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Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015

Submission No. 178

QUEENSLAND COALITION FOR ACTION ON ALCOHOL

**ACTION**  
**ON**  
**ALCOHOL**

WORKING TOGETHER TO REDUCE ALCOHOL RELATED HARM



# QCAA submission to the consultation on the Tackling Alcohol-fuelled Violence Legislation Amendment Bill

December 2015

## About the Queensland Coalition for Action on Alcohol

The Queensland Coalition for Action on Alcohol (QCAA) is a coalition of like-minded health and community organisations in Queensland committed to reducing alcohol-related harm.

QCAA's aim is to identify and prioritise what needs to be done to achieve change that will reduce alcohol harms and improve the health and wellbeing of Queenslanders.

The QCAA comprises of a number of organisations within Queensland who have an interest in alcohol harm reduction and/or public health.

The founding members of QCAA are Healthy Options Australia, the Australian Medical Association Queensland (AMAQ), Queensland Alcohol and Drug Research and Education Centre (QADREC), the Foundation for Alcohol Research and Education (FARE) and Lives Lived Well.

QCAA has 12 member organisations:

- Australian Medical Association Queensland
- Collaboration for Alcohol Related Developmental Disorders
- Drug and Alcohol Nurses Australasia
- Drug ARM Australasia
- Foundation for Alcohol Research and Education (FARE)
- Healthy Options Australia
- Lives Lived Well
- Royal Australian College of Surgeons (Queensland)
- Safe Streets Association Inc
- Queensland Alcohol and Drug Research and Education Centre
- Queensland Homicide Victims Support Group
- Queensland Network of Alcohol and other Drug Agencies.

This broad-based Queensland alliance has come together to pool collective expertise and knowledge around what strategies are needed to reduce the harms associated with drinking in Queensland.

To find out more about QCAA, visit <http://www.qcaa.org.au/>

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## Introduction

The evidence is clear about strategies needed to reduce alcohol-related harm. Reducing availability of alcohol is one of the most effective and cost efficient measures open to governments. The commitment from the Queensland Government to introduce these measures will see Queensland adopt world best practice in alcohol policy.

The Queensland Coalition for Action on Alcohol (QCAA) welcomes the opportunity to provide a submission to the consultation on the *Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015* (the Amendment Bill). This legislation marks an important step for the Queensland Government in addressing alcohol-related harm in Queensland.

These measures are important. The harms from alcohol are significant and broad ranging, affecting not just patron safety at pubs clubs and bars, but also general community health and wellbeing. Alcohol is responsible for more than 200 preventable health conditions associated with injury, accidents, mental health and disease that can cause death and reduced quality of life, and it is one of the key risk factors for chronic disease.

The harms from alcohol cause a significant cost to the community, both in terms of the health impact on the individual and harm to others. The impact on service personnel who respond to these harms should not be forgotten as they cope with needless death and harm, the impact on families and the high risk of abuse and violence from intoxicated clients. These measures should be introduced as a matter of priority to minimise the risk of further harm from occurring.

This submission provides evidence to support the changes proposed under the Amendment Bill. It acknowledges that the harms from alcohol are not just restricted to those associated with entertainment venues and therefore addresses in detail the measure to introduce a 10pm close for packaged liquor outlets with the exemption given to off licences that currently trade past 10pm. The submission focuses on the key measures included in the legislation and highlights actions that should be included.

## List of recommendations

1. That the Legal Affairs and Community Safety Committee recommends that the 10pm close apply to the sale of all packaged liquor from 1 July 2016, with no exemptions.
2. That the Legal Affairs and Community Safety Committee supports the state wide introduction of the 2am last drinks policy for approved extended trading hours.
3. That the Legal Affairs and Community Safety Committee supports the requirement that venues wishing to trade beyond 2am must be located within a *3a.m. Safe Night Precinct*.
4. That the Legal Affairs and Community Safety Committee supports the process described in the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 to prescribe a *3a.m. Safe Night Precinct*.
5. That the Legal Affairs and Community Safety Committee supports the introduction of a one-way door for all venues in a *3a.m. Safe Night Precinct*.
6. That the Legal Affairs and Community Safety Committee supports the ban on the sale and supply of rapid intoxication drinks and behaviours after midnight.
7. That the Legal Affairs and Community Safety Committee recommends that the Liquor Regulation provides clear guidance on the types of drinks and behaviours that are banned including:
  - any drink that is designed to be consumed rapidly such as those known as shots, shooters or bombs
  - any drink containing more than 50 per cent spirits or liqueur
  - any ready-to-drink beverage containing more than five per cent alcohol
  - any drink that contains more than 30 mls of spirits or liqueur
  - no stockpiling of drinks after midnight with no more than two drinks per patron.
8. That the Legal Affairs and Community Safety Committee recommends that exemptions to the measures outlined in the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 be removed. Failing that, QCAA recommends a reduction in the number of exemptions.
9. That the Legal Affairs and Community Safety Committee recommends the inclusion of a moratorium on late night trading hours in the legislation to reduce alcohol-related harm, to allow for the development of a framework to support decision making for new applications for a liquor licence and applications to extend trading hours. There is a need for the existing density of outlets to be a consideration when considering applications for new licenses.

