

## Tackling Alcohol - Fuelled Violence Legislation Amendment Bill 2015

A Submission on the Proposed Changes to Legislation for Lockouts

Submission by : George Keskinidis  
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The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
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**RE: Submission to Parliamentary Committee**

Dear Sir/Madam,

Thank you for the opportunity to lodge a formal submission in relation to the committee's consideration of the *Tackling Alcohol Fuelled Violence Legislation Amendment Bill 2015*.

At the request of the industry, and as a safety advocate and risk advisor, this submission has been compiled to raise a few concerns in relation to safety issues and risks to licensed premises and the community as a result of the proposed new lockout legislation.

Salus & George is a specialist 'risk strategy' company consulting to clubs, hotels and resorts. It concentrates its expertise in the important areas of health and safety, risk management, strategic planning, legislative compliance, corporate governance, food safety, safety management system auditing, integrated management systems and corporate advisory.

If requested, I would take the opportunity to discuss my submission with the parliamentary committee in person.

Regards

A handwritten signature in blue ink, appearing to read "George Keskinidis".

George Keskinidis

## **About the Author**

### **George Keskinidis**

The author of this submission is a tertiary qualified professional and an industry safety expert who is also the director of the company Salus & George. George has been involved with the fields of health, safety and risk management for more than 20 years, specialising within the hospitality and leisure industries focusing on licensed premises.

George has successfully completed a Master of Health Science specialising in Occupational Health and Safety (OHS), along with a Graduate Diploma in Health Science and a Bachelor of Education degree. In addition, he has also completed a Diploma in Business, specialising in Quality Auditing.

As a certified auditor through Exemplar Global specialising in the area of OHSMS and legislative compliance audits, he has directed audit teams and managed numerous challenging and intricate assignments which has included undertaking over 300 audits for clubs, hotels, restaurants and resorts with Queensland

In addition he has served on numerous public and private committees, which have included Queensland government work health and safety legislative committees.

As a passionate health and safety advocate for the industry, he has also presented on behalf of industry at conferences and industry events, such as the Melbourne safety conference.

In addition, he currently provides advice for numerous boards and committees in relation to risk management, health and safety and due diligence.

He currently employed in the industry as an external safety and risk advisor by numerous clubs, hotels and resorts managing safety projects and undertaking audits within his areas of expertise.

## Brief Summary of Submission - Key Points

- The *Tackling Alcohol Fuelled Violence Legislation Amendment Bill 2015* or better known as an “alcohol management plan” raises some real safety concerns surrounding lockouts. Not only will the introduction of new lockouts be ‘counterproductive’ to licensed premises, they would compromise public safety and consequently elevate the risk to the community.
- Health and safety may be compromised as a result of new lockouts in relation to workers may not be able to fulfil their obligations under *s28 of the Work Health and Safety Act 2011*, as well as the licensed premise may not be able to ensure a safe environment for all persons as required under *s19 of the Work Health and Safety Act 2011*. Additionally, duty of care could also be compromised in relation to the lockout legislation not permitting persons to re-enter the licensed premise during the lockout period. The lockout laws work against the current Work Health and Safety Laws that are intended to ensure the safety of all persons.
- There is a lack of evidence and data to clearly substantiate the introduction of any lockouts for licensed premises.
- Implementation of a *Safety Policy and Risk Strategy Initiative* for Licensed Premises and surrounding communities which includes training and education programs, regular safety auditing as well as the implementation of ID scanners during peak training periods.
- Latest assault data within the Safe Night Precincts in Queensland, especially in North Queensland highlight a declining trend of assault rates.
- Offsite alcohol consumption, illicit drugs and human behaviour are the real issues that need to be addressed.
- Lockout laws and models across other jurisdictions within Australia raise serious questions and concerns. Would the Newcastle Model have gone ahead if the 14 businesses located within the Newcastle CBD had appropriate safety control measures in place from the outset? No other recommended ‘safety’ measures were introduced in Newcastle in 2008 (scanning, public transport, taxi marshals, street lighting etc) so all of the burden of the interventions fell on the licensed businesses.

## Purpose of Submission

The purpose of this submission is to illustrate that the implementation of any new lockout conditions to supposedly 'tackle alcohol fuelled violence' in and around licensed premises, which is effectively part of an 'alcohol management plan', will actually increase the risk to the licensed premise and the surrounding community.

As it stands currently, the lockout for licensed venues in Queensland is at 3:00 a.m. with a 5:00 a.m. close. Under the alcohol fuelled violence legislation amendment bill 2015, the service hours for alcohol in licensed venues across Queensland would end at 2:00am unless the venue is located in a prescribed safe night precinct approved for 3am liquor trading in which case a 1:00 am lock out will apply. The 1am lockout would apply to all licensed venues within prescribed safe night precincts approved for 3:00am trading, including those which cease trading at 2:00am.

The reduced trading hours and lockout would not apply to casinos and airports that are subject to a commercial special facility licence or to industrial canteen licences. Licensees will still be able to apply for extended hours permits to allow liquor trading until 5:00 am on a one-off basis with up to 12 permits able to be granted for each premises per year.

From the outset, the *Tackling Alcohol Fuelled Violence Legislation Amendment Bill 2015*, or better known as an "alcohol management plan", as much as has good intention, raises some serious safety questions in relation to *lockouts*.

Thus, under the proposed legislation under s142AB (licence subject to lock out condition) of the *Tackling Alcohol Fuelled - Violence Amendment Legislation 2015*, it is a condition (a lock out condition) of the holder's licence or permit that a patron of the licensed premises must not be allowed to enter the premises during the trading period.

## Introduction

As the primary purpose of the bill is to tackle alcohol-fuelled violence in and around licensed premises through an evidence-based, multifaceted approach, from a risk management perspective, the introduction of a lockout especially though peak trading times will not achieve what it is intended to achieve. On the contrary, the implementation of any lockout, even in its current stance (i.e. 3:00 a.m), increases the risk to the safety of workers and patrons within the licensed premise and the surrounding community.

