



**LEGISLATIVE ASSEMBLY OF QUEENSLAND**

**LAW, JUSTICE AND SAFETY COMMITTEE**

***Inquiry into Alcohol-Related Violence  
- Final Report***

**March 2010**

Report No. 74

## LAW, JUSTICE AND SAFETY COMMITTEE

### 53<sup>RD</sup> PARLIAMENT

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## **CHAIR'S FOREWORD**

Alcohol-related violence is a broad and complex issue that countries around the world are having to tackle. It can take on so many forms including domestic violence, sexual assault and violence in our Indigenous communities. This report does not go into the particular complexities of those important issues but focuses on alcohol related violence around licensed premises, as was the context of the referral given to the Committee given by the Parliament.

What has happened to Australia's drinking culture? Australians were once known for our knock 'em down attitude, and seen as a nation of drinkers who could hold their own when it came to alcohol. Mates would look after mates and take them home when getting to a point of inappropriate social behaviour. Today the research indicates binge drinking has become a prominent part of our drinking culture and with that has come some changes to our drinking behaviour.

Throughout the inquiry we observed a growing culture of drinking to harmful levels, without any pride or self-respect. Vomiting, falling over, and creating a nuisance in public are not seen as shameful but to some are badges of honour. A lack of self-respect and respect for others seems entrenched. If we want to change this culture it is now up to all of us to start the discussion and have the alcohol debate just as we started the tobacco debate more than twenty years ago.

Alcohol has always been accepted as part of the traditions of celebrations and part of our socialising as the majority of Australians drink in moderation. It is also a provider of employment and trade. It was important that the Committee consider all of these factors in the inquiry.

Currently, alcohol related violence is a hotly debated topic and seen as on the rise. It is not new. Some argue that there is not enough research to support the view that there has been a large increase in alcohol related violence but what no one disputes is that the severity of the violence has dramatically increased.

We all must take responsibility for the problem as there have been failures by all levels of Government, industry, community and the individual.

The Federal Government has recognised the need for a National Preventative Health Strategy, including preventing alcohol-related harm in Australia. The Committee endorses this strategy and encourages State and Local Governments, industry and the community to support it.

This report identifies that at a state level we can do more to provide adequate transport, better enforcement of liquor laws, and support to the community and the industry, particularly in areas concentrated with licensed venues.

At a local government level the report demonstrates the need for more public amenities including public toilets and street lighting along with a commitment to identify and manage entertainment precincts.

Entertainment precincts need to be formalised and all relevant stakeholders need to take responsibility for their management to ensure the safety of the community.

A major change that all stakeholders wanted to see was a strengthening of individual responsibility.

Committee members on precinct tours witnessed a range of violence and abuse towards police officers. We were told by front line emergency workers and health workers about the violence they endure in performing their jobs. We also heard from others in the community affected by alcohol-related violence including family members of assault victims, community workers, staff in the liquor industry and young people who frequent entertainment precincts.

This Committee agrees that the majority of law abiding citizens should not have to suffer for the actions of a few and strongly supports the need for a greater emphasis on individual responsibility. The report calls for greater enforcement and increased penalties.

The industry has endured a large number of changes over a short period of time and in many cases has lead the way with change before legislative changes have occurred. It is hoped that this inquiry will bring back balance in respect to community expectations, recognising the liquor industry is an important part of the local economy and, that, as in past decades, all young people want a place to socialise, party and enjoy.

It is with this balance in mind that the trading hours in the report have been recommended.

The Committee believes there is more to public safety than just trading hours and hopes that through implementation of the recommendations in this report there will be improved public safety and less alcohol-related violence throughout the state.

Thank you to all those who assisted the Committee in its endeavours in the course of this inquiry, including all those who made submissions, appeared at hearings or met with the Committee. Special thanks are due to those who assisted the Committee on its late night inspections of various precincts throughout the state, in particular officers of the Queensland Police Service.



A handwritten signature in black ink that reads "Barbara Stone". The signature is written in a cursive style.

Ms Barbara Stone MP  
**Chair**

## TABLE OF CONTENTS

Chair’s Foreword.....	i
Table of Contents .....	iii
Recommendations .....	vi
1. The Committee and this Inquiry.....	1
2. Consultation .....	3
2.1 Youth Parliament .....	3
2.2 The Sunshine Coast Youth Summit.....	4
2.3 Student forum – Townsville .....	4
2.4 Precinct inspections .....	4
2.5 Briefings .....	5
3. The Issues Paper.....	6
4. The Scope of the Inquiry .....	7
4.1 Alcohol and violence .....	7
4.2 Drugs.....	7
4.3 Other alcohol-related harms.....	7
5. The Committee’s Approach .....	8
5.1 Individual responsibility .....	8
5.2 Causes of violence .....	8
5.3 A new drinking culture .....	9
6. Background – Drinking in Australia .....	10
6.1 The National Alcohol Strategy 2006 – 2011 .....	10
6.2 National Preventative Health Taskforce .....	11
6.3 Recent developments in Queensland .....	14
6.4 Lack of data and evaluation .....	14
7. What Can Be Done - Best Practice Harm Minimisation Measures .....	17
7.1 Precincts and amenities.....	17
7.2 Policing .....	18
7.2.1 Community and volunteer group support .....	20
7.3 Offences and penalties.....	22
7.3.1 Assaults.....	22
7.3.2 Banning orders.....	23
7.3.3 Offences under the Liquor Act 1992 .....	23

7.4	Security .....	24
7.4.1	Security personnel .....	24
7.4.2	ID Scanners.....	24
7.4.3	Closed Circuit Television .....	27
7.5	Responsible service of alcohol practices .....	29
7.5.1	Glass .....	29
7.5.2	Water .....	32
7.5.3	RSA training .....	32
7.5.4	RSA marshalls .....	35
7.6	The licensing process.....	36
7.7	Liquor Accords .....	38
8.	Transport .....	41
8.1	NightLink Buses .....	42
8.2	NightLink Trains .....	42
8.3	NightLink Flat-fare taxis .....	42
8.4	Secure taxi ranks.....	43
8.5	Taxis .....	43
9.	Impact of Late Hours.....	46
9.1	Trading hours and the 3am lockout .....	46
9.2	Detached bottle-shops.....	50
10.	Lockout.....	52
10.1	Gaming trading hours .....	54
11.	Flow-on Issues for Emergency Service Workers, Police and Front-line Health Workers .....	55
11.1	Ambulance staff.....	55
11.2	Emergency department staff .....	58
11.3	Police .....	59
12.	Education and Cultural Change.....	61
12.1	School based education.....	61
12.2	Community education.....	63
12.2.1	What is being done now?.....	63
12.3	Other sources of community education and awareness .....	66
13.	The Role of Parents .....	68
13.1	Parental and individual accountability.....	70
13.2	Private parties .....	71
14.	Conclusion - Reducing the Costs to the Community .....	73

Appendix A – List of Submissions Received.....	75
Appendix B – List of Public Hearing Witnesses.....	79
Appendix C – Recommendations of the National Preventative Health Taskforce [from <i>Australia: the healthiest country by 2020</i> , National Preventative Health Strategy – the roadmap for action, June 2009, Department of Health and Ageing]- Recommended actions regarding alcohol .....	82
Appendix D – Statements of Reservation .....	85

## RECOMMENDATIONS

1. *That the Queensland Corrective Services facilitate research into the psychological precursors of acts of alcohol-related violence, using persons convicted of assaults using glass and similar offences as case studies. (Page 9)*
2. *That the Government consider strategies for determining the effect of violent video games on youth violence, including literature reviews, case studies and investigation. (Page 9)*
3. *The Committee supports the National Preventative Health Strategy. In order to reduce the health and other burdens caused by alcohol, the Taskforce recommends the long-term goal of reshaping Australia's drinking culture to produce healthier and safer outcomes. (Page 12)*
4. *The Committee endorses all recommended actions of the Taskforce and recommends that the Government consult with other States and the Federal Government to implement its recommended actions in Queensland. (Page 12)*
5. *That the Queensland Government ban bottle-shops from advertising discounted liquor prices in Queensland. (Page 14)*
6. *That the Queensland Government work with the Federal Government to implement further alcohol advertising restrictions. (Page 14)*
7. *That the Government develop a comprehensive and consistent scheme involving all relevant departments for the collection and evaluation of data regarding alcohol-related violence. (Page 16)*
8. *That the Local Government Act be amended so that:*
  - (1) *the effect of establishing a special entertainment precinct may include the ability for licensed premises to apply for extended trading hours.*
  - (2) *as a consequence of establishing a special entertainment precinct, local governments must, in conjunction with the State Government and other relevant stakeholders, develop a local management plan which outlines how support services, transport, security and other public amenities will be provided to ensure the safety of patrons and the local community. (Page 18)*
9. *That the Government provide the Office of Liquor and Gaming Regulation with additional resources to allow officers to carry out their enforcement roles. (Page 20)*
10. *That the Government consider all available options to increase the number of police in peak demand times, and increase the numbers of police on patrol in entertainment precincts and areas with a concentration of licensed venues. (Page 20)*
11. *That the Government provide funding for more community groups to provide these support services around areas with licensed venues to reduce the burden on police, ambulance and Emergency Department staff. (Page 21)*



12. *That the relevant Government departments evaluate programs being funded to assist intoxicated persons, especially in the peak demand times between 11pm – 4am on Fridays and Saturdays in precinct areas and identify any gaps that need to be filled. (Page 22)*
13. *That the Department of Child Safety have a liaison officer available to assist, especially in peak demand times between 11pm – 4am on Fridays and Saturdays in precinct areas. (Page 22)*
14. *That the Criminal Code be amended so that use of glass as a weapon in an assault be a circumstance of aggravation in assault offences. (Page 22)*
15. *That the penalties for alcohol-related offences be increased, and*
  - (1) a decision as to the appropriate range of penalties for alcohol-related offences be referred to the Sentencing Advisory Council; and*
  - (2) the community be involved in establishing the appropriate penalties for crimes involving alcohol-related violence. (Page 23)*
16. *That the Government give police and the courts power to ban those committing alcohol-related offences from specified areas. (Page 23)*
17. *That the Government undertake an evaluation, in consultation with relevant stakeholders, of the delivery of RSA training to security staff and, if required, enhance that training to ensure that all security providers at licensed venues have adequate RSA training along with their other mandatory training requirements. (Page 24)*
18. *That licensees trading after midnight be encouraged to install ID scanning systems at venues. (Page 27)*
19. *That the Government oversee the rollout process of such systems in consultation with industry and have due regard to privacy issues and matters of natural justice. (Page 27)*
20. *That there be an incentive by way of a reduction in licence fees for those licensees who mitigate risk in this way. (Page 27)*
21. *That licensees trading after midnight be encouraged to install CCTV monitoring at venues both inside and at entrances in consultation with local authorities and the Queensland Police Service. (Page 28)*
22. *That there be an incentive by way of a reduction in licence fees for those licensees who mitigate risk in this way. (Page 29)*
23. *That the Queensland Government mandate a phasing out of regular glass in all venues trading after midnight other than low risk venues, as determined by the Office of Liquor and Gaming Regulation (OLGR). (Page 31)*
24. *That the phase-in period be two years from commencement. (Page 31)*
25. *Venues that have not moved over to glass substitution by the end of 2010 should be required to provide a management plan of how the risk is being managed until the full transition. (Page 31)*

26. *That all licensed venues be required to make water available to patrons free of charge at all opening times. (Page 32)*
27. *That the Government undertake an appropriate independent evaluation of the effectiveness of the mandatory training requirements for staff involved in the supply and service, and retail sales (such as detached bottle-shops) of alcohol, and that evaluation be in consultation with employees of the liquor industry who have undertaken the training. (Page 35)*
28. *That the Government provide for the Office of Liquor and Gaming Regulation to include the use of an RSA Marshall as a condition of licenses where appropriate, for late night and large capacity venues. (Page 35)*
29. *That there be legislative amendment to ensure a greater emphasis on community consultation and opinion in the application process, with a licence to be granted only if, on balance overall, the grant of the licence will benefit the community. (Page 37)*
30. *That a definition of 'amenity' by reference to elements such as noise and other criteria in the Act, transport, nuisance, the lifestyle of the community and the nature of the precinct be inserted in the Liquor Act 1992. (Page 37)*
31. *That conferences be made a mandatory part of the process of considering applications for all licences under the Act where an objection to an application is made. (Page 37)*
32. *That the Government ensure that necessary legislative or enforcement steps are taken to address issues of premises with restaurant licences trading as nightclubs. (Page 38)*
33. *That the Government ensure that necessary legislative or enforcement steps are taken to ensure proper regulation of practices such as booze cruises and pub and club tours. (Page 38)*
34. *That there be legislative amendment to have a 'fit and proper person' criterion included in factors to be considered for all licence applications. (Page 38)*
35. *The Committee endorses the liquor accord concept, recommends its further development, and encourages Government agencies and local authorities to support and provide assistance to accords where possible. (Page 40)*
36. *That the Government look at all options to increase the availability of public transport across the state to remove large numbers of patrons of licensed venues in a safe and efficient manner, particularly in entertainment precincts. (Page 45)*
37. *That the opportunity to utilise weekend operational taxis be fully investigated with a view to increasing the number of taxi services during the evenings and early mornings at weekends and for special events. (Page 45)*
38. *That the Government increase the number of secure taxi ranks to cover all areas with a concentration of licensed venues. (Page 45)*
39. *That QR Passenger maximise the opening times of the Fortitude Valley Station to allow members of the public to safely wait for trains and utilise the public amenities. (Page 45)*

40. *That Queensland Rail amend timetables to reflect and accommodate any change in licensed venue trading hours adopted by Government to provide appropriate train services to disperse patrons of licensed venues safely and efficiently. (Page 45)*
41. *That standard on-premises trading hours be 10am to midnight. (Page 50)*
42. *Maximum hours for detached bottle-shops are to be 10am to 9pm. (Page 50)*
43. *Extended trading hours for venues outside special entertainment precincts to be no later than 1am Sundays to Thursdays and no later than 3am Fridays and Saturdays. (Page 51)*
44. *Extended trading hours for venues in special entertainment precincts to be no later than 2am Sundays to Thursdays and no later than 4am Fridays and Saturdays. (Page 51)*
45. *The current provisions for occasional extensions beyond these times on certain special event days such as New Year's Eve and local events should remain. (Page 51)*
46. *That a 2am lockout apply to all licensed venues. (Earlier voluntary lockouts are to be still available.) (Page 54)*
47. *That the Government trial and undertake an evaluation of a PolAmb unit in Queensland; the trial should include the unit being deployed in entertainment precincts and areas with a high concentration of licensed venues, and at major events. (Page 57)*
48. *That the Government ensures a swift roll-out of self-defence training for all ambulance workers. This should include refresher courses at appropriate intervals. (Page 57)*
49. *That, in order to provide a higher level of personal security, the Government consider implementing individual duress alarms on ambulance workers' radios, akin to the duress button already in place in vehicles. (Page 57)*
50. *That the Government make any legislative change necessary to ensure the safety of emergency service workers when dealing with the public. (Page 57)*
51. *That Emergency Services Queensland provide support and an effective mechanism for reporting abuse and violence towards staff during the course of their duty. This should enforce the message of zero tolerance, and that abuse is not part of the job and should be reported. Any reporting mechanism should be streamlined and simple to complete in minimal time so as not to interfere with the primary role of these workers. (Page 58)*
52. *That the Aggressive Behaviour Management program in Queensland Health be rolled out as a matter of priority to front-line health staff. (Page 58)*
53. *That Queensland Health provide support and an effective mechanism for reporting abuse and violence towards staff during the course of their duty. This is to include the message of zero tolerance, and that abuse is not part of the job and should be reported. The reporting mechanism should be streamlined and simple to complete in minimal time so as not to interfere with the primary role of these workers. (Page 59)*

54. *That Queensland Health review and amend, as far is practicable in the health care setting, its collection of data on assaults on staff where alcohol or drugs are a factor. (Page 59)*
55. *That the Department of Child Safety provide a 24 hour service to provide care to those children and young people who come to the attention of the police, whether intoxicated or not, until a responsible adult is able to take care of them. (Page 60)*
56. *That, to reduce any burden on police, the Government provide adequate funding for services provided for adults with drug and/or alcohol problems in public places. (Page 60)*
57. *That mandatory, ongoing education on the health impacts of alcohol be provided in all Queensland schools, commencing in primary schools. (Page 62)*
58. *That the Government implement a consistent, minimum-standard of education on alcohol for Queensland students. This minimum standard should provide a solid base for alcohol education on which schools can build with additional current, effective educational programs, resources and tools. (Page 63)*
59. *That the Government undertake an ongoing evaluation of additional alcohol education programs available to schools to assess whether the programs available are effective and remain current. (Page 63)*
60. *That the Government collect data on which Queensland schools provide alcohol and drug education, and on which programs are used to deliver this education to students. (Page 63)*
61. *That, in order to foster a positive cultural change in attitudes towards alcohol consumption, the Government provide more training and clear guidance to schools in effective alcohol education delivery, effective program selection. (Page 63)*
62. *That the Government ensures that any Queensland based social media campaigns, as part of a suite of measures to address alcohol consumption and alcohol-related violence, are consistent with the National Binge Drinking Strategy to provide a clear, consistent message. (Page 66)*
63. *That the Government evaluate the benefit of community groups messages and where appropriate provide funding to resource those organisations whose messages fit within the overall framework for alcohol and violence prevention for application to the wider community. (Page 67)*
64. *That the Queensland Government's Don't Kid Yourself campaign continue and be updated and developed to ensure it reaches the target audience and is developed in light of the National Binge Drinking Strategy to provide a clear, consistent message. (Page 72)*
65. *That the parents or guardians of a minor up to age 16 fined for an alcohol-related offence also be liable for that fine. (Page 72)*
66. *That young people aged of 16 and over, who receive a fine for alcohol-related offences, remain liable for that fine after attaining the age of 18. This should have adverse*

*consequences, such as the inability to obtain a drivers licence, should it remain unpaid at the time of application for such a licence. (Page 72)*

67. *That the Government provide for relevant support services where a young person (under 18) repeatedly disregards the law with regard to alcohol-related offences. They should attend, along with their parents or guardians, suitable support services to address the behaviour which should provide education, advice, support and techniques for the parent and the young person to address the underlying issues. (Page 72)*
68. *That the Government ensure that the Party Safe information is disseminated to all students in high schools and their parents, and that police promote and encourage the use of Party Safe. (Page 72)*

## 1. THE COMMITTEE AND THIS INQUIRY

The Law, Justice and Safety Committee is a statutory committee established by the *Parliament of Queensland Act 2001*.<sup>1</sup> The Committee has a number of responsibilities, including administrative review reform, constitutional reform, electoral reform, and legal reform. It also examines issues regarding law, justice or safety that are referred to it by the Legislative Assembly.

On 4 August 2009 the Committee received the following referral from the Legislative Assembly<sup>2</sup>:

*That the Law, Justice and Safety Committee conduct an inquiry and report on alcohol-related violence in Queensland, with a focus on community safety and preventative measures to reduce levels of alcohol-related violence, including its ramifications.*

*In undertaking this inquiry, the Committee should consider –*

- *best practice harm minimisation measures in other Australian and international jurisdictions, including specific measures such as restrictions on use of glass;*
- *the impact of late opening hours on incidences of alcohol-related violence;*
- *the flow-on issues for emergency service workers, police, and front-line health workers of alcohol-related violence;*
- *education campaigns and their role in cultivating effective social change in terms of community attitudes to alcohol consumption;*
- *the role of parents in influencing the attitudes of young Queenslanders towards alcohol consumption; and*
- *the economic cost of alcohol-related violence.*

*Further, the Committee should take public submissions and consult with community leaders, educators, law enforcement, medical professionals and the liquor industry.*

The terms of reference provided for a reporting date of 26 November 2009. It became clear early in the inquiry that this date would not allow sufficient time for thorough consultation and research and the considered formulation of recommendations. The Committee requested an extension of time to report and the Parliament extended the reporting date to 18 March 2010.

The Committee released an issues paper in August 2009, which was distributed to over 500 persons, organisations, and other stakeholders.<sup>3</sup>

Submissions to the inquiry closed on 23 October 2009. The inquiry generated a lot of interest and the Committee continued to receive and accept submissions into 2010, receiving a total of over 155 submissions from a range of stakeholders. [A list of submissions is attached in **Appendix A.**]

<sup>1</sup> *Parliament of Queensland Act 2001*, s.80.

<sup>2</sup> Record of Proceedings, Queensland Legislative Assembly, 4 August 2009, page 1310.

<sup>3</sup> Law, Justice and Safety Committee, *Inquiry into alcohol-related violence in Queensland: Issues paper*, August 2009 available at: [www.parliament.qld.gov.au/ljsc](http://www.parliament.qld.gov.au/ljsc)

An interim report was tabled by the Committee in November 2009.<sup>4</sup> That report outlined progress with the inquiry and highlighted some concerns identified in that time. These included:

- a lack of data on the incidence and causes of alcohol-related violence
- the role of illicit drugs as a factor in anti-social public behaviour including violence.

The Committee's concerns regarding data and illicit drugs are explored in more detail in this report.

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<sup>4</sup> *Inquiry into alcohol-related violence: Interim report*, report no. 73, November 2009 available at: [www.parliament.qld.gov.au/ljsc](http://www.parliament.qld.gov.au/ljsc)

## 2. CONSULTATION

The Committee undertook a range of consultation activities to hear what stakeholders had to say and to inform itself on the issues. The Committee held four public hearings – two in Brisbane and one each in Townsville and Cairns. [A list of public hearing witnesses is attached in **Appendix B**.]

The Committee received a large number of submissions, many from well resourced and organised stakeholders, often represented by organisations such as industry councils, associations and accords. Other stakeholders are not as well represented or resourced. Bearing in mind the degree to which many persons are involved in drinking and who could be affected by the recommendations of this Committee, the Committee was anxious to engage with patrons, in particular young people. As noted in the interim report, as the next generation of patrons to frequent Queensland's licensed venues, it was important to discuss the issues with them.

To this end, the Committee held a schools forum in Townsville to hear the views of a cross-section of secondary school students. Members of the Committee also attended the 2009 Sunshine Coast Youth Summit where young people discussed a range of topical issues of relevance to them, including substances and safety.

Members of the Committee also engaged with a YMCA Youth Parliament held at State Parliament in September 2009, by participating in a planning session with the youth Parliamentarians. The Youth Parliament included a debate on alcohol and violence, which was recorded by Hansard.<sup>5</sup>

The Committee also established a Facebook page to promote the inquiry and to invite comment on the issues.

### 2.1 Youth Parliament

With guidance from Committee member Mr Steve Kilburn MP, as Deputy Speaker, members of the YMCA Youth Parliament 2009 presented speeches on alcohol-related violence. The issues raised by the youth members gave the Committee an insight into the perceptions of young people regarding alcohol and its effects. Matters raised by the youth members included:

- individual responsibility
- the role of parents in influencing their children's attitudes to drinking
- the Australian culture of enjoying a drink with mates
- the responsibilities of licensees and bar staff
- educational campaigns
- the relationship between socio-economic disadvantage and alcohol abuse
- the proliferation of licensed venues, and
- a growing culture of binge drinking.

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<sup>5</sup> The Youth Parliament debated the following motion: *that this YMCA Queensland Youth Parliament supports the introduction of a range of initiatives to reduce the levels of alcohol-related violence in Queensland and its impact on young people*. The transcript of the debate on the motion can be accessed at [http://www.ymcaqyp.org/attachments/088\\_Youth%20Parl%20-%2030%20Sept%202009.pdf](http://www.ymcaqyp.org/attachments/088_Youth%20Parl%20-%2030%20Sept%202009.pdf)



## 2.2 The Sunshine Coast Youth Summit

The Committee attended the Sunshine Coast Youth Summit on Friday 9 October 2009. The summit is organised by young people for young people and provides a forum where young Queenslanders can discuss the matters that affect them and have a say on how these issues can be tackled.

Committee member, Mr Jarrod Bleijie MP, attended the discussions with groups of approximately 60 young people aged between 16 and 25. Matters discussed included mental health and substances (including alcohol), and personal safety. Four members of the Committee attended a feed-back session where participants presented their solutions and observations on these issues.

Of relevance to the Committee's inquiry were the presentations by the groups which considered personal safety, and substances and mental health. Alcohol consumption and alcohol-related violence were key themes in both presentations.<sup>6</sup>

## 2.3 Student forum – Townsville

The Committee invited local students to attend a forum in Townsville. Information provided by the students to the Committee included:

- education campaigns regarding the effects of alcohol should include shocking and graphic content, like the anti-smoking advertisements
- many school students drink, or have peers who drink alcohol regularly
- some students had completed studies on the harmful effects of alcohol on the teenage brain and believed that this provided useful information.