# The harms from alcohol

## Alcohol-fuelled violence in Queensland's pubs clubs and bars

Alcohol-related violence in Queensland is significant. While there is little publicly available data on the incidence of alcohol-related assaults in Queensland reported by police,<sup>i</sup> it is estimated that alcohol is involved in 23 to 73<sup>ii</sup> per cent of all assaults.<sup>1</sup>

At a national level, the 2013 National Drug Strategy Household Survey reveals that 26 per cent of Australians have been a victim of an alcohol-related incident, with most of these involving verbal abuse (22 per cent) and 8.7 per cent relating to physical abuse.<sup>2</sup> However the data varies between population groups, with young people aged 18-24 more likely to experience verbal abuse (35 per cent), physical abuse (15.2 per cent) or be put in fear by someone under the influence of alcohol (18.6 per cent) than other age groups.

The extent to which Queenslanders are affected is revealed in a survey by the Foundation for Alcohol Research and Education (FARE). The survey found that 30 per cent of Queenslanders have been affected by alcohol-related violence, with one in six (16 per cent) a victim and one in five (21 per cent) having a family member or friend affected by alcohol-related violence.<sup>3</sup> In addition, 52 per cent of Queenslanders reported that they considered the city or centre of town unsafe on a Saturday night, with 92 per cent of these people indicating that this was because of people affected by alcohol.

Alcohol-related violence clearly has a big impact on the Queensland community.

## Late night trading hours are hours when patrons are most at risk

Research has shown that an increase in trading hours is associated with an increase in harms<sup>4</sup> and that alcohol-related assaults increase significantly after midnight.<sup>5,6</sup> Extended trading hours increase the availability of alcohol which is associated with an increase in assault,<sup>7,8</sup> domestic violence,<sup>9</sup> road crashes,<sup>10</sup> child maltreatment<sup>11</sup> and harmful consumption.<sup>12,13</sup>

Australian and international research demonstrates that for every additional hour of trading, there is a 16-20 per cent increase in assaults and conversely, for every hour of reduced trading there is a 20 per cent reduction in assaults.<sup>14,15</sup>

Research by the New South Wales (NSW) Bureau of Crime Statistic and Research (BOCSAR) looked at the relationship between alcohol and crime using NSW Police records. The study found that the proportion

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<sup>i</sup> The final report of the 2010 Law, justice and safety committee's *Inquiry into alcohol-related violence* recommended that the Government develop 'a comprehensive and consistent scheme involving all relevant departments for the collection and evaluation of data regarding alcohol-related violence' in light of the lack of data on the incidence of alcohol related violence and the need for a more efficient and uniform approach to collecting data. The situation does not appear to have improved since this time [Law, justice and safety committee (2010). *Inquiry into alcohol-related violence: Final report*. Queensland Parliament. March 2010]

<sup>ii</sup> Estimates vary because of differences in the way in which the involvement of alcohol in crime is defined, whether the figure relates to incidents attended by police or total recorded crime, different data collection processes, problems relating to the accurate and reliable measurement of alcohol consumption and intoxication, and underreporting by victims.

of alcohol-related assaults increased substantially between 6pm to 3am, with the highest rates of alcohol-related assaults occurring between midnight and 3am.<sup>16</sup>

The study also found that NSW Police reported alcohol-related assaults most frequently on Saturday night between midnight and 3am, where alcohol-related assaults accounted for 55.3 per cent of all assaults. The second most frequent time police reported alcohol-related assaults was on a Friday night between midnight and 3am, where 52.6 per cent of all assaults were alcohol-related.<sup>17</sup>

## Harms from alcohol are broader than just alcohol-related assaults associated with pubs clubs and bars

Alcohol and tobacco are the two drugs responsible for the most harm to individuals and families in Queensland. While alcohol is considered to be a social beverage enjoyed at a range of occasions, it is also a depressant and a toxic substance with intrinsic dangers such as intoxication and dependence.<sup>18</sup>

Alcohol is one of the key risk factors for chronic disease which affect one in two Australians.<sup>19</sup> When consumed during pregnancy, it poses a risk to the fetus of Fetal Alcohol Spectrum Disorders (FASD) which are lifelong and have an impact on the physical, behavioural and neurological development of the child and their ability to live independently later in life.

