




Speech By  
**Hon. Anastacia Palaszczuk**

**MEMBER FOR INALA**

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**SAFE NIGHT OUT LEGISLATION AMENDMENT BILL**

 **Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (12.54 pm): The Labor opposition believes that young people should have a safe night out. In fact, all people should have a safe night out. But the opposition rejects the government's approach. If we are going to tackle alcohol fuelled violence we must tackle the core issue, and the core issue is trading hours. The opposition welcomes debate on the Premier's Safe Night Out Legislation Amendment Bill. At the outset, I wish to advise that the opposition will be opposing this bill.

The time has come for the people of Queensland and the government to take real action. This government has failed because this government is failing to listen to the evidence. Time and time again parents are concerned about whether or not their young person is going to come home safe in the early hours of the morning. Families are concerned whether or not their son or daughter is going to end up in a fight or brawl or end up in hospital.

There will be a speaker this afternoon, the newly elected member for Stafford, who will talk firsthand about seeing the devastating impacts of alcohol fuelled violence on young people. Alcohol fuelled violence destroys young people's lives. The time has come to tackle the core issue of trading hours because we as a community must reduce alcohol fuelled violence in this state. The time has come to stand up and take real action not bury our heads in the sand and pander to the interests of a few rather than look after the safety and protection of all in this state. There is no greater contrast than the policy put forward by the Premier but argued in this House by the Attorney-General and the policy put forward by the opposition and argued by the Leader of the Opposition and members of the opposition.

This is an issue that as a community we must come together as one on. The time has come for us to say to our hardworking police officers, our hardworking men and women paramedics out there, our hardworking men and women nurses and doctors in our hospitals that we must tackle the core issue. If we leave it any longer more deaths will occur and more injuries will occur.

The government's policy does not tackle that core issue. Because it does not tackle that fundamental issue of reducing the trading hours, the opposition cannot support this bill. This government has failed to listen to the evidence—the evidence that is coming out of Sydney, the evidence that is coming out of Newcastle, the evidence that is coming out of the rest of the world. This government is failing to listen and by doing so it is pandering to the interests of a few. We all know who those interests are.


Before I discuss some of the concerns in relation to this bill, I wish to declare that the Labor opposition is committed to reducing violence in our communities. We are committed to ensuring that when young people go out for a night of entertainment they come home again to their families. Labor is committed to real, practical measures that research from all over the world has shown will work to reduce violence. We are committed to following sound advice based on the experience in other

jurisdictions which is to adopt a tried and true method rather than the solution preferred by people who have a financial interest in the method adopted.

I wish to address the core issue of this bill, the core issue that will protect Queenslanders—reducing trading hours. That will come as no surprise to anyone who has been following this debate. Just as it will come as no surprise to the mums and dads who wait up every night or in the early hours of the morning worrying about their children as they enter our nightclub precincts.

The LNP government, under the failed leadership of the Premier, has failed to act decisively on trading hours. Expert peer reviewed research from around the world states that to prevent injury, assault and death governments must reduce the availability of alcohol by reducing trading hours.

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 **Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (2.47 pm), continuing: I was concluding just before lunch that expert, peer reviewed research from around the world states that to prevent injury, assault and death, governments must reduce the availability of alcohol by reducing trading hours. Simply, the Premier has failed the leadership test. He has put his own political interests ahead of the interests of Queenslanders. You cannot tackle alcohol fuelled violence unless you tackle trading hours.

The Premier has bowed to pressure from vested interest groups who are more interested in making massive profits which are subsidised by the taxpayer—subsidies in the form of the cost of providing police officers to maintain law and order in the nightclub precincts. The government subsidises the hospital services as nurses and doctors patch up the wounded, who are only looking for a good night out. The council subsidises the industry when it is left to mop up the mess left around the streets and around our local businesses. Money is being spent on CCTV in every council area, mainly to help identify offenders who misbehave after drinking too much. People are seeing insurance premiums rise as drunks walk from pub to nightclub, smashing shopfront windows early in the morning. Who pays in the end? That is right, it is the taxpayers and the ratepayers who are paying through the nose to fix broken jaws, to police the streets, to clean up the mess and to combat many of the side effects of an open slather approach to alcohol in our community.