## 2.4 Precinct inspections

The Committee undertook a range of night-time inspections of entertainment precincts in various centres - Brisbane CBD and Fortitude Valley, Mooloolaba, Gold Coast, Townsville, Cairns and Rockhampton. During these inspections, as well as observing the environment inside venues and in public spaces including transport and toilet facilities, members of the Committee spoke with a range of stakeholders on the ground, including licensees, security staff, managers, patrons, members of the community, as well as police on patrol and other emergency officers, and community support service providers. The Committee also visited hospital emergency departments in the early hours on weekends.

Typically the Committee was accompanied by police or liquor licensing officials during the inspections.

Matters observed and discussed during these inspections include:

- many venues have introduced tempered glass
- ID scanning devices are utilised in a number of venues
- in some areas an earlier voluntary lock-out was imposed by venue owners
- advice that drugs play a part in alcohol-related violence
- public amenities, such as a lack of public toilets, caused problems with public urination and frustration of patrons, particularly after the lock-out
- there is a need for adequate and safe public transport to remove patrons from the entertainment precincts, and

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<sup>6</sup> A report on the findings of the group from 2009 is available on the *Sunshine Coast Youth Partnership INC* website at <http://www.sunshinecoastyouth.com>

- apart from police presence, there is a lack of late night support from both government and non-government agencies (with the exception of some community support groups in some areas).

## **2.5 Briefings**

In addition to the public hearings, the Committee has also received briefings from a number of people:

- Queensland Police Service Assistant Commissioner Peter Martin discussed the findings of his PhD research on the attitudes of police officers towards alcohol-related incidents in the course of their work.
- Professor Theo Vos briefed the Committee on the impact of alcohol consumption upon health care services and the possible socio-economic impact.
- Mr Dennis Brinn, Nurse Unit Manager, Cairns Emergency Department, provided information on the Drug and Alcohol Brief Intervention Team (DABIT) pilot program (discussed further below).
- From the Office of Liquor and Regulation, Mr Mike Sarquis, Executive Director, Ms Jane Moynihan, Deputy Executive Director Licensing, and Mr Peter Reinhold, Manager, Licensing (Liquor) met with the Committee to discuss various licensing issues and other aspects.

### 3. THE ISSUES PAPER

In the issues paper, the Committee invited submissions and information on (but not limited to) the following aspects:

#### **Best-practice harm-minimisation measures:**

- *Why do some individuals become violent offenders after consuming alcohol? What medical or psychological factors are involved?*
- *What measures are there to reduce harm?*
- *How effective have those measures been?*
- *What works? What doesn't work?*

#### **The impact of late opening hours:**

- *How have late opening hours impacted on the incidence of alcohol-related violence?*
- *What has been the impact of the 3am lockout on the incidence of alcohol-related violence?*
- *What other impacts has the 3am lockout had on patrons, venues, and other stakeholders?*
- *What changes, if any, should be made to opening hours, and alcohol service strategies within those hours, to reduce alcohol-related violence?*

#### **Flow-on issues for emergency service workers, police and front-line health workers:**

- *What is the impact of alcohol-related violence on police and other emergency service workers and health workers?*
- *How can negative impacts on these workers be reduced?*

#### **Education campaigns and their role in cultivating effective social change in terms of community attitudes to alcohol consumption:**

- *How do we change the drinking culture and create a culture of individual responsibility?*
- *What education campaigns are currently in place?*
- *How effective have they been?*
- *How could they be improved?*

#### **The role of parents in influencing attitudes towards alcohol consumption:**

- *How are parents influencing the attitudes of young Queenslanders?*
- *How can parents be assisted in instilling responsible attitudes to drinking?*

#### **The economic cost of alcohol-related violence:**

- *What is the economic cost of alcohol-related violence to the Queensland community?*
- *How could this cost be reduced?*

## **4. THE SCOPE OF THE INQUIRY**

### **4.1 Alcohol and violence**

The terms of reference canvass a wide range of issues. Alcohol has a great impact on violent behaviour in a number of areas. Two specific areas of considerable concern are domestic violence and violence in Indigenous communities. It is clear that alcohol plays a significant part in violence in both these contexts. Sometimes alcohol-related violence involves sexual assault.

It is also clear that these areas have their own unique considerations. The Committee has not examined these in any detail. This is not because these areas are unimportant. Rather, the Committee wished to ensure it could give full attention to the broader issues surrounding alcohol-related violence. Whilst some of the problems, and solutions, considered by the Committee have relevance to violence in those contexts, the Committee took the view that it would not specifically inquire into these areas, given their individual additional complexities and the terms of reference and the context of the inquiry.

### **4.2 Drugs**

As mentioned, the Committee received considerable evidence that illicit drugs are consumed regularly by patrons in licensed venues and other areas and that they have a causative role in violent incidents, either on their own or mixed with alcohol.

The precise reach of the role of illicit drugs is difficult to assess. It is an area where there is under-reporting. Self-reporting will not occur often, and there is no power to compel a test for the presence of drugs in arrested persons (other than persons suspected of driving whilst under the influence of drugs).

The terms of reference provided to the Committee did not include a reference to drugs. The Committee observed in its interim report:<sup>7</sup>

*... the timeframe provided to the Committee to finalise this inquiry into alcohol-related violence could not accommodate a wide-ranging and in-depth analysis of the problem of illicit drugs, and their apparent continued acceptance, particularly by young people, in our society.*

The Committee's view was that the role of illicit drugs warranted separate inquiry and it made a recommendation in the interim report:

*that the Queensland Parliament inquire into the role of drugs in our society and their impacts upon issues such as, but not limited to, violence in and around licensed venues.*

### **4.3 Other alcohol-related harms**

The Committee's terms of reference are limited to alcohol-related violence, and the Committee has focused its attention accordingly. Inevitably, other alcohol-related harms were canvassed in evidence and research before the Committee. Whilst these issues are outside the terms of reference, they are often inextricably linked to alcohol-related violence, and much of the recommendations and other content of this report have relevance to other adverse consequences of alcohol consumption.

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<sup>7</sup> Interim report page 10.

## 5. THE COMMITTEE'S APPROACH

### 5.1 Individual responsibility

Many of the submissions to the inquiry made the point that the law-abiding majority should not have to suffer for the actions of the few. Many urged that an emphasis be placed on individuals accepting responsibility for their own actions and the consequences.

The Committee strongly agrees that there needs to be a greater emphasis on responsibility. This approach informs this report and the Committee's recommendations, including calls for greater enforcement and sanctions on violent offenders.

### 5.2 Causes of violence

The precise cause of public violence is unclear. The majority of drinkers consume alcohol – sometimes to excess – without becoming violent or engaging in other anti-social behaviour. It seems clear that personal factors are involved in triggering a resort to violence. At the same time, consumption of alcohol and the environment in which it is consumed play a part.

There would be considerable value in research into the motivations of offenders affected by alcohol, preferably involving interview of such offenders. Such research would better inform considerations of how to reduce alcohol-related violence.

The Committee believes that more research needs to be undertaken into the psychological precursors of the increase in alcohol-related violence.

Although there has been increased focus on assaults using glass, such assaults are not a new phenomenon. They have just become sufficiently prevalent to attract a name in recent times.

Alcohol-related violence is not new. It is just that it is on the increase. The Committee believes that it is likely that this correlates with something that has changed. Relevant information could be gleaned by examining the background of offenders. It might be that the offenders tend to come from a background of domestic violence, or from childhoods in which they were exposed to domestic violence or family violence, or were babysat by violent interactive video games or were by some other means inured to violence.

It is intuitively obvious that certain kinds of violent attack, for example a deliberate assault with glass, amount to abnormal behaviour. Excluding those cases where the person does not particularly mean to use the glass as a weapon and just happens to have the glass in their hands when they hit, the psychological precursors for someone to be able to smash a glass and then thrust it into somebody's face, perhaps taking out their eye, are precursors which are not present in every person. Though alcohol is a well known dis-inhibitor, it would not matter how much alcohol you put in most people they would not smash a glass and thrust it in another person's face. What it takes for somebody to be able to do that is of interest and the information would be of great utility to Government in policy formulation.

The Committee heard that there was little data on attacks involving glass.<sup>8</sup> Consistent with its view that there is a need for better research and data collection in relation to alcohol-related violence generally, the Committee supports the development of systematic research into these assaults.

The Committee is aware of research implicating violent interactive video games in youth violence. Making a choice to brutally stab and dismember a moving image is a different experience from simply watching such an event on a screen. The Committee believes that the

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<sup>8</sup> See for example, Professor Paul Mazerolle, Brisbane public hearing, 30 October 2009, transcript, page 28, discussed at page 31 of this report.

hypothesis that violent video games are involved in the escalation of youth violence needs further exploration.

***Recommendation 1***

***That the Queensland Corrective Services facilitate research into the psychological precursors of acts of alcohol-related violence, using persons convicted of assaults using glass and similar offences as case studies.***

***Recommendation 2***

***That the Government consider strategies for determining the effect of violent video games on youth violence, including literature reviews, case studies and investigation.***

### **5.3 A new drinking culture**

There has been a shift in the drinking culture, particularly in young people. The trend has shifted from having a drink as an element of socialisation, to drinking alcohol solely to become intoxicated. There is a need to address this cultural shift. The increase in binge drinking has been significant in the young, including young females.

Police statistics presented to the Committee by Professor Paul Mazerolle show that, of the violent crimes brought to the attention of the police, there has been a marked increase in Queensland between 1996 – 2006 of 60% for males, and 45% for females aged 10 – 14, and around 45% for males, and 50% for females aged 15 to 19.<sup>9</sup> This correlates with anecdotal evidence to suggest that violence perpetrated by females is increasing at an alarming rate. This is by no means an issue only in Queensland, it is a national and international problem.

Attention has been drawn to initiatives such as increasing awareness of standard drink measures. It seems there is a lack of understanding of the varying number of ‘standard drinks’ in different alcoholic beverages, particularly cocktails and pre-mixed drinks, and an increase in patrons’ recklessness as to the consequences of drinking to excess.

Young people have advised the Committee that many of their peers consumed alcohol on a regular basis, usually as a way of ‘fitting in’, and with the full consent and support of their parents, often by way of purchase of alcohol.

The National Preventative Health Taskforce (discussed further below) placed the long-term goal of reshaping Australia’s drinking culture at the core of its recommendations.

Measures to address alcohol-related violence must address this cultural shift in drinking behaviour. Those measures must of necessity be long-term in nature. They will need to involve well thought-out and targeted social awareness campaigns.

<sup>9</sup> Mazerolle P, *Youth Violence Trends in Selected Jurisdictions in Australia (Police Statistics)*, Griffith University, July 2008.

## 6. BACKGROUND – DRINKING IN AUSTRALIA

Australia has had a long history of accepting drinking of alcohol as a mainstream social activity.<sup>10</sup> In recent times, overall consumption per head has declined. However, there is evidence that binge drinking has increased, particularly among young people, and this is increasingly including young women.<sup>11</sup>

How to deal with alcohol-related harms, including violence, has been the subject of much research and a number of recent reviews throughout Australia.

The Social Development Committee of the Queensland Parliament made the following observation in a recent report on an inquiry into chronic diseases in Queensland<sup>12</sup>:

*The complex, crowded, contested and evolving health policy arena has been a challenge for the committee. Many of the issues that the committee has been asked to consider have also been part of recent or contemporaneous reviews at both State and National level. Conducting an inquiry which, by necessity in the current context, includes reviewing reviews in multiple jurisdictions is less than ideal, especially where government responses are still outstanding.*

The current inquiry has seen this Committee experience a somewhat similar difficulty in the context of the consequences of harmful alcohol consumption, including violence.

### 6.1 The National Alcohol Strategy 2006 – 2011

The National Alcohol Strategy was developed as a response to high risk alcohol consumption in Australia. The goal of the *Strategy* is to prevent and minimise alcohol-related harm to individuals, families and communities in the context of developing safer and healthy drinking cultures in Australia. On 24 April 2009, the Ministerial Council on Drug Strategy approved an extension of the term of the *National Alcohol Strategy 2006-2009* until 2011.

The strategy was endorsed by the Ministerial Council on Drug Strategy in May 2006 and was developed through collaboration between Australian governments, non-Government and industry partners and the broader community. It outlines priority areas for coordinated action to develop drinking cultures that support a reduction in alcohol-related harm in Australia.

The four priority areas of the strategy are:

- intoxication
- public safety and amenity
- health impacts
- cultural place and availability.

A fifth area of the strategy identifies actions required to support the implementation of the strategy, including:

- coordinated and integrated approaches
- building the research agenda
- data collection
- monitoring and evaluation

<sup>10</sup> See generally, Ross Fitzgerald and Trevor L Jordan, *Under the Influence: a history of alcohol in Australia*, ABC Books, 2009.

<sup>11</sup> Fitzgerald and Jordan, at pages 248 and following.

<sup>12</sup> Queensland Legislative Assembly, Social Development Committee, *Chronic Diseases in Australia*, Report no. 2, January 2010.

- developing the workforce
- developing partnerships and links
- shaping the future - providing strong leadership.<sup>13</sup>

## 6.2 National Preventative Health Taskforce

The Hon. Nicola Roxon MP, Minister for Health and Ageing, announced the establishment of the Preventative Health Taskforce on 9 April 2008. Its tasks were to:

- provide evidence-based advice to Government and health providers – both public and private – on preventative health programs and strategies, and support the development of a National Preventative Health Strategy; and
- provide a blueprint for tackling the burden of chronic disease currently caused by obesity, tobacco, and excessive consumption of alcohol.

The taskforce had the following further terms of reference:

- support the further development of the evidence base on preventative health, to inform what works and what doesn't;
- provide advice for policy makers on what strategies work best at a population level, and on the best buys for government investment in primary prevention;
- provide advice on the most effective strategies for targeting prevention in high risk sub-populations including Aboriginal and Torres Strait Islander peoples and people living in rural and remote locations;
- provide guidance and support for clinicians, particularly in primary care settings to play a more effective role in preventative health care;
- provide advice to Government on options for better integration of preventative health practice into the Medicare Schedule and other existing government programs; and
- support the development of inter-governmental and public-private partnerships on preventative health.

The taskforce released a discussion paper *Australia: the healthiest country by 2020* in October 2008. It also commissioned research and held consultations in all capital cities and various regional centres from October 2008 to February 2009.

Minister Roxon launched the National Preventative Health Strategy, contained in the Taskforce's report titled *Australia: the healthiest country by 2020 – the roadmap for action*, on 1 September 2009.<sup>14</sup> The strategy recommends a range of interventions aimed at reducing the chronic disease burden associated with three lifestyle risk factors – obesity, tobacco and alcohol.

Regarding alcohol, the core recommendation addresses the alcohol culture:<sup>15</sup>

<sup>13</sup> Ministerial Council on Drug Strategy, National Alcohol Strategy 2006 – 2009: Towards Safer Drinking Cultures, May 2008, available at: [http://www.health.gov.au/internet/alcohol/publishing.nsf/Content/B83AD1F91AA632ADCA25718E0081F1C3/\\$File/nas-06-09-1.pdf](http://www.health.gov.au/internet/alcohol/publishing.nsf/Content/B83AD1F91AA632ADCA25718E0081F1C3/$File/nas-06-09-1.pdf)

<sup>14</sup> The report can be accessed at: <http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/nphs-roadmap>

<sup>15</sup> National Preventative Health Taskforce, *Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action*, Department for Health and Ageing, June 2009, at page 238.



*In order to reduce the health and other burdens caused by alcohol, the Taskforce recommends the long-term goal of reshaping Australia's drinking culture to produce healthier and safer outcomes.*

The core strategy aims at 'de-normalising' intoxication and reducing the social acceptability of intoxication, so that<sup>16</sup>:

*... Australia can shift towards a healthier and more sustainable drinking culture, one that does not forgo the enjoyment of safe, sensible and social drinking. **A multi-pronged prevention strategy** that includes a complementary set of actions is required to support this cultural shift, using economic levers such as taxation, legislative and regulatory measures, policing and law enforcement approaches, boosting support for local communities and individuals, as well as increasing awareness and shifting attitudes in the general community.*

Notably, the report states<sup>17</sup>:

*While alcoholism or alcohol dependence is often cited as the most serious alcohol problem, in Australia it is excessive single occasion drinking that produces far greater and wider-reaching impacts on the health, safety and wellbeing of individuals and communities.*

The report recommended action in eight key areas in regard to alcohol. These include safety of drinkers and those around them, National Competition Policy, increasing public awareness, regulation of alcohol promotions, pricing and taxation, improving the health of Indigenous Australians, helping people make healthy choices, families and children, and strengthening the evidence base. (The Taskforce recommendations are set out at Appendix C of this report)

The Committee endorses the National Preventative Health Strategy. The Queensland Government should work towards the implementation of each recommended action in consultation with the Federal Government and other State Governments.

### ***Recommendation 3***

***The Committee supports the National Preventative Health Strategy. In order to reduce the health and other burdens caused by alcohol, the Taskforce recommends the long-term goal of reshaping Australia's drinking culture to produce healthier and safer outcomes.***

### ***Recommendation 4***

***The Committee endorses all recommended actions of the Taskforce and recommends that the Queensland Government work with other States and the Federal Government to implement its recommended actions.***

The Taskforce recommends the development, over a four year timeframe, of a public interest case to exempt liquor control legislation from the requirements of National Competition Policy.<sup>18</sup> There is considerable research to the effect that increased density of liquor outlets in

<sup>16</sup> National Preventative Health Taskforce, *Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action*, Department for Health and Ageing, June 2009, at page 238

<sup>17</sup> National Preventative Health Taskforce, *Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action*, Department for Health and Ageing, June 2009, at page 235

<sup>18</sup> *Ibid* at page 242 (action 1.6).

an area has a negative impact on the amount of alcohol-related violence in that area.<sup>19</sup> This is consistent with research findings that increases in the availability of alcohol mean increases in alcohol-related harm, including violence.

National Competition Policy imposes constraints on measures to reduce the density of outlets. The Committee believes that outlet density should be a factor to consider in deciding whether to grant a liquor licence. The Committee believes that liquor legislation and the granting of liquor licences needs to be exempt from the National Competition Policy. This will allow the Office of Liquor and Gaming Regulation (OLGR) to reject a licence in an area where it believes the community need is met in regard to licensed venues.

In relation to advertising, the Taskforce recommended a staged approach to phase out alcohol promotions from times and placements which have high exposure to young people aged up to 25 years.<sup>20</sup>

The Committee considers that alcohol promotions need to be restricted and notes there are current restrictions on liquor promotions outside licensed venues. This does not apply to bottle-shops which can advertise their promotions outside their premises, place large advertisements in newspapers, and advertise in other social media including cinemas, television, radio and others.

Babor and others reported that exposure to repeated high-level alcohol promotion inculcates pro-drinking attitudes and increases the likelihood of heavier drinking.<sup>21</sup> In addition, alcohol advertising predisposes minors to drinking well before they reach the legal age of purchase. It has also been found to promote and reinforce perceptions of drinking as positive, glamorous and relatively risk-free. Legislation restricting alcohol advertising is a well-established measure used by governments throughout the world.

In its recent report on chronic disease, the Social Development Committee of the Queensland Parliament made the following recommendations regarding alcohol advertising<sup>22</sup>:

- that the Queensland Government lobby the Federal Government to establish a comprehensive legislative framework to provide for the phased introduction of bans on alcohol advertisements, and introduce complementary legislation in Queensland;
- that, if the Federal Government does not act, the Queensland Government implement independent legislation in Queensland to provide for the phased introduction of bans on alcohol advertisements;
- Initially, a ban should apply to alcohol advertisements during live sporting broadcasts on television;
- These bans should be expanded over time to apply to alcohol advertisements on billboards and public transport infrastructure, cinema and radio, television (free-to-air and pay) and the internet; and
- that the legislative framework for alcohol advertising provide for sponsorship bans of all events by alcohol companies and brands.

The Law, Justice and Safety Committee endorses these recommendations.

<sup>19</sup> Livingston, M. 'A longitudinal analysis of alcohol outlet density and assault', *Alcoholism: Clinical & Experimental Research*, vol. 32, no. 6, Jun 2008, pages 1074–1079.

<sup>20</sup> National Preventative Health Taskforce, *Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action*, Department for Health and Ageing, June 2009, at page 251.

<sup>21</sup> Summary of Babor et al. (2003) *Alcohol: No ordinary commodity – Research and public policy*, at <http://www.ias.org.uk/resources/publications>

<sup>22</sup> Social Development Committee, *Chronic Diseases in Queensland*, January 2010 at page 51, available at <http://www.parliament.qld.gov.au/view/committees/documents/SDC/reports/SDCR002.pdf>

**Recommendation 5**

*That the Queensland Government ban bottle-shops from advertising discounted liquor prices in Queensland.*

**Recommendation 6**

*That the Queensland Government work with the Federal Government to implement further alcohol advertising restrictions.*

**6.3 Recent developments in Queensland**

In Queensland, recent efforts have been made to address alcohol-related violence and other harms.

Liquor reform was undertaken following a recommendation in the Brisbane City Safety Action Plan, endorsed by the Queensland Government in February 2005. An information paper on Liquor Reform in Queensland, outlining a reform framework was released on 2 December 2007. That framework included proposed changes to the *Liquor Act 1992*, a revised licence and fee structure, and a social marketing campaign.<sup>23</sup>

In 2007, the Queensland Government announced tougher measures to address the supply of alcohol by parents to children.

In September 2008, amending legislation passed through the Parliament.<sup>24</sup> Features of the new legislation included:

- a new emphasis on harm minimisation as the first object of the *Liquor Act 1992*
- reduced trading hours
- a ministerial power to ban undesirable alcoholic products
- licence fees based on risk, and a requirement for risk assessment management plans as part of the licensing process
- mandatory training for all staff, licensees and managers in responsible service of alcohol and responsible management of licensed venues
- an offence of irresponsible supply (secondary supply to a minor).

The social marketing campaign, commenced in September 2008, was aimed at improving patron behaviour on licensed premises and addressing binge drinking.

In late 2009, the Government imposed a moratorium on applications for extended trading hours and steps to ban standard glass in high risk venues.

**6.4 Lack of data and evaluation**

It became clear early in the inquiry that there is a lack of data on the incidence and causes of alcohol-related violence. As noted in the interim report, this was acknowledged by the Queensland Government at page 35 of its submission (No. 74):

*Dealing with alcohol-affected persons and the consequences of excessive alcohol consumption, both in terms of injury and crime, has continued to impact at both*

<sup>23</sup> Details of the final outcome of the reform process can be found in *Final Outcomes - Review Of The Liquor Act* at <http://www.olgr.qld.gov.au/resources/liquorReforms/index.shtml>

<sup>24</sup> Liquor and Other Acts Amendment Bill 2008.

*operational level and procedural/police levels. Determining at an aggregate level the exact impact for police is complex, limited by current data collection methods which are constrained by inconsistent and subjective assessments by frontline officers about the contribution of alcohol, and or poly-drug use to an incident.*

...

*It is not possible to quantify the precise level of alcohol-related violence suffered by ambulance workers as no specific data are held in relation to whether alcohol was a factor in these assaults.*

At page 45 of the submission, the Government states:

*Assessing the impact of alcohol related violence on police resources is problematic. Some contact with police remains unrecorded on official databases as some people, particularly vulnerable groups are diverted away from the criminal justice system. In addition, determining the contribution of alcohol to calls for service within private residencies is difficult to estimate in any valid manner due to lapse in time and/or a more pressing need to deal with the issue associated with the call for service.*

Further, at page 47 of its submission, the Government states:

*While the Department of Justice and Attorney-General (DJAG) are able to provide data in relation to violent offences, it has not been possible, due to the nature of the data collected, to ascertain if alcohol was involved.*

...

*The economic cost of alcohol-related violence on QCS (Queensland Correctional Service) is unable to be quantified as departmental data indicates whether or not a person has been convicted of a violence related offence, but does not distinguish alcohol from non-alcohol related causes.*

At the Brisbane hearing, Professor Paul Mazerolle commented on the lack of available data, in particular data relating to glassing attacks. He also spoke of the unreliability of police statistical data alone to determine the rates of adolescent violence, or the ‘dark figure for crime and violence’, in reference to the data that is not brought to the attention of the police for one reason or another.<sup>25</sup>

Another submitted urged the establishment of<sup>26</sup>:

*... robust data collection systems that tell us what we need to know to respond to alcohol related issues. These systems need to be established in collaboration with all stakeholders, including licensees, and they need to be transparent and available to all stakeholders. This may a big ask given the way in which we currently protect some data (e.g. police) however if we say that crime prevention is a whole of community responsibility and that partnership approaches deliver the best results then sharing of vital information must be part of that process.*

This apparent lack of comprehensive, reliable data relating to alcohol-related violence indicates that further research and more efficient, uniform collection of data is required to fully assess the prevalence and impact of, and possible solutions to, alcohol-related violence.

