed premises does not continue to meet the reasonable expectations of the regulator.

3. “These draconian conditions will devastate Qld”

The following passage provides a sober overview of the positive impact of the conditions in Newcastle, their immediate general applicability to Queensland and a repudiation of sustained industry attempts to undermine and discredit the same life and cost saving measures estimated to date to have prevented over 5000 young people being assaulted on our streets.

Newcastle

Prior to the introduction of the Newcastle conditions predicated on a modest reduction in extended trading hours of 14 premises in the CBD precinct by the (former) NSW Liquor Administration Board in March 2008, we had

- The highest rate of non DV alcohol related assaults in NSW
- The highest rate of assaults on Police
- The highest rate of drink driving

Newcastle CBD was accurately described as a violent drunken “bloodbath” with around 20,000 younger persons (many preloaded) drawn into the CBD every weekend where they readily gained entry to licensed premises to purchase and consume alcohol to 5am.

To understand how Newcastle (and other communities) can over time descend into this unfortunate violent malevolent situation requires an **appreciation of the undue and disproportionate influence the powerful cashed up liquor industry exerted over successive governments.**

Successive governments and local leaders were unconscionably prepared to effectively “trade off” the fundamental safety and welfare of our younger generation and that of brave front line emergency workers, for political opportunism including the promotion of industry self-regulation and the costly but ineffective industry initiated/preferred “band aid” and blame shifting measures e.g. more police, transport, illicit drugs, lack of “individual responsibility” (See Appendix 1).

Coinciding with the AHA and local late night venue owners’ vociferous and vacuous objections was their unwillingness and incapacity to accept any responsibility at all for their operations and inability to ensure the responsible service of alcohol as key contributing factors to the cause of dangerous levels of intoxication and consequential deaths, serious violence and other related harms.

We are not suggesting that the same level of undue and inappropriate influence would exist in Queensland but this is why we exhort the Parliamentary Committee and Parliament that **public safety must be put beyond politics.**

In Newcastle however prior to the 2008 landmark decision of the independent quasi-judicial Tribunal, the local Liquor Accord was chaired by a senior representative of the Premier’s Department and the Secretariat and media support provided by Newcastle City Council.

The Liquor Accord’s motto during this unrivalled period of alcohol fuelled violence was “Fun City - Safe City”. The motto, record of alcohol fuelled violence, crime and related harms and,

blatant non-compliance with RSA legal obligations personified the abject failure of liquor and gambling **industry self-regulation**, transparency, honesty and integrity in this relative small late trading segment of the industry.

There also was evident a **manifest failure** in reliance upon the “**market**” to adequately and equitably distribute the very substantial public/social direct and indirect costs or negative **externalities** of the operation of the so-called “vibrant” (and “safe”) Newcastle night life - to the owners of those licensed premises that were making exceptional profits from the dangerous levels of intoxication and associated deaths and critical injuries associated with extended trading.

For example

- The cost to Newcastle City ratepayers in 2006 for **cleaning up** the CBD from blood, vomit, urine and excrement, repairing vandalised public assets was around \$1 million
- **Huge police and health related resources** each weekend were **avoidably diverted** to attempting restore order and attending injuries and mishaps in the CBD to 5am. The substantial indirect resource allocation costs were unacceptable waiting times for ordinary public members in the hospital emergency units and the relative incapacity of the police to address other crimes and adopt community policing/crime prevention strategies
- **Local shop owners** could no longer afford property insurance for damage to their street fronts
- The **reputation of the city** as a safe destination was destroyed and the dominant late trading binge barn model created a mono-economy that stifled the establishment of a more safer, diverse, prosperous and inviting NTE and jobs we have created today
- Many **young people** themselves were traumatised by the alcohol fuelled violence and fear. They were effectively excluded from participating in the NTE just as **many local residents** were equally fearful of going out later onto their local streets in the CBD.