It is true that the former government did not tackle trading hours in the same head-on way the current opposition proposes to, but the moratorium on late night licences prevented many assaults and even deaths. That suite of measures has played a part in combating the problem of alcohol, and I am proud of the former government's measures surrounding drink-safe precincts and banning orders, which have been useful tools in reducing alcohol fuelled violence; however, the increasing incidents of violence means that tougher measures must be taken to prevent the further escalation of this type of conduct.

The clear difference between this government and the opposition is that we are prepared to listen. I am prepared to listen to the experts rather than the alcohol industry. My team has listened to the Coalition for Action on Alcohol and to professors who have devoted their lives to researching ways to reduce crime, violence and the harm caused by alcohol. The evidence is clear, and no credible expert will say that there is no link between the excessive consumption of alcohol and violence.

Research from around the world has shown that reducing trading hours is the most important measure a government can take to combat alcohol fuelled violence; for example, the crime statistics are now available for the first month of the trial in Kings Cross and they are startling. In one month, non-domestic assaults on licensed premises dropped by 33 per cent compared with the same time last year. That is what reducing trading hours in licensed premises to 3 am could do if only the LNP and Campbell Newman had the courage. Assaults not on licensed premises—that is, on the streets—have reduced by 37.5 per cent in one month. At the same time there was around a 50 per cent reduction in alcohol related presentations to the nearby St Vincent's Hospital—50 per cent fewer people injured so severely that they required hospital treatment. Similar figures can be seen in the Newcastle statistics for the first three years of their trial: a 35 per cent reduction in night-time non-domestic assaults requiring police attention; a 50 per cent reduction in night-time street offences requiring police attention; and a 26 per cent reduction in night-time assault related injury presentations to hospitals. The five-year figures show a similar trend.

International peer reviewed research from 15 cities around the world indicates that there is a 22 per cent reduction in assaults for every hour that you reduce trading, and that is consistent with the Australian experience. Let me just say that again: international peer reviewed research from 15 cities around the world indicates that there is a 22 per cent reduction in assaults for every hour that you reduce trading. Research also shows that voluntary trading hour reductions and ad hoc geographical boundaries do not produce these sorts of results. I expect that government members will cherry pick

the results from some of these trials to justify their policy, but if they are honest they will look to systemic reviews of the research literature in this field and not simply choose ones that support their policy.

These are not just statistics; these are young people's lives. These are the children of Queensland families whose lives are destroyed by the senseless violence that this government does not have the stomach to tackle because of its links to vested commercial interests. The LNP will declare that reducing trading hours is no magic bullet. Of course it is not. No single measure will tackle the entire problem, but it is not a single measure standing alone. Labor announced a suite of measures when we announced our Tackling Alcohol Fuelled Violence policy, and we are happy to see the Premier adopt some of our suggestions. Things like streamlining the banning system were proposed by the opposition. We suggested that it should operate in the same manner that applies to drink drivers. We outlined our policy to breath test offenders, which has been included in part throughout this bill. Anyone who suggests that we had 'one shot in the locker' is misleading Queensland and misleading this parliament, which is why we would be happy to support some of the measures in the bills. But this government's bill fails to address the key fundamental issue, and that is why we as an opposition cannot support this bill.

While I am talking about the history of this bill, we should all remember the Premier's view in 2010 when he was the Lord Mayor of Brisbane. I seem to recall that from a personal perspective the Premier was leaning towards the view that trading hours in the Valley and the CBD may need to be reduced, and he took great pleasure in informing an inquiry into alcohol that he had written to the relevant minister to oppose the proposal of the ALH to extend trading hours for all of their venues across Brisbane. The Premier has told the police union president that if the Safe Night Out Strategy does not work, then trading hours will be back on the table in a year's time. This appears to be a quick political fix by a Premier who will do anything to cling to power at the expense of young people being bashed to within an inch of their lives on the streets. The Premier has even promised the police union that he will tackle the trading hours issue in 12 months. That is because the police union supported reduced trading hours and has given their support to the LNP plan based on that promise. That the LNP could look at reducing trading hours next August is something that the opposition applauds, but why wait until then? It is because the LNP wish to placate the political masters who donate to their election campaigns and they have no intention whatsoever of making that change. The same thing happened with the bikie laws: announce the policy and then when people express their total dissatisfaction with it say, 'It's okay, we'll be changing it sometime in the future.'