In relation, is commonly accepted amongst industry experts and stakeholders that if Queensland licensed premise (i.e. pubs and clubs) implement safety control measures in consultation with the wider community, stakeholders and workers, and work towards a positive and evolving safety culture, then they have no need to implement additional "curfews" imposed to them by the government such as a lockout out. This is also the view held within safety circles, and supported through audit outcomes of licensed premises.

The importance of public safety cannot be stressed enough. However to introduce laws that would compromise public safety and escalate the business risk is of concern.

Licensed venues that have developed and implemented a suite of safety control measures, as part of their safety management strategy, that enable them to manage risks to their businesses on all levels, including public safety, should not be distracted by laws that would be a burden and counterproductive. What the lockout would achieve is increased stress on current safety systems and place at risk workers and patrons through "trying to manage" the influx on patrons and guests over a short duration of time within licensed venues.

Thus, to introduce another layer of regulation on an over regulated industry whereby licensed premises that have already established a suite of safety measures in order for them to "supposedly" reduce alcohol fuelled violence, would not be beneficial. Not only will this have a negative impact on the licensed premise from a safety perspective through escalating risks, but the 'idea' that implementing an "alcohol management plan" and trying to justify without concrete evidence to the community that it would work is simply a fallacy and contradictory to common consensus outlined within numerous trials and evidence based studies in Australia and abroad.

More specifically, any introduction of new lockout laws would be counterproductive to licensed premises and would compromise the current safety control

measures. Consequently, they would increase the risk to persons, patrons, and workers and the workplace as a whole on numerous levels.

Additionally, the introduction of a new lockout during peak trading (i.e. 1:00 am) may increase the concentration of noise on the streets once patrons depart the licensed premises in numbers, consequently increasing the amount of complaints by residents. This would be compounded in areas where there is a lack of transportation to accommodate persons home or to their other destination as patrons would remain idle.

## **Primary Duty of Care Compromised Under the Work Health and Safety Act 2011**

In light of the current work health and safety laws, under the Work Health and Safety Act 2011, licensed venues have a primary duty of care under s19 to ensure an environment without risks to health and safety. This includes providing a safe environment for all patrons, guests and workers at all times. That said, and referring to the other models which the common theme has been that lockouts don't work and in some cases have increased violence, it could be strongly argued that the introduction of the new lockout laws would increase the risk to licensed premises, whereby they would not be able to ensure the safety of all their patrons, guests and workers.

Licensed premises would seriously struggle to adhere to their health and safety policies and compliance requirements, and serious questions would be raised as to whether they can provide a safe working environment for their workers and the general public. Essentially, their primary duty of care would be compromised.

More alarming is the 'lack of evidence' to substantiate the rationale behind the proposed implementation of the lockout laws and achieve their goal of tackling alcohol fuelled violence through a suite of measures. Instead, there is a real possibility that patron aggression as a result of the circumstances surrounding restrictions ( i.e. not being able to enter the licensed premise during the lockout period once they have exited and they are seeking their friend to go home; or cannot find a family member and requiring to enter the licensed premise after they have exited during the lockout period but are refused re-entry) would increase as a result of placing additional stress on the current safety system, including a risk to workers, patrons and the authorities. It will raise concerns as to whether workers could fulfil their duties or obligations under s.28 the *Work Health and Safety Act 2011*, as well as fulfil their duty of care.

In relation, there is a similar view by the *Drugs and Crime Prevention Committee 2006 (Inquiry into Strategies to Reduce Harmful Alcohol Consumption: Vol 1, Parliament of Victoria)*, whereby a number of limitations have been associated with the introduction of lockouts. In one study, the researchers indicated a possibility that lockouts can actually increase the incidence of violence, with door staff encountering an increase in aggression towards them when patrons are refused entry, and concerns about the potential for violence as patrons wait in long queues at entrances and for public transport.

As lockouts permit patrons to continue drinking within a venue, *they do not* address the core problem of intoxication (*Drugs and Crime Prevention Committee 2006*). Accordingly, concerns have been raised that they do not adequately address alcohol-related violence at the end of the trading period.

Basically, the proposed laws have been formulated on the assertion and generalist notion that pubs and clubs have 'alcohol fuelled violence' related issues, thus hence the need to enforce them across all pubs and clubs across the state of Queensland. Alcohol "cannot hijack someone's better nature and make them violent" and the term alcohol-fuelled violence is not accurate (*Dr. Ann Fox, 2015*).

### **Late Night Trading Environment - A Safety Policy and Risk Strategy Initiative**

Licensed venues that implement a suite of safety control measures and risk mitigation strategies to manage the safety of their workers and patrons are better equipped to manage risks associated with adverse behaviours as opposed to venues with minimal or no safety controls implemented. Thus, these measures and strategies also relate to their "night trade" which include right up to close of business and are as follows:

1. Establishment of a Health and Safety Committee (HSC) which discusses and addresses issues surrounding the licensed venues late night trading environment; the HSC should be an integral part of the licensed venue, as it forms the nucleus by which health and safety decisions are communicated and resolved.
2. Appointment of experienced consultants and industry experts in relation to liquor and safety which provide advice to the licensed premise.
3. Taxi marshalls introduced within key trading periods and strategically allocated.
4. Patron accessibility to a safe public transport system which includes taxi's, buses and/or trains during peak trading times.
5. Chaplaincy rest and recovery interventions which include on foot patrols for first aid, management of conflict situations and rest and recovery centres for first aid and less serious incidents that don't absorb ambulance and hospital services.



