

Wednesday, 23 December 2015

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

# Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015

Dear Committee,

My name is Shawn Andersen and I own a small business that employs approximately 23-25 people excluding weekly contractors like cleaners, suppliers, etc... that will be directly affected from this proposed legislation!

As a businessman with over 25 years in the hospitality industry (started as a glassy at 17yo in Jan 1991 at the Exchange Hotel, Townsville as a second job), I have a vested interest in ensuring my business operates safely in accordance with the law and provides the provisions for an enjoyable safe environment for our respective target market but it perplexes me that a government in power with the capability and power of actually address the problems on this issue with common sense solutions from industry stakeholders would rather try and implement legislation that will only kill small business, reduce economies in small towns, destroy jobs for young people who rely on the hospitality industry whilst at university or their second job and ultimately just drive people to purchase more retail liquor, increase pre-loading at home and/or parties and spread the current problem wider within the community.

The objectives should be all stakeholders working closely together and addressing the key problems on this matter and implementing effective solutions that directly address this complex issue. It must be noted that this complex issue isn't just the responsibility of the licensed venue that trade past 2am or 3am, it's the responsibility of all licensed venues and/or outlets that is permitted to sell alcohol within Queensland. Every single licensed venue that currently trades past 2am or 3am is already very heavily regulated by Liquor Licensing QLD and the QLD Police to ensure complete compliance with the priority being reducing and addressing drug and alcohol fuelled violence every single night.

All ruling governments in Queensland over the years to date have made decisions in relation to licensed venues, gaming machines and the sale of retail liquor therefore bringing us to this point right now with the following matters still to address and correct, some key outcomes of the Bill would be;

- ***Regular service hours for alcohol in licensed venues across Queensland would end at 2am unless the venue is located in a prescribed safe night precinct approved for 3am liquor trading in which case a 1am lock out will apply;***

Reducing hours for licensed venues will not address a person's decision making process to act in a violent manner, address violence in people who chose to be violent is making them accountable for their actions, this proposed key outcome will only affect small business, reduce sales for the business and force people to stay at home and not frequent licensed establishments.

Government should define zones and classify these zones therefore any licensed venue who operate within these zones should be allowed to trade past 12pm midnight until late and any licensed venue that operates outside these zones are only allowed to trade up until 12pm midnight and not allowed at all to apply for any individual liquor license extensions which allows them to operate after midnight randomly throughout the year. This then allows government resources to just focus on these zones and allows government to finally start addressing better more organized amenities which are required for these precincts being taxis, buses, chaplains, cctc, public toilets, etc...

Statistically there are more licenced venues trading past 12pm midnight right now and operating till 2/3am then there are licensed venues trading from 3am – 5am in Queensland. These licensed venues who are allowed to sell alcohol with a restaurant on premise liquor license are business that operate as very busy bars / mock nightclubs and operate right now every week with little to none regulatory compliance, minimal liquor licencing conditions, minimal fire regulations, no requirements with building regulations referring to capacity numbers, etc...this is the problem affecting the industry and directly contributes to drug and alcohol fuelled violence

Any liquor license attached to a venue that is located within a zone and operate after 12pm midnight should become an extension of a stock standard liquor licence, therefore any licensed venue that trades past 12pm midnight must have the same liquor licencing conditions being precise CCTV requirements, maybe ID scanners, must have approved crowd controllers per capita as crowds builds in any licensed venue and have building certification to ensure safer environments.

Example 1: A restaurant located in the suburbs initially only allowed trading till 12pm midnight applies and is granted an extension to trade and sell alcohol till 2am turning the so called restaurant into a operate as very busy bar / mock nightclub with no reference to the Townsville City Draft City Plan whilst the plan has not contemplated the social effects with drug and alcohol fuelled violence;

Example 2: The building code to operate a restaurant initially licensed to sell alcohol till 12pm midnight may only require a class 6 classification [no fire sprinklers, no back to base alarm monitoring], then may obtain a liquor license extension with trading hours or gain a change of licence classification to 'commercial hotel' with approval for entertainment without having to upgrade to class 9b building classification;

Example 3: In the town plan there is no consideration for differentiation between a liquor licence initially granted in one area and an extension on that licence at a later date being a restaurant or group of bars in the suburbs ends up (via an extension) trading past midnight up until 2am with no security guards, no cctv cameras and no other conditions on their liquor licence and the area has no upgraded lighting added, no public transport added and no scheduled police presence;

- ***The 1am lockout would apply to all licenced venues within prescribed safe night precincts approved for 3am trading, including those which cease trading at 2am***

There are no proven statistics that lockouts even work, lockouts only create a specific time where people are forced to choose where they want to be with friends, force whether to run for a taxi or run to another licensed venue, force security and the licensed venue to be placed under extreme pressure to address the demand at this lockout time, force crowd controllers to stop people from entering who just simply want to use a toilet and force businesses to act in a manner to attract these people prior to the lockout which isn't good for competition.