If minority elements in the Qld liquor industry continue to assert that the state-wide adoption of this modest package of proven alcohol harm prevention measures will cause unsustainable adverse **cost impacts**, then Queensland taxpayers would be justified in demanding a full public/social cost recovery from those higher risk premises that trade after midnight.

The [Australian Institute of Criminology](#) (AIC) released a study in 2013 which shows the costs to society from alcohol harm were double that raised in tax and excise revenue by the Commonwealth Government.

Unreliable AHA critique of Newcastle conditions

In addition to the growth in the number of licensed premises shown below, the modest reduction in late trading hours in Newcastle in conjunction with a package of other measures never “destroyed” the town. In particular:-

- I. **12 out of the 14** original hotel/night club respondents to the Newcastle “Conditions” case **remain operating**. These include Cambridge hotel, Clarendon hotel, Crown and Anchor hotel, Customs House, Fanny’s of Newcastle (renamed Argyle house), Hotel CBD,

King St hotel, Lucky Country hotel, M J Finnegans, Queens Wharf Brewery, Grand hotel, Great Northern hotel

- II. The **Civic Hotel was destroyed in a fire** and the **Ducks Nuts** (renamed the Silk Hotel) recently closed following substantial police operations
- III. Some of the above businesses remaining open have subsequently changed hands providing evidences of the continuation of a local business and regulatory environment that is far from “draconian”
- IV. Substantial business investment in hotels continued after 2008 with a **reported** \$6m investment in the refurbishment of the **Lucky Country** that reopened in 2014 and the building of the large midnight closing Honeysuckle hotel
- V. In 2011 Ms Fielke (then) CEO of the **NSW AHA** commissioned a secret report from **PWC** and **Crosbie Warren Sinclair** purportedly considering the impact of the Newcastle conditions. **Undermining the credibility and reliability** of these dubious reports was the AHA’s refusal to make the reports public and allowing for independent expert scrutiny.

The AHA commissioned reports were widely and inappropriately hawked by the AHA across the country including the Northern Territory (see Hansard 16 October 2013 – NOM Mr Wood). The reports contained substantial incorrect assertions and assumptions.

The above CWS report apparently ignored the impact of reported bursting of the **pub valuation bubble** resulting in a 30% fall nation-wide in pub values as well as the impact GFC. Their report apparently solely attributes the reduction in reported Newcastle pub values to the impact of the modest reduction in late drinking hours.

The SMH defined the NSW pub sector in December 2008 as “ailing” and it is noteworthy that none of the AHA commissioned reports appear to have contemplated **simple poor management, an oversupply of late trading premises** and **unsatisfactory compliance records** as reasons why the value of some pubs in Newcastle may have fallen and/or they lost some business (as equally did some social clubs, restaurants and other public entertainment venues due the downturn in the international and domestic business cycle).

These AHA reports imply that the liquor and gambling industry, unlike all other Australian businesses are, or somehow should be, quarantined or provided special protection and concessions at tax payers’ expense from normal business cycles and compliance obligations.

It is understood that the AHA reports were to a large extent reliant upon individual business self-reporting.

We therefore encourage the Committee and Parliament to remain very **sceptical about the reliability of any alleged “research” proffered by the liquor industry** that attempts to

marginalise the benefits of the modest reduction in late trading hours in Newcastle or elsewhere at no additional cost (eg more police, transport, CCTV etc) to tax and rate payers.

It is interesting to note that the recently reported property boom in Central Sydney is enabling the property owners of licensed premises in Kings Cross to realise a much higher rate of return on investment by selling/converting the property to residential/commercial development.

Newcastle more recently

Following is a table produced by Newcastle Police in July 2015 that illustrates the substantial growth in the number of smaller, more responsible licensed premises in Newcastle CBD.

