

**Lynsey Arnott**

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**From:** RSA Liquor Professionals [rsapro@optusnet.com.au]  
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Dear Committee Members,

Please find attached late submissions to the alcohol related violence enquiry for your consideration.

Key stakeholders have been consulted in the development of this response and the committee is urged to consider the plan detailed in the attached submissions.

Regards

Russell Steele

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21 January 2010

The Law, Justice & Safety Committee  
Parliamentary Annexe  
George Street  
BRISBANE QLD 4000

Dear Committee Members,

RSA Liquor Professionals seeks to lodge a proposed holistic response to current issues raised in the issues paper "Inquiry Into Alcohol-Related Violence in Queensland" dated August 2009 and the Interim Report dated November 2009.

Our Director, Russell Steele, is a former Principal Liquor Compliance Officer with the Liquor Licensing Division and OLGR. As a key regulator of the *Liquor Act* across the State for over 9 years, and also having 10 years prior hospitality management experience, and now as an industry consultant and trainer, Russell is uniquely placed to offer practical, viable solutions that can be applied at the coal face by Licensees and also be implemented, administrated and enforced by OLGR with the least amount of confusion and unnecessary unintended impacts. Having not ceased employment with OLGR until 18 December 2009 we were unable to provide this response within scheduled timeframes but hope the Committee will consider our submissions.

The "Safer Licensed Venues Action Plan" outlined below has been developed in consultation with many leading Licensees, some Peak Industry Body representatives, Police and other stakeholders who support the "middle ground" approach outlined in the plan, the practical and balanced implementation it provides, and the level playing field it seeks to create.

Parties consulted in the preparation of this plan are concerned that some of the measures proposed by some stakeholders such as the Queensland Police Union and others are too drastic and will have a major adverse impact on the hospitality and tourism sectors and related employment and economic impacts. These stakeholders are however also concerned that some industry stakeholders are advocating for continued 5:00am trade, removal of the lockout and do not necessarily reflect the views of many responsible licensees who seek to be part of the solution but need to operate on a level playing field to be commercially viable.

It is recommended the "Safer Licensed Venues Action Plan" outlined on the following pages be considered for implementation by the committee with an effective date as early as 1 April 2010. It is our submission that the balanced approach detailed below will meet with widespread industry and community support with little of the adverse economic impacts that other recommended approaches would have.

The approach detailed below does not solely target licensed premises to bear the brunt of the legislative response but targets offenders of alcohol related crimes, minors and adult suppliers of liquor. The plan provides policing, education and public transport initiatives as part of a holistic response aimed at contributing to long term cultural change in alcohol use and misuse within Queensland society.

### Safer Licensed Venues Action Plan

1. Implement a 3:00am close of all licensed premises across the State.
2. No earlier lockout to avoid potential conflict at entrances to licensed premises.
3. Indefinitely extend the moratorium on Extended Hours Approvals beyond 12midnight for suburban and country areas but do not remove current approvals between 12midnight and 3:00am for existing approved premises in these areas. Allow for new post midnight approvals in current identified precincts only.
4. Make all permits authorising trade between 12midnight and 3:00am subject to a condition restricting the use of "regular glass" at all times after 12midnight but allowing glass prior to 12midnight to allow for restaurant trade etc during lower risk trading hours.
5. Extend the current Queensland Police Service trials allowing statewide issue of "on the spot fines" for disorderly behavior in public places and licensed premises by all Police Officers.
6. Extend "Move On" powers to allow all Police Officers to direct disorderly persons not to return to within 100 metres of licensed premises or precincts. Provide supporting powers and protections for Licensed Crowd Controllers in the *Security Providers Act 1994*.
7. Legislate suitable patron banning provisions in the *Liquor Act 1992* to support current best practice initiatives by industry Liquor Accords allowing for Police to issue on the spot fines for patrons breaching banning notices.
8. Implement stricter sentencing laws where courts must demonstrate exceptional circumstances not to imprison violent offenders where alcohol is a factor. Excess alcohol consumption should be seen as a contributing factor where the offender is at fault not as a mitigating defense.
9. Implement regular uniformed "walk throughs" of high risk licensed premises by Police as a community policing and deterrent effect across the State.
10. Provide increased public transport services to support 3:00am close in key entertainment precincts.
11. Change secondary supply laws to allow parents and legal guardians to supply minors with no more than 6 standard drinks in any 24 hour period. Current definitions of irresponsible supply are vague, open to interpretation and have been largely ineffective.
12. Implement mandatory training in the "Responsible Service of Alcohol" as part of the grade 12 curriculum across the State.