The Attorney-General put his feelers out after his expert panel recommended reducing trading hours in September last year. This panel included industry members who backed the plan, and for some reason that has never been adequately explained by the LNP. When in opposition, numerous senior members of the now LNP government were supportive of reducing trading hours. What are their views now and has the change in donation policy had anything to do with it? I will also be looking very closely to see if there are any conflicts of interest for the members who speak on this bill and whether or not they have received any political donations.

I would like to contrast the Newman government's flawed plan with Labor's detailed, evidence based approach. Labor has the courage to address the heart of the issue: trading hours. That is why we announced our plan in January, some seven months ago, to help stem violence. I stood with members of the Queensland Coalition for Action on Alcohol and announced our detailed policy for tackling alcohol fuelled violence. I doubt that the Premier or any of his ministers have read it, so let us go over some of the main details.

A future Labor government will legislate to stop the service of alcohol in nightclubs, pubs and other licensed premises at 3 am and will introduce a 1 am lockout. The evidence shows that this type of action is required to effectively tackle alcohol fuelled violence head on. Those opposite have tried to portray our position as some sort of attempt to stifle the club industry, but nothing could be further from the truth. We want a vibrant night-life where everyone can go out and have fun safely until the early hours. Young people and their parents who go out to nightclubs and entertainment precincts deserve to know that they can have a good night out and a safe night out as well. Labor knows that people want action on the sickening problem of young people having their lives ruined by alcohol fuelled violence. All they are getting from the arrogant Newman government is simply a lack of leadership.

Labor's wide-ranging policy will tackle the problem at its core. Anyone who works on the front line and deals with the results of alcohol fuelled violence knows that the most damage is done in the two hours after 1 am. That is why it is imperative that we tackle this growing problem by introducing the 1 am lockout and stopping the service of alcohol by 3 am. The nightclubs will not have to shut

their doors; those with extended licences will still be allowed to trade until 5 am, offering coffee, food and entertainment. Our policy is more than just a change to trading hours, although it is the key component necessary to be successful. Our changes to trading hours will be complemented by a multifaceted strategy designed to tackle this complex issue head on.

Labor will also continue the operation of the drink-safe precincts established by the former government in Fortitude Valley, Townsville and the Gold Coast, consider their expansion to other areas and give police the power to breathalyse intoxicated and disorderly patrons, leading to the possible prosecution of patrons, staff and licensees. Labor will maintain the current moratorium on extended licences rather than the open slather approach that will be allowed if this bill is passed, and we will ban the sale of high alcohol content drinks after midnight. We will introduce mandatory bans for repeat offenders similar to the disqualifications that apply to drink drivers. We will also conduct a multimedia education and awareness campaign for young people, particularly male drinkers, about safe drinking practices, the impacts of alcohol related violence, the changes to alcohol service times and the increased enforcement of existing regulations.

As our policy states, we will support federal opposition leader Bill Shorten's call for funding for boxer Danny Green's national coward's punch campaign. Public education is the real key to reducing the incidence of violence in our community. Prevention is better than cure, and that applies to this issue with the same intensity.

Our policy is based on evidence and supported by research, not on whoever is prepared to pay the most money. I add: under the LNP's new electoral donation laws, we will no longer know who is donating to the LNP. As we know, the secret bags of cash, of up to \$12,400 that does not need to be declared, will start flowing in.

Professor Jake Najman, director of the Queensland Alcohol and Drug Research and Education Centre at the University of Queensland, has also supported our plan. He states—

As a member of Queensland Coalition for Action on Alcohol, I welcome Ms Palaszczuk's sensible approach to alcohol policy.

More police and stiffer penalties are a simplistic, costly and ineffective approach to preventing alcohol related violence.

The alcohol industry needs to accept the evidence for limited trading hours and adhere to the regulations for responsible service.

These regulations need to be effectively enforced.

Parents and the wider community rightly expect the Premier to put the safety of young Queenslanders first.