Number of licensed premises in Newcastle CBD 2008 - 2015

	March 2008	March 2013	July 2015	% increase 2008
Hotels	13	17	23*	77%
Registered Clubs	5	5	5	stable
On Premises	41	66	98	140%
Packaged Liquor	5	5	8	ns
Total	64	94	134	110%

* includes 3 small bars

Source: Licensing information provided by Newcastle Police 20 July 2015

Newcastle has undeniably undergone a remarkable positive transformation as a direct consequence of the application of the 2008 conditions. Newcastle has effectively more than halved its alcohol related crime rate since the introduction of the measures that we estimate has prevented over 5000 young people from being bashed on our streets.

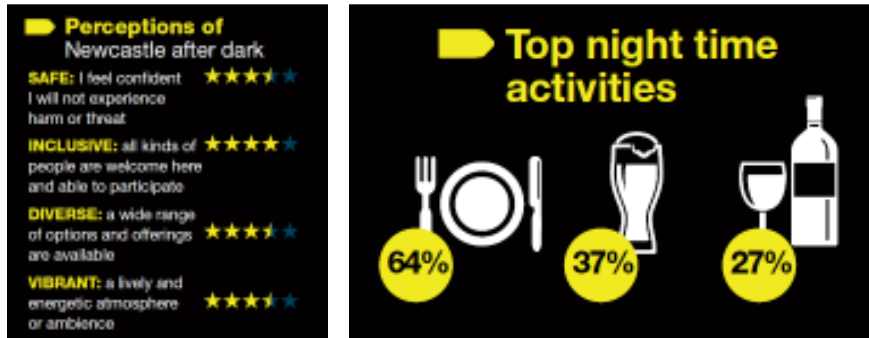
No reliable evidence exists of any “migration” of the alcohol problem from Newcastle CBD into surrounding precincts. Queensland has effectively resolved such risks by the welcomed state-wide application of its alcohol harm prevention reform laws.

This Newcastle transformation is a **triple win** for the local community, patrons and responsible business operators.

It can be so easily replicated across the whole of Qld and the rest of the country confronted with the common problem or cycle of preloading, extended late trading and failed RSA.

It has also resulted in a documented (Prof. Peter Miller) important improvement in the drinking culture with less preloading, a dangerous precursor to high levels of intoxication, failed RSA and harm.

To put the sustained success of the Newcastle conditions beyond any doubt, Newcastle City Council released in August 2015 a survey that confirm the vast majority of participants rated the area high in Safety, Inclusiveness, Diversity and Vibrancy. It also included the following indicators:-



4. Developments in Kings Cross

Predictably like Newcastle, any short-term dislocation by the successful adoption of enforceable precinct wide modest reductions in last drinks times (with no periods of “grace”) in Kings Cross has been grossly and mischievously exaggerated by elements within the industry in an attempt to retain their anti-social and irresponsible binge drinking business models.

We make the following observations that also have **implications for places like Fortitude Valley and Surfers Paradise:-**

- Kings Cross Police have advised us that since 14 June 2014 when high risk venues were required to use ID scanning, the same machines recorded over 1.9 million patrons actually entering the late night licensed premises. Over the same period, the number of venues with the scanners fell from 27 to 21.

The above Police data on the actual number of patrons attending Kings Cross is far more accurate and reliable than information produced by Sydney City Council and others based on pedestrian surveys etc.

- The Police also report that the Kings Cross late trading premises had a total allowable physical capacity of around 9,000 patrons. The patron capacity levels have very important public health and safety implications including fire and road/pedestrian safety and crowd control.

The total number of people in the Kings Cross precinct prior to last drinks grossly exceeded the legal carrying capacity of the late trading venues. Many of these visitors were reportedly already inebriated. This excessive overflow of foot traffic in Kings Cross was a major contributor to the alcohol related harms.

The authorities have welcomed the reduction in people attending Kings Cross as it is now much closer to its safe carrying capacity. The Police also report that the more

responsible and popular late trading venues are still at maximum legal capacity (full) on weekend nights.