6. Close Circuit Television (CCTV) strategically placed throughout the licensed premise, especially within high risk areas including entrances and exits.
7. Appropriate number of trained security personnel (security guards) to accommodate for the number of patrons at any given time; the creation of a visual security presence is important in order to deter patrons who contemplate on misbehaving as well as reassure patrons about their own safety and security.
8. Trained first aid and Cardio Pulmonary Resuscitation (CPR) personnel to be available at all times within the licensed premise.
9. Workers to be fully aware, educated and trained on emergency response procedures in the event of an unlikely emergency.
10. Providing education and information on responsible drinking.
11. Workers trained in Responsible Service of Alcohol (RSA).
12. Liaising with the local authorities in order to help manage issues which may arise across the licensed venue and to obtain further practical advice.
13. Public transport accessibility - Introduction of safer taxi rank systems to reduce the risk of patron incidents; helping to ensure, in conjunction with taxi marshalls, patrons have quicker and easier accessibility to accommodate their needs once they have exited the licensed venue. *It is very likely that the new proposed lockout laws will endanger this process due to the influx of patrons seeking taxi's all at once as they depart the licensed venue.*
14. Positive adherence to the current liquor licensing and work health and safety laws; barring of problematic patrons from the licensed venue.
15. Prevent and eliminate irresponsible drinking games and competitions that encourage unwanted drinking behaviours.
16. Patron identity scanning system (ID scanners) at peak trading periods; it is unreasonable to expect crowd controllers to memorise lists of names on Police and Accord Banning lists; this will help ensure that patrons who have been refused entry, have a criminal record or have been omitted from a licence venue cannot enter another venue; ID scanners are a very powerful tool to communicate, readily identify offenders and ban them from venues and precincts alike. They work in real time and they have the potential to making unruly and violent behaviour anti – social in much the same way breathalysers minimised and change attitudes to drink driving.
17. Welcoming of regular announced and unannounced inspections by Office of Liquor and Gaming Regulator (OLGR), Queensland Work Health and Safety, Queensland Fire and Emergency Services (QFES) and the local police authorities.
18. Allocating resources to help improve and manage the night trade at all times and working closely with key stakeholders in the best interests of the community at all times.
19. Sufficient lighting inside and external to the licensed venue.
20. Working in close partnership with agencies and organisation to help create a 'safer community' in order to mitigate and managing risks associated i.e. Cairns Central Business District (see Appendix).

21. Mandatory annual/biannual/quarterly safety auditing for venues as part of a strategy and initiative to help ensure that safety control measures are in place; licensed premises that have not implemented all the safety controls as required to be audited on a more regular basis, and fines/penalties imposed.
22. Ensuring the government regulator (i.e. Work Health and Safety Queensland) has sufficient inspectors to undertake regular inspections of licence venues in a proactive manner across Queensland;
23. Targeting problematic licensed venues and enforcing tougher penalties along with suspending / revoking their liquor licence;
24. Rewarding licensed venues who have all their safety control measures implemented and operate incident free i.e. annually/biannually.
25. Removal of unnecessary restrictions relating to lockouts, and not imposing any new restrictions in order as part of an alcohol management plan.
26. Providing education and training programs in consultation with the government, local council, stakeholders and community to address the cultural issues surrounding alcohol related harm, which should also focus on illicit drug use.

### **The Kings Cross Model**

The lockout laws being implemented within Kings Cross (NSW), as per the latest *Bureau of Crime Statistics* for the first quarter of this year show there were six alcohol-fuelled assaults in the Kings Cross police command in March. But there were 45 assaults (20 alcohol-related outside licensed premises in Kings Cross a month after the lockout laws came into effect). This is nearly double the number of assaults outside licensed premises in February as stated by the data.

A review undertaken by the *NSW Bureau of Crime Statistics and Research, School of Medicine and Public Health, and the University of Newcastle (Australia)* identified that the January 2014 reforms reduced the incidence of assaults. This is not because they reduced alcohol consumption in Kings Cross and the CBD during hours when assault rates normally peak, but because the reforms discouraged people from visiting these areas. Consequently, we might expect to see a general reduction in assault even at times where there are no restrictions on sales of alcohol. Interestingly, the rates of violence in Kings Cross was 4 times worse than any precinct in QLD.

### **The Newcastle Model**

In relation to the stance taken on this issue, it is of relevance to peruse the status of other jurisdiction which have implemented similar lockout and changes to liquor laws in an effort to alcohol - fuelled violence.

In March 2008, the Liquor Administration Board imposed a series of conditions on 14 hotels late trading hotels in the Newcastle CBD. The conditions were a 1:30am lockout; a 3:30am close; drink restrictions after 10pm (including no shots, no more than 4 drinks in one transaction) and sale of alcohol to cease 30 minutes before close.

It has been stated that up until 2008, NSW had been asleep at the wheel in relation to progressive measures aimed at addressing increasingly confronting activity and statistics in its major night-time entertainment areas, and in particular central Sydney.

There had been a disconnect between licensee organisations and the licensing regulator which had the overall effect of creating an adversarial system on control.

In the 2008 to 2010 period, there were several night-time deaths of patrons in and around night-time entertainment precincts in NSW, including resulting from the actions of crowd controllers.

In the end, NSW Premier Barry O'Farrell had no room to move other than to trial some quite draconian measures in response to community and media pressure. The last straw being the street-assault deaths of Thomas Kelly in July 2012 and Daniel Christie on New Year's Eve 2013 – both of these deaths in Kings Cross had similar characteristics, 'neither victim had been in a licensed premises', the assaults occurred in the street at around 10 p.m, and the perpetrators both had extensive assault-related criminal records for which they had received repeated warnings but no custodial sentence.

Key findings from the Australian Hotels Association (New South Wales) 'working papers' in relation to the late trading environment relating to the 'Newcastle Model' had identified several key changes since the introduction of the Newcastle Model in 2008:

- There was an immediate positive impact in Newcastle from the liquor licensing restrictions that were introduced in 2008, with an almost 30% drop in (CBD) night-time assaults in the twelve months following the 'trial' measures. These raw statistics were off the back of a large-scale reduction in patron visitations in the relevant precinct;
- The headline statistics have tended to 'normalise' (go up) in the five years between 2009 and 2014;
- *No other recommended 'safety' measures were introduced in Newcastle in 2008 (scanning, public transport, taxi marshals, street lighting etc) so all of the burden of the interventions fell on the licensed businesses);*

- Several of the 14 impacted businesses closed or reduced hours/jobs, further negatively impacting patron appeal and numbers in that area;
- The official BOSCAR figures show that Newcastle has lagged behind significant overall reductions in street and alcohol-associated crime etc in NSW in the period 2009 to 2014.