While data suggests that alcohol consumption has plateaued in some parts of Australia, the harms from alcohol continue to rise. In Queensland, there were 11,241 alcohol-related emergency department presentations in 2014-15, an increase of 24 per cent since 2009-10. These harms are widespread throughout Queensland, with alcohol-related harms increasing in 18 out of the 25 hospitals from which longitudinal data was available.<sup>20</sup>

These figures are considered to be an underestimation of the true extent of alcohol-related hospital data because of the way the data is recorded. For example, hospitalisation data provides only the primary reason for admission and therefore a person who fractures their leg following a fall because they were intoxicated would have the primary reason for admission recorded as a fractured leg, rather than alcohol intoxication. The records also do not record any involvement of alcohol where an injury is caused by a third party who was affected by alcohol.

Further, it is acknowledged that emergency department presentations and hospitalisations represent just the tip of the iceberg in terms of alcohol-related violence. Just 15.5 per cent of injuries sustained as a result of alcohol-related assault require medical attention or hospitalisation. This means that five out of every six incidents are not recorded in hospital and emergency department data.<sup>21</sup>

Alcohol is a significant contributor to family violence in Australia. Data for Queensland is not publically available but in the states and territories that do collect this data (New South Wales, Victoria, Western Australia and the Northern Territory), there were 29,684 incidents of alcohol-related family violence in just one year. This equates to between 23 and 65 per cent of all family violence incidents reported to police involving alcohol.<sup>22,23</sup> Between 2002-03 and 2011-12, 36 per cent of perpetrators of intimate partner homicides had used alcohol.<sup>24</sup>

These figures are clearly an underestimation of the true extent of family violence in Australia which is compounded by the fact that most family violence is under-reported.

The figures above can be used to provide a picture of the extent to which alcohol-related violence affects Queenslanders. According to the report into family violence in Queensland led by The Hon Dame Quentin Bryce AD, CVO, titled *Not Now Not Ever*, there were a total of 66,016 family violence incidents reported

to Queensland police in 2013-14.<sup>25</sup> This equates to more than 180 incidents of family violence being reported every day across the state with the annual cost of to the Queensland economy estimated to be between \$2.7 billion to \$3.2 billion.<sup>26</sup> If alcohol-related violence in Queensland was involved in the same percentage of family violence as found in New South Wales (35 per cent), there would have been 23,105 cases of family violence in Queensland alone in 2013-14 (63 cases every day), at a cost of between \$945 million to \$1.12 billion. Even if the proportion of family violence incidents reported to police were as low as that seen in Victoria (23 per cent), there would have been 15,184 cases of family violence in 2013-14 at a cost of \$621 million to \$731 million. Noting that these figures only represent cases that are reported to police, the levels of family violence in Queensland are unacceptable.

The World Health Organization (WHO) has identified the ways in which alcohol is implicated in intimate partner violence.<sup>27</sup> These include alcohol's contribution to the incidence and the severity of intimate partner violence and relationship stress, which increases the risk of conflict. It also highlights the intergenerational effects where children who witness intimate partner violence are more likely to develop heavy drinking patterns and alcohol dependence later in life, as a way of coping or self-medicating.

Children experience a range of harms as a result of the drinking by others with more than a million children (22 per cent of all Australian children) affected in some way and 142,582 of these (three per cent of all Australian children) substantially affected. The most common harms are witnessing verbal or physical conflict or witnessing drinking, family violence or inappropriate behaviour. Children may also be the recipient of verbal abuse, left in an unsupervised or unsafe situation and/or physically hurt because of others' drinking.