There have been some recent efforts towards data collection and evaluation. One example is the DABIT initiative. This is a pilot program involving the collection of information from persons attending the Emergency Department of some hospitals (including Cairns Base

<sup>25</sup> Professor Mazerolle, public hearing, 30 October 2009, transcript at page 27.

<sup>26</sup> Gordana Blazevic, submission no. 138, page 9.

Hospital, where the Committee was briefed on the initiative). Information such as the last venue(s) the person attended, how much alcohol they had consumed, and any other relevant information is provided voluntarily and recorded anonymously.

DABIT is a relatively new program and there is little reliable data at present. Further, the data relies heavily on the self-reporting of patients as to the amount of alcohol consumed. The DABIT team liaises with police in identifying any increase in violent assaults in particular venues frequented by the DABIT patients.

The Committee commends the Government on this initiative.

At the public hearing in Townsville, a representative of the Queensland Ambulance Service provided some data regarding the incidence of assault<sup>27</sup>:

*From 2003-04 to 2008-09 - from 8pm to 5am - an increase of around 76 per cent.*

*Over a five-year period, using 2003-04 as the base year, it has gone up by around 76 per cent.*

*From 12am to 5am, the calls for assaults have gone up by around 83 per cent.*

*The assault codes have gone up 76 per cent between those later hours in the day overall and 83 per cent from 12 midnight to 5am.*

It must be remembered when looking at this data QAS use a number of categories into which the data can be inserted. Therefore the person advising the QAS might know a person is unconscious but might not know it was due to an assault. Therefore the data for assaults could be understated.

A further difficulty is the deficiency in evaluation of various measures put in place with a view to minimising alcohol-related violence and other harms. Quite often, a number of measures are introduced as a 'package'. Evaluation is often not undertaken, and it can be difficult to assess the effectiveness of the individual measures within such a context.

#### ***Recommendation 7***

***That the Government develop a comprehensive and consistent scheme involving all relevant departments for the collection and evaluation of data regarding alcohol-related violence.***

<sup>27</sup> Mr David Eales, Assistant Commissioner, Queensland Ambulance Service, public hearing, Townsville, 16 October 2009, transcript, page 26.

## 7. WHAT CAN BE DONE - BEST PRACTICE HARM MINIMISATION MEASURES

### 7.1 Precincts and amenities

An important element in reducing alcohol-related violence is to ensure appropriately controlled drinking environments. This can be done by the establishment and management of entertainment precincts. One submitter stated:

*This Inquiry provides an exciting opportunity to pilot a model for the effective and sustainable management of an entertainment precinct. In identifiable precincts, such as the Fortitude Valley, an overarching management plan could be developed to provide a governance framework for the development, delivery and evaluation of strategies to management to diverse range of activities that make up the entertainment precinct during the day time and at night (e.g. transport, security, lighting, policing, cleaning, promotions, state and local government liaison, coordination of health and community services, venue and patron management, etc).*

*Such a framework would allow for the precinct to be managed and services delivered in a co-ordinated, timely, efficient, structured, and appropriate way.<sup>28</sup>*

With a view to enhancing the safety of patrons and minimising violence, the Committee supports a process of declaration of precincts for late night venues. These precincts would be developed in consultation with industry, OLGR, local authorities and Queensland Police Service and other agencies. The advantage is that these areas can be better controlled, managed and policed, and be safe for large numbers of patrons. Venues in these declared precincts would be able to apply for the later extended trading hours referred to elsewhere in this report.

The *Local Government Act* currently allows local governments to establish special entertainment precincts.<sup>29</sup> The effect of doing so is to allow different regulation of noise emanating from amplified music. The Committee believes that there is greater justification for licensed premises operating in special entertainment precincts to apply for extended trading hours than there is for premises operating outside those precincts. Legislative change is needed to distinguish between special entertainment precincts and other areas, for the purposes of applying for extended trading hours. [Further details on what those extended trading hours should be are provided elsewhere in this report.]

Such precincts would have a management plan which would ensure proper measures are in place in the following respects:

- support services for people who are intoxicated or otherwise in distress
- adequate and safe transport services and facilities
- sufficient public amenities
- an adequate and highly visible policing presence (including a dedicated Liquor Enforcement and Proactive Strategies (LEAPS) presence)
- liquor patrol and enforcement
- security and safety measures (such as lighting, security officers and closed circuit television).
- cleaning and rubbish removal.

<sup>28</sup> Gordana Blazevic, submission no. 138, at page 12.

<sup>29</sup> *Local Government Act 1993*, s.956G.

A number of areas currently have inadequate toilet facilities. One prime example is Fortitude Valley, which has huge numbers of patrons at peak late-night hours. Toilet facilities are woefully inadequate. The only toilet facilities close to the central concentration of licensed venues are located in the Brunswick Street Mall. Further, these toilets are all that is available for use by those in custody in the cells in the adjacent police beat.

One disadvantage of a lockout is that toilets inside venues cannot be accessed by those on the street after lockout time. The action of QR Passenger in greatly restricting access to Fortitude Valley railway station at these late night times precludes access to toilets there. This lack of facilities adds to the frustration of some patrons. It is perhaps no surprise that there is an unfortunate increase in the incidence of public urination, which can result in diversion of police resources that could be better applied elsewhere.

There would be a benefit in increased application of principles of environmental design both in public spaces and inside licensed premises, to aid in patron comfort and amenity as well as public security and safety. As noted elsewhere, poor *internal* design can make the tasks of bar staff under RSA obligations difficult, decrease safety, and add to patron frustrations, particularly in crowded venues.

One submission gave this picture of what an entertainment precinct might look like<sup>30</sup>:

*... street closures and .... greater complexity of nightclub precincts to differentiate the purpose of the precinct, from specifically alcohol based activity to food and coffee stalls, performers and chill out zones. The model of alternate precinct streetscape to be based on CPTED [crime prevention through environmental design] principles and to include increased lighting, better maintenance of areas, adequate public seating and natural surveillance, piped music and areas for patrons to feel safe. Increase in public space available to patrons to spread out will provide less congestion on footpaths already occupied with nightclub patrons queued to enter venues, venue signage, smoking patrons, pedestrian traffic, street dining, landscape foliage and public seating...*

***Recommendation 8:***

***The Local Government Act be amended so that:***

***(1) the effect of establishing a special entertainment precinct may include the ability for licensed premises to apply for extended trading hours.***

***(2) as a consequence of establishing a special entertainment precinct, local governments must, in conjunction with the State Government and other relevant stakeholders, develop a local management plan which outlines how support services, transport, security and other public amenities will be provided to ensure the safety of patrons and the local community.***

## **7.2 Policing**

The Queensland Police Service undertakes the vast majority of alcohol enforcement, whether on the streets to retain good order and prevent crime and violence, or to enforce the regulatory side of the *Liquor Act 1992* and ensure that licensees are conducting their business in accordance with the law and the conditions of their licence. This undoubtedly places a great strain on police officers. The Committee also saw that the facilities are sometimes inadequate – a prime example being the cramped and busy police beat establishment in the Brunswick Street Mall.

<sup>30</sup> Mackay CitySafe Group, submission no. 125, page 14.

The availability of police to undertake this responsibility is restricted by the working arrangements under their industrial award as the number of overtime shifts and weekend shifts an officer can undertake is limited. This is further compounded by the roster arrangements for shifts which provide insufficient flexibility of police resources for peak weekend trading hours at present.<sup>31</sup>

In a letter to the Committee the Premier provided details on the impact of Operation Unite in Queensland.<sup>32</sup> Operation Unite was a national initiative on 11 and 12 December 2009 where all police services throughout Australia undertook increased police presence in and around licensed venues to reduce alcohol-related violence.

A comparison on the Gold Coast of offences of assault, robbery, grievous bodily harm, serious assault and wounding for the corresponding weekend in 2008 and 2009 showed that Operation Unite reduced those assaults and violence significantly - by 50%. The general reduction in violent offences during the weekend of Operation Unite was spread across many districts. Coomera also recorded fewer incidents in comparison with the previous weekend and the weekly average.

Some areas recorded no significant change to the number of incidents, or an increase of offences. An increase in the number of offences, such as public nuisance offences, can be attributed to proactive policing rather than reactive policing, evidenced by an increase in public nuisance offences which officers might not have had sufficient resourcing to enforce at this level.

The increase in police presence was appreciated across the state by patrons, licensees and managers of licensed venues. Cairns, South Brisbane, Oxley, Wynnum, Townsville, Dalby and Gladstone police all state that the increased police presence was well received in that area.

Police rosters should be flexible enough to cover requirements at peak weekend times. There should be sufficient resourcing for an increased visible police presence in and around licensed venues during the peak weekend hours. The Committee believes that in light of the success of Operation Unite, and the Queensland based Operation Merit, alcohol-related violence could be reduced significantly with a consistently increased police presence in and around licensed venues, particularly in areas with a large density of licensed venues.

The Committee has been impressed by the knowledge and professionalism of the dedicated Liquor Enforcement and Proactive Strategies (LEAPS) officers. LEAPS officers undertake compliance checks on licensed venues in their area. The Committee found that these officers had a good working relationship with local licensees and managers. They are often involved in the local liquor accords and are available to provide advice to licensees, managers and the liquor accords on a range of related matters.

The Committee believes that each area should have a dedicated LEAPS officer or LEAPS team. These officers should work with liquor licensing officials to ensure swift action is taken against licensees breaching the conditions of their licence. Despite their good work, the Committee has been advised during its inspections of licensed venues, that a large amount of general police time and resources, not necessarily limited to the LEAPS officers, is used to collect evidence on breaches of licence conditions. Several officers reported significant challenges in relation to the amount of evidence required before enforcement action is taken by the OLGR against problem venues.

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<sup>31</sup> Police have advised that shifts are usually 8pm to 4am. Patrons usually frequent the more concentrated areas, such as Fortitude Valley from 11pm or midnight until after 5am. This provides less policing following the close of licensed venues.

<sup>32</sup> Letter to the Committee from the Premier, Hon. Anna Bligh MP, received 8 March 2010.



Despite the need for an increase in the LEAPS officers across the State, the Committee believes that the responsibility for compliance checks on licensed venues should be more balanced, with Liquor Licensing officials taking an increased proactive and visible role in this regard. Increased resources for liquor licensing are required to allow a greater focus on enforcement by liquor licensing. This could free up resources for police to increase their presence as discussed above.

Part-time police officers could provide a way in which the force could manage an increased presence in and around licensed venues during the peak weekend hours. The Committee believes that this option should be considered along with all other options for Queensland Police Service to increase the availability of police to show a strong presence in and around licensed venues.

***Recommendation 9***

***That the Government provide the Office of Liquor and Gaming Regulation with additional resources to allow officers to carry out their enforcement roles.***

***Recommendation 10***

***That the Government consider all available options to increase the number of police in peak demand times, and increase the numbers of police on patrol and provide other adequate police resources in entertainment precincts and areas with a concentration of licensed venues.***

***7.2.1 Community and volunteer group support***

Community groups across the State provide help and assistance, alongside our emergency services and police, to many people who are in some form of distress or crisis in and around licensed venues.

The Committee heard that, for one reason or another, people in distress sometimes prefer to seek help from these services rather than going to the police or ambulance crews in the first instance. This could be due to a higher sense of trust towards a charity worker who they believe will not have an obligation to report an illegal activity and who will not use the information given to the detriment of that person, for example in prosecution proceedings.

The Committee acknowledges the excellent work of the police and ambulance crews in keeping our communities safe. It recognises that community groups, volunteers and not-for-profit organisations can fill a gap where other state agencies are unable to meet community needs. (As stated above, the Committee believes that Government and non-government agencies, such as the Department of Communities, have a role to play in reducing the unnecessary burden on police).

Community groups can reduce the negative impacts on police and ambulance workers in an area where they provide support and assistance such as first aid, arranging safe transport where a person has no money, contacting friends, and the like. Often they work in conjunction with the police and ambulance personnel in an area.

The Committee is aware that the Government currently provides funding to a number of non-government agencies to provide these services. As there is some uncertainty as to the effectiveness of some of these programs, the Committee believes that these programs should be evaluated by the Government to ensure that they effectively and efficiently satisfy community needs.

Police have become a 24 hour call service to deal with many situations. There seems to be little knowledge of any other services available to call especially in out of business hours.

Community groups which have addressed the Committee include ChaplainWatch which operates in Brisbane, the Gold Coast Management of Public Intoxication Project, which provides the Chill Out Zone in Surfers Paradise, and Murri Watch in Townsville.

In a submission to the Committee, Rev. Lance Mergard, on behalf of ChaplainWatch, lists some of the incidents that ChaplainWatch volunteers have attended in recent years. These include providing assistance following incidents of murder, suicide, vehicle and pedestrian accidents, fire evacuations, rape, assaults, alcohol poisoning, and other medical incidents.

Community groups such as these, and their volunteers, are valuable to our society. They provide a safe point of contact for patrons in and around licensed venues. They reduce the burden not only on police but can also reduce the number of calls for an ambulance by providing basic first aid.

The Committee saw the Chill Out Zone in operation on the streets of Surfers Paradise. The Chill Out Zone provides a range of medical services by professional, medically trained staff. Alongside treating serious injuries and health matters, they accept clients who might just need to talk or sober up in a safe place, or those with minor, self-inflicted or accidental injuries. If ambulances were to attend these situations they would be more likely to remove that person to the Emergency Department.

It was obvious to the Committee that there were few entities that police and others could call on to provide assistance in situations that don't require police involvement. Given the lack of diversionary facilities or support by other agencies, police are often left with no choice other than the undesirable option of leaving persons on the street.

Police should have the discretion of calling parents, a support organisation or the Department of Child Safety. Assistance in this area to our emergency officers would allow them to deal with more urgent cases.

Special events like *Schoolies* have a range of support services for public safety. The Committee strongly recommends that support services be a part of the management plan for entertainment precincts.

During an inspection of one Emergency Department the Committee was advised that the previous night there were 24 beds taken up by persons affected by alcohol. None of these patients had injuries or health conditions that necessarily warranted their placement in the ED. They were there solely due to their alcohol intake, being intoxicated or dehydrated. Some of these patients could have been assessed and treated at a facility similar to the Gold Coast's Chill Out Zone without the need to take up beds at an Emergency Department. Similarly, ambulance services are often called to deal with intoxicated persons who often do not require medical attention, again a misdirection of valuable resources that could be better provided elsewhere.

***Recommendation 11***

***That the Government provide funding for more community groups to provide these support services around areas with licensed venues to reduce the burden on police, ambulance and Emergency Department staff.***

**Recommendation 12**

*That the relevant government departments evaluate programs being funded to assist intoxicated persons, especially in the peak demand times between 11pm – 4am on Fridays and Saturdays in precinct areas and identify any gaps that need to be filled.*

**Recommendation 13**

*That the Department of Child Safety have a liaison officer available to assist, especially in peak demand times between 11pm – 4am on Fridays and Saturdays in precinct areas.*

**7.3 Offences and penalties****7.3.1 Assaults**

Assaults involving glass cause horrendous injuries and can have long lasting physical and psychological impacts on victims. Consistent with an emphasis on individual responsibility, the Committee considers that use of glass as a weapon in an assault should be recognised as a circumstance of aggravation in assault offences in the *Criminal Code*. This would have the effect of increasing the maximum penalty available to be imposed on an offender.

There is a growing community concern at the lack of sanctions imposed on violent offenders. Some feel that the judiciary is out of step with community expectations and do not impose sanctions that reflect the crime.

In acknowledging community concerns over the sentencing of offenders, the Attorney-General, Hon. Cameron Dick MP, recently announced the establishment of a sentencing advisory council to afford greater community input on how criminals in Queensland are to be punished. In a media release he stated:

*... members of the public, and victims of crime will have a voice on the new sentencing advisory council, along with experts in law enforcement, criminal law, and juvenile and Indigenous justice issues.*

*The new body will have the opportunity to provide input into guideline judgments prepared by the Court of Appeal on the appropriate sentencing range for a particular offence...*

*It will help bridge the gap between community expectation, the courts and government in deciding criminal penalties.<sup>33</sup>*

The Committee supports the community involvement in establishing the appropriate sentencing range for crimes involving alcohol-related violence.

**Recommendation 14**

*That the Criminal Code be amended so that use of glass as a weapon in an assault be a circumstance of aggravation in assault offences.*

<sup>33</sup> Hon. Cameron Dick, MP, Attorney-General and Minister for Industrial Relations, *Community to be given greater say on criminal sentences*, Ministerial media statement, 7 February 2010.

**Recommendation 15**

***That the sentencing ranges for alcohol-related offences be increased and:***

***(1) a decision as to the appropriate range of penalties for alcohol-related offences be referred to the Sentencing Advisory Council, and***

***(2) the community be involved in establishing the appropriate penalties for crimes involving alcohol-related violence.***

**7.3.2 Banning orders**

The inquiry heard a call for banning powers to be given to police and to the courts. This would allow police or courts to ban offenders of alcohol-related violence from certain areas or precincts for a specified amount of time.<sup>34</sup>

The Victorian Government has taken action to reduce alcohol-related violence by giving police and courts the power to place such bans on offenders. In 2007 the Victorian Parliament passed amendments *giving police the power to ban troublemakers from designated entertainment precincts for up to 24 hours and enable courts to issue exclusion orders for up to 12 months to repeat offenders.*<sup>35</sup>

A power for police to ban trouble patrons from entertainment precincts for 24 hours should be introduced in Queensland. This should also be accompanied with a power for the courts to issue a banning order where there is persistent alcohol-related offences committed by a person, or where a person commits a serious offence in or around licensed venues. This could be achieved by giving police the power to issue a show cause notice to the offender with a magistrate to hear a show cause application.

**Recommendation 16**

***That the Government give police and the courts power to ban those committing alcohol-related offences from specified areas.***

**7.3.3 Offences under the Liquor Act 1992**

The *Liquor Act 1992* provides for a range of offences and penalties in relation to the supply of alcohol in licensed venues. The penalties for licensees for serving alcohol to an intoxicated person, or to a minor in a licensed venue are sufficient. If there is to be a cultural shift in attitudes towards alcohol consumption, and to reduce alcohol-related violence and binge drinking the Committee believes that there needs to be more emphasis on the individual in these circumstances.

Licensed venues display signs indicating the various offences and the possible fines. Therefore, patrons are generally aware that if they are served whilst unduly intoxicated there is the possibility that the barperson who served them will be fined.<sup>36</sup> The Committee has formed the view that, in reality, this rarely happens, evidenced by there being very few convictions for having served a person who was unduly intoxicated.

<sup>34</sup> Including Acting Superintendent Peter Aitken, Acting District Officer Brisbane Central District, Queensland Police Service, submission no. 113, page 7; Paul Gleeson, submission no 51, page 6; Mr David Cooper, submission no. 63, page 2; Cr Dale Last (Townsville City Council), submission no. 102; Mackay City Safe Group, submission no. 125, page 7.

<sup>35</sup> Government of Victoria, *Alcohol Action Plan 2008-2013: Restoring the balance*, May 2008, Victoria, available at: [http://www.health.vic.gov.au/drugservices/downloads/action\\_plan.pdf](http://www.health.vic.gov.au/drugservices/downloads/action_plan.pdf).

<sup>36</sup> *Liquor Act 1992*, s. 156(1)(e).

## 7.4 Security

### 7.4.1 Security personnel

Recent regulation and training have seen an improvement in the quality of security officers. Currently, such officers in licensed venues are required to have RSA training. There should be a continuation and enhancement of such training.

Security staff who work in licensed venues undertake some training in the responsible service of alcohol in addition to their other mandatory training. This is provided, as with the RSA and the RMLV training, by external registered training organisations who apply the curriculum to their courses.

In addressing the Committee at a public hearing in Brisbane, the CEO of the Australasian Security Industry Association Ltd, Mr Bryan de Caires, said<sup>37</sup>:

*For crowd controllers, there are obligations to cover modules on dispute resolution, responsible service of alcohol and first aid so that they are able to handle situations. I think there has been a problem—and it is not peculiar to Queensland—where the quality of that training by the registered training organisations has been called into question. That has caused some problems absolutely. But there is a very comprehensive training package which is more than adequate if it is delivered as it should be.*

The Committee considers that the training provided to licensed venue security staff should be evaluated for its effectiveness and currency of the content. If required, that training should be enhanced to ensure that all security providers at licensed venues have adequate RSA training along with their other mandatory training requirements.

#### **Recommendation 17**

***That the Government undertake an evaluation, in consultation with relevant stakeholders, of the delivery of RSA training to security staff and, if required, enhance that training to ensure that all security providers at licensed venues have adequate RSA training along with their other mandatory training requirements.***

### 7.4.2 ID Scanners

Recent years have seen a number of venues use ID scanning systems whereby patrons have to produce ID – typically a driver's licence - at entry to the venue. The details on the ID document are then scanned electronically and retained in a data-base. The scanned ID information can be used in conjunction with CCTV images to identify offenders. The Government advised that<sup>38</sup>:

*Matching this data to camera (CCTV) recordings has proved effective in promoting appropriate patron behaviour, removing perceptions of anonymity and identifying offenders for serious assaults.*

There have been moves towards a networked system of scanners - allowing a number of venues – within an accord, a precinct, or a wider area - to share the scanned information. This would aid venues to effect bans where patrons have caused a disturbance.

<sup>37</sup> Mr Bryan de Caires, public hearing, 5 March 2010, transcript, page 33.

<sup>38</sup> Queensland Government, submission no.73, page 18.

The presence of an ID scanner can have the following effects:

- aid in detection of offenders, with the scanned information able to be retrieved from the data base and provided to police
- act as a deterrent, as potential offenders know that their personal details have been recorded and can be provided to police
- provide information to support a ban of the offender from that venue, and in some cases other venues as well.

Submissions to the inquiry supported the use of scanners. The QHA urged the recommendation of ‘the use and secure linkage of ID scanning devices in high risk areas’.<sup>39</sup> Mr Justin O’Connor, Chief Executive, told the Committee<sup>40</sup>:

*We have introduced ID scanning where the appropriate form of ID is scanned at the point of entry, and that acts as a clear deterrent to patrons who might otherwise be intending to get up to no good. People know that, if their identity is held in a safe computer and if they create harm or create violence or break the law, those people who are authorised to access the hard drive, being the Police Service, will be able to track them down.*

The Queensland Police Union of Employees and the Liquor Hospitality and Miscellaneous Union also supported the ID scanners.

Mr Mike Sarquis advised that the OLGR was ‘looking to develop standards which we then can promote to industry—standards around things like use of ID scanners’.<sup>41</sup>

The use of scanners to collect, store and disseminate sensitive personal information raises important issues of privacy.

The Information Commissioner made the following points in a comprehensive submission to the Committee<sup>42</sup>:

- The use of ID Scanning and CCTV by licensed premises with a turnover of over \$3 million might breach Commonwealth privacy principles. This is a matter for the Federal Privacy Commissioner.
- The use of ID Scanning and CCTV by licensed premises with a turnover of less than \$3 million amounts to arbitrary interference with a person’s privacy and people are entitled to protection of the law from it. Such protection does not presently exist.<sup>43</sup>
- The advice of the Office of the Information Commissioner is that fundamental human rights, including privacy rights should not be eroded by the use of CCTV and ID scanning in selected licensed premises when:
  - only some licensed premises are currently regulated by the *Privacy Act 1988 (Cth)*
  - alcohol is not the cause of violence
  - some licensed premises are known to be more violent than others and at particular times
  - alcohol-related violence occurs in many other public and private places apart from licensed venues and ID scanning and CCTV would not be a proportionate policy response to the general problem

<sup>39</sup> Queensland Hotels Association, submission no.75, page 20.

<sup>40</sup> Public hearing, Brisbane, 30 October 2009, transcript, page 13.

<sup>41</sup> Public hearing, Brisbane, 30 October 2009, transcript, page 16.

<sup>42</sup> Office of the Information Commissioner, submission no. 152, page 4.

<sup>43</sup> The Commonwealth *Privacy Act* doesn’t apply to entities with a turnover of less than \$3 million.