It's my belief that if you allow any licensed venue to operate after 12pm midnight and is located outside a zone, then any measureable effort to reduce, contain and control drug and alcohol fuelled violence becomes non affective and diluted because you have spread the problem.

- ***Retail Bottle Shop Approvals and The Advertising Of Retail Alcohol***

The retail component of the industry focusing on bottle shops & large liquor barns needs to be overhauled and better regulated. This addresses the problem of numerous licensed locations for making alcohol easily accessible within our community. Detached retail bottle shops in shopping centres, drive thru bottle shops and liquor barns all connected to licensed hotels operate with strict limitations on trading times allowing open access to alcohol in our community. Being allowed to advertise bulk discounted alcohol and exposing alcohol is simply making it more accessible to our community.

Legislative Assembly of Queensland Law, Justice and Safety Committee, Inquiry into Alcohol-Related Violence, Final Report March 2010 stated...

- *“There has been a proliferation of takeaway outlets in recent years, and this has assisted the phenomenon of ‘pre-loading’, involving patrons consuming quantities of alcohol before going to licensed premises. While*

*there has been no extensive data on the extent of any impact of pre-loading on the incidence of alcohol-related violence, it was an issue raised with the Committee by many stakeholders”.*

- One submitter advised the Justice and Safety Committee that recent Queensland research (*involving responses from 978 patrons*) indicated that 81% of patrons in a licensed premise drank alcohol before going to the licensed premises.
- According to the Queensland Hotels Association, in Queensland more than 72% of all liquor consumed is off licensed premises.
- Currently there is a total of about 830 detached bottle-shops (*trading under the authority of a range of commercial hotel, commercial club and commercial special facility licences*) throughout Queensland and right now these detached bottle-shops are allowed to trade as early as 7am till as late as 12pm midnight.
- Currently there are 295 detached bottle-shops trading under the authority of a commercial hotel liquor licence and are authorised to sell take away liquor with trade commencing between 7am and 10am.
- The Justice and Safety Committee concluded that the culture of pre-loading is a problem and the accessibility of discounted liquor directly contributes to this problem.

Detached bottle-shops should not open earlier than 10am and should be made to close no later than 9pm which is considered a normal retail closing hour. There has been a shift in the drinking culture from having a drink as an element of socialisation before going to a licensed premise to now young people drinking alcohol solely to become intoxicated. There is a need to address this cultural change. The increase in binge drinking has been significant in the young people especially young females and ATSI females. Queensland Police statistics presented to that the Justice and Safety Committee by Professor Paul Mazerolle showed that, of the violent crimes brought to the attention of the police, there has been a marked increase in Queensland between 1996 – 2006 of 60% for males, and 45% for females aged 10 – 14, and around 45% for males, and 50% for females aged 15 to 19. The obvious point here is the age sectors and these age sectors aren't found within licensed premises!

- ***State Government & Regulatory Bodies Blaming Licenced Premises For Individual Patron Behaviour With Not Enough Being Done To Address The Penalty To Suit The Crime.***

The state government should invest time and review loop holes in the judicial system that make any government law look ineffective. The point is that the law-abiding majority should not have to suffer for the actions of only a few. The emphasis should be placed on individuals accepting responsibility for their own actions and dealing with the consequences. There is a flawed discrepancy with statistics that include with the wider community (outside licenced premises) in relation to alcohol or drug violence verse if occurred in a controlled environment such as licenced premises.

E.g. When committing a “coward punch” the offender should automatically receive a GBH charge, rather than a lesser offence charge such as disorderly or public nuisance.

E.g. Penalties are harsher for drink drivers then it is with someone who has consumed alcohol on licenced premises and causing harm to others.

- ***Abolish All Extended Liquor Hours Permits Meaning If You're A Restaurant, There Is No Need At All To Trade Past 12pm Midnight At All In Any Location In Queensland***

All extensions of a liquor licences should be reduced across all types of licences held for example;

- Currently a 5am liquor licence is only an extension of a 3am liquor licence;
- Currently a 2am or 3am liquor licence is only an extension of a 12pm midnight liquor license;

Any venue that holds a liquor license extension till 2am/3am trading be pulled back to a 12pm midnight close with no further extensions being permitted at all. This will provide ample time for patrons leaving these venues before 12pm midnight to be more effectively screened within venues inside zones.