This dangerous overcrowding problem was very similar to what occurred in Newcastle prior to 2008 when the number of actual patrons was nearly double that of the permissible amount in licensed venues (see Appendix 1). The subsequent reduction in patron numbers post the invention can in one sense be fully attributed to an overdue correction to ensure legal compliance with safe patron numbers

- Police advised that they noticed a decline in patronage in Kings Cross after the killing of Thomas Kelly and Daniel Christie (Jan 2014) but **before** the introduction of the earlier closing times in Central Sydney/Kings Cross in February 2014
- Neither BOCSAR nor NSW Health Authorities have reported a statistical significant “migration” of alcohol related harms from Kings Cross to nearby precincts including Newtown.

Queensland’s welcomed state-wide adoption of its alcohol harm prevention reforms will overcome any potential “migration” risks by creating a level playing field

- A welcomed number of new and more responsible businesses have emerged in the Kings Cross precinct which are creating a much more diverse and inviting location for local residents and others regardless of the time of the day and night
- An important final concern emanating from Kings Cross that has significant implications for Qld is the extent to which the Kings Cross Liquor Accord and other opponents of the proven life and cost saving measures have been deliberately deterring potential patrons away from their precinct.

Sensational false and misleading **accusations** that the modest reduction in last drinks have “destroyed” or “devastated” Kings Cross is simply not substantiated by verifiable patron attendance records. Talking down the creation of a proven much safer drinking precinct where assaults have dramatically plummeted - for some personal, financial or political gain by industry and individual venue representatives, is hardly likely to attract younger patrons to the area.

We note in Qld the similar predictable emergence of ridiculous and hysterical assertions in the media by some nightclub representatives that the proposed state-wide modest package of proven evidence based alcohol law reforms would “destroy” and “wipe-out” generations of young entrepreneurs and small businesses! See <http://blogs.abc.net.au/queensland/2015/08/what-will-lockout-laws-do-to-the-brisbane-bar-scene.html> around 7, 8 and 8.50 minutes.

5. Earlier last drinks, lockouts and live music

It is a common misconception that the modest reductions in “last drinks” time and the introduction of a OWD policy will have an adverse impact on the provision of live music. We make the following observations:-

- The reported decline in the number of licensed venues providing live music was in decline prior to the Newcastle conditions of 2008 and the more recent adoption of a similar package of enforceable measures in Sydney in early 2014
- The decline in live music over time has also been reported in other Australian cities including Melbourne that has not adopted last drinks and OWD policies
- The primary reason for the decline in live music has to do with the licensed venues’ business models and the competitive market environment. In particular, poker machines provide a much higher return on investment than live music and associated band/performer costs. Under-utilised dance spaces have been converted to pokie parlours
- The live rock pub scene was much more popular in the late 70’s when 10 pm or midnight closing prevailed in NSW
- There is little contemporary independent scientific evidence available to confirm that venues with live music are less associated with alcohol related harms than those without live music

6. 30 minute “grace” period after cessation of service – be removed

The Bill reaffirms the capacity for patrons to consume alcohol for a period of up to 30 minutes after the sale of alcohol products ceases.

We understand this is not the practice in Newcastle, Kings Cross/Central Sydney or California.

The 30 minute grace period unnecessarily **complicates the regulatory/enforcement process** where inspectors who arrive a minute past the service cessation period cannot easily detect whether a patron who is still consuming alcohol was supplied the same alcohol before or after the legal period.

We would therefore engage the proposed legislation be amended to prescribe the relevant 2 or 3am cessation of service as “last drinks” period, with no “grace” period.

A similar related concern is the risk of “**drink hoarding**” where patrons can purchase multiple drinks (arguably in breach of RSA legal obligations) prior to the cessation of service to carry them over drinking after the time sales stop. This in effect creates a more harmful 230 - 330am (SDP) effective last drinks time.

