

15 January 2016

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
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Dear Research Director

The Chamber of Commerce and Industry Queensland (CCIQ) welcomes the opportunity to provide input to the Legal Affairs and Community Safety Committee's Inquiry into the *Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015* (the Bill).

More specifically CCIQ wishes to provide commentary into the Committee's consideration of:

- Addressing alcohol-fuelled violence and supporting measures to reduce anti-social behaviour and the number of serious incidents;
- Formalising a process for review of the new legislation indefinitely, based on the effectiveness of the laws in reducing violence and the impacts on the economy as a result;
- A suite of measures to address the issue further, including mandatory I.D scanners and education; and
- Retaining red tape reduction measures achieved through previous Parliamentary inquiries that have had positive economic impacts on Queensland businesses.

CCIQ fundamentally supports the State Government's efforts in addressing this societal issue and believes that the legislative changes proposed in the Bill hold merit in achieving a reduction in alcohol-fuelled violence.

The Role of CCIQ

CCIQ is the State's largest business organisation and has a state-wide membership across all industry sectors and business sizes. The Chamber is committed to representing the interests of our members and the Queensland business community as a whole. The most important aspect of our role is to provide advocacy on industry related issues, designed to build a better business operating environment.

Small business is the backbone of the State's economy employing over one million Queenslanders. Through our understanding, engagement and relationships with small business the Chamber has provided considerable insight and assistance to Government in delivering an environment that enables them to grow and employ.

In this context the Chamber notes that there will be a number of businesses in this State that will be impacted by the proposed laws whether directly or indirectly. CCIQ's guiding principle when examining this issue is the interest of the economy and in improving the operating environment for small businesses.

CCIQ support for tougher measures

The views of the Chamber are no different to the consensus among the community in condemning the anti-social behaviour of those who excessively consume alcohol and inflict harm onto others. The adequacy of existing measures is rightly being questioned in light of recent fatal incidents and the statistics around alcohol-fuelled violence happening on Queensland streets.

CCIQ commends the State Government for taking action on this issue. While the proposed legislation as outlined in the Bill may see some consequences, particularly for the late night economy and employment, CCIQ views these measures as credible and should be given the opportunity for effect.

Ultimately, CCIQ believes if the proposed laws are effective in curbing anti-social behaviour, the perception of increased safety that would be created would in fact increase the number of patrons, thus improving business for existing venues, and potentially increase the number of overall venues/businesses as witnessed in the Newcastle example.

Nevertheless, businesses that contribute to Queensland's thriving nightlife scene are rightfully concerned about the economic consequences of the tougher laws. Given that the majority of patrons over the peak trading hours are well behaved and provide a significant boost to the late night economy, many businesses that operate responsibly view the proposed laws as an unjust penalty placed upon them.

Review process to determine impact

It is essential for government to measure the effects of the legislation, preferably on a yearly basis, to determine the impacts on safety (reductions in alcohol-fuelled violence) and the economy. Findings should be made public and raise the question as to whether the laws should remain in force. To this end, CCIQ believes the laws should be reviewed on their one-two year anniversary.

For regional towns, a one-size-fits-all approach may have detrimental effects that are felt greater than in metropolitan areas. Cairns for example, one of the State's leading tourism destinations and preferred by backpackers, may see a significant decrease in business and unfavourable impacts on employment. With youth unemployment already higher than 20 per cent, the proposed law changes may worsen the situation. Geographically, Cairns is segregated from the major cities of Australia and tourists could potentially shun the city if its reputation for "fun" – undeniably including its night life – is diminished.

Similar measures were enforced in Sydney two years ago and it is incontrovertible the lock out has made Kings Cross and the city centre much safer. While the number of incidents of non-domestic assault in the lock out areas is still staggeringly high, this figure has dropped down to 1655 incidents from 2200 in the same period two years ago.

However, businesses in the area have cited decreased foot traffic by as much as 85 per cent due to the lock out laws, forcing some to close their doors. One year after the lock out laws were introduced in Sydney, it was reported that approximately 500 people in the late night industry had lost their jobs, excluding the number of DJs, music acts and security guards¹.

A review process for the proposed laws in Queensland in determining the effectiveness of the laws must be open to a reversal of the legislation if they are found to fail the net community benefit test. Ensuring safety must be balanced against business interests, the economy and employment.