- the privacy rights of a large proportion of the population are interfered with because of the behaviour of a few evidence based best practice harm minimisation is not in place
- all available strategies (that do not breach fundamental human rights) to reduce violence in and around licensed premises are yet to be implemented in Queensland
- the deterrence effect of ID scanning and CCTV has not been established while it is clear that the predominant purpose for the collection of personal information by licensed premises is for their own 'law enforcement' purposes and as the all seeing eye for law enforcement by police
- erroneous community beliefs about alcohol contribute to the problem
- current planning, liquor licensing and price regulation/taxation laws contribute to the problem
- work remains to be done in assisting licensed premises resolve the fundamental conflict between their financial interests and the responsible service of alcohol,
- the drinking culture remains largely untouched and largely supported by planning and liquor licensing approaches
- there are other more targeted technologies around that might not be as intrusive of human rights, such blood alcohol testing being made available in licensed premises so patrons can choose to reliably measure their blood alcohol content and the new DNA-style spray that leaves a colourless unique mark on targets that remains visible for 6 weeks under a UV light.

The Information Commissioner stated that before any Government endorsement of such information sharing practices could be considered, the following 'essential questions' must be answered<sup>44</sup>:

- Where will the transfer of personal information stop? Will it be limited only to the personal information of those who have been found guilty of a crime or misdemeanour in a licensed premise, or will it extend to anyone that has committed a crime or misdemeanour or to anyone the licenses would rather not have in their premises?
- Will patrons be blacklisted for behaviour that is not criminal in nature?
- Who will decide whether a misdemeanour is serious enough to warrant blacklisting?
- How will the identity of the person be confirmed?
- Will the length of the ban be proportionate to the seriousness of the anti-social behaviour?
- Will it be shared only between licensed premises owned by the same legal entity, or between all other licensed premises, regardless of who owns them, including restaurants?
- Will police be able to access the information when investigating the whereabouts of interested persons, establishing alibis in unrelated crimes, including using licensed premises databases of fingerprints as an extension of police records?
- Will it be shared between interstate licensed premises? Internationally?
- What safeguards will surround the sharing?
- What mechanisms will be put in place to ensure the information is accurate and up to date?
- What training will be provided to licensed premise employees to ensure all personal information is handled appropriately?

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<sup>44</sup> Office of the Information Commissioner, submission no. 152, page 15.

- To whom can a patron complain if they find themselves unjustly placed on a blacklist, perhaps because someone used a fraudulently obtained government ID which the ID scanner was unable to detect?
- What mechanisms will there be for a person to challenge their placement on a ‘ban list’?

Any blacklist allows licensed premises to act as judge and jury, imposing ‘sentences’ at the list compiler’s discretion. Inclusion on a blacklist could, and likely would, occur without the patron's knowledge or consent and there appears to be no right of response to, or review of, being placed on a blacklist. If a person has no way to know they've been blacklisted until they are refused entry, they would have no way of exercising a right of response or review even if one existed.

The licensed premise's profile of a patron, and any blacklist on which their name appears, is the patron's personal information. The privacy principles explicitly provide that an individual has a right to access their personal information and, if they believe it to be wrong, inaccurate, incomplete, misleading or out of date—to seek amendment to correct the record. If licensed premises introduce such information sharing and profiling activities, they must also introduce procedures to allow patrons to seek access to, or amendment of, their personal information, and to deal responsively with such requests.

The Committee regards scanners as a useful tool, if properly used with appropriate safeguards to ensure privacy is not breached. There is a risk that information collected might be used for improper purposes. There needs to be adequate safeguards in this regard.

***Recommendation 18***

***That licensees trading after midnight be encouraged to install ID scanning systems at venues.***

***Recommendation 19***

***That the Government oversee the rollout process of such systems in consultation with industry and have due regard to privacy issues and matters of natural justice.***

***Recommendation 20***

***That there be an incentive by way of a reduction in licence fees for those licensees who mitigate risk in this way.***

**7.4.3 Closed Circuit Television**

Closed Circuit Television (CCTV) systems have been in place inside venues for some time. The *Statewide Safety Action Plan* included a requirement that all venues trading past 1am in the Brisbane City Council local authority area use CCTV. There has been an increase in CCTV network systems, typically operated and monitored by the local authority, in streets and other public spaces. The Committee visited a number of CCTV monitoring rooms operated by local authorities in the course of its inspections of entertainment areas.

The deterrent and detection value of CCTV is enhanced when used in combination with ID scanners to match a face with a name.



The Information Commissioner provided the following background on CCTV<sup>45</sup>:

*CCTV is now a ubiquitous surveillance tool, used by government and private sector alike. Generally, government sector CCTV is directed towards the security and safety of public spaces and crime prevention. Private sector CCTV is generally used to secure and observe privately owned spaces...*

*Brisbane City Council currently operates 56 CCTV cameras in and around the Queen Street and Fortitude Valley malls and a scant 100 cameras across the rest of Brisbane, monitoring roadways, Council buses and Council car parks.*

*Among state governments, the Queensland State Government is a notably strong supporter of CCTV systems. The then Department of Local Government, Planning, Sport and Recreation administered the Security Improvement Program (SIP), which offered grants to local councils of up to fifty percent of licensed premise costs for CPTED (Crime Prevention through Environmental Design) to assist local government security initiatives. The initiatives included 'the provision of surveillance equipment in malls and other public places'.*

*However, the use of CCTV in Queensland will likely continue to grow, particularly as technology advances in this area.*

*Studies and surveys show that, generally, the community supports the use of CCTV as a means of preventing crime and social disorder in those areas where there is a 'legitimate expectation of public observation'. The community sensibly accepts that they can be observed by any number of people in public spaces, such as a public mall, and that CCTV surveillance is just another observer. Accordingly, the community may be more accepting of CCTV in large licensed premises which have a public space feel but less accepting in the small corner bar, and far less accepting of surveillance in a toilet area. Research into the public acceptance of CCTV in licensed premises and an evidence base should inform any policy response.*

*.... one immediate benefit of CCTV for licensed premises is the capacity to, after an incident has occurred, pick out of the crowd those who were involved and, in conjunction with ID Scanning, identify them and their domestic addresses.*

*In addition, CCTV has the following claimed benefits:*

- *monitoring employee behaviour*
- *protection and security of assets – property and equipment*
- *provision of evidence in criminal and civil actions in the courts or in other disciplinary proceedings*
- *resolution of issues and complaints.*

### ***Recommendation 21***

***That licensees trading after midnight be encouraged to install CCTV monitoring at venues both inside and at entrances in consultation with local authorities and the Queensland Police Service.***

<sup>45</sup> Office of the Information Commissioner, submission no. 122, page 20.

**Recommendation 22**

*That there be an incentive by way of a reduction in licence fees for those licensees who mitigate risk in this way.*

**7.5 Responsible service of alcohol practices****7.5.1 Glass**

Some violent offences involve the use of glass receptacles as weapons. One harm minimisation measure to address such assaults is to replace standard glass in venues with tempered glass or polycarbonate products. The Premier wrote to the Committee on 6 October 2009, requesting that:

*... the Committee, in consultation with industry and the community, give consideration to the feasibility and workability of transitioning, over time, to the complete phasing out of regular glass in licensed venues.*

Tempered glass, when broken, will fragment (much like a vehicle windscreen) and is therefore less likely to provide a jagged sharp implement for use in an attack. Evidence suggests that moves away from regular glass might not significantly reduce the number of violent incidents, but might reduce the severity of resulting injury. Practical measures, such as the swift removal of glasses, can assist in minimising harm.

There is some reported resistance to these alternatives, including by consumers on the grounds that they affect the taste of alcohol and by some venues on the basis of higher cost. Some of the resistance by consumers might be based on experience with the soft plastic containers such as are used in some venues and at major sporting events and music festivals. The Committee also noted that in venues that have already changed to tempered glass many patrons had not noticed. Polycarbonate is a much more rigid and aesthetically pleasing product than the soft plastic containers referred to above and some venues have changed over to this range. There does not seem to be any clear reason for some venues preferring tempered glass and others preferring polycarbonate.

In October 2009, the *Liquor Act 1992* was amended to provide for a scheme allowing licensed premises to be declared 'high risk'. The new provisions provide that the chief executive may classify all or part of licensed premises as 'high risk' if satisfied that either:

- there has been at least one 'glassing' at the premises during the relevant period; or
- there has been an unacceptable level of violence at the premises during the relevant period (having regard to the act's harm minimisation objectives).<sup>46</sup>

The Act defines 'glassing' as an act of violence that involves the use of regular glass (meaning glass other than tempered or toughened glass) and causes injury to any person.<sup>47</sup>

Once these conditions are fulfilled, and after a 'show cause' process, the Chief Executive can classify premises as 'high risk'. One consequence of such a classification is that the licensee of the premises must not use regular glass to serve patrons, either at all times or at times specified by the chief executive (anticipated in practice to be late trading hours).<sup>48</sup>

A number of licensed venues have since been issued with 'show cause' notices by the Government pursuant to these provisions.

<sup>46</sup> *Liquor Act 1992*, section 97.

<sup>47</sup> *Liquor Act 1992*, section 96.

<sup>48</sup> *Liquor Act 1992*, section 99C.

Many venues are moving to glass alternatives on a voluntary basis. At the public hearing on 30 October 2009, Mr Justin O'Connor, Chief Executive of the Queensland Hotels Association advised:

*... as we speak, over 100 licensed premises in Queensland have already voluntarily moved towards safety glass as part of our commitment to customer safety - voluntarily moved towards it.*

One of the largest hotel groups in the country (with approximately 290 hotels) had moved to tempered glass in virtually every state 'and it has been very well received'.<sup>49</sup> A number of other licensees advised the Committee that they had moved to glass alternatives. Higher up-front costs and costs of changeover are off-set in the long-term by reduced breakage rates.

The Surfers Paradise Licensed Venues Association, in submitting that international experience suggests that the removal of glass might not have a significant effect on violence but does reduce the severity of injuries where glass is used as a weapon, advised that a number of local venues had moved to glass alternatives.

In a recent report commissioned by the Queensland Government Professor Paul Mazerolle and Dr Peter Cassematis examined glass incidents in venues on the Gold Coast and evaluated studies on incidents involving glass. They looked at whether the frequency of such incidents and injury severity could be reduced through alternative strategies, such as using polycarbonate or tempered glass, and the rapid removal of empty glasses.<sup>50</sup> Based on that analysis, the authors 'formed the view that glassing is an outcome from a complex interaction of patron and venue based characteristics'.<sup>51</sup>

The Chill Out Zone co-ordinator advised that, based on presentations at that facility in the nightclub precinct in Surfers Paradise, they had recorded 38 incidents in 2008 where glass was used as a weapon in an assault, and 30 such incidents in 2009. Their data showed that many of these are not reported to police, ambulance, or hospitals and therefore levels of alcohol-related violence are likely to be more prevalent than levels of reported incidents would indicate.<sup>52</sup>

Professor Ross Homel AO from Griffith University was of the view that substitutes for regular glass would do little to reduce the incidents of violence, but should reduce the severity of especially facial injuries.<sup>53</sup> He told the Committee<sup>54</sup>:

*I am a strong supporter of the plastic containers, because that should significantly reduce the incidence of lacerations and serious injury. But what you are not doing there, of course, is actually reducing the incidence of violence or the incidence of the aggressive behaviours.*

<sup>49</sup> Mr Scott Mathieson, National Operations Manager for the ALH Group, public hearing, 30 October 2009, transcript, page 14.

<sup>50</sup> Dr P. Cassematis, Professor P Mazerolle, *Understanding Glassing Incidents on Licensed Premises: Dimensions, Prevention and Control*, 2009, Griffith University, available at: [http://www.olgr.qld.gov.au/resources/liquorDocs/Glassing\\_Incidents\\_Final\\_Report\\_Sept\\_2009.pdf](http://www.olgr.qld.gov.au/resources/liquorDocs/Glassing_Incidents_Final_Report_Sept_2009.pdf)

<sup>51</sup> *Understanding Glassing Incidents on Licensed Premises: Dimensions, Prevention and Control*, 2009, page 6.

<sup>52</sup> Chill Out Zone, submission no. 95, page 2.

<sup>53</sup> Letter to Committee dated 3 February 2010.

<sup>54</sup> Brisbane public hearing, 5 February 2010, transcript, page 29.

The Committee was advised by Professor Mazerolle that he had found very little data on attacks involving glass.<sup>55</sup> He had concluded that<sup>56</sup>:

*there is a lack of rigorous research that has addressed glassing as a specific form of venue violence and a similar lack of research that would conclusively identify the relative merits of glass, toughened glass, plastic (soft disposable or rapid removal of empty glasses). This knowledge gap can only be addressed through a program of rigorous empirical research.*

To rectify this, the authors recommended that a systematic program of research into glassing (and non-glassing) assault be developed, conducted, analysed and reported.<sup>57</sup>

The Committee is not persuaded that moving away from regular glass will reduce the incidence of violence, but evidence suggests that this might reduce the severity of injuries when a glass is used as a weapon.

The Committee has concluded that a complete phasing out of regular glass over time is both feasible and workable. Whether it is necessary for all licensed venues across the diverse communities of Queensland is less clear-cut. Many venues are voluntarily moving to glass alternatives. Regular glass is appropriate for continued use in licensed restaurants. There are insufficient harm minimisation grounds for venues such as community clubs and rural hotels to be required to move to glass alternatives.

The Committee proposes a two year period for phasing in the move to glass alternatives. Given that many venues have or are already moving in this direction, the OLGR should consider requiring certain venues that have not made the transition by the end of 2010 to provide a management plan outlining how they are managing the risk in the meantime.

#### ***Recommendation 23***

***That the Queensland Government mandate a phasing out of regular glass in all venues trading after midnight other than low risk venues, as determined by the Office of Liquor and Gaming Regulation.***

#### ***Recommendation 24***

***That the phase-in period be two years from commencement.***

#### ***Recommendation 25***

***Venues that have not moved over to glass substitution by the end of 2010 should be required to provide a management plan of how the risk is being managed until the full transition.***

#### ***Media coverage***

Some submissions called for a ban on the term ‘glassing’, arguing that media reporting in such terms glamourised these violent incidents and encouraged similar attacks.<sup>58</sup>

<sup>55</sup> Brisbane public hearing, 30 October 2010, transcript, page 28

<sup>56</sup> *Understanding Glassing Incidents on Licensed Premises: Dimensions, Prevention and Control*, 2009, page 9.

<sup>57</sup> *Understanding Glassing Incidents on Licensed Premises: Dimensions, Prevention and Control*, 2009, page 159.

The sensationalisation of these attacks by the media has not been helpful. Whether the term glamorises attacks is debatable, and evidence of adverse consequences of its use was lacking. Whilst some might see the term as undesirable, it is not clear that banning the term would serve any purpose or would remove encouragement - if there is any - that such reporting gives to similar attacks. Reporting would presumably still refer to the use of a glass implement.

#### *Other implements as weapons*

There have been some calls for the banning or removal of other potential weapons from licensed venues, such as pool cues and the like.<sup>59</sup> The Committee has not been presented with any evidence that would justify such interference with normal acceptable leisure activities in licensed venues. Professor Mazerolle concluded that *glassing assaults are rare (as is weapon use in general). Most altercations do not involve a glass and are little more than pushing and shoving.*<sup>60</sup> The level of incidents involving the use of these other implements as weapons does not warrant their banning.

#### **7.5.2 Water**

The beneficial effects of water consumption in lessening intoxication are well known. In a move towards ensure water was available in venues, the *Liquor Regulation 2002* was amended so that drinking water should be made available to patrons either free or at a reasonable price.<sup>61</sup>

There have been examples of venues making water available only in toilets, and at too warm a temperature for drinking. Some venues will not allow patrons to enter the venue with their own bottled water (presumably to control any alcoholic or illicit substances which might be concealed in that bottle).

To further assist in reducing alcohol-related harm, there should be a requirement for all licensed venues to make water available free of charge to patrons at all times. It will be up to the venue as to how it is made available, whether by way of tap water over the bar, water dispensers, or bottled water. Licensees would be able to charge for the latter, as long as free alternatives were readily available.

#### ***Recommendation 26***

***That all licensed venues be required to make water available to patrons free of charge at all opening times.***

#### **7.5.3 RSA training**

##### *Responsible Service of Alcohol*

Responsible Service of Alcohol (RSA) training became mandatory on 1 January 2009 for all staff of licensed venues involved in the sale and supply of alcohol as part of the review of the *Liquor Act 1992*.

<sup>58</sup> Les Pullos, submission no. 100; Valley Liquor Accord, submission no. 137; Gordana Blazevic, submission no. 138; Brisbane City Licensees Association, submission no. 135; Rev Lance Mergard (ChaplainWatch), submission no. 147.

<sup>59</sup> See for example, Liquor Hospitality Miscellaneous Union, HMU, submission no. 153, page 5.

<sup>60</sup> *Understanding Glassing Incidents on Licensed Premises: Dimensions, Prevention and Control*, 2009, page 7.

<sup>61</sup> Liquor Regulation, s41(2).

In its submission the Government described RSA training as<sup>62</sup>:

*... designed to increase staff knowledge and awareness about responsible server practices. Trained staff are better able to identify problems, provide a variety of techniques to prevent intoxication, observe patrons to recognise signs of undue intoxication, promote nonalcoholic and low alcohol drinks, and adjust service as necessary.*

The training requirements apply to licensees, approved managers, and any other staff involved in the supply and service of alcohol. This includes bartenders, glass collectors, floor hosts and hostesses, room service staff and the like.

As noted above, RSA training became mandatory in 2009. Staff employed in the industry prior to 1 January 2009 must complete the training by 30 June 2010, and all staff employed after 1 January 2009 have 30 days from the commencement of their employment to undertake the training, unless they already have a current certificate. Once the training is successfully completed the employee receives a certificate which remains current for three years.

The training is delivered in face-to-face sessions of at least four hours by qualified, approved trainers, and online. Approval is required for the course to be delivered online and the course content must be consistent with the face-to-face course. It is a requirement that an online course incorporates online learning to reflect how the skills will be used in real life settings. This is demonstrated in the face-to-face course using videos, role-plays and discussion sessions. Some in the industry have questioned the value of a few hours on the computer compared to a face-to-face, role play course and in house training model. This has not been evaluated.

The trainers must be approved by the OLGR and must demonstrate Registered Training Organisation status. Training organisations providing the training must maintain regular contact with OLGR to ensure that their program contains up-to-date reference material and their course content remains relevant and current.

The Committee has heard conflicting views on its effectiveness from different stakeholders. Generally the industry accepts RSA as a positive educational tool for staff.

*With this RSA, you asked earlier whether you thought it was an undue burden on the industry. My answer to that is no, it is an essential part of it. RSA, going back, say, five years ago, was a tick the box exercise. Slowly, the culture is changing and now RSA, among other initiatives, is an essential part of the culture of a late-night venue and I would not back off from that one bit. I would be going harder on it.<sup>63</sup>*

*What I would say to you is that we are moving in the right direction. Certainly with universal RSA it is a giant leap forward. As I mentioned in my opening remarks, many of these impacts or changes that we have introduced from 1 January [2009] are yet to be evaluated or bear fruit, but I certainly think that, in terms of responsible practice, the industry is light years ahead of where it was 10 and 20 years ago.<sup>64</sup>*

In discussing the attitude of licensed venue staff towards RSA Justin McGurgan of Academy Hospitality Australia, a Registered Training Organisation which provides RSA courses, said:

*They understand RSA. It is quite a simple course. It is quite easy to understand. They understand their responsibility is to their fellow people. Unfortunately, the*

<sup>62</sup> Queensland Government, submission no. 73, page 17.

<sup>63</sup> Dominic Davies, Vice Coordinator, Cairns City Licensees Safety Association, public hearing, Cairns, 19 October 2009, transcript, page 20.

<sup>64</sup> Justin O'Connor, Chief Executive Officer, Queensland Hotels Association, public hearing, Brisbane, 30 October 2009, transcript, page 12.

*behaviour of the customer on the other side of the counter has appeared to change significantly with their different attitude towards themselves and to those in law and order. That appears to have certainly significantly changed. I can tell you from experience from the feedback we get in our courses that the major concerns from the bar server, the bar manager and the venue manager are not so much for themselves and breaches that they may do because they are aware of their responsibilities. Their concerns relate to what consequences there are for the people who are continuing to do this. It is the minority who are doing this.*

*Even people in our industry are not confronted by violence every day, so we are talking about small pockets, high-risk venues, on occasions. Their concern is that there are no consequences. They can do the right thing and refuse service and evict people—and they do that—and they understand that role they play quite clearly. But the thing that has changed over the past 20 or 30 years from my observation has been the breakdown in the lack of respect for people—actually for themselves, let alone for others—and that is becoming more evident in the violence we are now seeing.<sup>65</sup>*

Some licensees have found that RSA is not effective and is just another burden, along with a range of other measures which have been imposed on licensees with no benefit:

*You have imposed on the liquor industries 3am lockout. You have imposed cameras with recording for 30 days, you have imposed RSAs, RMLVs, approved managers. In our case you have imposed a condition that we provide security to the city. Nothing has changed. Please take the message back that these things have done nothing.<sup>66</sup>*

#### Responsible Management of a Licensed Venue

Managers of licensed venues are required to undertake training on how to be a responsible venue manager (RMLV). This also became a mandatory requirement on 1 January 2009 following the 2008 amendments to the *Liquor Act 1992*. As with the RSA training those managers employed prior to 1 January 2009 are required to undertake the training by 30 June 2010.

It applies to all managers of licensed venues and licensees who are individuals (that is, not corporations). The RMLV training is to be undertaken along with the RSA training. The RMLV training is not provided online. It is a face-to-face course which takes approximately two full days to complete. Once successfully completed the certificate remains current for three years.

The Committee agrees with the position of the Queensland Government in its submission that the mandatory training requirements need time to bed down before they are evaluated and any changes, if necessary, are made.

*The mandatory requirements of both the Responsible Service of Alcohol and Responsible Management of Licensed Venue training have only recently been implemented and there are transitional arrangements for existing licensees and managers. After it has been operational for a reasonable period, the effectiveness of the mandatory requirements will be assessed.<sup>67</sup>*

<sup>65</sup> Justin McGurgan, Managing Director, Academy Hospitality Australia, public hearing, Brisbane, 5 February 2010, transcript, page 21.

<sup>66</sup> Greg Pelligrini, spokesperson, Townsville City Licensees Safety Association, public hearing, Townsville, 16 October 2009, transcript, page 20

<sup>67</sup> Queensland Government, submission no. 73, page 18.

This evaluation should be in consultation with the liquor industry and the employees, licensees and managers of licensed venues who have undertaken the course.

***Recommendation 27***

***That the Government undertake an appropriate independent evaluation of the effectiveness of the mandatory training requirements for staff involved in the supply and service, and retail sales (such as detached bottle-shops) of alcohol, and that evaluation be in consultation with employees of the liquor industry who have undertaken the training.***

**7.5.4 RSA marshalls**

One concept suggested to the Committee was that of an Responsible Service of Alcohol (RSA) Marshall. Venues, especially “where there are large numbers of patrons in the precincts and crowded bar areas inside licensed venues”, would engage a person whose role would be to supplement that of the bar and security staff during peak hours. The proposal put before the Committee was<sup>68</sup>:

- Consider the development of regulation to appoint dedicated and qualified RSA Marshalls at venues trading past 12 midnight;
- In consultation with the OLGR develop a model to maintain the independence of RSA Marshalls at licensed venues and;
- Consider legislative provisions to allow RSA Marshalls to conduct breath testing of patrons suspected of being intoxicated.

The rationale provided to the Committee was:

*Presently security and employees at all licensed venues have obligations regarding the Responsible Service of Alcohol (RSA) provisions. However, no one person on the premises is tasked with monitoring that issue alone. The window of opportunity for a door person, or bar person is limited to a brief interaction which does not provide sufficient opportunity for the employee to make an accurate assessment of the patron. .... There is a risk that a short subjective assessment of a patron’s level of intoxication, could mistakenly allow an intoxicated patron entry or service.*

Consideration could be given to making the use of an RSA Marshall an option which the OLGR could include as a condition of licenses where appropriate, for late night and large capacity venues. Persons in the role would need to have specialised skills, not only well-trained in RSA but also in how to handle potentially difficult interactions with patrons.

The Committee observed venues where, due to environmental factors inside the venue such as lighting or design, patron areas are not in sight of bar staff, making it very difficult for the bar staff to effectively practise RSA. This supports the view that a RSA Marshall would assist staff in identifying those patrons who are showing signs of intoxication.