Stakeholders consulted **do not support** legislating the following measures:

- Mandatory ID scanning and linked ID scanning measures due to privacy and identity theft concerns.
- Responsible Service of Alcohol Marshalls - licensed Crowd Controllers currently perform this role.
- Any lockout (such as at 12midnight, 1am or 2:00am) as part of implementing a statewide 3:00am close.
- 12midnight closures in suburbs or country areas for existing premises.

To assist the industry and all stakeholders it is recommended that a complete "re-number" and/or re-write of the *Liquor Act 1992* be undertaken and a new *Liquor Act 2010* be introduced. The current Act has been amended so many times it has no structure and is almost impossible to interpret and apply.

As a longer term aim, a clearer definition of "unduly intoxicated" should be drafted as raised in the 2006 "Blue Book" Liquor Act Review discussion paper but ultimately not implemented.

More detailed discussion points on each of the elements outlined above follows:

### **3:00am Close**

- Only 106 venues will be effected Statewide. Loss of Government revenue from related annual license fees is less than \$1.06 million recurrent based on maximum 3-5am trading fee of \$10,000 per annum. The cost benefit in reduced policing, emergency and health services and related costs is considered exponentially higher than loss of this relatively minor revenue stream.
- No exemption should apply to the State's four Casinos. Gaming may still be permitted but sale/supply of liquor should cease to allow a level playing field and also not to create potential trouble spots at the Casinos as patrons move to them as all other venues close. This will require amending the relevant Casino Agreement Acts.
- There will be a corresponding decrease in gaming machine trading hours from licensed hotels and clubs across the State. This is seen as a positive reduction in gaming hours that is consistent with current State and Federal considerations of machine gaming services.
- 5:00am trading permits should be available on New Year's Eve only in identified precincts.
- Is likely to reduce policing, emergency services and health costs.
- May have a positive effect on the day trip tourism market by allowing at least 3-4 hours sleep for backpackers from 3:00am close until most trips start at 7-9am.
- May have a positive impact increasing the part time staff pool with some full time employees from other industries being able to work second hospitality jobs until near close and still have some rest between shifts.

### **No Lockout**

- A 3:00am close in its own right is a significant step forward, but if combined with an earlier lockout is likely to create significant conflict. Patrons with any tendency towards aggression are likely to be aggravated by being locked out at 12midnight, 1am or 2am and the reduction in violence goals of a 3:00am closure would be adversely effected.
- Existing local lockouts prior to 3:00am in areas such as the Sunshine Coast should continue to apply, local solutions for local issues continue to be supported.