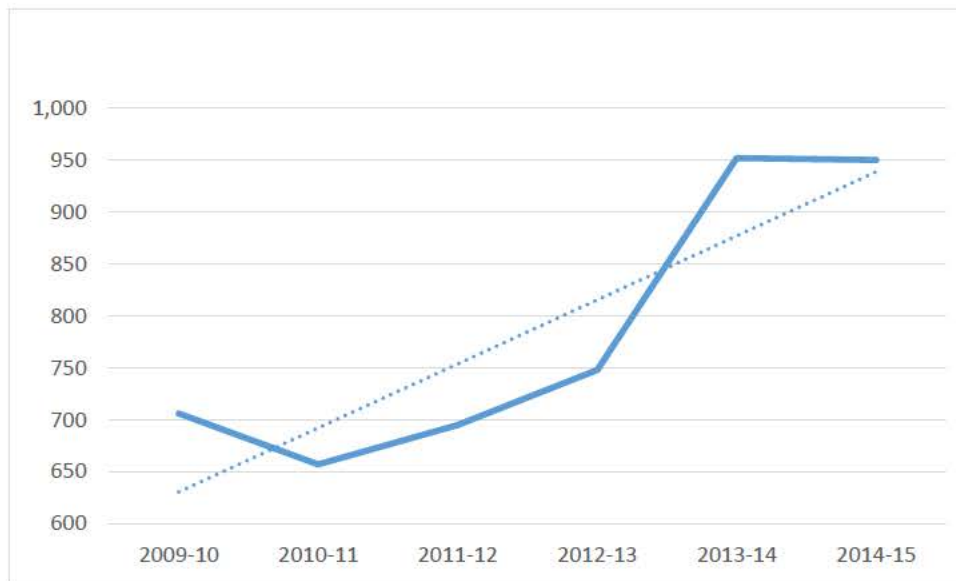
Parental or carer drinking plays a large role in child protection cases, with available data indicating that alcohol abuse is associated with between 15 and 47 per cent of child abuse cases each year across Australia.<sup>28</sup> More than 10,166 (0.2 per cent of all Australian children) are in the child protection system where a carers' problematic drinking has been identified as a factor.

## Alcohol-related harm occurs throughout Queensland, not just in Brisbane and the Gold Coast

Alcohol-related harm occurs throughout the state and not just in Brisbane and the Gold Coast regions. In Cairns for example, it is estimated that alcohol is involved in most injuries caused by violence, based on data from the emergency department at Cairns Base Hospital. While Cairns is a well-known tourist destination, it is important to note that approximately three quarters of the patients at the Cairns Base Hospital were Cairns residents, and most of the violence addressed by police that leads to presentations at the emergency department occurs in the suburbs rather than the late night entertainment precinct.<sup>29</sup> Figure 1 provides a picture of the increasing trend in the number of alcohol-related presentations at Cairns Base Hospital.



**Figure 1. Alcohol-related emergency department presentations at Cairns hospital 2009-10 to 2014-15 (based on data provided by Queensland Health).**



Consumption data from the 2013 National Drug Strategy Household Survey backs up the need for a consistent approach to address alcohol-related harm. The survey showed that in Australia, people in rural and very remote areas were more likely to drink alcohol in quantities that place them at risk of harm from an alcohol-related disease or injury over a lifetime or place them at risk of alcohol-related injury arising from a single drinking occasion. Alcohol consumption was consistently higher in 'Remote and very remote' areas and the proportion of those drinking at risky levels increased with increasing remoteness.<sup>30</sup>

## The cost of alcohol-related harm and impact on services

Just as the extent of alcohol-fuelled violence is significant and wide-ranging, so are the costs of alcohol-related harm. Alcohol accounts for 3.2 per cent of the total burden of disease and injury each year in Australia<sup>31</sup> and in average costs the Australian community \$36 billion each year.<sup>32</sup> These costs include crime, injury, lifelong disability, family and domestic violence, child abuse, property damage, foregone taxes, productivity reductions and intangible costs to individuals, families and companies.

Alcohol-related harm places an enormous strain on the health system, tying up valuable resources on what is essentially a preventable problem. The impact on emergency department and ambulance personnel is particularly concerning as intoxicated patients can become violent and aggressive. In the emergency department, this has an impact on the care of other patients and can make them feel unsafe. Workforce morale is reduced as medical staff must prioritise these abusive and violent patients over patients who are suffering and seeking treatment from conditions that are not alcohol-related.

Alcohol is the principal drug of concern at alcohol and other drugs (AOD) treatment services. In 2013-14, 37 per cent of episodes of care at Queensland AOD treatment centres were for treatment where alcohol was the principal drug of concern.<sup>33</sup>

Assaults and other alcohol-related activities are also demanding on police time. In many circumstances, police are the first-line responders when an incident occurs.<sup>34</sup> A 2008 survey of Western Australia Police revealed that police spent an average of 49 per cent of their time responding to alcohol-related

incidents.<sup>35</sup> In New South Wales, the Police Commissioner Andrew Scipione APM estimated that dealing with alcohol and its effects take up about 70 per cent of frontline police officers' time.<sup>36</sup>

## Changes are supported by Queenslanders

Queenslanders support the measures provided for in the Amendment Bill. Polling conducted earlier this year by the Foundation for Alcohol Research and Education found that:

- 77 per cent of Queenslanders think that more needs to be done to reduce alcohol-related harms
- 78 per cent of Queenslanders support a closing time of no later than 3am for pubs, clubs and bars
- 63 per cent of Queenslanders support a 1am lockout or one-way door for pubs clubs and bars
- 35 per cent of Queenslanders experienced alcohol-related violence
- 65 per cent of Queenslanders consider the city or centre of town unsafe
- 51 per cent of Queenslanders support stopping the sale of shots after 10pm.<sup>37</sup>

## Measures outlined in Amendment Bill

This submission will comment on the key measures outlined in the Amendment Bill. QCAA supports these measures albeit with some qualifications, modifications and additions. In particular, QCAA argues that a 10pm close applies to all packaged liquor licences rather than providing an exemption to packaged liquor licences that currently trade after 10pm.