***Recommendation 28***

***That the Government provide for the Office of Liquor and Gaming Regulation to include the use of an RSA Marshall as a condition of licences where appropriate, for late night and large capacity venues.***

<sup>68</sup> Acting Superintendent Peter Aitken, Acting District Officer Brisbane Central District, Queensland Police Service, submission no. 113.



## 7.6 The licensing process

The Committee's role is to examine alcohol-related violence. There are a number of aspects of the licensing process that ultimately have an impact on alcohol-related harms, including the incidence of alcohol-related violence. Changes made as a result of National Competition Policy have impacted upon the extent to which density of outlets can be taken into account in considering licence applications and also product pricing. The National Preventative Health Taskforce has proposed work towards the establishment of the public interest case to exempt liquor control legislation from the requirements of National Competition Policy.

The National Preventative Health Taskforce observes<sup>69</sup>:

*While not completely deregulated, liquor licensing laws and regulations in most jurisdictions have been significantly relaxed over the past decade, generally coinciding with the required reviews under the National Competition Policy. One of the effects of this has been a proliferation in the number of new licensed premises in some jurisdictions.*

In noting the research conclusions that 'liberalising alcohol availability is likely to increase alcohol-related problems' the National Preventative Health Taskforce goes on:

*This outcome calls into question the general assumption behind regulatory changes over the past two decades, made in accordance with National Competition Policy – that the number and type of alcohol outlets should be determined by market demand for the product, without primary consideration of the potential impact on local communities' health, economy and amenity.*

As noted, these are issues canvassed in the National Preventative Health Taskforce report, and it is appropriate that the Queensland Government work with the Federal Government in working towards the recommendation of the Taskforce to develop a public interest case for licensing. The Committee believes there needs to be a licensing process which places a greater weight on community consultation and input. Licences should only be granted if, on balance overall, the grant of the licence will benefit the community.

The Chief Executive takes into account the amenity of the area. There is no definition of 'amenity' in the Act. Whilst this is a term known to law, the Committee believes that there would be benefit in having a definition – not necessarily exhaustive – in the Act itself, enumerating elements such as noise and other criteria in the Act, but also transport, nuisance, the lifestyle of the community and the nature of the precinct.

Currently, where objections to an application are lodged, a conference may be held at which objectors and applicants can informally discuss any concerns.

The conference is an opportunity for the objectors and the applicant to get together and informally discuss any concerns. The conference is chaired by an OLGR licensing officer from the chairs the objections conference. The purpose of the conference is described by that Office as:

*to obtain all relevant information on a liquor application from people who have lodged valid objections. The licensing officer will ensure everyone attending (objectors and the applicant) has the opportunity to discuss the application and their concerns. Information from the conference is reported to the chief executive who is the ultimate decision maker.*

There is merit in considering making such conferences a mandatory part of the process as is the case in South Australia when applications for extended trading hours are made.

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<sup>69</sup> *Australia: the healthiest country by 2020: Discussion Paper, Chapter 4, The case for prevention: alcohol, National Preventative Health Taskforce, 2008, page 34.*

The Committee agreed it should be for all licences not only extended hours – as we believe the community involvement needs to be strengthened in the application for new or extended hours.

***Recommendation 29***

***That there be legislative amendment to ensure a greater emphasis on community consultation and opinion in the application process, with a licence to be granted only if, on balance overall, the grant of the licence will benefit the community.***

***Recommendation 30***

***That a definition of ‘amenity’ by reference to elements such as noise and other criteria in the Act, transport, nuisance, the lifestyle of the community and the nature of the precinct be inserted in the Liquor Act 1992.***

***Recommendation 31***

***That conferences be made a mandatory part of the process of considering applications for all licences under the Act where an objection to an application is made.***

Generally, the past conduct of an applicant is not relevant in the application process (with some limited exceptions).<sup>70</sup> In the Committee’s view, there would be merit in having a fit and proper person test in relation to all applications under the Act.

The Committee saw a number of examples of premises that were trading well into the early hours of the morning under a restaurant licence, but were for all practical purposes operating as a nightclub at the time, with little evidence of the presence of tables and cutlery that are necessary to establish that meals are being provided.<sup>71</sup> The *Liquor Act 1992* has a test for a restaurant licence in terms of the premises having the provision of meals as the principal activity.

It is not clear whether the ability of these premises to operate in this way is due to a loophole in the legislation or to enforcement issues.

There are a number of businesses offering ‘booze cruises’ and pub and nightclub tours. Typically these activities are directed towards tourists and encourage patrons to consume large quantities of alcohol on the boat or in a number of licensed venues on a ‘tour’. These operators fall outside of liquor regulation as they are not providing the liquor, they merely direct or guide patrons to certain venues as part of the tour for a fee. Often, the organisers promise ‘party games’ which promote rapid consumption of alcohol, VIP treatment and free entry into nightclubs and other special discounts and offers as part of the package.

The Committee believes that better regulation of these events is required to ensure they are controlled and are not facilitating irresponsible alcohol consumption and resultant alcohol-related harm.

<sup>70</sup> For example, section 121(g) of the *Liquor Act 1992*.

<sup>71</sup> Section 4 of the *Liquor Act 1992* defines a ‘meal’ in terms of ‘food that is eaten by a person sitting at a table, or fixed structure used as a table, with cutlery provided for the purpose of eating the food; and is of sufficient substance as to be ordinarily accepted as a meal.’

**Recommendation 32**

*That the Government ensure that necessary legislative or enforcement steps are taken to address issues of premises with restaurant licences trading as nightclubs.*

**Recommendation 33**

*That the Government ensure that necessary legislative or enforcement steps are taken to ensure proper regulation of practices such as booze cruises and pub and club tours.*

**Recommendation 34**

*That there be legislative amendment to have a 'fit and proper person' criterion included in factors to be considered for all applications.*

**7.7 Liquor Accords**

The relatively recent use of liquor accords has been a useful tool in addressing alcohol-related harms. The Committee spoke to a number of persons involved in accords in various centres, including police and licensees. Drug-Arm described and supported the accord concept<sup>72</sup>:

*It is a collaborative approach with large scope for harm reduction strategies to be implemented. DRUG ARM supports this process and recommends support for the establishment of alcohol plans in other Liquor Industry Accord Groups across Queensland. Furthermore, we strongly recommend that these groups be encouraged to develop in a way that reflects and represents the community of their concern through targeted stakeholder contribution and collaboration.*

*Examples of the good outcomes achieved by accords include initiatives in which the Surfers Paradise Licensed Venues Association (SPLVA) was involved. The SPLVA meets on a monthly basis with Police, Liquor Licensing and other stakeholders to address emerging issues that can impact on community safety and precinct amenity. It advised the Committee that it had involved in a number of precinct based strategies to address alcohol related issues, and it is worthwhile setting out some detail of those initiatives.<sup>73</sup>*

**Taxi Marshalls:** *The marshalls offer security provision at taxi ranks during peak periods to address aggression and other behaviours. The SPLVA initiated taxi marshalls for Surfers Paradise in the mid 90s, and this initiative has been replicated in other regions.*

**The Chill Out Zone:** *Operating Thursday to Saturday nights since 1998, to offer First Aid, immediate care and welfare support for patrons in the precinct. The SPLVA secured initial funding for this service, and was instrumental in its development to enhance community safety and the perception of safety in the precinct. The Chill Out Zone was the first of its kind in the world, and continues to be a unique service.*

**Intervene Radio Communication Network:** *The network, implemented this year, sees fourteen venues and other stakeholders connected via a secure digital radio*

<sup>72</sup> DrugArm, submission no. 86, page 6.

<sup>73</sup> The Surfers Paradise Licensed Venues Association (SPLVA), submission no. 88, page 3.

*network to each other and the Gold Coast City Council CCTV Monitoring Room. Direct communication has assisted in prevention of incidents, detention of offenders as well as alerts on undesirable patrons and potential aggressive incidents. The CCTV Room alerts the Queensland Police Service as required. This project is the first industry lead strategy of its type in Australia.*

Another example of the good work of accords was provided to the Committee<sup>74</sup>:

*The Sunshine Coast Accord groups, for example, are progressing parts of their action plans in collaboration with the Sunshine Coast Youth Alliance which successfully applied for Federal Government Binge Drinking funding. Local research, facilitated through the Accord groups, contributed to the rationale for the application.*

The success of some accords has prompted calls for licensee involvement to be mandatory:

*... make membership by a venue of their local Accord one of the conditions for licensing and renewal applications.*

*... make attendance to all Accord meetings by venue management/staff member(s) compulsory.*<sup>75</sup>

Participation in accords is voluntary, and is best left on that basis. Their value would diminish if participation was made compulsory, even assuming that it would be practicable to do so.

Often the accords rely on support from persons who are involved in a voluntary capacity, using their own time and resources and not always with the required skills needed for example administrative support. This is in no way meant as a criticism, but rather to ground a call for government agencies and local authorities to be encouraged to actively participate in accords and to provide assistance where possible. As one submission put it<sup>76</sup>:

*There are doubtless other examples of Accord groups that are also achieving positive outcomes for their members and the communities in which they operate. However, the longer term sustainability of these groups without dedicated resources to provide professional coordination and administrative support may be at risk. Government has recognised the value of Accords but has not allocated any resources (e.g. an annual coordination and administration subsidy, a small grants program) to support them on an ongoing basis.*

The Committee found that the level of support from liquor licensing, police, councils and other government departments varied throughout the state. The Committee was advised that of this worthy example<sup>77</sup>:

*Over the past two year Queensland Health has supported 12 Liquor Accords in Queensland with the development of evidence-based action plans to address locally identified alcohol management issues.*

As that submitter noted<sup>78</sup>:

*To ensure the long term sustainability of Accord groups the allocation of dedicated resources to provide professional coordination and administrative support is imperative.*

<sup>74</sup> Gordana Blazevic, submission no. 138, page 7.

<sup>75</sup> Rev Lance Mergard (ChaplainWatch) submission no. 147, page 101

<sup>76</sup> Gordana Blazevic, submission no. 138, page 7

<sup>77</sup> Gordana Blazevic, submission no. 138, page 6.

<sup>78</sup> Gordana Blazevic, submission no. 138, page 2.

It was very obvious to the Committee that an active accord can have a positive effect on the venues in the area. The Committee encourages all stakeholders of the industry to participate in their local accords.

***Recommendation 35***

***The Committee endorses the liquor accord concept, recommends its further development, and encourages Government agencies and local authorities to support and provide assistance to accords where possible.***

## 8. TRANSPORT

The Committee has formed the opinion that transport options are inadequate to disperse large numbers of patrons leaving licensed premises either at the time of the lockout or later closing times.

Trains, buses and taxis are the main public transport options available to patrons of licensed venues late at night or in the early hours of the morning. With the increasing success of drink driving education and enforcement campaigns, more people sensibly choose to use public transport after consuming alcohol. This increases the need for more services at those times.

The Committee found that often there were large numbers of people requiring public transport at two specific times during a weekend evening. The first peak time is at 3am when the lock out prevents patrons from entering licensed venues. The second is the closing of the later trading venues at 5am.

The Committee was repeatedly advised that despite the efforts of the Government to increase transport options at peak weekend times, there is still a lack of availability for patrons. Further, the Committee was told on many occasions during its inspections of precincts that much of the violence occurring around licensed venues stems from frustration at not being able to quickly secure transport home.

This does not excuse that violence in any way. The Committee recognises the importance of addressing transport issues as part of the overall effort to reduce alcohol-related violence in our society.

A risk assessment is undertaken and is considered prior to a decision of whether to grant a licence or not. The risk assessment covers several issues including transport matters – whether there are sufficient transport services for adequate patron dispersal at closing time, and if there are any concerns for patrons' safety, for example, if there is a road that patrons could fall onto, or a busy nearby road to cross.

The Committee considers that the Chief Executive or his delegate making the decision whether to grant the licence should place more weight on the transport available in that area to safely and efficiently disperse patrons at the lock out or the close of the licensed property than currently.

The Government acknowledges that limited transport is a contributing factor in alcohol-related violence and in 2005 introduced NightLink. *This involves the provision of safe, all-night public transport services during peak periods (Friday and Saturday nights) in peak locations (inner-city Brisbane Entertainment precincts) using buses, trains and taxis.*<sup>79</sup>

The NightLink bus and train services can provide a much more economical option to passengers when compared with the cost of a regular, metered taxi, particularly as Daily tickets purchased on a Friday or Saturday are valid on all NightLink services. The downfall is that where a taxi will drop the passenger at any destination, the NightLink bus and train services have a specified route with determined stops. However, bus drivers will stop at any safe place along the route to allow passengers who live between stops to alight closer to their home.

The NightLink website provides information on the services available and has links to timetables which can be downloaded and printed.

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<sup>79</sup> Queensland Government, submission no 73, at page 19.

### 8.1 NightLink Buses

The bus services run approximately every hour. Routes from Fortitude Valley include: Forest Lake, Eight Mile Plains, Algester, Upper Mount Gravatt, Carindale, Wynnum, Cleveland, Sandgate, Bracken Ridge, The Gap, Ferny Grove, St Lucia, and Loganholme. Other bus routes include: Normanby to Fortitude Valley, Wooloongabba to Fortitude Valley, New Farm to West End, and West End to New Farm.

As noted above, drivers will stop to allow passengers to alight at any safe place along each route.

### 8.2 NightLink Trains

NightLink train services provide one extra train service departing from the Brisbane inner-city stations around 4am on Saturday and Sunday mornings. This is in addition to the regular services.

One issue raised with the Committee was that the Fortitude Valley train station remains closed to the public for considerable parts of the peak week-end hours. Patrons are allowed access to the station for fifteen minutes prior to a train arriving. This is due to an access agreement between QR Passenger and the Valley Mall complex operators. The reasons cited for the restricted access relate to anti-social behaviour, criminal activity, and employee and passenger safety.

The station has public toilets which are lacking in many public areas, particularly in Fortitude Valley in light of the large number of patrons it hosts each weekend. The Committee acknowledges the security requirements involved in allowing public access to the station throughout the night. However, as a public space to facilitate the provision of publicly funded transport services the Committee is disappointed at the resistance of QR Passenger to open the station and allow access to the station and its amenities between services to those passengers who wish to wait in safety for their chosen transport method.

### 8.3 NightLink Flat-fare taxis

The Department of Transport describes this initiative as<sup>80</sup>:

*... a new way to get people home from Brisbane's Central Business District and Fortitude Valley precincts late on Friday and Saturday nights. This innovative, personalised taxi service has been developed by Queensland Transport in partnership with Black and White Cabs, Yellow Cabs and the Taxi Council of Queensland. NightLink FlatFare is part of the Queensland Government's Brisbane City Safety Action Plan designed to get people home quickly and safely.*

Flat-fare taxis operate from secure taxi ranks from approximately 11pm or midnight to around 4am or 5am across the state. Essentially the scheme provides a flat-fare from a central location to areas defined by zones. They are currently available in:

- Brisbane
- Gold Coast at Cavill Avenue
- Sunshine Coast at Mooloolaba
- Townsville at Flinders Street East.

There are set flat-fares for one person, two people going to the same address, and groups of five or more. There is a flat-fare per drop-off and fares must be paid prior to the journey. Where there is single passenger, or two passengers they will usually be asked to wait until a

<sup>80</sup> [http://www.transport.qld.gov.au/Home/Industry/Taxi\\_and\\_limousine/Services/Nightlink\\_flatfare/](http://www.transport.qld.gov.au/Home/Industry/Taxi_and_limousine/Services/Nightlink_flatfare/)

group of people heading to the same area can be placed in the same taxi. The taxis are on a first-come, first-served basis and cannot be pre-booked.

The Committee supports a state-wide roll out of the NightLink scheme and the flat-fare taxis to include all regional areas with a concentration of licensed venues.

#### 8.4 Secure taxi ranks

In addition to flat-fare taxis there are a number of secure taxi ranks across Queensland.<sup>81</sup> These ranks usually have a taxi marshal who maintains order and can allocate taxis appropriately. These ranks are also covered by CCTV, which is monitored by Council officers who can inform police of incidents as they happen, and they can monitor situations and request police presence before they escalate to violence.

The placement of normal taxi ranks, without security, is determined by the local council. Placement of secure taxi ranks is determined by the local council in consultation with the taxi industry, the Department of Transport, local police, and Liquor licensing authorities, and a local liquor accord if operation in that area. Ideally they are placed where they can service the greatest number of patrons of a particular area, which provides easy access to both patrons and the drivers.

The Department of Transport advised the Committee that the operating costs in Brisbane so far amount to about \$3.1 million, and in regional locations to about \$1.6 million. The set-up, maintenance, and on-going costs of secure taxi ranks is funded by the Department of Transport and the taxi industry. An annual Taxi Industry Service Levy of \$324.15 is imposed per licence held in any service area with a secure taxi rank.

There has been no formal evaluation of the effectiveness of the secure ranks. During its inspections the Committee visited a number of secure taxi ranks. From discussions with various stakeholders during these visits the Committee has formed the view that the secure taxi ranks are popular with many patrons, local police and licensees, and provide a safer alternative to unsecured ranks.

In its submission to the inquiry, the Taxi Council Queensland stated that the secure taxi ranks are *a very successful public safety initiative...*<sup>82</sup> The Minister for Transport, Hon. Rachel Nolan MP, advised the Committee<sup>83</sup>:

*Patronage at secure taxi ranks has increased every year since inception. Since November 2007 over 1.3 million passengers have used the secure ranks in Brisbane with a further 375,000 using the Flat-Fare service. In regional Queensland over 2 million people have used secure taxi ranks since December 2007 with a further 120,000 using Flat-Fare services.*

*Waiting times at secure taxi ranks has decreased since the introduction of the ranks even though patronage has increased. This indicates the popularity of secure ranks with both the travelling public and drivers.*

#### 8.5 Taxis

Taxi licenses are regulated by the Department of Transport. The number of licences available is based on a number of factors including:

- the population and demographics of an area

<sup>81</sup> They are in various locations in Brisbane, the Gold Coast, the Sunshine Coast, North Queensland, and the South East.

<sup>82</sup> Taxi Council Queensland, submission no. 122, page 2.

<sup>83</sup> In a letter to the Committee dated 11 February 2010.



- the performance of the taxi fleet applying for the licences
- industry viability and operating practices
- the perception of the community as to the need for more taxis.

The Department considers the taxi services provided generally in an area to determine whether to release more licences. The Minister for Transport advised the Committee that when considering the number of taxi licences for a specific area:

*General consideration of how well an area is being serviced, including consideration of servicing late night demand, is undertaken during this process. Therefore, if there was a significant increase in the number of licensed venues and taxis were not adequately servicing that demand, the release of additional taxi licences would be considered. The allocation formula does not directly consider the number of licensed venues in arriving at the precise number of taxis being required.*

Taxi fleets must be available 24 hours a day, 7 days a week. There is no requirement that they must attend areas with a concentration of licensed venues or that they must pick up intoxicated passengers. The Committee has heard during every inspection that the availability of taxis in each area during peak weekend times does not accommodate the numbers of people wanting that service and waiting times can be over an hour. This is usually compounded by the lack of public amenities, including public toilets in many areas.

The Committee has considered the *Private Hire Vehicles (London) Act 1998* (UK) which allows licences for private hire vehicles.<sup>84</sup> The Act provides that vehicles must be licensed by the local authority as a private hire vehicle and the driver must also apply for a licence to take fee paying passengers. This means that, in London, where a person wishes to use their personal vehicle to provide transport services with a driver for a fee they need to have a licence. The vehicle must be fit for the service and must be clearly identifiable as a private hire vehicle.

The Committee believes that this system should be trialled for weekends with a view to a state-wide roll out if successful at increasing the availability of public transport at the peak weekend times. It could allow owners of vehicles large enough to safely accommodate passengers to provide that vehicle as a private hire taxi during these times. For many, the chance to earn extra money at night on a weekend by providing this service will fit in with other work, family or study commitments.

The Committee supports a trial of this initiative. In conducting a trial the Department of Transport should have due regard to the safety of passengers through the effective vetting of applicants and the suitability of vehicles for this purpose.

The concentration of public transport options in Brisbane still does not provide an efficient means of dispersing the large number of patrons during peak weekend times. Areas outside Brisbane have much fewer services available at the peak weekend times in comparison.

The Committee considers that the lack of public transport in regional areas with a concentration of licensed venues is inadequate and should be addressed by the Government in consultation with local stakeholders including the local council, the local police, and the local liquor accord.

Further, the availability of night time public transport across the state should reflect any change in trading hours proposed by the Committee and/or adopted by the Government.

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<sup>84</sup> Available at: [http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980034\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980034_en_1)

***Recommendation 36***

*That the Government look at all options to increase the availability of public transport across the state to remove large numbers of patrons of licensed venues in a safe and efficient manner, particularly in entertainment precincts.*

***Recommendation 37***

*That the opportunity to utilise weekend operational taxis be fully investigated with a view to increasing the number of taxi services during the evenings and early mornings at weekends and for special events.*

***Recommendation 38***

*That the Government increase the number of secure taxi ranks to cover all areas with a concentration of licensed venues.*

***Recommendation 39***

*That QR Passenger maximise the opening times of the Fortitude Valley Station to allow members of the public to safely wait for trains and utilise the public amenities.*

***Recommendation 40***

*That Queensland Rail amend timetables to reflect and accommodate any change in licensed venue trading hours adopted by Government to provide appropriate train services to disperse patrons of licensed venues safely and efficiently.*

## 9. IMPACT OF LATE HOURS

### 9.1 Trading hours and the 3am lockout

Prior to recent reforms, standard trading hours in Queensland were from 10am to midnight (other than for cabaret licences, which covered 10am to 3am). However, trading hours of up to 22 hours had been approved on occasion. In support of the harm minimisation objective inserted into the *Liquor Act 1992*, standard trading hours became 10am to midnight for most premises. Licensees can seek longer trading hours beyond midnight, in one of two periods - to 3am, and 3am to 5am, subject to a more stringent approval process.

In October 2009, the Queensland Government imposed a moratorium on a number of applications for extended trading hours, many of which had raised concerns in local communities, often on nuisance grounds.

There is a large body of research which supports the proposition that the incidence of alcohol-related harm, including violence, is increased when trading hours are longer. The research position is summarised in the Queensland Government submission<sup>85</sup>:

*Restricting trading hours is another key regulatory measure to reduce the availability of alcohol. The Preventative Health Taskforce's proposed National Preventative Health Strategy (p. 268) has identified outlet opening times as an area for states and territories to work towards developing a best practice nationally consistent approach.*

*Marsden Jacob Associates (2005) identified that the World Health Organisation and Department of Health and Ageing (Australian Government) have sponsored reviews of scientific papers on the impact of changing the hours or days of trading. The reviews found strong evidence that reducing trading hours or days when alcohol can be purchased is associated with significant changes in overall harm.*

*International research reviews have concluded that increases in hours and days for which alcohol is available for sale are consistently related to increases in levels of problems. Further, small changes in hours of trading can have significant local impacts. Most Australian studies have shown that increased trading hours have been accompanied by significantly increased levels of alcohol consumption and/or harm.*

In New South Wales, a recent study looked at the effects of a reduction in hours.<sup>86</sup> In March 2008, following a number of requests from the public and the media, the then Liquor Administration Board in July placed restrictions on a number of licensed premises in the Newcastle Central Business District. The restrictions included:

- a 1am lockout and a 3am closure
- limits on the sale of certain types of alcohol beverages
- a cessation of service of alcohol 30 minutes before closing time.

These restrictions were accompanied by vigorous enforcement action. Enforcement action was taken at about that time against premises identified as the 'top 25' for assaults. In December 2008, the following licensing restrictions were imposed on the 'top 48' premises for assaults:

- a 2am lock out

<sup>85</sup> Queensland Government, submission no. 73, page 31.

<sup>86</sup> NSW Bureau of Crime Statistics and Research *Liquor licensing enforcement and assaults on licensed premises*, issue paper no. 40, October 2009 ('BOCSAR').

- cessation of alcohol service 30 minutes before closing time
- plastic or polycarbonate glasses for beer service after midnight
- no ‘shots’ and drink purchase limits after midnight
- ten minute alcohol sale time outs every hour after midnight.