Unlike the Newman government, we have accepted the advice that more police and stiffer penalties are ineffective in dealing with alcohol related violence unless they are accompanied by reducing trading hours.

Let us reflect on some of the facts. Between 2010 and 2012 more than 76,000 alcohol related presentations and admissions were made at Queensland public hospitals. The Chief Health Officer in the 2012 *Health of Queenslanders* report found that harmful consumption of alcohol is responsible for 30,000 hospitalisations in Queensland each year. That is more than 80 a day—every day. Media outlets earlier this year also reported that the number of facial surgeries conducted at the Royal Brisbane and Women's Hospital rose from 295 in 2011 to more than 500 in 2013. Many relate to alcohol fuelled violence. Labor's policy will reduce the human cost of this violence to individuals and their families and make it safer for young people to enjoy a night out without the fear of being harmed or assaulted by troublemakers.

We are privileged to have in this House as the new member for Stafford highly acclaimed maxillofacial surgeon Dr Anthony Lynham. I had the privilege of campaigning with Dr Lynham earlier this year and also during the Stafford by-election. He is passionate about this issue. If the words and personal reflections of Dr Anthony Lynham later today do not resonate with every member of this House and every member of the Queensland community, I do not know what will, because Dr Anthony Lynham is prepared to listen. Dr Anthony Lynham is prepared to stand up for the evidence based facts around this very issue. He is a tireless campaigner in relation to tackling alcohol fuelled violence. Members will hear how this government failed to listen to Dr Anthony Lynham. Dr Anthony Lynham is now the member for Stafford, and I am sure that in this House he is now a voice for Queenslanders. He is a voice for all those people who have been injured by alcohol fuelled violence. He will recount what he has had to experience firsthand. I am quite sure that will be a wake-up call for members of this House and members of the cabinet.

**Mrs Stuckey** interjected.

**Ms PALASZCZUK:** So your husband is a specialist, isn't he?

I will now address the substantive issues contained in this bill. One thing this bill has made very clear is that the meetings with the legal profession have simply been for show. The Premier has left

these meetings full of promises to listen but has not changed a single clause of his legislation, despite the strong concerns of the Bar Association, the Queensland Law Society and Legal Aid Queensland. He is hearing without listening. I understand the frustration the legal profession must have with this LNP government, and I thank them again for their extremely helpful contributions to the committee process. Even though they have been ignored I think, member for Rockhampton, again, I can assure them that their contributions have not been wasted. They have formed part of the policy development for the Labor Party, who are committed to righting the wrongs of the LNP into the future. And boy, there are a lot of them!

As we have said on many occasions, discretion for magistrates and judges is the cornerstone of a functioning democracy. Despite the warnings of the Bar Association, the Queensland Law Society and many other stakeholders, the LNP has simply ignored legal expert advice. For example, the provisions relating to the imposition of mandatory community service restrict the instances in which a court may decide not to impose the otherwise mandatory order to instances where the court is satisfied that, because of any physical, intellectual or psychiatric disability of the offender, the offender is not capable of complying with the order. The court should retain a discretion in when it is appropriate, in all the circumstances, to impose a community service order outside these legislated circumstances.

An example of an unintended consequence of these provisions could be that dangerous sex offenders are not exempt from mandatory community service orders. I cannot believe that the Premier or the Attorney-General would want dangerous sex offenders who commit a further qualifying offence to be required to complete a mandatory community service order. Again, a person may be prone to violent outbursts or may have drug dependence or other problems which may mean they are totally unsuitable to complete a community service order. Other than for murder, which carries a mandatory penalty of life imprisonment, there is never a situation where a one-penalty-fits-all approach will be appropriate. The circumstances of each offence and each offender are so many and varied that the court should always retain a discretion in sentencing.

In the vast majority of cases the opposition supports community service orders. Frankly, I welcome violent offenders performing community service as some form of recompense for the victims left injured and maimed by violent attacks on our streets. However, the sex offender example illustrates how a good idea can lead to an undesirable consequence when expert advice is ignored.