Licenced premises assault rate changes March 2008 – March 2012	
All NSW:	-30.0%
Campbelltown	-42.7%
Gosford:	-37.7%
Wollongong:	-34.6%
Newcastle:	-25.3%

NSW Bureau of Crime Statistics and Research 2015

The conclusion, a suitably targeted suite of measures based on the assessed management requirements for that particular area are a preferred and more effective way of tackling anti-social etc activity in the night economy than blanket ‘solutions’.

Just to reiterate, and of significance is that *no other recommended ‘safety’ measures were introduced in Newcastle in 2008* (scanning, public transport, taxi marshals, street lighting etc) so all of the burden of the interventions fell on the licensed businesses. *Thus which places forward the question, would the Newcastle Model have gone ahead if the 14 businesses located within the Newcastle CBD had appropriate safety control measures in place from the outset ?*

In March 2008, the Liquor Administration Board imposed a series of conditions on 14 hotels late trading hotels in the Newcastle CBD.

Other key findings in relation to the Newcastle Model:

- Year to March 2008 there were 304 assaults in licensed premises in the Newcastle LGA.
- Year to March 2009 there were 233 assaults in 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 and around licensed premises in the Newcastle LGA - an increase of 21.0% on the 2009 figure.

- Two years after the introduction restrictions, Newcastle lagged behind the reduction in assaults in all NSW licensed premises. (Newcastle fell by 7.2%, all NSW licensed premises fell by 18%).
- Five years on, Newcastle still trails the rest of NSW in terms of reductions in assaults experienced in and around all licenced premises.

Newcastle assault reductions in recent years are the due to “additional voluntary initiatives” adopted by the remaining five late trading venues, including common barring of problematic patrons who committed acts of violence supported by ID scanning on peak trading periods on Friday and Saturday nights only, which they introduced in 2012.

Despite introducing restrictions such as lockouts & early closing times, Newcastle continues to lag behind the rest of NSW in terms of reduction in licensed premises related assaults (*NSW Bureau of Crime Statistics and Research, Reference: kg13-11384* ).

### **No Basis for Claims that Lockout Laws are Working in NSW**

The state's (NSW) top crime statistician says there is no basis for claims that lockout laws are working, arguing that it will take at least until Christmas before enough data is available to conduct a proper analysis.

Don Weatherburn, director of the NSW Bureau of Crime Statistics and Research, said there is no evidence the laws introduced by the NSW government in February have had any effect on levels of non-domestic violence in Kings Cross and the Sydney CBD.

Dr Weatherburn said two factors need to be taken into account: that there was "very little data after the lockout laws to make any judgement whatsoever" and that the numbers "bounce around quite a bit".

The downward trend of violence in the Sydney CBD and Kings Cross "began well before the lockout laws took place," he said.

In summary, statistics from the *Queensland Police* and *NSW BOSCAR* highlight that in comparison to Sydney LGA Assault rate in 2015 (1652.8 assaults per 100,000 population) and Newcastle LGA assault rate in 2015 (700.7 assaults per 100,000 population), the Brisbane police assault rate in 2015 is well below Sydney's and Newcastle's (256.8 assaults per 100,000 population).

## Lockout Trial in Victoria Increased Violence

A temporary lockout was introduced in Victoria over a three-month trial of 2am late entry bans for pub, bar and nightclub venues from 3 June 2008 – 2 September 2008. During the trial, licensees in the inner city council areas of Port Phillip, Stonnington, Melbourne including Docklands and Yarra councils could not allow patrons to enter their venues from 2:00am to 7:00am.

The temporary lockout commenced at 2:00am Tuesday 3 June 2008 and ran for a three-month period, concluding on 2 September 2008 preventing licensees from allowing patrons to enter or re-enter the premises after a designated time (in this case 2:00am). This decision impacted on approximately 487 late-night venues across the four Local Government Areas (LGAs). Patrons who were already in a venue could remain until closing time but could not leave and re-enter the premises.

KPMG was commissioned by the Victorian state government at the time, the Brumby government, to survey both venues and patrons after the lockout trial ended. It was reported that the lockout had not worked effectively and that the Victorian state government was not going to pursue the lockout plan.

The lockouts had produced positive trends, looking at the data in aggregate form, there was an increase in reported violence during certain periods of the temporary lockout. For example there was an increase in reported assaults between the hours of midnight and 2am when compared to the corresponding period in 2007, and a small increase compared to the lead-in period. This is also similar for the period between 2am and 3.59am whereby an increase in assault related ambulance transports between 8pm and midnight when compared to the three-months prior to the temporary lockout.

Alcohol-related presentations as a proportion of total hospital emergency presentations on Friday and Saturday nights across the whole of metropolitan Melbourne have also increased as a proportion of total presentations during the comparison periods and this continued during the temporary lockout period.

Alarming, it was reported that *violent crime was up during the lockout trial period*. On 10/11/08 it was reported that a "time-out zone" would be introduced, along with 50 extra police on the streets during weekends, in an effort to combat booze-fuelled violence in the

CBD. In addition, there was also an increase in assault-related ambulance trips between 8:00pm and midnight compared to those in the three months prior to the lockout.

A common and consistent theme during stakeholder discussions throughout the evaluation was that a temporary lockout would not “solve” the problem of alcohol-related violence in isolation. Rather, a comprehensive and multi-faceted approach was required. Areas raised by participants for future consideration included greater police presence, greater enforcement of compliance with licensing conditions and responsible service of alcohol, concern over the availability of pre-packaged alcohol from late-night bottle shops, public/community education, and illicit drug use as a contributing factor to violence.

There was a perceived financial impact on licensed venues because of the temporary lockout, in particular the smaller venues, but no data was available to substantiate these perceptions. However, of the late-night traders who participated in the evaluation, none reported any financial impact on their businesses as a result of the temporary lockout.