Some NSW controls provide for some mandated drink hoarding prevention requirements for example the maximum number of drinks that can be purchased at once after a certain time.

7. 12 extended hour permits per year

As mentioned above, the granting of exemptions can significantly undermine the integrity and effectiveness of the application of a proven package of measures to prevent alcohol related harms and reducing public costs.

The continuing capacity to seek 12 exemptions in one year **is not supported**, particularly when such exemptions may coincide with times associated with higher risky drinking.

If the government is to still entertain this alcohol risk escalation measures then it must be strictly controlled like NSW with such exemptions applying to events deemed of state wide “significance” and be fully transparent with the opportunity for the community and others such as the Police to object.

Successful applicants must be required to provide the authorities with an **effective risk management plan** that includes the location near the licensed premise and an **additional payment** that **adequately reimburses the public** for the deployment of additional policing and other costly government services.

8. Bottle shop closing times

We welcome the proposal to reduce the closing time of Qld bottle shops to 10pm.

We bring to the Committee’s attention that substantial independent evidence links alcohol related violence to the density of bottle shops and their location proximate to areas of social disadvantage.

BOCSAR found the [9%](#) reduction in non-domestic assaults in regional NSW from February to December 2014 was “[fully attributable](#)” to the reduced bottle shop closing times to 10 pm introduced state-wide in February 2014.

On the basis of the above evidence, we would encourage that trading time for **all** Qld bottle shops be reduced to 10 pm in the immediate future. This would demonstrate to the Qld community its government’s genuine commitment to preventing the scourge of alcohol fuelled domestic violence by in part, the creation of a level playing field.

9. Other liquor related recommendations

- a. The Committee following Parliament’s consideration of its recommendations, examine measures that give effect to the owners and controllers of liquor outlets **sharing** the legal and moral **responsibility** for the conduct of their intoxicated patrons whilst on and after leaving their premises, where it can be shown that the service and supply practices of the venue have contributed to the patron’s dangerous level of intoxication that has been a factor in subsequent related harm to the individual and innocent others.

In particular, we would encourage the Committee to examine the applicability and effectiveness of “**Dram shop**” type laws that exist in the USA.

- b. The committee have a closer look at the factors contributing to **preloading** from both the consumer’s side and the liquor industry as a whole including promotion and marketing (including to young people), price, access and availability of cheap booze and, effective RSA including entry controls on detecting intoxicated person.

We note that the level of preloading is one of better the **predictors** of alcohol related violence and related harms.

- c. The government **review the structure, function and role of Safe Drinking Precincts’ Local Boards** to ensure they reflect a much broader and genuine representative cross section of independent local communities including bodies that represent those disaffected by alcohol and gambling liquor related harms and associated liquor related neighbourhood disturbances.

This could include for example local resident groups impacted upon by noise and alcohol related violence/disturbances, women’s groups, opponents of domestic violence, local health experts etc.

It is essential that this broader **independent local community representation** on the Local Boards has the same voting and other rights as traditional industry based representatives. It is also important that those existing community members on the Local Boards who provide services in the NTE can and remain impartial and independent of local industry members and not reliant upon any form of financial support or other forms of incentives that may influence their decision making on the Boards.

It appears obvious like NSW Liquor Accords that the existing QLD Local Boards as currently constituted are averse to the support and adoption of any enforceable evidence-based proven life and cost saving measures involving any practicable modest reductions in the availability, service and supply of alcohol – impact upon their financial bottom line.

Until such time that the Qld government can derive a mechanism whereby it can be assured that the Boards’ actions and initiatives in preventing local alcohol related harms are consistent with independent contemporary evidence based thinking on the most cost effective harm prevention measures available, including reducing the number of late trading outlets and large discount bottle shops, the government should **reconsider the amount of public funds it allocates to Local Boards**.

- d. We urge the adoption of the life and cost saving alcohol law reforms well **before the beginning of the next financial year**.