## **No Regular Glass Condition**

- As at 13 January 2010 less than 775 premises are authorised to trade between midnight and 3:00am with 106 authorised to trade beyond 3:00am. Some of these venues sit in both categories with the maximum number of effected premises estimated at approximately 850.
- The conditions should apply after 12midnight only allowing for restaurant and function areas etc to serve glass during lower risk trading hours.
- Many premises will voluntarily phase in regular glass alternatives at earlier times and in specific nightclub or similar rooms to avoid change over at peak trading times.
- Many premises requiring glass alternatives after midnight will phase out glass altogether but those that have a market demand in areas such as restaurants and function rooms have the option to carry both glass and non glass product ranges.
- Will restrict the sale of ordinary glass "RTD's" (aka alcopops) after 12midnight and/or prompt producers to develop a non-regular glass RTD product range which would also fit well into the High Risk Event market where glass is generally prohibited by relevant permit conditions and provide increased demand for these products to be provided by producer/wholesalers.
- A broader application of this restriction on regular glass products will create increased demand for the product range and reduce costs accordingly.
- The approach to condition extended trading hours approvals is consistent with that currently used by OLGR where a standard suite of conditions applies across the State to all 3-5am trading venues.
- OLGR can continue to enforce no regular glass conditions at earlier times on a case by case basis using the existing Disciplinary Action provisions in the Act.

## **Extend Moratorium on Extended Hours Approvals**

- The adverse economic impact of effectively cancelling 1am, 2am and 3am approvals currently in place in suburban, rural and regional areas is almost incalculable. This would possibly effect premises everywhere from Cairns to Caboolture, country areas like Roma, Dalby, Emerald and Mareeba, and also some major suburban Brisbane venues such as the Regatta Hotel, Colmslie Hotel, and venues at Chermside, Indooroopilly and Garden City shopping hubs. The effect is far too large to implement without devastating long term impact on the hospitality sector.
- Indefinitely extending the moratorium in suburban areas not covered by the existing precincts in Schedules 2-11 of the *Liquor Regulation 2002* would provide a long term "cap" on future late trading approvals in new suburban and residential developments.
- This approach would stop regular applications to extend trading hours to 3:00am and 5:00am at numerous suburban and regional venues, which are often purely profit driven, in inappropriate localities and are lodged sometimes contrary to the prospective impact on the safety and amenity of these localities.

## **On the Spot Fines for Disorderly Behaviour**

- Any holistic response seeking to start effecting cultural change in relation to alcohol related behavior must not only target licensed venues but the behavior of patrons attending them.

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- On the spot fines provide an immediate and high impact Policing response that targets offenders at the time of the offence and acts as a highly effective deterrent to other patrons.
- On the spot fines deal with offenders without taking Police off the beat for hours which occurs when an arrest is required.
- Offenders are targeted, not just licensees.
- Links with proposed increased move on powers and Police walk throughs of licensed venues.
- Would significantly reduce impacts on courts especially on Monday mornings when a parade of disorderly behavior charges are the norm. If fines from \$100 to \$300 can be issued by all Police in the field, and at the time the offences are occurring, the reduced cost and time benefit to the Justice system would be enormous.
- Current on the spot fines are comparable to those issued by Magistrates as a matter of course but without the related court appearances and the high cost impact that has.
- Alleged offenders maintain the right to elect to have the matter heard in a Court at their discretion so their rights are not impinged.

### **Increased Move on Powers**

- Was extensively consulted as part of the 2006 reform consultation, was widely supported by industry, but not implemented.
- Creates safer precincts and environments in and around licensed premises.
- Needs supporting Security Providers Act provisions and civil liability protections for licensees and staff.

### **Legislate Banning Procedures**

- Existing "trials" by Liquor Accords across the State are proving an effective deterrent but there are huge grey areas as to whether sections 165, 165A and 165B are sufficient to support banning notices applying at one or more premises at a time when the patrons may no longer be effected by liquor or conducting themselves in a disorderly or unduly intoxicated manner.
- Current approaches can rely on trespass laws but this too is a grey area.
- Would allow for on the spot fines for identified repeat offenders entering licensed premises or precincts.
- Courts could even apply the bans as part of sentencing practices in some circumstances.

### **Stricter Sentencing Laws**

- Self explanatory but something needs to change when glassing and other violent crime offenders are causing lifelong physical and emotional damage to victims and not doing any jail time.
- "Mandatory Sentencing" is not proposed, simply a substantial hurdle that the judiciary must overcome to not impose a custodial sentence.