### 10pm close for packaged liquor outlets

Packaged liquor outlets are licensed to sell alcohol to take away for consumption off the premises. They are more commonly referred to as bottle shops and off licences. The Amendment Bill introduces changes that will mean that packaged liquor outlets will no longer be able to apply to extend their trading hours after 10pm. Currently, standard trading hours for packaged liquor outlets across Queensland are between 10am and 10pm and licensees can apply to increase their trading to open earlier, between 9am and 10am and later, between 10pm and 12am (midnight).

In most cases, the provisions in the Amendment Bill commence from 1 July 2016, although the change to packaged liquor outlets applies from 10 November 2015. If an application is made after 10 November, it will not be considered valid, and where applications were made prior to 10 November but a decision was not made, these applications will be considered as lapsed. Where a decision is made on a proceeding by a court or tribunal after 10 November 2015 and before 1 July 2016 that provides approval for extended trading hours, the decision does not authorise the sale of takeaway liquor between 10pm and 12am (midnight).

Unfortunately, it appears that licensees with existing approvals to sell takeaway alcohol after 10pm will be allowed to continue to trade after 10pm under the Amendment Bill. Neither the Amendment Bill nor Explanatory Notes refer to the need for these venues to reduce their trading hours to 10pm on 1 July 2016.

This is a significant concern since 43 per cent of packaged liquor outlets currently trade after 10pm in Queensland<sup>38</sup> and a high proportion of alcohol is sold at packaged liquor outlets. Nearly 80 per cent of alcohol consumed in Australia is sold at packaged liquor outlets, and this proportion has been steadily increasing.<sup>39</sup>

This exemption is surprising in light of evidence that increased availability of alcohol contributes to increases in alcohol-related violence, including family violence. Over a third (34 per cent) of respondents to the 2007 National Drug Strategy Household Survey who reported being physically abused by someone under the influence of AOD, were abused in their own home.<sup>40</sup> The association between packaged liquor outlets and family violence<sup>41</sup> makes the decision to exempt nearly half of the state's venues from the 10pm close is even more surprising in light of the government's commitment to reduce family violence in Queensland.

Reducing the trading hours of off-licence premises will contribute to an overall reduction in alcohol harm, as demonstrated by research in Switzerland and Germany. A reduction in off-licence trading hours in Geneva, Switzerland, combined with a reduction in availability by banning sales from gas stations and video stores, had a significant effect on hospital admission rates among adolescents and young adults. Depending on the age group, a reduction in availability resulted in a decrease in alcohol-related hospital admissions of 25-40 per cent.<sup>42</sup> In Germany, a reduction in trading hours of off-licence premises in Baden-Wurttemberg resulted in a nine per cent fall in alcohol-related hospitalisations among adolescents and young adults.<sup>43</sup>

The proliferation of alcohol outlets in areas of social and economic disadvantage further exacerbates the potential for harm. People living in disadvantaged areas have access to twice as many bottle shops as those in the wealthiest areas. For rural and regional Victoria, there were six times as many packaged liquor outlets and four times as many pubs and clubs per person in disadvantaged areas.<sup>44</sup>

These studies should not be ignored.

QCAA supports the introduction of a 10pm close for packaged liquor licences but argues that the government needs to remove the exemption to this 10pm close for those takeaway venues that already trade past 10pm. This should apply from 1 July 2016 in the same way that pubs clubs and bars which currently trade past 2am will no longer be able to trade past this time and their licences will automatically revert to 2am last drinks. It is important that this restriction applies to all sales by licences that are able to sell packaged liquor for consumption off the premises, including sales over the bar.

A 10pm close for all packaged liquor licences was introduced in New South Wales as part of the suite of measures introduced in February 2014. This restriction applies to all takeaway sales in New South Wales, including those in clubs, hotels and over the bar. An evaluation of this measure will be conducted early next year, two years after the special measures were introduced.<sup>45</sup>

Alcohol harm arising from packaged liquor outlets will continue while the exemption for outlets currently trading after 10pm is in place.

### Recommendation

1. That the Legal Affairs and Community Safety Committee recommends that the 10pm close apply to the sale of all packaged liquor from 1 July 2016, with no exemptions.