- ***Abolish Lockouts***

*“Research into the effectiveness of lockouts in reducing alcohol-related violence has been undertaken in Queensland and other jurisdictions in recent times, with inconclusive findings”...and “I think in the future the*



*ability to test the success of the Drink Safe Precincts which we've put in place in places like the Valley does raise the question of whether or not you need the 3am lockout operating all the time"*

Quote by the previous Attorney-General Paul Lucas in December 2011, read:

<http://www.brisbanetimes.com.au/queensland/nightclub-lockout-not-locked-in-lucas-20111223-1p7wl.html#ixzz2fmhTNbN7>

- There are NO statistics in relation to whether lockouts actually work and therefore should NOT be a consideration;
- Any lockout after midnight will have an adverse effect on late night business trade, tourism and employment and does not promote Queensland as a vibrant, live and entertaining state.
- **Define, Create And Keep Existing Safe Night Out Precincts And/or Entertainment Precincts;**

Safe Night Out Precincts and/or Entertainment Precincts allowing for better more concentrated policing, emergency services, quicker access to patrons and prevents these services being spread all across Townsville. These precincts allow for more effective transport options to be implemented in moving large amounts of people in and out of these areas. The close proximity of venues within these Safe Night Out Precincts and/or Entertainment Precincts allows for improved CCTV, better lighting and better more improved amenities. The biggest opportunity is that licensed venues can work together and communicate more effectively with police to reduce reoffender from entry to other licenced venues. Police and other services can then divert resources to the area with better management of staff rostering and allows for better diversion of resources. All these facets allow for improved safety of the local area and give patrons the ability to use the area with the knowledge there is high levels of security and police and emergency services present in the precinct.

Furthermore, attached are facts and data obtained under the Right To Information requesting "**stats, data &/or information relating to the number of alcohol related incidents within Townsville over the past 3 years broken down into suburbs and broken down to each year**" which show that just 10.6% of all alcohol related incidents within all of Townsville occur within the one (1) suburb being the Townsville City, the remaining 89.4% of all alcohol related incidents that occur happen in every other suburb in and around Townsville where 5am Liquor Licenses and lockouts don't exist...

Regards,

**Shawn Andersen**

Owner



169-173 Flinders Street, Townsville, QLD 4810  
PO Box 1401, Townsville, QLD 4810



Queensland  
Government

Public Safety  
Business Agency

13 April 2015

Our Ref: RTI/14215  
Your Ref:

Mr Shawn Andersen  
PO Box 1401  
TOWNSVILLE QLD 4810

Dear Mr Andersen

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

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

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

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

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

**FEES AND CHARGES**

**Application Fee**

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

**SEARCHES**

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

**DECISION**

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

Right to Information & Privacy Unit  
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I have determined today to **fully release** the statistical data spreadsheet.

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

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

### **REASONS FOR DECISION**

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

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

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

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

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

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

### **Disclosure Log**

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

### **REVIEW**

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

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

Yours sincerely



**G KEALY**  
Information Rights Officer  
Right to Information & Privacy Unit





News

# Townsville Bulletin

News

## Councillor rejects lockout laws for Townsville

- by: ANTHONY GALLOWAY
- From: Townsville Bulletin
- July 28, 2015 12:09PM



Cr Gary Eddiehausen says 1am closures on Flinders St East will result in problems in Townsville's suburbs.  
 Source: News Corp Australia

**THE Palaszczuk Government is under pressure to scrap plans for a 1am lockout after being warned of increased alcohol-fuelled violence and out-of-control parties in Townsville's suburbs.**

The chair of Townsville City Council's Healthy and Safe City Committee, Cr Gary Eddiehausen has recently returned from a fact-finding mission and is convinced the measures implemented in Sydney's Kings Cross wouldn't work in Townsville.

Cr Eddiehausen said the Queensland Government's plan for a 1am lockout and 3am closing time would force revellers into suburban areas where there were no police presence to deal with intoxicated people.

The New South Wales police have been trumpeting a sharp drop in alcohol-fuelled violence in Kings Cross, but Cr Eddiehausen said patrons in Sydney were likely going to nightclubs elsewhere in the city, which they couldn't do in Townsville.

"I went to the Safe Cities Conference in Melbourne and we had a presentation by Superintendent Michael Fitzgerald, who is the commander of the Kings Cross police district (and) what I'm concerned about is there is a different demographic in Sydney when compared with Townsville," Cr Eddiehausen said.

"They're the elected government and they are entitled to what they want, but in Kings Cross people have the ability to go to the beachside suburbs or the western suburbs.

"In Townsville, there is no nightclub atmosphere anywhere else and I'm concerned people locked out at 1am will move out to the suburbs and create issues and I believe have house parties where families are trying to sleep.

"I can see noise issues, parties, anti-social behaviour and assaults increasing."

CBD Townsville Liquor Accord president and Mad Cow owner Mark Napier said there would be major job losses and venues would close down if the government went ahead with its plan.

"Meanwhile, you're just going to spread the problem to places which don't have the resources and amenities to deal with it," he said.

"Once that 1am hits, it's not going to stop people from drinking – they're going to go to suburban homes. A lot of people will be hurt in suburban areas and private places where they are consuming alcohol in an uncontrolled environment."

Townsville MP Scott Stewart said the government was committed to going ahead with the laws, but said there would be extensive consultation with police and venue operators.

"What we're going to do is implement a commitment made at the election – 1am lockouts and 3qm close," he said.

"What we'll do is look at the impact and continue to do that and work with the community to make sure we're keeping people safe and allowing them have a good night out."