The research findings showed<sup>87</sup>:

*‘a significant decline in the recorded incidence of assaults and glassing attacks on licensed premises. The decline in assaults, however, was not restricted to the 48 licensed premises on which restrictions were imposed. Nor did it coincide with the imposition of restrictions on the top 48 licensed premises. The decline in assaults on licensed premises appears to have started around March 2008 and was evident across all of the 100 premises listed on the BOCSAR website. There is no evidence that the decline in assaults on the top 48 licensed premises accelerated after the imposition of restrictions after midnight.*

The researchers concluded:

*The only way to tell whether the restrictions themselves would have produced a reduction in assault in the absence of adverse publicity/increased liquor licensing enforcement would be to conduct an experiment in which the restrictions are imposed without any attendant publicity or increased liquor licensing enforcement. This is clearly impossible.*

*The restrictions included mandatory 2am lock outs, cessation of alcohol service 30 minutes before closing time, drink purchase limits after midnight and ten minute alcohol sale ‘time outs’ every hour after midnight. The present report details the results of an evaluation of the effect of these restrictions. The report finds that the incidence of assault on the 48 licensed premises upon which restrictions were imposed has declined, but the decline was not restricted to these premises. A general decline in the number of assaults on licensed premises occurred across the top 100 licensed premises listed on the BOCSAR website. The precise cause of the decline is unclear but likely influences include adverse publicity and increased enforcement activity by NSW Police and the Office of Liquor, Gaming and Racing (OLGR).*

*The fact that the number of recorded assaults after the introduction of restrictions on the top 48 licensed premises was lower than over a comparable period for the previous year is not strong evidence that the restrictions have reduced the rate of assault.<sup>88</sup>*

The Australian Psychological Society Ltd noted there is conflicting evidence on the impact of late trading hours.<sup>89</sup>

Over half of the submissions made to the inquiry canvassed the issue of trading hours. It is clear from those submissions and oral submissions at the Committee’s public hearings, as well as recent various public statements and protests, that there is a wide range of views amongst stakeholders and the public on the desirability of amending trading hours and on the effectiveness of reduced trading hours and of the lockout in reducing alcohol-related violence.

Any winding back of trading hours will have an impact on consumers. As with other restrictions, it is argued that reducing trading hours is punishing the majority for the actions of

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<sup>87</sup> BOCSAR, page 7.

<sup>88</sup> BOCSAR, page 2.

<sup>89</sup> The Australian Psychological Society Ltd, submission no. 76, page 5.

the few. Understandably, licensees – and their employees - often see a reduction in trading hours as impacting adversely on their livelihoods.

At the same time, a number of industry stakeholders were open to a reduction in trading hours. One confidential submission from a hotel in a regional city supported a 3am close, to be uniform for all venues, and urged that in the case of a ‘precinct’ there be uniform hours across the precinct.

Another licensee was opposed to what he described as the ‘special benefits’ given to operators in entertainment precincts and stated that many in the industry would support a 2am or 3am close, if it were made uniform.<sup>90</sup>

One very experienced licensee, whilst suggesting that closing times could be staggered - along the lines of suburbs 1am, CBD 3am, Fortitude Valley 5am, also contemplated that Fortitude Valley venues could be closed at 3am, and that this *‘might ultimately encourage people to come out earlier and drink privately less beforehand’*.<sup>91</sup>

Rev Lance Mergard from ChaplainWatch stated that if the inquiry recommends a 2am or 3am close for licensed premises it should<sup>92</sup>:

- also deal with the resulting unemployment
- provide resources to manage the exit of 20,000 to 30,000 young people from the area
- provide more policing and ambulance staff to control the area.

Figures and evidence before the Committee indicated that a number of venues with licences to 5am either do not trade to that hour at all, or do so only on certain days – typically Friday and Saturday nights.

A number of individual licensees who have 5am licences advised the Committee (often privately) that they would support an earlier close than 5am, provided there was a ‘level playing field’ - that everyone in a precinct had the same close. Some licensees were trading to 5am with little profitability in the later hours of trade. The Committee received some anecdotal evidence that this was so even in entertainment precincts in tourist areas.

Licensees were trading to 5am in circumstances of little profitability for two reasons. One was that they perceived the capital value of their licence as being preserved or enhanced if it covered extended hours.

Another reason given was to preserve market share - particularly to attract patrons to their venue prior to any lockout taking effect. As a lockout prevents patrons moving to other venues after lockout time (typically 3am), patrons will migrate to premises that will be serving alcohol to 5am, often doing so well in advance of the lockout time.

The Committee is cognisant of the benefits that late trading hours can and do provide for the night-time economy, and the attraction of late-night trading to patrons, particularly in tourist areas. There are however great costs attached to the longer hours. These costs include the social costs of the increased alcohol-related harm which accompanies longer hours.

There are also the additional economic costs – such as the costs of additional services which are necessary to properly support extended hours - such as policing, security, transport, emergency, hospital, regulation and other services. As will appear from elsewhere in this report, the Committee believes that current levels of these services are inadequate in many areas - particularly in policing and transport – to sufficiently meet the challenges and demands posed by late trading. Additionally, strains are placed on services, diverting resources and

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<sup>90</sup> Chalk Hotel, submission no. 87, page 8.

<sup>91</sup> Les Pullos, submission no. 100.

<sup>92</sup> Rev Lance Mergard (ChaplainWatch), submission no. 147.

leading to agencies having a reduced ability to service other needs not related to alcohol – this particularly includes police, hospitals and emergency services.

There are also the human costs – the adverse impacts on innocent victims of alcohol-related harm, including violence on emergency services workers – often themselves victims.

We have to ask whether society can afford these costs and carry them to support the economic benefits. On balance, the benefits are outweighed by the great costs – social and economic – involved. The extent of alcohol-related violence and other harms is such that a reduction in hours is appropriate.

The Committee has had difficulty in deciding what reduction to recommend. The night-time economy provides jobs and entertainment. On the other hand, long trading hours have an impact not only on the incidence of alcohol-related violence, but also on the amenity of local residents, particularly in suburban areas. Even in precinct areas, there are amenity issues with the current 5am close. It can result in often undesirable interactions between departing patrons on the one hand, and on the other hand, cleaners and early morning workers and exercisers (and in the case of Fortitude Valley, an early morning market.)

Apart from the harm reduction approach warranting a winding back of the closing time, an earlier closing time would also reduce this mix of people in the precinct. The Committee believes a maximum 4am close in entertainment precincts would address these issues.

Standard on-premises trading hours should be set at 10am to midnight. Currently venues can apply for extended hours up to 5am regardless of where they are located. An applicant for an extension of trading hours must satisfy the Chief Executive that there is a “demonstrated need” for the application to be granted.<sup>93</sup> Applications to trade beyond midnight must include either a full or standard community impact statement, dependant on the hours sought. For these applications, the Chief Executive must take into account these additional factors<sup>94</sup>:

- the previous conduct of the applicant in discharging any duties under the Act previously placed on the applicant, especially for the subject premises;
- the applicant’s ability to control the noise and behaviour of the number of persons that could reasonably be expected to be on and in the vicinity of the premises if the extension were granted; and
- the suitability of the premises and its facilities for the purpose for which the extension is sought.

In the view of the Committee the only criterion for strong objection by the public to these extended hours is noise.

In September 2009, the Government announced an immediate 12 month moratorium on applications for extended hours between midnight and 5am. The moratorium applies retrospectively to applications lodged at that date, except for venues that fall within certain designated inner-city areas.

It would be fair to state that many applications for extensions of hours would be approved due to the absence of true community consultation in the process. The Committee believes that this part of the *Liquor Act 1992* needs to be strengthened, and this has been discussed at 7.6 of this report.

In particular, when considering applications for extended hours in suburban areas, issues of amenity, nuisance and noise must be considered. The Committee has concluded that early

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<sup>93</sup> *Liquor Act 1992*, section 86(2).

<sup>94</sup> *Liquor Act 1992*, section 121(g).

closing times are warranted for these areas and has recommended a 1am maximum on weekdays (Sundays to Thursdays) and 3am maximum on Friday and Saturday nights.<sup>95</sup>

As outlined elsewhere in this report (at 7.1) entertainment precincts need to be defined and have a management plans covering such issues as police rostering, transport, public amenities and other environmental elements. On the other hand, the smaller numbers of patrons that would be expected in other areas do not necessitate the same level of support.

If properly managed and resourced in the above manner, entertainment precincts are better equipped to provide a more controlled and safer environment and trading hours can be later in these areas.

Extended hours for special events can still be applied for and should be granted under strict management plans.

## **9.2 Detached bottle-shops**

The issue of bottle shops warrants separate consideration. There has been a proliferation of takeaway outlets in recent years, and this has assisted the phenomenon of ‘pre-loading’, involving patrons consuming quantities of alcohol before going to licensed premises. While there has been no extensive data on the extent of any impact of pre-loading on the incidence of alcohol-related violence, it was an issue raised with the Committee by many stakeholders.

One submitter advised the Committee that recent Queensland research (involving responses from 978 patrons) indicated that 81 per cent of licensed premises patrons drink alcohol before going to licensed premises.<sup>96</sup> According to the Queensland Hotels Association, in Queensland more than 72% of liquor is consumed off licensed premises.<sup>97</sup>

There is a total of about 830 detached bottle-shops (trading under the authority of a range of commercial hotel, commercial club and commercial special facility licences) throughout the state.<sup>98</sup> Currently, detached bottle-shops can trade from as early as 7am to as late as midnight. 295 detached bottle-shops, trading under authority of a commercial hotel licence, are authorised to sell take away liquor with trade commencing between 7am and 10am.

The Committee believes that the culture of pre-loading is certainly a problem and the accessibility of discounted liquor contributes to this problem. Detached bottle-shops should not be given an exemption from the 10am opening time and should close no later than what is considered a normal retail closing hour – 9pm.

In consideration of all members’ differing views, and of the wide range of views in the evidence before the Committee including submissions, public hearings, and inspections of licensed venues, the Committee has reached the following recommendations.

### ***Recommendation 41***

***That standard on-premises trading hours be 10am to midnight.***

### ***Recommendation 42***

***Maximum hours for detached bottle-shops are to be 10am to 9pm.***

<sup>95</sup> To remove any doubt, references by the Committee to closing times on Friday and Saturday nights are in fact in the early hours of the following day.

<sup>96</sup> Gordana Blazevic, submission no. 138, page 5.

<sup>97</sup> Queensland Hotels Association, submission no.75, page 35.

<sup>98</sup> Letter to Committee dated 3 February 2010.

**Recommendation 43**

*Extended trading hours for venues outside special entertainment precincts to be no later than 1am Sundays to Thursdays and no later than 3am on Fridays and Saturdays.*

**Recommendation 44**

*Extended trading hours for venues in special entertainment precincts to be no later than 2am Sundays to Thursdays and no later than 4am Fridays.*

**Recommendation 45**

*The current provisions for occasional extensions beyond these times on certain special event days such as New Year's Eve and local events should remain.*

The following table summarises the Committee's recommendations regarding trading hours.

	Sun – Thurs	Fri – Sat
Entertainment Precincts	10am – 2am	10am – 4am (2am Lockout)
Outside Entertainment Precincts	10am – 1am	10am – 3am (2am Lockout)
Detached Bottle-shops (all)	10am – 9pm	10am - 9pm



## 10. LOCKOUT

Since 1 July 2006, a 3am lockout has been in effect in all late-trading licensed premises throughout Queensland, as part of the *Statewide Safety Action Plan*. The declared aim was to safeguard patrons, the community and hospitality workers from liquor-related harm in and around licensed venues. Venues can continue trading up to 5am, but patrons cannot be admitted after 3am.

Earlier lockouts can still be imposed as part of the conditions of a licence and this has been done particularly for premises that do not trade past 3am. There are also examples of voluntary earlier lockouts.<sup>99</sup>

The state-wide lockout followed some limited lockouts in certain areas of the State. A lockout was imposed by the OLGR on the Gold Coast in 2004. The Committee was informed that an evaluation of that lockout by local Gold Coast police had found that<sup>100</sup>:

*....from a police perspective, the lockout had significantly reduced alcohol-related crime, violence and anti-social behaviour across the Gold Coast District. Four months after the lockout, the overall incidence of alcohol-related crime in the Surfers Paradise Division had dropped 8.91% compared with the same period in the previous year. The report supported the lockout in terms of its capacity to improve the personal safety and property security of residents and visitors to the Gold Coast.*

Opinions on the effectiveness of the lockout varied. The Government in its submission noted that consultation (with industry and local authorities) conducted in the lead-in to the introduction of the state-wide lockout disclosed variously<sup>101</sup>:

- Local governments favoured the lockout as it had a most significant benefit for the community in improving safety and amenity of local areas.
- Council respondents to the evaluation cited a marked reduction in the concentration of patrons loitering in the streets around licensed premises.
- CCTV camera monitors reported that security maintenance was easier, allowing more incidents to be picked up, and police were more easily able to respond.
- Police were also able to respond more proactively, and prevent the escalation of violence.
- Some councils provided local offence statistics from the Queensland Police Service that showed a reduction in the number and degree of offences since the introduction of the lockout, particularly in the post-lockout period from 3am to 6am.
- Callouts to the Queensland Ambulance Service on the Gold Coast decreased by 66 per cent between 3am and 6am in the first four months after the introduction of the lockout.
- The majority of licensee respondents were not in favour of the lockout, with the leading reason cited as difficulty managing the lockout from staff rosters, scheduling entertainment, management of smoking issues and retaining patrons for the latter part of the evening.
- Anecdotally, many licensees reported a drop in patron numbers, which led to a drop in sales and staffing requirements.

<sup>99</sup> See for example Adam Child, submission no. 59.

<sup>100</sup> Queensland Government, submission no. 73, page 33 (referring to Gold Coast District Intelligence Office *Lockout Evaluation Gold Coast District*, compiled by Gold Coast District Liquor Coordination Unit, 30 August 2004, page 13).

<sup>101</sup> Queensland Government, submission no. 73, page 34.

- OLGR officers have observed that the dispersal of patrons over the two hour lockout period appears to lessen the number of incidents. Patrons tend to leave the CBD once they have left a premises after 3am and patrons inside premises tend to disperse in a more even flow over the two hour lockout period making dispersal in precincts more orderly.
- Informal feedback from some licensees is that the 3am lockout is causing problems in relation to patron safety, for example, where females leave the venue to talk on their mobile phone and cannot regain entry and where people want to gain entry to a premises to use the toilets after lockout.
- In addition, some licensees have informally suggested the lockout is contributing to assaults and altercations as people argue to try to gain entry after the 3am lockout.
- Some taxi drivers have expressed concern to OLGR officers that the dispersal at 3am is too much for the number of taxis and it would be better for there to be no lockout.

The Queensland Hotels Association, in its submission, stated that the effectiveness of the lockout in terms of addressing crime and anti-social activity 'has never been appropriately assessed' and that the Queensland Police Service, in maintaining the line that the lockout was effective did so 'without ever providing, releasing or demonstrating statistical evidence to support this conclusion'.<sup>102</sup>

One consequence of the lockout is to stagger the times at which patrons leave precincts, spreading the demands on stretched transport facilities. There is some anecdotal evidence that this reduces alcohol-related violence, by lessening stresses caused by lengthy queuing for taxis and other transport, and flowing through to making life easier for police and emergency workers.

On the other hand, some police and others were of the view that the lockout meant that there were two peak times for services of police and transport, one at lockout time and one at closing time, where one peak would be better to manage. It is also argued that in the absence of a lockout, the load is spread since patrons would leave precincts at various times throughout the night.

There has been little evaluation of the lockout and there is no persuasive evidence that it has reduced the incidence of alcohol-related violence significantly. One submitter stated<sup>103</sup>:

*The government introduced the 3am lockout on a trial basis and with a commitment to have it independently evaluated. The independent evaluation was never undertaken and after the twelve months trial period the lockout was declared a success and implemented on a state-wide basis.*

*Had an independent evaluation of the lockout been undertaken, it may have, for example, identified some of the impacts of the lockout on patrons and what may be required to support patrons to better manage the lockout as part of their night out. I understand that the Valley Liquor Accord has conducted a patron survey that indicates that a significant percentage of respondents feel less safe since the implementation of the lockout.*

Professor Ross Homel was emphatic in his view<sup>104</sup>:

*The 3am lockout is a complete, absolute 100 per cent failure from all of the data that we have been able to observe. I will just say that dogmatically. You can interrogate me at your will on that one, but I can defend that statement. It is what I regard as a politically attractive but completely ineffective strategy. But it is*

<sup>102</sup> Queensland Hotels Association, submission no. 75, page 34.

<sup>103</sup> Gordana Blazevic, submission no. 138, page 14.

<sup>104</sup> Brisbane public hearing, 5 February 2010, transcript, page 29.

*effective in the sense that it got the problem off the front page for a while. If that sounds excessively cynical, I am an academic researcher and a community activist. You are politicians. You have to act in the real world. You have to be re-elected; I do not. So I understand the constraints within which you are working and I am certainly not opposed to measures that are both politically palatable and effective. But it is the combination of the two that I am looking for. The 3am lockout was probably worth a try, but I think the evidence is pretty much in that we need to do an awful lot more to address the problem.*

Despite the lack of comprehensive evaluation, venue managers, some police and other stakeholders have told the Committee they believe the lock out assists them to effectively manage sites.

Given the uncertain state of the evidence and the relatively short period in which widespread lockout arrangements have operated, the Committee does not recommend the removal of the lockout. Noting the recommendations above for closing times, the Committee proposes that there be a 2am lockout across the board. [It will be seen that given the reduced recommended hours, the lockout would only have an impact on weekends.]

***Recommendation 46***

***That a 2am lockout apply to all licensed venues (Earlier voluntary lockouts are still to be available).***

**10.1 Gaming trading hours**

While the issue of gaming was not part of the Committee's brief the Committee notes that the reduction of hours should also reduce gaming hours and therefore reduce the risk of problem gambling.

Having the facilities closed at earlier hours should also assist in the reduction of nuisance problems in the suburbs.

## 11. FLOW-ON ISSUES FOR EMERGENCY SERVICE WORKERS, POLICE AND FRONT-LINE HEALTH WORKERS

Alcohol-related violence affects more than the victim and the offender. People exposed to alcohol-related violence during the course of their work include police officers, ambulance workers, nurses and other Emergency Department staff, as well as those members of our community who volunteer their time to provide assistance to people affected by substances and violence during the peak weekend hours.

The Committee is concerned with the growing trend of violent assaults on frontline health workers and police. It is unacceptable for people who provide essential, lifesaving assistance to our society to be the victim of assault by intoxicated individuals. This was acknowledged by the Queensland Parliament in 2008 when it amended the *Criminal Code* to confirm that unlawful common assaults on all public officers, including police, ambulance officers and other emergency service officers during the course of their public duty will be considered as a serious assault.<sup>105</sup> Serious assaults carry a maximum penalty of 7 years imprisonment.<sup>106</sup>

Again, a lack of comprehensive data precludes the Committee from determining the full impact of alcohol-related violence on front-line health workers, emergency workers and police in Queensland. Evidence received by the Committee suggests that many police and health workers accept some abuse and violence during the course of their employment as ‘part of the job’. The Committee considers that violence is not, and should never be accepted as, a part of their job.

### 11.1 Ambulance staff

The Committee has heard anecdotal evidence from ambulance workers that attacks on paramedics are increasing in frequency and severity. Research in this area suggests that assaults on paramedics are common, though there is little empirical data on whether these assaults are alcohol-related.<sup>107</sup>

In its submission to the Committee, the Liquor, Hospitality and Miscellaneous Union stated the following statistics following a survey of its members. Of the respondents that are ambulance workers 94.37% reported being assaulted or verbally abused by an intoxicated person in the course of their work.<sup>108</sup>

This was broken down into the following:

- 38.03% reported being punched by an intoxicated patient or bystander
- 33.1% reported being kicked by an intoxicated patient or bystander
- 52.11% report being spat at or on by an intoxicated person or bystander
- 42.96% report having an object thrown at them by an intoxicated patient or bystander.

<sup>105</sup> *Criminal Code*, s. 340, as amended by the *Criminal Code and Other Acts Amendment Act 2008*, s 61. Note: Western Australia amended s. 318 of the *Criminal Code Act Compilation Act 1913* (WA) to provide for mandatory minimum sentences for assaults on police, health workers and ambulance workers who suffer actual bodily harm.

<sup>106</sup> *Criminal Code*, s.245 defines an assault as direct or indirect striking, touching, moving, or application of force of any kind to a person without that person’s consent, or where consent is obtained by fraud, or a threat, by act or gesture to apply the force outlined above, where the person making the threat has the actual or apparent ability to effect that threat.

<sup>107</sup> See for example: Boyle, M., Koritsas S., Coles, J., and Stanley, J., *A pilot study of workplace violence towards paramedics*, (2007), *Emergency Medicine Journal* 2007; 24:760 – 763; Mayhew, C., and Chappell, D., *Workplace violence in the health sector: a case study in Australia*, (2003), *The Journal of Occupational Health and Safety – Australia and New Zealand*, vol. 19(6)

<sup>108</sup> Liquor, Hospitality and Miscellaneous Union, submission no. 153, page 3

Additionally:

- 92.25% noticed an increase in the intensity of alcohol-related violence
- 92.96% noticed an increase in the frequency of alcohol-related violence
- 87.32% reported feeling unsafe as a result of intoxicated persons they have been required to treat, or persons in the vicinity of the area in which ambulance workers are providing emergency care.

In requesting self-defence training for all ambulance staff Mr Nigel Stamp, an advanced care paramedic in the Gold Coast area, stated<sup>109</sup>:

*The issue of violence against paramedics is one of the most deeply felt issues in my profession...I have noticed over the last few years that there has been a substantial increase in alcohol related violence towards paramedics, not only in terms of frequency but also in terms of intensity.*

In its submission to the inquiry the Chill Out Zone in Surfers Paradise stated that it has not recorded one incident of violence towards staff in its ten years of operation. The submission states that additional training for emergency workers and nurses on how to appropriately deal with intoxicated and drug affected patients should be provided to all frontline health and emergency staff.<sup>110</sup>

Police and Emergency Services Minister, Hon. Neil Roberts MP, is quoted in a number of media articles announcing the state-wide roll-out of self-defence training for 2500 paramedics in 2010.<sup>111</sup> The training will teach paramedics how to avoid conflict, not physically assault people. *'We want them to put themselves in situations where they can protect themselves and remove themselves and to de-escalate the violence.'*<sup>112</sup>

Training should not be mandatory but should be available for those who wish to undertake it. The Committee considers that the personal safety of ambulance workers must be paramount even if that means that they do not proceed to care for a person in a threatening situation and have to wait for police to arrive.

In further evidence at the public hearing Mr Stamp advised that ambulance vehicles are fitted with a 'duress' button which ambulance workers can use to call for assistance when in a violent or dangerous situation. However, the duress button is not activated on their personal radios and this means that ambulance workers are vulnerable to attacks if outside or away from the ambulance vehicle.

A further issue raised in evidence to the Committee was that ambulance crews often have to wait for police to arrive at a scene before they can administer their care.<sup>113</sup>

Over the last few years a number of police forces across the United Kingdom have trialled a scheme to reduce the number of times when a paramedic had to wait for a police presence. It involved a police officer and a paramedic working together to patrol entertainment areas with a high concentration of licensed venues.

In Northamptonshire, the unit was centrally located within the area. Local licensees, managers and security staff of licensed venues in the trail areas were advised to direct people with injuries (the walking wounded) to a PolAmb unit. Other areas had a mobile patrol vehicle:

<sup>109</sup> Mr Nigel Stamp, Brisbane public hearing, 5 February 2010, transcript at page 5.

<sup>110</sup> Chill Out Zone, submission no. 95.

<sup>111</sup> Anderson, B., *Qld Paramedics get self-defence training*, ABC News, 17 December 2009, at <http://www.abc.net.au/news/stories/2009/12/17/2774899.htm>

<sup>112</sup> Ibid.

<sup>113</sup> Mr Nigel Stamp, Brisbane public hearing, 5 February 2010, transcript at page 5.

*Northamptonshire Police together with East Midlands Ambulance Service (EMAS) will be providing a police officer and a community paramedic in an ambulance fast response vehicle (PolAmb) ... the vehicle is resourced with both medical and police equipment and highly trained staff, allowing both services to respond to incidents at the scene, immediately.*<sup>114</sup>

Patients were assessed at the unit and the appropriate care and first aid was provided. Advice was given as to any further medical attention they might require including visiting their GP the following day or attending Accident and Emergency that night or the next day. If necessary, an ambulance was arranged. This reduced the burden on ambulance crews, freeing them up for more serious cases.

*The presence of the police officer enabled the paramedic to attend potentially violent situations without having to await backup of the Police, as they were already there, thereby improving their response time and patient care. The presence of the officer also afforded the opportunity to investigate serious crime early on.*<sup>115</sup>

The Committee supports a PolAmb trial being held and effectively evaluated in Queensland. In addition to the unit being deployed in entertainment precincts and in areas with a high concentration of licensed venues. Any trial should include the presence of a PolAmb unit at major events.