## 2am last drinks for venues with approval for extended trading hours

The Amendment Bill introduces a 2am last drinks policy throughout the state where venues with an approval to extend their trading hours can sell alcohol up to 2am and patrons have up to half an hour grace period to finish their drinks. This measure will be introduced from 1 July 2016 and all venues trading later than 2am will automatically have their licence approval adjusted to reflect last drinks at 2am.

There is strong international and local evidence that demonstrates that reduced trading hours will result in reduced assaults and emergency department presentations. According to The National Drug Law Enforcement Research Fund (NDLERF), restricting trading hours is the most effective and cost-effective measure available to policymakers to reduce alcohol-related harm associated with licensed venues.<sup>46</sup> Experience in Newcastle and Sydney supports NDLERF's claim.

Restrictions in Newcastle showed that even modest reductions in the trading hours of licensed venues can substantially reduce alcohol-related harms. In 2008 the New South Wales Liquor Administration Board introduced restrictions to 14 hotels in Newcastle, including a 3am closing time and 1am lockout (which were later amended to 3.30am and 1.30am following a legal challenge by the licensed premises). Other measures were also introduced, such as having a supervisor on the premise from 11pm and various restrictions on drinks sold after 10pm.

An evaluation carried out following the introduction of these restrictions found that there was a 37 per cent reduction in night time assaults between the hours of 10pm and 6am after 18 months.<sup>47</sup> Five years after the restrictions were introduced, a sustained reduction in alcohol-related assaults of 21 per cent per hour was observed.<sup>48</sup>

In Sydney, a suite of similar measures including 3am last drinks and 1.30am lockouts resulted in a reduction in non-domestic assaults of 32 per cent in Kings Cross and 26 per cent in the Sydney Central Business District (CBD), with a reduction in non-domestic assaults as high as 40 per cent in one area of the Sydney CBD.<sup>49</sup> No evidence of displacement of these types of assaults to adjacent areas was found.

The effectiveness of reducing alcohol availability has also been shown in Aboriginal and Torres Strait Islander communities who suffer a disproportionate level of harm from alcohol. In Western Australia, alcohol restrictions were introduced to Norseman in March 2008 and continue today. Trading hour restrictions were introduced together with restrictions on the amount of alcohol that could be purchased. An evaluation of the restrictions found a 17.5 per cent reduction in assaults, a 15.3 per cent decrease in domestic violence incidents and a 60.5 per cent decrease in the number of alcohol-related hospital admissions in the 12 months after the restrictions.<sup>50</sup>

To ensure the benefit of introducing 2am last drinks, it is important that standard trading hours remain from 10am to 12am (midnight). Venues wishing to trade beyond these times should continue to be required to apply for approval to extend trading hours and that these be considered in the context of the environment in which the venues are located.

QCAA supports the state wide introduction of last drinks at 2am for venues with approved extended trading hours.

### Recommendation

2. That the Legal Affairs and Community Safety Committee supports the state wide introduction of the 2am last drinks policy for approved extended trading hours.

## 3am last drinks with one-way door in 3a.m. Safe Night Precincts

The Amendment Bill proposes that venues that are trading in a prescribed *3a.m. Safe Night Precinct* can apply to extend last drinks until 3am, on the condition that a 1am one-way door or lockout is introduced in conjunction with the later trading. The half hour grace period for patrons to finish off their drinks also applies for this later trading time.

Queensland currently has 15 *Safe Night Precincts* established around Queensland. To become a *3a.m. Safe Night Precinct*, these precincts must apply to the Commissioner and meet certain conditions. It is not an automatic process to change from a standard *Safe Night Precinct* to a *3a.m. Safe Night Precinct*.

A *Safe Night Precinct* must have a local board before it can apply to be prescribed as a *3a.m. Safe Night Precinct*. Before being prescribed, the Minister must consult with the local board for that precinct and ensure that prescribing the precinct would not have an undue adverse effect on the health or safety of members of the public, or the amenity of the community.

If a venue currently trades beyond 3am and it is in a declared *3a.m. Safe Night Precinct*, their licence will automatically be authorised to trade until 3am, on condition that a 1am one-way door policy also applies. If a venue in a *3a.m. Safe Night Precinct* doesn't trade until 3am but wishes to extend their trading hours to 3am, the licensee will need to apply for extended trading hours approval in the normal manner.

QCAA supports the proposed process to become a prescribed *3a.m. Safe Night Precinct* in light of the higher risk of harms associated with higher patron numbers and increased density of outlets in entertainment precincts.

### Recommendations

3. That the Legal Affairs and Community Safety Committee supports the requirement that venues wishing to trade beyond 2am must be located within a *3a.m. Safe Night Precinct*.
4. That the Legal Affairs and Community Safety Committee supports the process described in the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 to prescribe a *3a.m. Safe Night Precinct*.