For example, Melbourne had trialled lock out laws in 2008 but the laws were reversed as they were concluded not to be effective at curbing anti-social behaviour and detrimental to the State economy. Melbourne is a complex, vibrant, 24-hour city, and the lock out laws were thought to not suit the city, the businesses and the people. Instead, the Victorian Government called for an innovative risk-based licensing scheme, a review of the late night public transport services and increased police presence.

Supplementary measures

CCIQ notes that lock out laws alone are not the solution to putting an end to alcohol-fuelled violence. There is widespread consensus that this type of violence is considered to be a cultural issue that is connected to the relationship Australians generally have with drinking.

As such, it is critical that preventative measures are also introduced. Education particularly aimed at high school students who will soon reach legal drinking age will make a considerable difference in reducing this type of violence. Furthermore, statistics show the largest volume of alcohol is bought for off-premise consumption (i.e. pre-loading) and this is when education is fundamental to changing the excessive drinking culture. It is understood that the State Government is already planning these measures to which CCIQ identifies as a key priority.

Discussions around mandatory I.D scanning should be progressed as it has been found that this has had a positive effect in deterring violence in venues. Technology enables fast scanning and enables businesses to log information (i.e. violent behaviour) into an individual's digital record. This allows the business (and other businesses if information is shared) to deny repeatedly violent individuals from entering venues. This can be further aided by high-resolution CCTV systems. CCIQ is hopeful that the State Government can commit to this initiative by mid-2016.

However, CCIQ cautions imposing mandatory I.D scanning for low-risk venues (e.g. restaurants, small boutique bars, event spaces, regional/suburban venues etc.) across the board. Again, this is a matter of not increasing unnecessary red tape for businesses that are unlikely to contribute to alcohol-fuelled violence.

Other supplementary measures could include effective policing and security arrangements, lighting, CCTV, better street activation and improved transportation facilities.

¹ Figure as at December 2014, Kings Cross Licensing Liquor Association

Red tape reduction

It is imperative to note that there is already an enormous amount of rules and regulations imposed on the industry and new measures should not increase the red tape for businesses. CCIQ notes that previous parliamentary inquiries have resulted in effective red tape reduction measures that did not diminish the objective of providing a safer environment for the late night leisure community. These measures included:

- Persons trained in Responsible Management of Licensed Venues are now recognised as being RSA trained.
- Removing State approvals of trainers of responsible service of alcohol and responsible service of gambling courses.
- Restaurants, cafes and small community clubs no longer require an approved manager if not trading beyond 12 midnight.
- Removing the requirement for an 'approved managers' register under the Liquor Act. However, the requirement for licensees to have an approved manager and to keep approved manager's certificates available at the premises remains.
- Applicants for restaurant and café licences are exempt from completing a risk assessed management plan (RAMP) if they do not trade after 12 midnight. The Commissioner can also make exempt certain applicants for restaurant and cafe licences from completing a community impact statement (CIS).
- Remove police or probity checks for applicants for low risk restaurants and cafes.
- Exempting low risk community organisations from requiring a permit to conduct not-for-profit events.
- Removing the requirement that licensed vessels (for vessel operators) to have an approved manager on-board.

CCIQ strongly supports these measures and it is understood that the Bill does not reintroduce them.

CCIQ position summary

In summary, CCIQ believes opportunity should be afforded to 'test' the Bill's provisions which aim to address the growing number of alcohol-fuelled violence incidents. CCIQ is open to the proposed measures as they have the potential to significantly reduce anti-social behaviour and the number of serious incidents. Again, CCIQ is hopeful that the measures will ultimately add to the perception of and actual safety of the community in these precincts, thereby increasing economic activity in the medium term.

It is reiterated that alongside the proposed lock out laws, CCIQ recommends:

- A formal process for review of the new legislation, based on the effectiveness of the laws in reducing violence and the impacts on the economy as a result;
- Supplementary measures to address the issue further to lock out laws, including mandatory I.D scanners and high-school education; and
- Retaining red tape reduction measures achieved through previous Parliamentary inquiries that have had positive economic impacts on businesses in this sector.

CCIQ thanks the Committee for their consideration of our feedback on the *Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015* and welcomes any further discussions on the matter. Please do not hesitate to contact me on (07) 3842 2279 or at nbehrens@cciq.com.au.

Yours sincerely



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