### **The Manchester Evidence Based Study**

In 2005, the government of England and Wales took a controversial approach to preventing violence by removing restrictions on opening hours for alcohol outlets, thus increasing the availability of alcohol. The policy aimed to remove fixed closing times, which it claimed was contributing to urban violence occurring at peak closing times.

It proposed to reduce violence and disorder by installing systems of ‘staggered closing times’. This policy was criticised for overlooking established public health principles prioritising the control of alcohol availability in the prevention of alcohol-related harm.

In this study, they treated the removal of trading hour restrictions as a natural experiment to test competing theoretical principles about the relationship between alcohol availability and violence. The study (*D.K Humphreys, M.P Eisner / Social Science Medicine 102:2014*) took place in the city of Manchester over a four-year period 2004 - 2008.

Detailed trading records for over 600 alcohol outlets were obtained, as were police records for all violent incidents. The study found considerable variation in the implementation of extended trading hours across the city, which affected area level exposure of changes in alcohol availability and staggered closing times.

To isolate the effect of these changes on violence, the study performed a dose response analysis to examine whether improved staggering of closing hours (or increased alcohol availability) was associated with decreases in violence.

*The study found no evidence to support the government proposed hypothesis that staggered closing reduces violence. The study also found no support for the alternative hypothesis, that increase alcohol availability would result in increased violence.*

### **Off Premise Alcohol Consumption the Real Issue for Anti-Social Behaviour**

The latest annual alcohol poll by the *Foundation for Alcohol Research & Education 2015* highlighted that 50% of drinkers consume alcohol before going out a pub, club or bar, with almost three quarters (73%) of adults aged 18-34 years pre-loading compared to 48% of adults aged 35-49 years and 22% of adults aged 50-69 years.

The reasons most frequently given for pre-loading are to save money (48%) and to socialise with friends before going out (43%). However, consideration must be given to the entire drinking occasion (i.e. not just drinking that occurs in licensed premises only).

There's very strong evidence that increasing the price of drinks leads to more people 'pre-loading' i.e. drinking at home before heading out, which combined with a lock out means hundreds of drunk people loitering on the streets rather than safely in clubs with security present (*Foundation of Alcohol Research & Education 2015*).

Furthermore, a study was undertaken in the night-time entertainment districts of three metropolitan cities (Sydney, Melbourne and Perth) and two regional cities (Wollongong and Geelong) in Australia in 2011 and 2012 which focused on *Patron Offending and Intoxication in Night Time Entertainment Districts (POINTED)*. The study was funded by the *National Drug Law Enforcement Research Fund*. Of significance was that the study had identified that almost two-thirds of the overall sample (65%) of 6756 males and females reported consuming alcohol before attending licensed venues/'going out'. In addition, the study also found that participants most commonly pre-drink in private homes (82%); at private functions (5%), in cars (4%) and at work (1%). *Overall, participants who reported pre-drinking were more likely to engage in heavier alcohol consumption patterns and risk behaviours.*



## **'Alcohol-fuelled' Violence not Caused by Alcohol**

A recent argument by renowned anthropologist Dr Anne Fox (*ABC News 5 March 2015*) cites that cultural factors rather than alcohol alone as the cause of late-night violence. "Australians, like many other people worldwide, have a very pervasive belief that alcohol can transform your behaviour, that it's a transformative substance, that somehow there's this genie in the bottle that can make you behave in a certain way," (Dr. Anne Fox 2015).

"Alcohol, as all of the scientific literature shows ... cannot be considered a cause of violence. If it was, we'd see uniform levels of violence among all drinkers." (Dr. Anne Fox 2015)

In corroborating her claims, Fox points to the case of Iceland, a country that she says has "a stronger culture of preloading", "24-hour bar opening ... [and] high rates of gun ownership" but "almost no recorded violence".

"It's simply not a violent society and they have no belief that alcohol causes violence, and therefore you really don't see any violence in Iceland."

"You find that most of the research is finding that it's not so much that alcohol causes aggression as that people who are already aggressive or have other underlying tendencies which predispose them to aggression, such as depression or bipolar disorder or schizophrenia or hyper-aggressivity, poor impulse control - these people tend to drink heavily," she said.

"This creates a sort of illusion of correlation that it's the alcohol causing the problem. But look, if 100,000 people go out drinking in the night-time economy on a Friday night and one person throws a punch, we call it alcohol-fuelled violence, but what about the other 99,999 people who were drinking at the time who managed to stay perfectly controlled?"

Dr Fox argued that inhibitions, commonly believed to be reduced when drinking alcohol, are culturally constructed.