- When a major national Police operation like Operation Unite results in magistrates typically imposing a fine of only \$300 per offender then there is little deterrent effect and something needs to change.
- Excess alcohol consumption should be seen as a contributing factor where the offender is at fault not as a mitigating defense.

### **High Visibility of Police in Licensed Premises**

- Creates a highly effective deterrent effect.
- Supports the proposed initiatives to increase the issue of on the spot fines for offences on licensed premises.
- Improves relationships between licensees and Police and the wider community.
- Is an example of licensees, Police and the community working together for safer premises and safer precincts.
- Heightened Police training in the Liquor Investigators Course may be required and it is recommended tenders be called for external training providers to provide this training on a more regular basis across the State.

### **Increased Public Transport**

- Extend successful night link buses and trains to support a 3:00am closure.
- Consider increased or weekend taxi licenses especially in regional areas.
- Trial flat fee “mini-bus” services that operate in a radius of entertainment precincts like in Darwin.
- Continue and expand existing supervised late night taxi ranks.

### **Overhaul Secondary Supply Laws**

- Current laws in s156A are too grey and unenforceable. There are too many elements to prove an offence and accordingly there have been almost no prosecutions in over 2 years of operation.
- Laws should be changed to allow supply by a parent or legal guardian only, who must supervise the possession and consumption of not more than 6 standard drinks per day.
- No changes to existing laws in public places and licensed premises are required. They remain effective and were not changed in the 2008 round of amendments.
- Allows an on the spot fine, to both adults and/or minors, as it is easily proved.
- Producer/wholesalers are likely to respond by reducing the content of some RTD's to 1.5 standard drinks to allow sale of 4 packs.
- Would have a wide range of secondary and tertiary impacts such as reinforcing the knowledge of standard drink quantities across the community.
- Possible reduced RTD alcohol percentages would have a highly positive impact across the community with possible decreased intoxication levels at private and public places and licensed premises.
- A “tip out power” could be provided to Police where alcohol quantities exceeded 6 standard drinks possessed by a minor.
- This new law would be easily communicated and understood by the community.
- Is considered likely to have a positive impact assisting cultural change.

## **Mandatory RSA Training in Schools**

- Highly effective coverage of the key target demographic for responsible liquor consumption messages.
- At an estimated 42,000 graduates per year across the State including private and public schools and an average course cost of \$75 per student, the total recurrent cost of such a program would be only \$3.15 million.
- The impact would not only assist in planting a strong seed for cultural and attitudinal changes towards alcohol consumption in the key target demographic but would also provide substantial employment and economic benefits.
- All graduating students would leave school with the mandatory qualification to obtain work in the hospitality sector, a key part time or full time role for many youth, especially university students.
- This initiative would assist the tourism and hospitality sectors who regularly have problems recruiting sufficient trained staff to fill employment vacancies.
- There is a highly qualified and competitive vocational training network across the State that would provide for a competitive tender environment to provide this training to individual school districts.
- The cost is comparable to some advertising campaigns but reaches a far higher percentage of the target demographic and adds a vocational training qualification to every graduate school student.
- Provides opportunities for local Police, Liquor Licensing and Emergency Services staff to address students in a contextually significant environment promoting peer group discussion about the adverse effects of alcohol.

The approach recommended in our "Safer Licensed Venues Action Plan" is aimed at providing a holistic response, with key initiatives in Policing, Regulation of Trading Hours and License Conditions, Education, Parental and Individual responsibilities and community expectations of the Justice system. It is our part of the jigsaw puzzle and other pieces may need to be added, but in our submission the plan is a balanced response that has the best chance of acceptance by the majority of industry and community stakeholders without the adverse economic impacts that other proposed initiatives would have.

Should you have any questions in relation to this matter, please do not hesitate to contact Russell Steele on 0422 595 060 at anytime.

Regards



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**Director**

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