- e. We would encourage the application of the same law reform package containing proven alcohol related harm prevention and cost saving measures to all **Qld Casinos** and other places where large volumes of alcohol are supplied and consumed.
- f. Increase wherever possible the **community consultation and transparency of the overall approval/exemption processes** including longer gambling periods by making public all such applications and inviting informed resident/community responses

10. Preventing Gambling related harms

Whilst the overall package of Qld's proposed alcohol harm prevention law reforms is commendable, unfortunately the same cannot be said to the likely significant but primarily preventable, escalation of well documented gambling harms associated with extending the time for their operation to in some cases 5am.

Estimation of the number of Problem Gamblers

The 2010 Productivity Commission [Report](#) identified that between 22% and 60% of poker machine (EGM) profit came from problem gambling.

The Productivity Commission identifies that harm from gambling does NOT only come from problem gamblers but people who are moderate, 'at risk' and casual gamblers also suffer harm and sometimes gamble more than they can afford.

Levels of problem gambling are the easiest way to assess the negative impact of gambling. However, there are additional harms from gambling which are not included in the estimates of problem gambling. These include the detriment and impact of issues including:

- Bankruptcy
- Divorce and separation
- Cost of loans or lost income incurred from gambling debt
- Impact on children's participation in educational activities and out of school activities
- Criminal conduct such as fraud, larceny etc to pay for gambling debts
- Depression
- Suicide

The Committee should be aware that industry supported harm prevention measures are deliberately ineffective and nonsensical.

The "[Kaching](#)" program shown on ABC TV highlighted the pernicious addictive features of poker machines.

Queensland has the third highest rate of individual expenditure on poker machines in Australia. This is not a record to be proud of.

We encourage the committee to consider and rely upon the following recent articles to effectively prevent gambling related harms in Qld, including the cessation of poker machines at 2 or 3am.

- <https://theconversation.com/bright-lights-big-losses-how-poker-machines-create-addicts-and-rob-them-blind-49143>
- <https://theconversation.com/15-things-you-should-know-about-australias-love-affair-with-pokies-49230>
- <https://theconversation.com/gambling-on-pokies-is-like-tobacco-no-amount-of-it-is-safe-51037>

Conclusion

History recognises those governments and political leaders who have demonstrated the capacity to put sectional and political vested interests second to the overall **peace**, welfare and good government of the whole community under the rule of law.

The overwhelming approval of this Bill embracing the above suggested modest amendments that keep intact the critical public safety drivers of a package of proven life and cost saving enforceable measures including

- a modest reduction in “last drinks” times
- a one-way door policy and
- 10am closing of all bottle shops across the whole state

is that once in a life time opportunity for all Qld Parliamentarians to make that discernible “difference”.

You will undoubtedly be nationally and internationally recognised for generations to come as the collaborative co-authors of simple yet profound alcohol law reforms that will drive cultural change - not only saving many young people’s lives and their families’ despair, but assuring the ongoing prosperity, increased diversity and more sustainable jobs in your regional economies.

Tony Brown

Newcastle

Appendix 1: Unsuccessful Newcastle Liquor Accord Voluntary “initiatives” prior March 2008

Voluntary initiatives of late trading venues

VENUE	RSA marshal	Water service	No shots	Drink limits	Bistro Menu	Maxi Taxi Hire	Secure taxi rank	Licensee Present post MN	Limit RTD
Cambridge Hotel,	✓	✓	✓	✓			✓		
Civic Hotel	✓	✓	✓	✓			✓		
Clarendon Hotel		✓	✓	✓	✓				
Crown and Anchor Hotel	✓	✓	✓	✓			✓	✓	
Customs House Hotel	✓	✓	✓	✓					
Ducks Nuts Hotel	✓	✓	✓	✓				✓	
Fanny’s of Newcastle	✓	✓	✓	✓		✓	✓	✓	✓
Great Northern Hotel									
Grand Hotel	✓	✓	✓	✓			✓	✓	
Hotel CBD							✓	✓	
King Street Hotel	✓	✓	✓	✓		✓	✓		
Lucky Country Hotel	✓	✓	✓	✓					
M Bar Hotel									
M J Finnegan’s	✓	✓	✓	✓			✓		
The Dockyard					✓				
Queen’s Wharf Brewery	✓	✓	✓	✓	✓		✓		