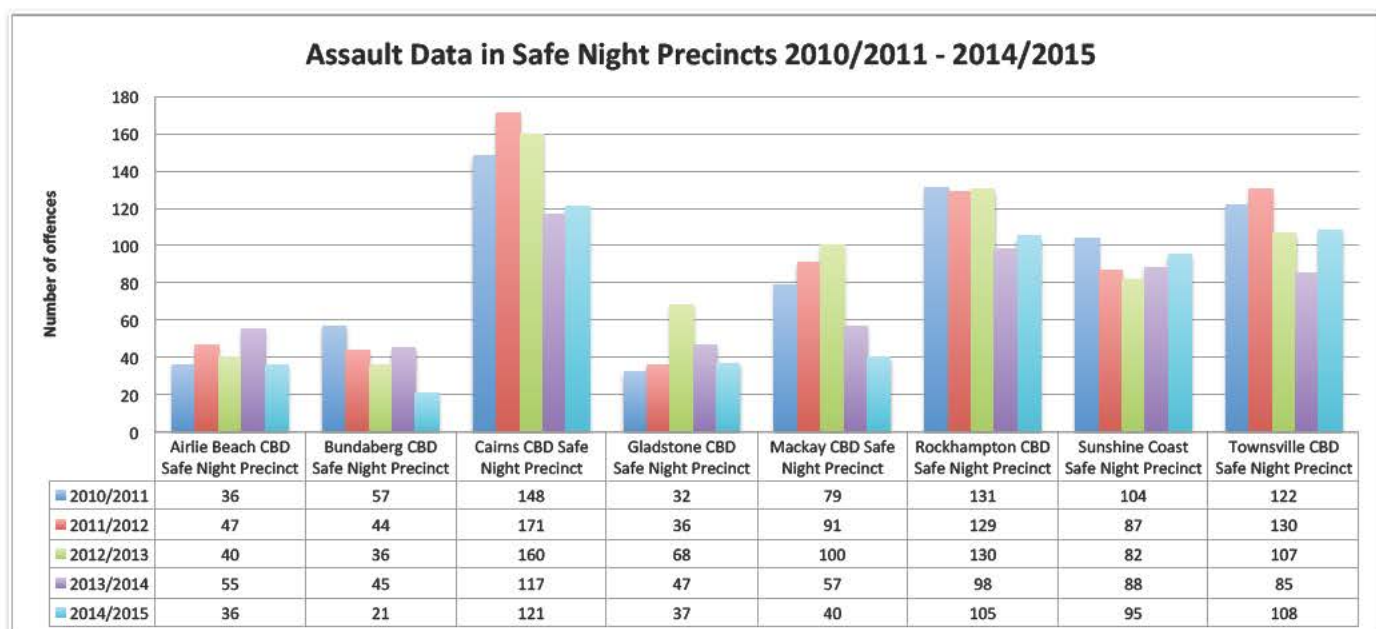
"Your inhibitions are just social rules. Anthropologists for decades now have been finding through international cross-cultural studies that the way you behave when you're drunk is mostly the way that your culture teaches you to behave," she said.

"You can see across the world that people behave very, very differently, despite being morphologically similar human beings and drinking the same amounts of alcohol."

"We see that it's not so much the patterns of drinking or the levels or consumption that determine how people behave, but other features of culture that are magnified through drunkenness," she said.

### Assaults in Northern Queensland Safe Night Precincts On the Decline

Current assault data obtained from the Queensland Police Service illustrates a decline in assaults within the Safe Night Precincts throughout Queensland from 2010 - 2015. This decline is clearly evident within the safe night precincts of Bundaberg, Cairns, Mackay, Rockhampton, Sunshine Coast and Townsville. There may be numerous factors that have contributed to the decline over the 5 year period, however one cannot rule out more licensed venues becoming more safety conscious and diligent surrounding public safety as well as safety for their workers.



All offences data in Safe Night Precincts 2010/2011 - 2014/2015

Source: Queensland Police Service

This positive safety culture shift has most likely led to further development and implementation of safety control measures which has improved workplaces possibly as a result of the stronger penalties, targeted policing and better prevention strategies from the Queensland Government's 'Safe Night Out Strategy'. Also, one cannot rule out tougher safety laws as well as more demands and safeguards from insurance providers.

## The Cairns Model

The problems the legislation seeks to solve could well be outweighed by the problems it creates, particularly in Regional Centres. As stated by venue owners and stakeholders within the Cairns Safe Night Precinct and the wider community the legislative amendments put forward with regards to “lockout” times is unfair and unworkable in Cairns, who’s venue’s have sound and improving safety records. The greater Cairns Community overwhelmingly rejects the proposed legislation.

Cairns simply does not have buses and trains operating late at night like Brisbane. So the only way for persons to obtain a safe passage home at 3:00am is in via taxi, and there are just not enough taxis for a big rush of people at 3:00am. This is self evident in the Cairns safe night precinct. It will be chaos at the taxi rank with waits of well over an hour and frustration rising. Late night premises will struggle to provide safety measures when they have a 1 hour window (2:00am – 3:00am) exclusive to all other licences. Consequently, this may lead some people to drink and drive, with the potential of deadly consequences.

As has been mentioned by some licensed premises in Cairns, the Cairns industry is volunteering to have linked ID scanners for all venues trading beyond 2:00am *without any new lockout*. This will eliminate the very small minority of trouble makers.

The Cairns people should be rewarded for good behaviour, rather than being loaded up with the hassle of rushing to last venue before 1:00am, getting separated from friends and denied the right to move around freely. Especially when they have done nothing wrong.

“Cairns does not have the transport infrastructure to clear the patrons if all venues close at 3:00am, as has been stated by the sole transport operator, Black and White Taxis at consultation with Attorney General. The Cairns Chamber of Commerce does not support changes to closing times or lockout. Cairns Regional Council voted unanimously to reject the 1:00am Lockout and 3:00am closures, and most likely would also reject any new lockout times proposed.

The legislation is clearly not workable in regional cites due to limitations of public transport, this will certainly lead to an increase in drink driving thus trauma. Same goes for people walking beyond CBD to near suburbs, the chance of all assaults increases exponentially, particularly in Cairns.

## Closing Summary

The *Tackling Alcohol Fuelled Violence Legislation Amendment Bill 2015* or better know as an “alcohol management plan” raises some real safety concerns surrounding *lockouts*. Not only will the introduction of new lockouts be ‘counterproductive’ to licensed premises, they would compromise public safety and consequently elevate the risk to the community.

There is currently ‘inconclusive evidence’ and a lack of data to clearly and unequivocally substantiate the implementation of any new lockout laws into licensed premises.