***Recommendation 47***

***That the Government trial and undertake an evaluation of a PolAmb unit in Queensland; the trial should include the unit being deployed in entertainment precincts and areas with a high concentration of licensed venues, and at major events.***

***Recommendation 48***

***That the Government ensures a swift roll-out of self-defence type training for all ambulance workers. This should include refresher courses at appropriate intervals.***

***Recommendation 49***

***That, in order to provide a higher level of personal security, the Government consider implementing individual duress alarms on ambulance workers' radios, akin to the duress button already in place in vehicles.***

***Recommendation 50***

***That the Government make any legislative change necessary to ensure the safety of emergency service workers when dealing with the public.***

<sup>114</sup> Northamptonshire Police, Innovative approach to tackling alcohol related incidents sees launch of PolAmb in Kettering, 10 December 2009, available at: <http://www.northants.police.uk/default.aspx?id=3389&datewant=yes>

<sup>115</sup> Department of Health (UK), Hub of Commissioned Alcohol Projects and Policies (HubCAPP), Project: Northants POLAMB, available at: <http://www.hubcapp.org.uk/22JR>

**Recommendation 51**

***That Emergency Services Queensland provide support and an effective mechanism for reporting abuse and violence towards staff during the course of their duty. This should enforce the message of zero tolerance, and that abuse is not part of the job and should be reported. Any reporting mechanism should be streamlined and simple to complete in minimal time so as not to interfere with the primary role of these workers.***

**11.2 Emergency department staff**

A 1999 study found that the health industry is the most violent industry in Australia.<sup>116</sup> It is acknowledged by the Queensland Nurses' Union that violence occurs across all sectors of the health industry, and that all violence towards health staff is not associated with alcohol.<sup>117</sup>

A 2003 study of 71 nurses in two south-east Queensland hospital emergency departments showed that 70% of the nurses who took part reported violence within five months. It provides that 86 patients committed 110 reported acts of violence against the nurses. This included 21 incidents where a nurse was slapped, kicked, pushed or hit, 58 incidents of verbal abuse which mostly comprised of being yelled at, sworn at, threatened and intimidated. The study found that the majority of the verbal and violent abuse took place in the triage area.<sup>118</sup> Importantly, at least 30 out of the 110 incidents of verbal and physical violence reported by these nurses were alcohol-related.<sup>119</sup> The study concluded that nurses continue to under-report incidents of violence and abuse.

The Committee acknowledges and is concerned at the apparent acceptance by some of violence, whether alcohol-related or not, as part of the job of a nurse and other front-line health staff.

The Committee notes that Queensland Health is implementing an Aggressive Behaviour Management program to assist health workers in situations which could escalate to violence. In its submission to the Committee, the Queensland Government outlined a number of strategies used in emergency departments to target aggressive behaviour.

These strategies include informing the public accessing the emergency department that such behaviour is unacceptable and will involve legal consequences, security staff presence at peak periods, staff training in de-escalation skills, accelerated response procedures with local police, and linkages with mental health and alcohol and other drug services.<sup>120</sup>

**Recommendation 52**

***That the Aggressive Behaviour Management program in Queensland Health be rolled-out as a matter of priority to all front-line health staff.***

<sup>116</sup> Peronne, S., *Violence in the Workplace*, Australian Institute of Criminology Research and Public Policy Series, Vol 22, 1999, Government Printers, Canberra, cited in Queensland Nurses' Union, submission no. 103.

<sup>117</sup> There are many situations where health staff are assaulted by patients, including incidents related to mental health, where alcohol is not a contributing factor.

<sup>118</sup> This is an area staffed in the participating hospitals by a maximum of two staff and is where patients who were brought in by ambulance were first assessed.

<sup>119</sup> The study shows that 23 incidents, or 21%, did not include details on whether the individual was affected by alcohol or drugs.

<sup>120</sup> Queensland Government, submission no. 73, page 37.

**Recommendation 53**

*That Queensland Health provide support and an effective mechanism for reporting abuse and violence towards staff during the course of their duty. This is to include the message of zero tolerance, and that abuse is not part of the job and should be reported. The reporting mechanism should be streamlined and simple to complete in minimal time so as not to interfere with the primary role of these workers.*

**Recommendation 54**

*That Queensland Health review and amend, as far is practicable in the health care setting, its collection of data on assaults on staff where alcohol or drugs are a factor.*

**11.3 Police**

Police officers are usually the first of the emergency services at incidents of alcohol-related violence in and around licensed venues. Police officers are trained to deal with violence as part of their role. This, however, does not condone attacks on police officers going about their duty. Committee members talked with many police officers during its inspections of entertainment precincts across the State and heard that assaults are common, particularly where alcohol is a factor.<sup>121</sup>

The difficulty in ascertaining the wide and complex nature of the actual affect of alcohol-related violence on policing is acknowledged by the Government in its submission:

*Determining at an aggregate level the exact impact of alcohol misuse for police is complex, limited by current data collection methods which are constrained by inconsistent, and subjective assessments by frontline officers about the contribution of alcohol, and or poly-drug use to an incident.*<sup>122</sup>

The Queensland Police Union of Employees advised the Committee in its submission that police officers called in to deal with intoxicated persons can be dangerous and states that officers are at a constant risk of danger. It goes on:

*Police officers called in to deal with an incident are often assaulted, verbally and/or physically, for example as they break up fights between groups they become targets themselves. Anecdotal evidence indicates officers do fear for their safety when dealing with alcohol-related incidents.*

...

*Officers dealing with alcohol-affected people on a regular basis, and in particular the threat of violence associated with such incidents are frustrated, tired and stressed. Injuries and stress suffered as a result affect work and personal life.*<sup>123</sup>

As noted earlier, a greater visible presence of police has a positive effect on the number of incidents as patrons are aware that police are patrolling in the area.

One of the many issues raised by police during the inspections was the strain on police resources caused by underage drinking. Underage drinking in public places by Queensland youths is a concern for our society. Not only does it have detrimental health impacts, short-term impacts such as alcohol poisoning and long-term impacts such as brain

<sup>121</sup> Inspector Brian Connors, Townsville Police District, Queensland Police Service, hearing 16 October 2009, Townsville, transcript, page 9.

<sup>122</sup> Queensland Government, submission no. 73, page 35.

<sup>123</sup> Queensland Police Union of Employees, submission no. 80, page 13.



development<sup>124</sup>, it also leads to young people finding themselves in situations they might come to regret, such as violent altercations or unplanned or unwanted sexual experiences. Evidence suggests that underage drinking and associated violence is a growing trend, particularly among young women.<sup>125</sup>

This situation is exacerbated when the police cannot contact the child's parents or guardian to ensure they are safely returned to a responsible adult.

A lack of services means that police often have to 'babysit' children who are on the streets for one reason or another where their parents or guardian are not contactable, or they do not have a adult who is responsible for them. In these circumstances often the only recourse the police have is to take them to the station or watchhouse until they can safely release them into the care of a responsible adult or to the Department of Child Services. This results in less police patrolling that area.

This strain on police resourcing is unnecessary. The government services provided for these situations occurring out of normal business hours are worryingly inadequate. The Committee recognises the large number of alcohol and drug services for Indigenous Queenslanders whilst noting the lack of mainstream services for alcohol affected adults, and for children whether they are affected by alcohol or not.

The Committee believes that more out of hours services should be available to look after and provide necessary support to these children. These can be provided by government agencies or by community groups. In particular, a 24-hour, adequately resourced unit within the Department of Child Safety to take in these children until such time that they can be safely returned home or to another safe place should be in place. This unit should provide a 24 hour hotline to contact staff available to provide assistance and remove this extra burden placed upon police resources.

***Recommendation 55***

***That the Department of Child Safety provide a 24 hour service to provide care to those children and young people who come to the attention of the police, whether intoxicated or not, until a responsible adult is able to take care of them.***

***Recommendation 56***

***That, to reduce any burden on police, the Government provide adequate funding for services provided for adults with drug and/or alcohol problems in public places.***

<sup>124</sup> Professor I Hickie, *Alcohol and the Teenage Brain: Safest to keep them apart*, Brain and Mind Institute Monograph 2009-02: University of Sydney, 2009 (funded by DrinkWise).

<sup>125</sup> Professor Paul Mazerolle, Brisbane public hearing 30 October 2009, transcript at page 28.

## 12. EDUCATION AND CULTURAL CHANGE

Education alone will not create a change in cultural attitudes towards alcohol consumption. Education can be a powerful tool as one of a suite of initiatives but is limited as an isolated measure. This is evident from successful multi-faceted campaigns such as the anti-smoking campaign which saw a reduction in smokers in Australia, and the drink driving campaigns.

The success of these campaigns can not be attributed solely to the education and advertising campaigns. They are one part of a range of measures used to address the problems. Consistent, long-term education campaigns should complement enforcement and other harm minimisation measures, are required.

### 12.1 School based education

In 2005 the Australian Institute of Health and Welfare found that the consumption of alcohol is an accepted and common practice among Queenslanders, with Queenslanders' drinking behaviours among the riskiest in Australia.<sup>126</sup> Further, it is accepted by the Government that more Queenslanders are drinking at risky levels at a younger age:

*Increasingly, young people aged between 14 and 24 years are consuming alcohol in a risky manner, especially high-risk (or "binge") drinking in young women.<sup>127</sup>*

Considering the increasing trend of young people from the age of 14 binge drinking on a regular basis the Committee believes that education on alcohol, including the harms and potential health impacts should be provided in schools far in advance to the *Schoolies* event at the end of students' school careers.

In its submission to the inquiry the Government stated<sup>128</sup>:

*The Queensland Government supports the Act Smart, Be Safe website as a gateway for teachers, parents, students and the community to access information to help improve the safety of young people, particularly during end of year activities.*

The website provides information for teachers, parents, and students on violence and alcohol, legal matters, and information on staying safe generally.<sup>129</sup> It also provides links to further resources for teachers such as facts about alcohol from the Australian Drug Foundation.<sup>130</sup> It is primarily directed to older students (about to celebrate Schoolies) and their parents.

The Department of Education and Training *Drug Education and Intervention in Schools policy* requires all state schools to implement drug education programs. These programs are developed within the P-12 Curriculum Framework, which covers prep year to year 12.<sup>131</sup> The framework provides a flexible approach to education which allows principals to develop programs, including programs on alcohol and drug use, within its parameters.

The level of education around alcohol and other substances is dependent upon the discretion of principals and teachers of the schools to include and exclude any aspects they deem appropriate. They can place emphasis upon any aspects they believe relevant and necessary.

<sup>126</sup> Australian Institute of Health and Welfare (2005) *2004 National Drug Strategy Household Survey: State and Territory supplement*. AIHW, Canberra.

<sup>127</sup> Queensland Government (2006), *Queensland Drug Strategy 2006-2010*, Brisbane.

<sup>128</sup> Queensland Government, submission no. 73, page 41.

<sup>129</sup> *Act Smart, Be Safe* website: <http://education.qld.gov.au/actsmartbesafe/violence/alcohol.html>

<sup>130</sup> Australian Drug Foundation website: <http://druginfo.adf.org.au/druginfo/drugs/drugfacts/alcohol.html>

<sup>131</sup> <http://education.qld.gov.au/curriculum/framework/p-12/docs/p-12-policy.pdf>

This flexibility means that the emphasis placed on specific aspects of drug education, can vary from school to school. No data is systematically collected or centrally stored concerning the nature of school based drug education programs.<sup>132</sup>

The *ad hoc* and flexible nature of the alcohol education and the complete lack of data collection on way in which schools are implementing alcohol and drug education in this area is concerning. It affords no clear indication of what Queensland students are taught in schools about alcohol and drugs. Thus, the Committee has little information to determine the effect of school-based alcohol education and its potential impact, if any, on the cultural attitude to alcohol consumption.

Although the Department of Education and Training provides guidelines on how to select programs for Social and Emotional Learning (SEL)<sup>133</sup>, the Committee has little information on the myriad of programs available or as to how the programs are selected by individual schools. Further, in a letter to the Committee the Minister for Education and Training advised that SEL programs in schools are encouraged but are not mandatory for all schools.<sup>134</sup>

There are a number of education initiatives provided to year 12 students prior to the various *Schoolies* events. As well as school-based learning, often these sessions are provided by local police officers, Members of Parliament, local health workers, and community workers.

At the school forum convened by the Committee in Townsville, teenage students advised that education sessions and visits from people who were about their own age and who had gone through real experiences with alcohol would resonate more with them than a book-based exercise. They advised that teachers providing facts, such as the impact of alcohol on a teenage brain, would make them consider and amend or avoid risky drinking habits.

If the culture of binge drinking among Queensland's youth is to be addressed, education needs to be consistent and to begin at an earlier age. The Committee believes that a standard, ongoing, consistent alcohol awareness program should be provided to students commencing in primary school and continuing throughout their school career.

While acknowledging the diversity of students, schools and local communities, the Committee considers that a standard program should be developed for schools to work from and to build on. This should be a minimum-standard approach, providing a base on which individual schools can build with additional programs relevant to their students, having regard to their culture and the local area. This will provide flexibility to incorporate the needs of individual schools and their students.

Alcohol education should be evidence-based and focus on prevention and awareness of the impacts of alcohol consumption combined with a best-practice educational approach appropriate to the age of the students.

#### ***Recommendation 57***

***That mandatory, ongoing education on the health impacts of alcohol be provided in all Queensland schools, commencing in primary schools.***

<sup>132</sup> Hon. Geoff Wilson MP, Minister for Education and Training, letter to the Committee, dated 15 February 2010.

<sup>133</sup> Department of Education and Training, *Guide to Social and Emotional Learning in Queensland State Schools*, Queensland Government, available at <http://deta.qld.gov.au>.

<sup>134</sup> Hon. Geoff Wilson MP, Minister for Education and Training, letter to the Committee dated 15 February 2010.

**Recommendation 58**

*That the Government implement a consistent, minimum-standard of education on alcohol for Queensland students. This minimum standard should provide a solid base for alcohol education on which schools can build with additional current, effective educational programs, resources and tools.*

**Recommendation 59**

*That the Government undertake an ongoing evaluation of additional alcohol education programs available to schools to assess whether the programs available are effective and remain current.*

**Recommendation 60**

*That the Government collect data on which Queensland schools provide alcohol and drug education, and on which programs are used to deliver this education to students.*

**Recommendation 61**

*That, in order to foster a positive cultural change in attitudes towards alcohol consumption, the Government provide more training and clear guidance to schools in effective alcohol education delivery, effective program selection.*

**12.2 Community education**

There are many education campaigns on alcohol directed towards the general community. These come in many forms and from different groups and organisations. There is a growing trend towards Government using social mass media to reach target audiences, including television advertisements, cinema, magazines and newspapers.

**12.2.1 What is being done now?**

The Queensland Government outlined the current and recent education and awareness campaigns in its submission to the Committee. These are summarised below:

*Young Women and Alcohol campaign (2004 – 2008)*

- Targets 18-22 year old women, particularly ‘reluctant drinkers’ who wanted to change their drinking habits but found it difficult to do so.
- This age group was targeted as the National Drug Strategy Household Survey showed an increase of 10% (from 50-60%) of 18-22 year old women who drink at risky levels.
- It consists of four phases – Phase Four commenced in 2007 and included messages (via cinema, television, magazine, online, outdoor and in-venue advertising from Boxing Day 2007 to June 2008) to ‘empower’ women to say no to drinking - *Say no when you want to say no.*
- An evaluation was undertaken by independent marketing company using online surveys. It found positive results – a high recognition of the campaign, and positive change in women’s attitudes and behaviour towards alcohol.

- 69% [no number of respondents provided] of those polled reported a positive behavioural change (such as switching to low strength alcoholic drinks, lower intake, fewer drinking sessions, abstinence) as a result of the campaign, with a further 20% attempting to make a change but failing.

#### Safer Drinking Cultures Program

- Funded using fees collected from the liquor industry and managed by the Office for Regulator Policy and OLGR.
- Targets the drinking culture in Queensland.
- It consists of three separate, mutually reinforcing campaigns as a first step in a long term process to change the binge-drinking culture:
  - *Don't Kid Yourself* targets parents of 14-17 year olds to discourage the provision of alcohol to minors.
  - *Every Drink Counts* targets 18-25 year olds to promote responsible drinking choices and educate on worst consequences of binge drinking – graphic imagery.
  - *Strong Community Life* targets remote Indigenous communities (delivered to 21 communities) with education about responsible alcohol consumption – locally staged community events, workshops and radio shows.

#### Self-preservation program

- Pilot program (in Hervey Bay and Brisbane) aimed at 'Schoolies' to promote better choices regarding excessive drinking. Provided to year 11 students and includes, legal consequences, limitations (such as age), identification of alcohol affected behaviour, and RSA training.

#### QPS Drink Rite Program

- Aimed at promoting responsible attitudes towards alcohol consumption and drink driving and to reduce alcohol-related anti-social behaviour.
- Usually held in a venue with about six people to drink alcohol under controlled conditions with their intoxication levels measured at regular intervals and discussed.
- It demonstrates how much variation there is in the effect of alcohol from person to person, particularly between men and women, and how few drinks it might take to exceed the legal limits set for driving. It reinforces the message that accurately estimating breath alcohol concentration levels is difficult. The program also demonstrates the benefits of drinking low versus high alcohol beverages.

Nationally there are a series of advertisements aired recently for the *Don't turn a night out into a nightmare* campaign, which outline various situations which the drinker might regret. They are part of the National Binge Drinking Campaign which targets different sections of the community (15-25 year olds – primary target group, and parents of 13-17 year olds – secondary target group) but is primarily directed towards younger drinkers.

The Department of Health and Ageing website for the *Don't Turn a Night out into a Nightmare* campaign provides:

*The strategic approach of the campaign is to focus on short term (acute) harms, as these are the most relevant to episodes of intoxicated drinking, to:*

*1. Raise awareness of the harms and costs associated with drinking to intoxication, for example:*

- *road accidents (and death/severe injury);*

- *alcohol-related violence (as a perpetrator, a victim or a witness);*
  - *trauma-related admissions to hospital emergency departments;*
  - *unsafe sex and risk of a sexually transmitted infection (STI) and/or unwanted pregnancy; and*
  - *social and personal consequences such as impact on families and social embarrassment.*
    - *Increase, amongst young people and their parents, perceptions of the possibility of personally experiencing these potentially negative outcomes from intoxication, as well as increasing personal perceptions of the seriousness of these outcomes.*
2. *Deliver personally relevant messages to encourage, motivate and support the primary target groups to:*
- *reconsider the acceptability of the harms and costs associated with drinking to intoxication;*
  - *assess their own drinking behaviour; and*
  - *make changes to their own behaviours where necessary.*
3. *Deliver personally relevant messages to encourage, motivate and support the secondary target group to:*
- *examine their own attitudes and behaviour around alcohol consumption (including the way they talk about drinking to intoxication);*
  - *talk to their children about alcohol use, misuse and the consequences of drinking to intoxication; and*
  - *to model appropriate behaviour for their children around alcohol use.*<sup>135</sup>

A recent evaluation of the binge drinking strategy found that the campaign has so far had a positive, though modest impact on the targeted audiences. Further evaluations are to be undertaken to continue to monitor its effectiveness.<sup>136</sup>

The Committee endorses the message of the National Binge Drinking Strategy. Any Queensland based social media campaigns, as part of a suite of measures, are linked to the National Binge Drinking Strategy to provide a consistent message.

In its 2009 National Preventative Strategy, the Preventative Health Taskforce acknowledged the success of the drink driving campaign, a combined approach of mass enforcement and mass media campaigns.<sup>137</sup>

The Committee notes the success of several health-focused campaigns and recognised that a common theme among them is a long-term consistent message delivered in different formats. Campaigns to address the cultural attitude to drinking should be long-term, consistent, and should be evaluated for its effectiveness.

<sup>135</sup> Australian Government Department of Health and Ageing, Don't turn a night out into a nightmare website: <http://www.drinkingnightmare.gov.au/internet/drinkingnightmare/publishing.nsf/Content/about-the-campaign>.

<sup>136</sup> Australian Government Department of Health and Ageing, National Binge Drinking Campaign – Evaluation survey April 2009, page 15, available at: [http://www.drinkingnightmare.gov.au/internet/drinkingnightmare/publishing.nsf/Content/3F34473572CF15F2CA257679007C3A7A/\\$File/eval1.pdf](http://www.drinkingnightmare.gov.au/internet/drinkingnightmare/publishing.nsf/Content/3F34473572CF15F2CA257679007C3A7A/$File/eval1.pdf).

<sup>137</sup> Preventative Health Taskforce, *National Preventative Health Strategy 2009*, (2009) Department of Health and Ageing, Canberra, .page 245.

*If any meaningful and lasting behavioural change among Australian drinkers of all ages is to be achieved, this cycle of ad hoc, fleeting alcohol campaigns must be broken.*<sup>138</sup>

Research for the Department of Health and Ageing in 2007 suggested that a youth-focused campaign will be limited as young people are bombarded with messages in the social context. It suggests that a broader educational and social marketing campaign towards all Australians to target the social acceptability of intoxication will be more effective.<sup>139</sup>

The National Preventative Health Taskforce recommended that an alcohol social marketing campaign should be a staged process. Stage one should raise the consciousness of drinkers about the effects of their drinking on those around them. The second stage should target various population groups to highlight the downside of intoxication – for example shame, embarrassment and humiliation. It should also be long-term, 15 to 20 years which will be long enough to achieve effective cultural change in Australia.<sup>140</sup>

The Committee endorses the recommended actions in the National Preventative Health Strategy (Action 2.1 and 2.2):

*Action 2.1*

*Develop and implement a comprehensive and sustained social marketing and public education strategy at levels likely to have significant impact, building on the National Binge Drinking Campaign and state campaigns.*

*Action 2.2*

*Embed the main themes and key messages within a broad range of complementary preventative health policies and programs.*<sup>141</sup>

**Recommendation 62**

***That the Government ensures that any Queensland based social media campaigns, as part of a suite of measures to address alcohol consumption and alcohol-related violence, are consistent with the National Binge Drinking Strategy to provide a clear, consistent message.***

**12.3 Other sources of community education and awareness**

Some members of the community for one reason or another have taken it upon themselves to educate the community, usually local to them, about the dangers of alcohol and violence.

The Committee has considered a DVD presentation during the inquiry, though it is aware that there are many more community groups and individuals producing their own messages in various formats.

The Province Lawyers DVD, *Welcome to our World*, shows several scenarios where alcohol leads to unintended and unwanted circumstances. Developed and written by a lawyer, there is

<sup>138</sup> Preventative Health Taskforce, *National Preventative Health Strategy 2009*, (2009) Department of Health and Ageing, Canberra, page 246.

<sup>139</sup> Woolcott Research, formative Research for the development of a national alcohol social marketing initiative, 2007, Department of Health and ageing, available at: [http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/7C6B70D6091A3E4ACA25739A0082EFA5/\\$File/aaa-woolcott-rep.pdf](http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/7C6B70D6091A3E4ACA25739A0082EFA5/$File/aaa-woolcott-rep.pdf).

<sup>140</sup> Preventative Health Taskforce, *National Preventative Health Strategy 2009*, (2009) Department of Health and Ageing, Canberra, page 246.

<sup>141</sup> Ibid.

also commentary which provides discussion on how the situation might have been handles better and provides legal consequences for certain actions portrayed in the scenarios.

The Matthew Stanley Foundation was launched following the death of Matthew in a violent attack outside a party in 2006. The foundation was set up in his honour to promote non-violence and mutual respect among young people and responsible behaviour in the adult community.<sup>142</sup> Along with consulting with Government on initiatives such as the Youth Violence Taskforce and being a driving force behind the 'One Punch can Kill' campaign, Matthew's father, Paul Stanley, travels around Queensland talking to students about the experience of losing his son to violence.<sup>143</sup>

As a self-confessed 'Oldie', Paul Stanley addressed the difficulties for older members of our community in addressing young people without seeming to be telling them what to do, and without being perceived as being out of touch with young people today.<sup>144</sup> To further its educational campaign, the Matthew Stanley Foundation has recently produced an educational DVD, '*One Punch Did Kill*'.

Paul Stanley's solution is simple - talk to young people, asking them how change can be effective in addressing alcohol and violence in our society - ask young people what works, and what doesn't with the current campaigns and ask them what they perceive to be the problems. Additionally, discuss ways of effecting change and then take the appropriate steps to effect that change and implement their suggestions.