The Legal Affairs and Community Safety Committee in its report on the bill adequately outlined the problems associated with the mandatory drug and alcohol assessment referral course being mandated as a condition of bail, whether by a court or on watch-house bail. The opposition believes that judicial officers should always maintain a discretion because if they know that the person is unable to properly utilise this service and if completion is a condition of their bail then the only result can be that the person ends up being arrested for a breach of bail down the track. This could unnecessarily tie up valuable police resources processing and charging offenders for relatively minor breaches of bail when they never had any hope of complying with the condition.

More importantly, a person may have absolutely no problem with alcohol dependence. They may be intoxicated but it may be the first time they have been intoxicated, or they may have become intoxicated and committed the offence as a one-off response to a severe personal tragedy. The court could retain a discretion to not impose a condition to complete a drug and alcohol assessment referral course where there is clear evidence that the person would not benefit from participation in such a course. Similarly, problems could arise when a person from a remote or regional centre is visiting a tourist destination. If they cannot be released on bail without undertaking to complete a course but there is no such course available where they live, they cannot be admitted to bail and thus will be detained in custody.

This bill also introduces the trial of a sober-safe centre in the Brisbane CBD. When an intoxicated person commits a minor public order offence such as public nuisance, urinating in a public place or disobeying a police move-on direction and they are behaving in a way that poses a risk of physical harm to themselves or another person, police can detain them in the centre for up to eight hours. There is a cost associated with the detention, and the person must pay an amount equal to two penalty units. If they have been taken to the centre previously, the cost is equal to two penalty units plus one penalty unit multiplied by the number of previous times they have been admitted, up to a total of six penalty units.

Some concern has been expressed in relation to the calculation of the cost. It is submitted that it appears to be more in the vein of a penalty rather than a cost recovery, particularly as the cost is calculated in terms of a penalty unit. Similarly, if it is pure cost recovery, as the bill states, how does the cost increase based on the number of previous times the person has been admitted?

The Queensland Nurses' Union made a submission on the bill. It has some real concerns about the safety of its members who might be involved in the sober-safe centres trial. It said—

Of prime concern is the fact that the legislation appears to have one HCP working as the sole health practitioner at the sober safe centre. This transgresses every unwritten rule about the safety of nurses working alone in the practice setting. The QNU does not support 'single nurse posts'. It is our position that minimum safe staffing is two nurses e.g. in rural and remote settings. Even with a minimum number of nurses, it can commonly result in unsafe workloads—the demand versus supply.

I note from the Attorney-General's comments—and he might clarify this in his response—if I heard him correctly, that he is actually increasing that from one nurse to two. I am not getting any response.

**Mr Bleijie** interjected.

**Madam DEPUTY SPEAKER** (Mrs Cunningham): Order!

**Ms PALASZCZUK**: But, Minister—

**Madam DEPUTY SPEAKER**: Order! Leader of the Opposition, this is not a debate.

**Ms PALASZCZUK**: I just want him to answer the question, but obviously—

**Madam DEPUTY SPEAKER**: That is fine. He can answer it—

**Ms PALASZCZUK**:—he is choosing to be boring. That is okay.

**Madam DEPUTY SPEAKER**: Excuse me.

**Ms PALASZCZUK**: That is okay.

**Madam DEPUTY SPEAKER**: Excuse me!

**Ms PALASZCZUK**: We welcome it!

**Madam DEPUTY SPEAKER**: Excuse me! Leader of the Opposition, I think you have been given a very good run in terms of being able to present your point of view, so please let us continue. I call the Leader of the Opposition.

**Ms PALASZCZUK**: Thank you, Madam Deputy Speaker. It is a new look for the Attorney-General and I welcome that new look. The union is also concerned that if a nurse applies reasonable force they may threaten their registration. Its submission goes on to say—

When persons are in custody, it is appropriate that where restraint is required to perform clinical procedures, such restraint is applied by the police officers present, who have been extensively trained in performing such procedures safely.

The *Mental Health Act 2000* does allow nurses to use 'reasonable force' as necessary ONLY under strict provisions and regulations and in circumstances of imminent risk. There are other legislative provisions that may be enlivened when persons lack capacity. However, the nexus between capacity and intoxication remains a highly contentious area. Nurses do not exercise restraint simply to perform an examination on an unco-operative patient.