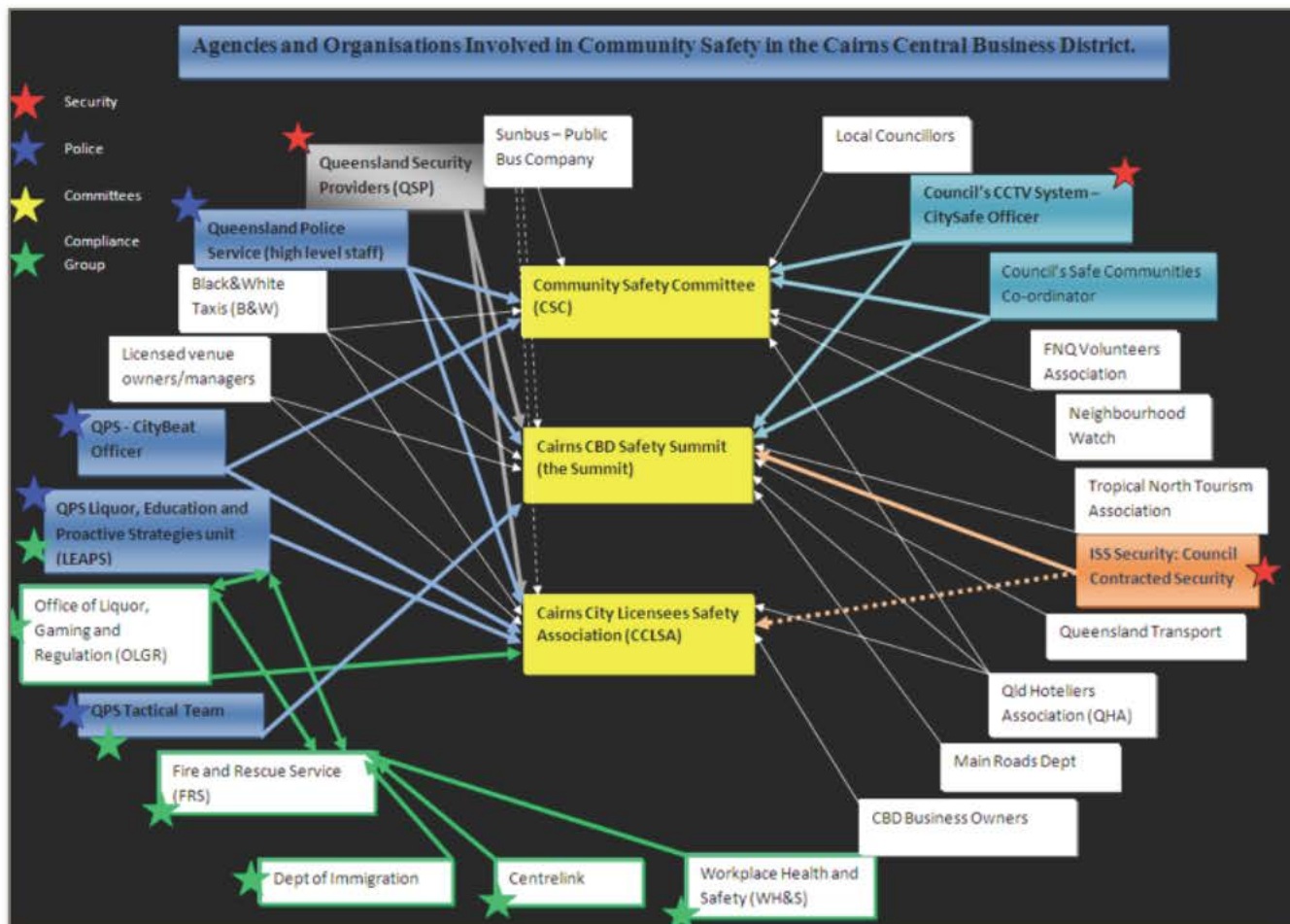
Queensland is not like other states, and other states are not like Queensland. Thus, it is also valid to say that each jurisdiction and licensed premises within Queensland is different from each other.

It is very questionable and highly unlikely that the proposed “curfew” would help stem the violent behaviours. What is highly likely though, just as it has been in other jurisdictions, that violence will manifest as a result of a lockout during peak trading times for licensed premises.

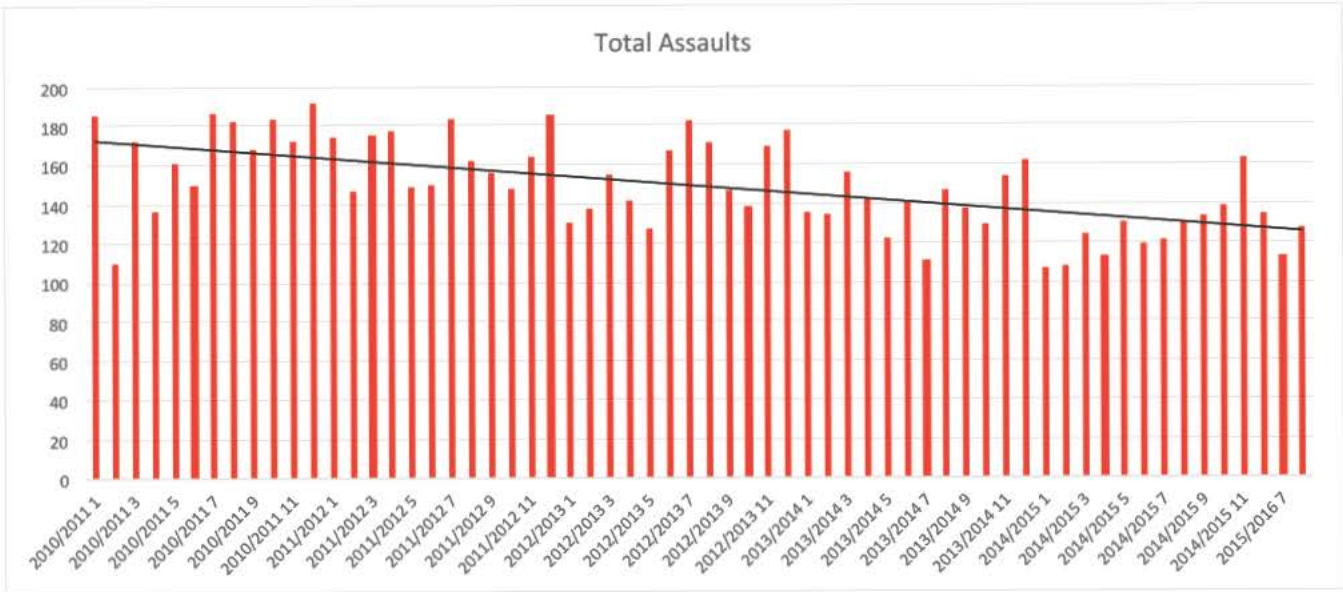
Persons should not be subject to curfews that won’t work. All persons should enter and exit licensed premises as they choose, instead of being shackled by further regulation to an over regulated industry.