Shaded: premises closed
Source: OLGR

- Enough is Enough’, patron education campaign 2004, 2006.
- ‘Nightlink’ transport strategy and education campaign 2003 – 2007.
- ‘Supply means Supply’, community education program aimed at reducing juvenile drinking.
- ‘Don’t be Bloody Stupid’ public education campaign 2007.
- Armed Hold-up training for members of the accord.
- OLGR compliance workshops for Accord members.
- Subsidised Responsible Service of Alcohol training for sporting clubs.
- Supported ‘Good Sports’ as a community member contributing \$2,200 annually.
- Hosted a “Safe Parties” Forum 2006.

“Other Accord programs specifically targeting late night issues in the CBD include:

2002 – User pay policing in the CBD

Up to 8 police patrolling the CBD. Initially funded 50% by police and licensee’s for a trial period. Not sustained following the withdrawal of the funding commitment by police, lack of user pay police volunteers, and the difficulty in administering the licensee contributions.

2004 to 2007 – Street Security

Late trading licensed premises funded 8 high visibility security officers on Friday and Saturday in an effort to reduce antisocial behaviour and street offences.

2007 - 3:00 am Restricted Entry Policy (“Lock out”)

On 31 August 2007, late trading hotels in Newcastle agreed to implement a 3.00 am restricted entry policy, which was subsequently implemented on the first weekend of October 2007. Under the campaign title ‘Don’t Be Caught Out’, licensees restricted entry to their venues uniformly from 3.00am.

Police report that assault levels have reduced between 3.00am and 6.00am since October in comparison to the same period last year”.

Source: OLGR report to LAB

Appendix 2: OLGR summary of Newcastle venue's capacity prior to 2008

Table 2 Maximum Capacity Trading on Peak Night

VENUE	PEAK TRADE NIGHT	HOUR PEAK TRADE	CLOSE	PATRON		STAFF			UNITS ALCOHOL SOLD
				max	total	bar	security	other	
Cambridge Hotel	Sat	1am	5am	419	500	7	4	3	2000
Civic Hotel	Sat	1am	5am	180	400	4	4	5	1200
Clarendon Hotel	Sat	11pm	12am	200	200	3	1	1	600
Crown and Anchor Hotel	Sat	1am	3am	580	2000	9	9	8	3000
Customs House Hotel	Sat	11pm	3am	400	1000	9	5	6	4000
Ducks Nuts Hotel	Sat	12am	5am	175	120	3	4	1	400
Fanny's of Newcastle Hotel	Sun	1am	5am	750	2000	15	14	8	5500
Grand Hotel	Sat	12am	1am	283	600	8	4	1	3000
Great Northern Hotel*	Sat			250					
Hotel CBD	Sat	1am	5am	640	500	6	5	4	1800
King Street Hotel	Sat	1am	5am	550	1500	10	13	13	4500
Lucky Country Hotel	Sat	1am	5am	375	300	3	3	1	1000
M Bar*				385					
M J Finnegan's Hotel	Sat	12am	3am	475	2000	15	9	8	6000
Queen's Wharf Brewery	Sat	11pm	3am	602	1000	20	12	9	5500
The Dockyard Hotel	Sat	7pm	12am	200	350	6	2	2	1000
TOTAL				6,464	12,470	118	89	70	39,500

Shaded: closed
Source: OLGR

Source: OLGR Situational Report to LAB s104 Hearing 21 November 2007