## One-way door

The Amendment Bill also proposes that venues in a *3a.m. Safe Night Precinct* must introduce a one-way door from 1am for all venues, regardless of whether the venue trades past 2am.

Lockouts or one-way door policies prevent patrons from entering a licensed premise from the time the one-way door applies, until last drinks (or in some circumstances, to a specified time). This means that no person is allowed to enter or re-enter the venue when the one-way door period applies. The venue remains open after the start of the one-way door period and patrons already inside the venue can remain inside and be served alcohol for as long as they like, up to the specified time for last drinks.

One-way doors already operate in Queensland. In some cases, one-way doors have been introduced voluntarily<sup>51</sup> while in others, venues are required to operate a one-way door under the Liquor Act 1992 (the Act). Any venue that trades between 3am and 6am must not allow patrons to enter the premises after 3am under Sections 142AA and 142AB of the Act. This 3am lockout is imposed as a condition on the licence and applies to all premises trading beyond 3am on a state wide basis.

Under the proposed arrangements in the Amendment Bill, a one-way door will apply only to venues that operate in a *3am last drinks precinct*. All venues within the will be required to introduce a one-way door from 1am, regardless of whether they trade until 3am.

Evidence on the effectiveness of a one-way door policy is mixed. This is largely because they have been introduced in conjunction with a 3am close and other measures. In many cases, exemptions to the one-way door were available which limited the effectiveness of the intervention.

Feedback provided at a stakeholder forum hosted by the Department of Justice and Attorney General in August 2015 suggested that one-way doors have the potential to decrease alcohol-fuelled violence and increase patron safety by preventing venue hopping during late night hours and spreading out the departure of patrons. Queensland police described these as very effective and were supportive of their introduction.

QCAA supports the introduction of a 1am one-way door for all venues in a *3a.m. Safe Night Precinct*.

#### Recommendation

5. That the Legal Affairs and Community Safety Committee supports the introduction of a one-way door for all venues in a *3a.m. Safe Night Precinct*.

## Ban on the sale or supply of rapid intoxication drinks from 12am

The Amendment Bill introduces a ban on high risk drinks and behaviours past 12am. The specific types and amounts of drinks will be prescribed by the Liquor Regulation following further consultation with stakeholders. The Amendment Bill provides some insight into the types of products that will be banned, describing these types of drinks as alcoholic drinks that facilitate or encourage rapid consumption of alcohol or contain a high percentage of alcohol.

It is important that these types of drinks and behaviours are defined and include measures similar to those in New South Wales such as banning the sale of shots which are designed to be consumed rapidly, mixed drinks with more than one standard drink, drinks with more than 50 per cent liqueur, ready-to-drink beverages with more than five per cent alcohol, and the sale of more than four drinks to one patron at any one time.<sup>52,53</sup>

QCAA supports the ban on rapid intoxication drinks and behaviours under the Amendment Bill.

#### Recommendations

6. That the Legal Affairs and Community Safety Committee supports the ban on the sale and supply of rapid intoxication drinks and behaviours after midnight.
7. That the Legal Affairs and Community Safety Committee recommends that the Liquor Regulation provides clear guidance on the types of drinks and behaviours that are banned including:
  - any drink that is designed to be consumed rapidly such as those known as shots, shooters or bombs
  - any drink containing more than 50 per cent spirits or liqueur
  - any ready-to-drink beverage containing more than five per cent alcohol
  - any drink that contains more than 30 mls of spirits or liqueur
  - no stockpiling of drinks after midnight with no more than two drinks per patron.

## Exemptions

Casinos, airports and industrial canteens are exempt from many of the measures under the Amendment Bill, such as 2am last drinks, a one-way door and the ban on the sale or supply of rapid intoxication drinks from midnight. In addition, licensed venues continue to be able to apply for up to 12 exemptions per year.

It is disappointing that the government did not take the opportunity to review these latter exemptions in the development of the Amendment Bill. There should be no exemptions to late night trading measures. Casinos in particular should not be exempt in light of the risk associated with late trading and high patron numbers in a potentially volatile environment.

Should the government decide to continue with providing exemptions, for example being able to apply for up to 12 exemptions per year, the maximum number of occasions that venues can apply for these should be reduced. In considering exemptions, a clear and stringent process for decision making should be available that looks at the reason for the exemption, patron capacity, the risk of harm associated with the event, the level of crime in the local area, other activities that are occurring in nearby licensed and other venues, and the level of security offered by the venue. Responsible service of alcohol provisions should be strictly enforced and conditions applied to the approval if deemed necessary.