# Appendix

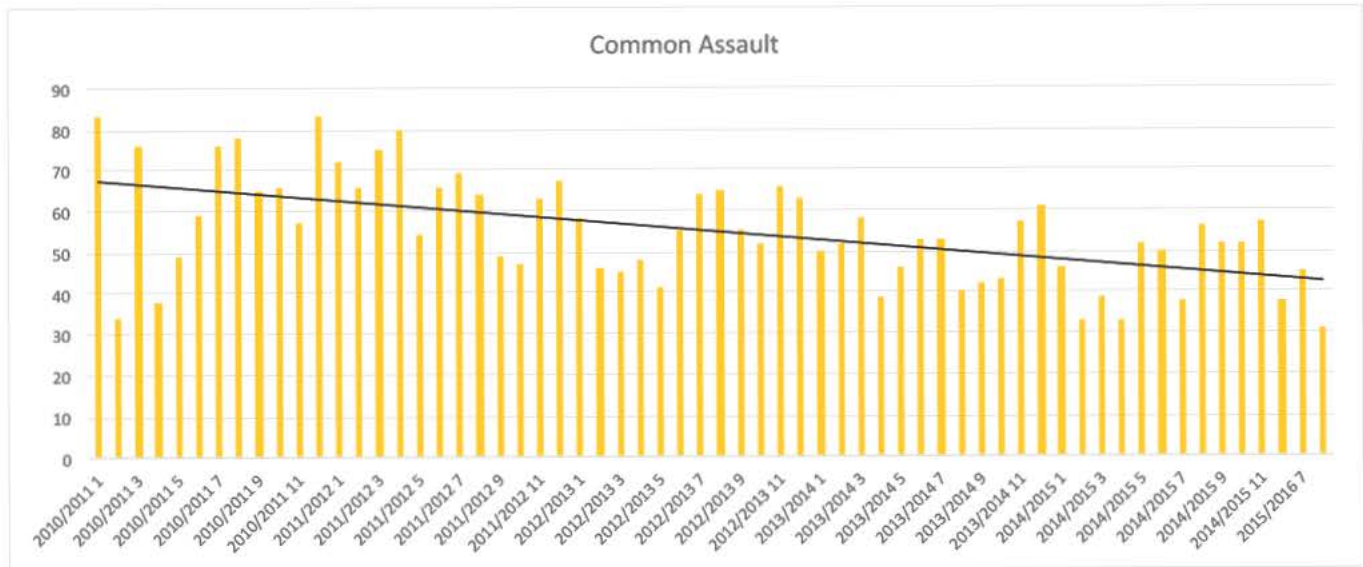
### Agencies and Organisations Involved in Community Safety in the Cairns Central Business District.



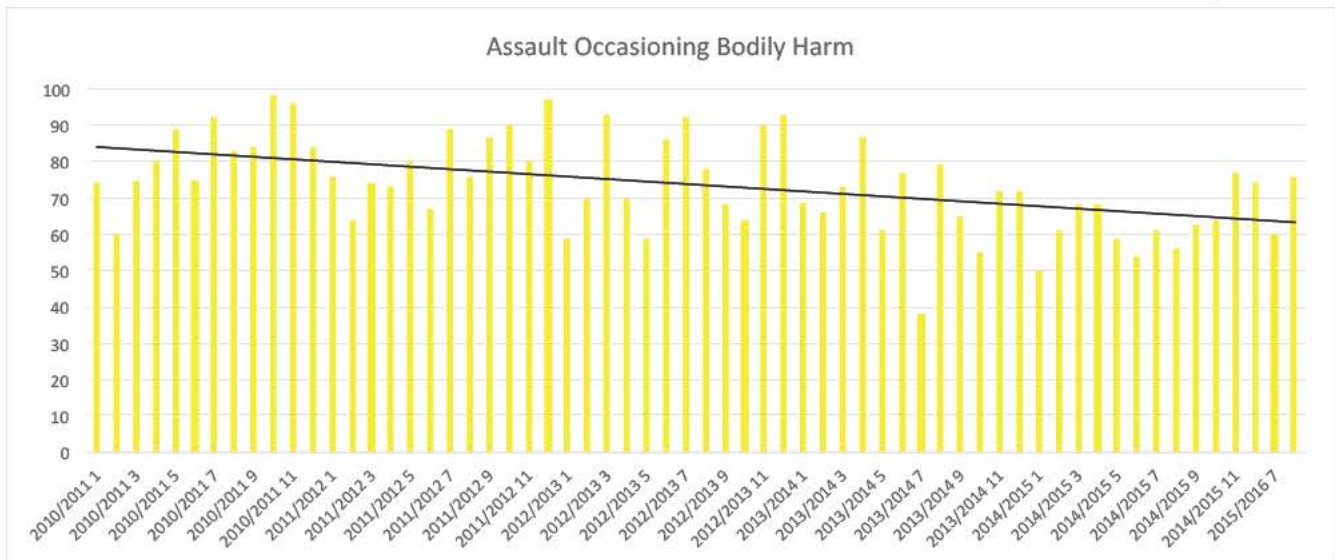
Source: Hayes-Jonkers et al. (2012) Cairns City, far north Queensland: A city in paradise, but a unique challenge to crime prevention. 3rd CPTED Conference, 23 January 2012. Sydney NSW: Sydney Law School, University of Western Sydney.



**All offences *total assault* data in Queensland Safe Night Precincts 2010/2011 - 2015/2016**  
Source: Queensland Police Service



**All offences *common assault* data in Queensland Safe Night Precincts 2010/2011 - 2015/2016**  
Source: Queensland Police Service



**All offences assault occasioning bodily harm in Queensland Safe Night Precincts  
2010/2011 - 2015/2016**

**Source: Queensland Police Service**



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