I now turn to the consideration of the ID scanner provisions. Clause 74 inserts a new part 6AA into the Liquor Act to provide for the use of approved ID scanners in particular licensed premises and for the approval of ID scanner systems and operators. A system for the approval of networked ID systems is currently being determined by the department. However, concerns have been raised by some of the operators. For example, many premises have already voluntarily introduced ID scanners. They may not be able to be networked or may not fit in with the system eventually adopted. This means that operators who have already taken steps will be penalised by having to purchase and install new operating systems that are consistent with those determined by the department.

Another concern is that the venues that will be required to introduce scanners are not the venues intended to be captured by this legislation. Any licensed premises in a safe-night precinct may be required to install scanners. This will include family restaurants in Caxton Street or the CBD areas. This has the potential to dramatically affect business. Customers will dine elsewhere if they have the inconvenience of having to be scanned as they enter premises after 8 pm, as was originally planned in the bill. Many of the submissions referred to this provision, so it is pleasing to see that the government has taken on board these concerns and changed the starting time to 10 pm. Another concern is in relation to accommodation providers in the safe-night precincts. These will frequently have bars in the lobby which remain open late to provide service to late-arriving guests. Will guests entering the lobby to check-in have to be scanned?

Another concern raised in relation to ID scanning is in relation to privacy concerns. The Privacy Commissioner raised a number of concerns which are valid and give cause for caution. The Acting Privacy Commissioner was concerned that there be adequate safeguards in respect of the following: the value and sensitivity of personal information collected by ID scanners; the vulnerability of the information to breaches of the Australian privacy principles; the possibility that the personal information may be misused for criminal purposes such as identity theft, fraud, blackmail or finding out addresses of persons that are not publicly available, for example in domestic violence or witness

protection contexts; whether the scanned images of the IDs will be 'read only' or whether they will be recorded; and whether there will be adequate approval checks on operators and staff. There is a real possibility that IDs such as licences, which have a person's address on it, may be used by a staff member to find the address of a patron. That could give rise to real safety concerns. Similarly, how can a person be sure their information will not be misused for criminal purposes? Identify theft is becoming more sophisticated and the networking of the ID scanners means more than just the people working at the premises you enter have access to your personal information.

This bill has some valuable provisions which may well have some effect on the rates of violence in our community. There are others which are merely window-dressing and will not fix the problem at all. In conclusion, the major problem with this bill is that it sidesteps the one proven method of reducing alcohol fuelled violence in our community, and that is reduced trading hours. A reduction in trading hours will reduce violence in our community. It will reduce violence in our streets and it will reduce violence wherever it occurs. It is disappointing that the LNP government has not had the courage to tackle this problem where it really needs to be addressed. It is too caught up in its obligations to the liquor industry to have the courage to say, 'We don't care what support you may have given to our candidates. Our policies just cannot be bought.' I know that many members opposite would love to support reduced trading hours. They believe that, based on all of the evidence, it is the best solution to the problem. Unfortunately, the government has gone down the wrong track.

In conclusion, the opposition is passionate about this issue. We want to make sure that we have a community that is safe so that young people can go out for a safe night out and that their families can have some satisfaction knowing that their son or daughter will come home safely in the early hours of the morning. Alcohol fuelled violence is a growing issue in our community. We have seen clear evidence from Sydney and in New South Wales that by reducing trading hours the levels of violence decrease. There is nothing clearer. The evidence states it pure and simple. If we are going to address this issue as a community, we must address fundamentally the trading hours issue. Trading hours are crucial. The opposition is not supporting this bill because the government fails to address the core—the very central heart—of this issue. If we want to tackle alcohol fuelled violence, we must tackle trading hours pure and simple. I support the evidence. I support the leading academics. I support the reports that I have seen. I support Dr Anthony Lynham. I support the coalition on this. This is the right step that we as a community must take, but the LNP government in ignoring this central key fact is burying its head in the sand. It is burying its head in the sand and it is putting the lives of our young people at risk. As I say, it is putting the lives of our young people at risk. I really ask every member to think long and hard about this issue. It is something that I am very passionate about and it is also something that all of the members of my caucus feel very passionate about, because if this means that one life can be saved it is worth doing. I do not want to be in the situation in the future where we have to confront the parents and explain to them that they lost a loved one's life because the government failed to act.