QCAA does not support exemptions to the Liquor Act 1992. Exemptions will weaken the effectiveness of the measures and should be avoided. This is particularly so in relation to the 10pm close for packaged liquor outlets discussed above.

### Recommendation

- 8. That the Legal Affairs and Community Safety Committee recommends that exemptions to the measures outlined in the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 be removed. Failing that, QCAA recommends a reduction in the number of exemptions.**

## Other measures that should be included

What is missing in the current approach to managing liquor licence applications is a framework against which decisions are made when assessing applications for new liquor licenses or to extend trading hours. Such a framework would support authorities in managing the density of liquor outlets and prioritising the health and safety of the community. For example, no consideration or guidance is given on the number or density of liquor licences or the level of alcohol-related crime and domestic violence when making these decisions.

This is important in light of the strong evidence of a link between outlet density and alcohol-related assaults and hospitalisations, adolescent drinking, domestic violence, drink driving, homicide, suicide, and child maltreatment.<sup>54,55,56,57,58,59</sup>

A longitudinal study from 1996 to 2005, using data from 186 postcodes in Melbourne, found a positive association between the density of general (hotel), on-trade and off-trade licences and rates of assault across all locations studied. The density of off-trade licences was more strongly associated with rates of assault in suburban areas, while the density of general (hotel) and on-trade licences was more strongly associated with rates of assault in inner city suburbs of Melbourne.<sup>60</sup>

Further research in Melbourne found that there is a strong association between family violence and the concentration of packaged (off-licence or takeaway) liquor outlets in an area. The study concluded that a ten per cent increase in packaged liquor outlets is associated with a 3.3 per cent increase in family

violence. Increases in family violence were also apparent with the increase in general (pub) licences and on-premise licences.<sup>61</sup> In Western Australia, a study concluded that for every 10,000 additional litres of pure alcohol sold at an off-licence liquor outlet, the risk of violence experienced in a residential setting increased by 26 per cent.<sup>62</sup>

A small number of studies have also found a link between alcohol outlet density and the increased incidence of child maltreatment. In the United States of America it is estimated that one less outlet per 1,000 people reduces the likelihood of severe violence towards children by four per cent.<sup>63</sup>

A decision making framework is needed to control the number of licensed premises and ameliorate the potentially negative cumulative impact on public health. This is important in areas of high outlet density, violence and crime. Cumulative impact policies take into consideration the impact that additional liquor licences will have on a community, particularly in areas where there are a large number of liquor licenses.

Internationally, regulatory bodies have addressed the density of liquor outlets by introducing policies such as saturation zones where limitations are imposed on the introduction of new licences in areas that already have a high density of existing licences. Saturation zones in the United Kingdom have been determined based on outlet density, crime data and domestic violence statistics.<sup>64,65</sup>

Cluster control strategies are another approach to managing liquor licences. These strategies vary but essentially manage the proximity of licensed venues. For example, in New York, the *Alcohol Beverage Control Act* prohibits new on-premise licenses being issued within a 500 foot radius of three or more existing licenses<sup>66</sup> whereas in Paris, the *Code de La Sante Publique* (public health legislation), defines protected areas within which new liquor licenses are prohibited if they are within 75 metres of a licensed premise of the same category.<sup>67</sup>

Planning authorities, liquor regulators and local governments need to be supported with policies that allow them to prioritise the health and safety of the community ahead of business interests.

QCAA believes the government should introduce a moratorium on late night trading hours while it considers other measures to manage risk associated with the number and density of licences. The moratorium will minimise further harm from occurring while the framework is being developed.

#### Recommendation

9. That the Legal Affairs and Community Safety Committee recommends the inclusion of a moratorium on late night trading hours in the legislation to reduce alcohol-related harm, to allow for the development of a framework to support decision making for new applications for a liquor licence and applications to extend trading hours. There is a need for the existing density of outlets to be a consideration when considering applications for new licenses.



## Closing comments

The measures outlined in the legislation will be effective in reducing alcohol-related violence. There will also be a reduction in the cost to government of providing police, emergency and health services to affected communities. This is evidenced by the success observed in New South Wales. The measures being proposed are low cost and are an essential part of a broad strategy to reduce alcohol harm.

The government needs to introduce these measures in full to prevent further harm from occurring. Exemptions should be removed, particularly the exemption to the 10pm close for packaged liquor outlets that already trade beyond 10pm. Closing this exemption will be critical in supporting the Queensland Government's agenda to reduce violence generally and violence against women specifically. A moratorium on late night trading hour applications should be introduced to minimise the harm for alcohol while a framework for decision making is introduced.

Thank you again for the opportunity to make a submission to the Inquiry into the *Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015*. QCAA would welcome the opportunity to address this submission before the Legal Affairs and Community Safety Committee.

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