The Committee acknowledges that there are other groups, organisations and individuals who provide information to the community through a range of means, probably at a significant personal or organisational cost.

The Committee supports the work of these groups and their volunteers and workers to make our community safer and healthier.

### ***Recommendation 63***

***That the Government evaluate the benefit of community groups messages and where appropriate provide funding to resource those organisations whose messages fit within the overall framework for alcohol and violence prevention for application to the wider community.***

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<sup>142</sup> [www.matthewstanleyfoundation.com.au](http://www.matthewstanleyfoundation.com.au)

<sup>143</sup> See for example [www.onepunchcankill.qld.gov.au](http://www.onepunchcankill.qld.gov.au)

<sup>144</sup> Paul Stanley, public hearing, Brisbane, 5 February 2010, transcript, page 22.



### 13. THE ROLE OF PARENTS

Parents play an important role in shaping the attitudes of their children. As the main role models in children's lives parents have a responsibility to ensure that their children do not develop risky drinking habits based on what their children learn from them.

The early onset of alcohol consumption can lead to alcohol-related problems and dependencies in later life. Binge drinking and excessive consumption are linked (though not the sole contributors) to alcohol-related violence in our society. The National Health and Medical Research Council (NHMRC) *Australian Guidelines to Reduce Health Risks from Drinking Alcohol* provide<sup>145</sup>:

*There is some evidence to suggest that the later adolescents delay their first alcoholic drink, the less likely they are to become regular consumers (Australian Institute of Family Studies 2004). In addition, various studies have shown that:*

- *Those who first became drunk by 19 years are more likely to be alcohol dependent and heavy drinkers in later life (Hingson et al 2003)*
- *Drinking status at 16 years is a predictor of negative alcohol outcomes as a young adult (Wells et al 2004)*
- *Teens who were drinking by 14 years were more likely to experience alcohol dependence than their peers who did not drink alcohol until they were 21 years old (Hingson et al 2006; Toumbourou et al 2004)*
- *Both age of drinking onset and feeling drunk during first alcohol experience increased the odds of problem drinking into adulthood (Warner et al 2007) and this level of risk was higher in men than in women (Pitkanen et al 2005).*

'Secondary supply' is where a person other than the minor purchases or provides alcohol for a minor.<sup>146</sup> This often occurs when the minor hosts or attends a party. Recent amendments to the *Liquor Act 1992* created a new offence of irresponsibly supplying alcohol to a minor in a private place, and supply responsible supervision.<sup>147</sup>

The Government has been criticised for not fully enforcing this legislation, under which parents are liable for a fine of up to \$8000.

*However one Brisbane father refused to heed warnings and was slapped with a \$750 fine and had his alcohol confiscated.*

*He allegedly told police he wasn't fazed by the fine and would continue to supply his teenagers with alcohol.<sup>148</sup>*

During the Committee's school forum in Townsville, parents advised Committee members that they were often pressured by their teenage children to provide them with alcohol when attending parties. One parent recalled her daughters receiving several six-packs of alco-pop each for their 16<sup>th</sup> birthday – presumably with the full knowledge and consent of their parents who likely purchased the alcohol as a present.<sup>149</sup>

<sup>145</sup> National Health and Medical Research Council, *Australian Guidelines to Reduce Health Risks from Drinking alcohol*, Australian Government, February 2009, Canberra, pages 62-63.

<sup>146</sup> In relation to the purchase of alcohol a minor is a person who has not attained the age of 18.

<sup>147</sup> *Liquor Act 1992*, s156A. Responsible adults can legally supply alcohol to a minor for whom they are responsible at a private place where that supply does not interfere with their ability to responsibly supervise that minor.

<sup>148</sup> Leah Fineran, *Police arrest 33 schoolies overnight*, Gold Coast Bulletin, 22 November 2009, available at: [http://www.goldcoast.com.au/article/2009/11/22/161261\\_gold-coast-schoolies.html](http://www.goldcoast.com.au/article/2009/11/22/161261_gold-coast-schoolies.html)

<sup>149</sup> This was stated by a mother of one of the Townsville School Forum attendees on 16 October 2009.

The Committee is concerned at the permissive attitude of some parents towards their children's alcohol consumption. Particularly as some research suggests that parents have a stronger influence in shaping their child's attitude towards alcohol consumption than their peers.

A recent study showed that the children of have parents who strongly disapprove of alcohol are more likely to abstain from heavy drinking when compared with children whose parents were less disapproving, or more permissive of alcohol. This remained so even when the children had friends who drink large quantities of alcohol.<sup>150</sup>

Several other studies also show that the attitudes and behaviours of parents regarding the consumption of alcohol affect their children's drinking habits.<sup>151</sup>

*Parents play a significant role in influencing their children's attitudes towards alcohol. Parents act as role models from whom their children learn behaviours and attitudes towards alcohol consumption, and emotional regulation (e.g. expression and management of anger). For example, children with parents who model the consumption of small amounts of alcohol and the effective emotional regulation and expression (e.g. of anger) are themselves more likely to behave in a similar way.*<sup>152</sup>

In 2007 DrinkWise Australia commissioned research for a targeted social marketing campaign as part of its charter to reduce alcohol-related harm through excessive alcohol consumption.<sup>153</sup> Following the research DrinkWise focused their first social change campaign on parents.

The DrinkWise campaigns, *Kids absorb your drinking* and *Kids and alcohol don't mix*, were designed to fill a gap as there are many campaigns directed towards children and young adults. Their focus on parents as a tool to shift the culture of binge drinking among young people was a self-claimed world first.<sup>154</sup> The TV advertisements remind parents that their children look up to them and follow their example on these kinds of issues.

The DrinkWise campaigns have been raised many times during this inquiry, with generally positive feedback. They are seen by many as an exception to advertising campaigns failing to reach or influence their target market.

*Through discussions with clients in the Chill Out, as well as over 10 000 people a year through community education initiatives, MPIP [Management of Public Intoxication Project] feels qualified to state that very few education campaigns have their intended effect. The exception to this would be the DrinkWise "Kids Absorb Your Drinking" campaign, which was seen by many as the most penetrative message around alcohol.*<sup>155</sup>

<sup>150</sup> Steven C. Martino, Phyllis L. Ellickson, Daniel F. McCaffrey, *Multiple Trajectories of Peer and Parental Influence and Their Association with the Development of Adolescent Heavy Drinking*, 2009, Addictive behaviors, vol. 34 (8) Aug. 2009, page 693.

<sup>151</sup> See for example Radecki, T.E., Parental role model: abstinence is best, The family transmission of alcohol abuse – 79 studies and counting (2007) and Toumbourou, J.W., Duff, C., and Bamberg, J., *Family intervention in the prevention of drug related harm*, (2003) Prevention Research evaluation Report, 7, 1-14, cited in *DrinkWise Social Marketing Fact Sheet* (20 June 2008) available at: [www.drinkwise.com.au](http://www.drinkwise.com.au)

<sup>152</sup> Australian Psychology Society, submission no. 76, page 7.

<sup>153</sup> Quantum Market Research, Parents and Alcohol (Benchmark Tracking – March 2009) Key Highlights, available at: [www.drinkwise.com.au](http://www.drinkwise.com.au)

<sup>154</sup> DrinkWise Australia, *Rationale for choosing to empower parents to 're-think' their drinking attitudes and behaviour*.

<sup>155</sup> Chill Out Zone, submission no. 95, page 4.

The Queensland Government launched the *Don't Kid Yourself* campaign which is managed by the Office of Regulatory Policy within the Department of Employment, Economic Development and Innovation. The campaign aims to:

- Highlight the consequences of alcohol misuse;
- Highlight and prevent harms associated with the reckless supply of alcohol, particularly those unintentional consequences associated with the provision of alcohol to minors in uncontrolled/unsupervised environments, such as sexual assault and physical violence; and
- Instigate attitude and behaviour change amongst parents so they don't irresponsibly supply their underage children with alcohol.<sup>156</sup>

The Committee supports the Queensland Government's *Don't Kid Yourself* campaign and recommends that this continue and be developed to ensure it reaches the target audience.

The Committee endorses the NHMRC Australian Guidelines to Reduce Health Risks from Drinking Alcohol, Guideline 3 which states<sup>157</sup>:

- *For children and young people under 18 years of age, not drinking alcohol is the safest option.*
- *Parents and carers should be advised that children under 15 years of age are at the greatest risk of harm from drinking and that for this age group, not drinking alcohol is especially important.*
- *For young people aged 15-17 years, the safest option is to delay the initiation of drinking for as long as possible*

### 13.1 Parental and individual accountability

A 2006 report of the *Safe Youth Parties Taskforce* noted that fines issued to minors cannot be enforced through the State Penalties and Enforcement Register process, as that process related only to adults.<sup>158</sup> The Taskforce perceived *that a stronger sanction may decrease the numbers of young people consuming alcohol and in turn, go some way toward addressing alcohol related incidents at youth parties.*<sup>159</sup> It recommended that the *Juvenile Justice Act 1992* be amended to ensure that fines issued to young people (under 18 years) under the *Liquor Act* are enforceable against that young person. It went on to recommend options such as transferring the responsibility of the fine to the parents.<sup>160</sup>

In discussing further sanctions and negative implications for young people who consume alcohol excessively and commit alcohol-related incidents at youth parties, the Taskforce stated:

*In some jurisdictions in the United States (e.g. California, Honolulu) there is legislation that provides that eligibility for a drivers licence be deferred, or a current licence be suspended, if minors are caught using false identification to purchase alcohol, in possession of alcohol or supplying alcohol. During the consultation process, the SYP Taskforce was informed that a similar concept had*

<sup>156</sup> Queensland Government, submission no. 73, at page 44.

<sup>157</sup> National Health and Medical Research Council, *Australian Guidelines to Reduce Health Risks from Drinking alcohol*, Australian Government, February 2009, Canberra, pages 62-63.

<sup>158</sup> Safe Youth Parties Taskforce, A report into out-of-control youth parties in Queensland, Minister for Police and Corrective Services, March 2006, viewed 15/3/10, available at: <http://www.police.qld.gov.au/Resources/Internet/services/reportsPublications/documents/Safe%20Celebrations.pdf>

<sup>159</sup> Ibid at page 24.

<sup>160</sup> Ibid, recommendation 3, at page 25.

*been discussed at the 2005 Australasian Liquor Licensing Authority Conference in Darwin. This concept would require legislative changes in the areas of liquor licensing, transport (licensing), and juvenile justice. The rationale behind this approach is that young people will respond more positively to a sanction that places restrictions on something that they care about – “their freedom”. Such an approach can be compared with financial penalties that are often paid by parents or are unable to be paid and can have little subsequent impact. However, a major issue that must be considered when examining the merits of such an approach is the potential for an increase in the number of unlicensed driving offences.<sup>161</sup>*

The Committee considers that to effect a cultural change in our society young people need to be held responsible and accountable for their actions, particularly where it relates to excessive consumption of alcohol and its associated anti-social behaviour. For young people aged of 16 and over, who receive a fine for alcohol related behaviour, they should remain liable for that fine after attaining the age of 18. This should have adverse consequences, such as the inability to obtain a drivers licence, should it remain unpaid at the time of application for such a licence.

The Committee believes that some parents need to be held accountable for the behaviour of their children. When a minor (up to age 16) is fined for alcohol related offences, including, but not limited to, being served alcohol in a licensed place, or purchasing or possessing liquor in a public place without appropriate supervision by a responsible adult, the parents should also be liable for that fine.

The Committee considers that in situations where a young person repeatedly disregards the law with regard to alcohol purchase, consumption and possession they should attend, along with their parents, a suitable course to address the behaviour which should provide education, advice, support and techniques for the parents and the young person to address the underlying issues.

### **13.2 Private parties**

Parents who irresponsibly provide alcohol to a minor and leave them without providing responsible supervision are breaking the law. This needs to be made clear to parents who host parties and to parents who supply alcohol to their under-age children who intend to consume that alcohol elsewhere.

The Party Safe initiative of the Queensland Police Service provides helpful information to people hosting, or going to a party, and their parents.<sup>162</sup> Tips for hosts and guests include:

- register the party with the local police at least two weeks before the event
- arrange private security and having a guest list or guests by invitation only
- if not allowing alcohol make that clear
- if allowing alcohol understand that BYO means a loss of control over the alcohol available to guests
- consider providing low strength alcohol
- tell neighbours of the event and any likely extra parking demands
- limit the noise.

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<sup>161</sup> Ibid at page 24.

<sup>162</sup> <http://www.police.qld.gov.au/programs/personalsafety/situationaladvice/partysafe.htm>

The Party Safe website states:

*It is not an offence for a person under 18 to drink alcohol within your property or someone else's private property as long as the person under 18 is supervised by a responsible adult and the supply of alcohol is not irresponsible. Young people, like adults, can be arrested for behaviours associated with drinking (such as violence or property damage).*

The Committee supports this initiative but notes that it is not advertised consistently or thoroughly throughout the state. The Committee would like to see this information provided to all high school students and their parents. This can help parents to develop safe boundaries for a child's party whether alcohol is provided or allowed or not.

**Recommendation 64**

*That the Queensland Government's Don't Kid Yourself campaign continue and be updated and developed to ensure it reaches the target audience and is developed in light of the National Binge Drinking Strategy to provide a clear, consistent message.*

**Recommendation 65**

*That the parents or guardians of a minor up to age 16 fined for an alcohol-related offence also be liable for that fine.*

**Recommendation 66**

*That young people aged of 16 and over, who receive a fine for alcohol-related offences, remain liable for that fine after attaining the age of 18. This should have adverse consequences, such as the inability to obtain a drivers licence, should it remain unpaid at the time of application for such a licence.*

**Recommendation 67**

*That the Government provide for relevant support services where a young person (under 18) repeatedly disregards the law with regard to alcohol-related offences. They should attend, along with their parents or guardians, suitable support services to address the behaviour which should provide education, advice, support and techniques for the parent and the young person to address the underlying issues.*

**Recommendation 68**

*That the Government ensure that the Party Safe information is disseminated to all students in high schools and their parents and that police promote and encourage the use of Party Safe.*

#### 14. CONCLUSION - REDUCING THE COSTS TO THE COMMUNITY

The Parliament has asked the Committee to consider the economic cost of alcohol-related violence. It is difficult to fix any figure for the economic costs that flow from alcohol-related violence, as distinct from the overall harms from alcohol consumption, but it is clear that the financial cost is extremely high.

It has been estimated that alcohol misuse has a total cost to the Australian community of 15.3 billion dollars each year when factors such as crime and violence, treatment costs, loss of productivity and premature death were taken into account.<sup>163</sup>

Alcohol-related violence can result in an economic cost in a number of areas<sup>164</sup>:

- police resources
- ambulance resources
- costs of hospital and medical treatment
- clean up costs around licensed venues and food outlets provided by councils
- security and surveillance costs
- financial support for community organisations which provide assistance in and around licensed venues
- lost work productivity of and care for victims
- court and prosecution costs
- corrective services costs for offenders – including incarceration and rehabilitation
- compensation for victims.

Drug-Arm told the Committee<sup>165</sup>:

*Combined, the reports give a clear indication that the cost of alcohol-related violence to Australian society is high. Alcohol consumption has high costs to the community. It contributes towards damage to public spaces and increasing public and private assaults. This, coupled with the increased demand for emergency services, law enforcement, and hospital and community organisation services makes the cost of alcohol to the community – and individuals – very high. Lost productivity, increased safety concerns, family breakdown etc, are all further considerations in the cost of alcohol consumption.*

*Another issue to be highlighted is the cyclical nature by which alcohol-related violence contributes to economic damage to business. A pattern of alcohol-related violence in an area will often lead to the avoidance of that area by patrons concerned about violence. This can reduce the business opportunities in the area. As violence-avoiding patrons disappear, so does their “diluting” effect on the behaviour in the area. A perceived norm of violence develops and is reinforced, which escalates the prevalence and persistence of this behaviour in an area. Again, this has detrimental effects on business in the area, contributing to economic problems.*

<sup>163</sup> Collins T and Lapsley H (2008) *The cost of tobacco, alcohol and illicit drug abuse to Australian Society in 2004-2005 Summary Version*, National Drug Strategy Monograph Series No. 66. Canberra: Commonwealth Department of Health and Ageing.

<sup>164</sup> More detail of the nature of some of the costs of alcohol abuse is provided by the Queensland Government, in its submission no.73, at page 45 and following.

<sup>165</sup> Drug-Arm, submission no. 86, page 16.

Staff of the Gold Coast Hospital emergency department advised members of the Committee that from 9pm to 3am on Friday and Saturday nights around forty per cent of the workload involves patients affected by alcohol, either intoxicated or affected by another person's intoxication - for example through assault. This clearly impacts upon waiting times, which is a stimulant for frustration and anger, usually directed towards nursing and administrative staff in the emergency department.

Similar evidence was provided by Associate Professor Alan O'Connor, Director of the Emergency Department at Royal Brisbane and Women's Hospital, where on weekend mornings many of the twenty five emergency department beds will be occupied by persons affected by alcohol-related violence.

He painted the following picture of an average Sunday morning in the emergency department<sup>166</sup>:

*... there will be a young man with two black eyes and a broken jaw who had come in semiconscious the previous night. He would be waiting for a CT scan – a specific scan to make sure there is no brain injury. He – and it is usually a 'he', unfortunately – will often be feeling somewhat sorry for himself and may well have law enforcement officers in attendance to tidy up whatever mess he had been involved in the previous night. This can be quite a depressing picture, actually— that the first 10 patients you see are there as a result of alcohol-related violence. This usually happens on a Friday night and a Saturday night and to a lesser extent a Sunday night.*

It is the Committee's hope that the initiatives proposed by it go some way towards reducing the incidence and impacts – social and economic - of alcohol-related violence in Queensland.

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<sup>166</sup> Associate Professor Alan O'Connor, public hearing, Brisbane, 5 February 2010, transcript at page 13.

**APPENDIX A – LIST OF SUBMISSIONS RECEIVED**

Submission no.	Submitter:
1	Nick Karandrews
2	Diane Schmidt
3	J Whalen
4	C Watford
5	Arthur Johnson
6	Kylie Hick
7	Philip and Jacqueline Noss
8	Rachel and Bruce Summerell
9	Christine Scott
10	David Garmany
11	George Noller
12	David Wicks
13	M Stuart
14	Roger Deshon
15	South Queensland Law
16	Confidential
17	Mr John Ede
18	Anonymous
19	Tablelands Regional Council
20	D Dixon
21	Mr and Mrs Robinson
22	P Bewes
23	David Blair
24	John Marsden
25	R Klease
26	ALH Group
27	Cr David Hinchliffe and Cr Helen Abrahams
28	Mrs Rita Sullivan
29	Mr and Mrs Haycock
30	Confidential
31	Tony Freear
32	Ann St Holdings Pty Ltd T/a The Beat Nightclub
33	Jeremy Dixon
34	Kylie Hickling
35	Jacqueline
36	M V Hadie
37	Di Buckland
38	L van der Zee
39	Edward and Ann Pitt
40	Peter Forde



41	Glenda Neylon
42	David Best
43	G Lambden
44	Bruce Murray
45	Alexander
46	Felicity Lawler
47	Ratespayers
48	J McLachlan
49	Anne Vetter
50	Keith Elder
51	Paul Gleeson
52	Noosa Waters Residents Association
53	Arthur
54	Maikki Scott
55	Michael Smalley
56	Steve Jebb, Sovereign Hotel, Townsville
57	Lindsay Rigby
58	Alcohol Beverages Advertising Code
59	Adam Child. Queen's Hotel, Ayr
60	Peter Newland
61	Associate Professor Sharyn Rundle-Thiele
62	Dr Anthony Lynham
63	David Cooper
64	David Anthony
65	Frank Kearney
66	Goori House
67	Ronald Blackshaw
68	John Morris
69	Michael Clift
70	Queensland Rail Passenger Pty Ltd
71	Mike Horan MP
72	Clubs Queensland
73	Queensland Government
74	Deborah Cronau
75	Queensland Hotels Association
76	The Australian Psychological Society Ltd
77	Brisbane City Council
78	Australian Security Industry Association Ltd
79	Commission for Children and Young People and Child Guardian
80	Queensland Police Union of Employees
81	Joshua McFadzen, Karinya Vales, Kirby Amos
82	Confidential
83	Kevin Stapleton, General Manager, USQ Student Guild

84	The Bank Niteclub
85	Australian Drug Foundation
86	Drug Arm
87	Chalk Hotel
88	Surfers Paradise Licensed Venues Association Inc.
89	Greg Nikolettos
90	Australian Association of National Advertisers
91	Redland City Council
92	SouthEast Primary HealthCare Network
93	Logan City Council
94	Linda Bradshaw
95	Gold Coast Management of Public Intoxication Project
96	Family Voice Australia
97	Alcohol Education & Rehabilitation Foundation Ltd
98	Sarosh Mehta, President, Caxton St Precinct Liquor Accord
99	Bob Taylor
100	Les Pullos
101	Diageo
102	Cr Dale Last, Townsville City Council
103	Queensland Nurses' Union
104	Centre for Accident Research and Road Safety, Qld
105	Kerryn Sues
106	Dean McNulty
107	Louise Foulkes
108	Neville Cooper
109	Dr Helen Stallman
110	Luke Geurtsen
111	Alex Douglas MP, Member for Gaven
112	Peter Dowling MP, Member for Redlands
113	Brisbane Central Police District
114	L and VM Watson
115	David Spain
116	Susan Weise
117	Roger Deshon
118	Gold Coast City Council
119	R Klease
120	Christine Smith MP, Member for Burleigh
121	Adrian Kane
122	Taxi Council Queensland
123	Carlos Hurworth
124	Wujal Wujal Aboriginal Shire Council
125	Mackay City Safe Group
126	Phil Browne

127	Jessica Marszalek
128	Liam Walpole
129	Neighbourhood Watch Gold Coast
130	Matthew Stanley Foundation
131	Anne Vetter (2)
132	AMA Queensland
133	Robyn Brumby
134	Valley Liquor Accord
135	Brisbane City Licensees Association
136	Townsville Late Night Traders
137	Valley Chamber of Commerce
138	Gordana Blazevic
139	Ms. Lindsay Rigby
140	Mr. Noel Nicholls
141	Noosa Waters Residents Association (Trevithick)
142	Richard Holliday
143	Councillor Bill Cahill, Toowomba
144	Mr. Don Magin
145	Reece Hardy
146	Leigh Aubrey
147	Rev Lance Mergard, ChaplainWatch
148	Valley Chamber of Commerce (research addendum)
149	Mr. Arthur Johnson
150	Mr Geoff McIntosh, Chairperson, Bundaberg / Bagara Liquor Accord
151	Mr Donald Thompson
152	Office of the Information Commissioner
153	Gary Bullock, Secretary, Liquor Hospitality Miscellaneous Union
154	Carmel Bradbury
155	Terry Morrow, Landsborough Hotel
156	Russell Steele, RSA Liquor Professionals
157	Nick Drew
158	Ms Magali Lacanau
159	Mr Stephen Harwin
160	NightKey (Mr David Wallace)

**APPENDIX B – LIST OF PUBLIC HEARING WITNESSES****Townsville – 16 October 2009*****MurrieWatch Townsville***

- Mr Eddie Savage, Coordinator

***Queensland Police Service, Townsville District***

- Inspector Brian Connors

***Steve Jebb***

- Licensed venue owner

***Townsville City Licensees Association***

- Mr Steve Flynn, President
- Mr Greg Pelligrini, Spokesperson

***Queensland Ambulance Service***

- Mr David Eeles, Assistant Commissioner

**Cairns – 19 October 2009*****Queensland Health, Cairns and Hinterland Health Service District***

- Mr Kevin Freele, Executive Director, Mental Health Alcohol, Tobacco and Other Drug Service (ATODS)
- Ms Joanne Brown, Acting Cluster Manager, ATODS

***Queensland Police Service, Cairns District***

- Chief Superintendent Paul Taylor
- Acting Inspector Dennis Fitzpatrick
- Sergeant Peter Fischer

***Cairns City Licensees Safety Association***

- Mr Paul Garnham, President
- Mr Dominic Davies, Vice-President

***Cairns CBD Safety Summit***

- Ms Joanne Lillywhite

***Cairns Regional Council***

- Mr Malcolm Robinson, Inner City Facilities Manager
- Ms Laree Verra, Community Safety Officer

***Queensland Fire and Rescue Service, Far Northern Region***

- Acting Superintendent Adrian Stafford

***Mr Brett Bourdujenko***

**Brisbane – 30 October 2009*****Queensland Police Service***

- Acting Superintendent Peter Aitken
- Inspector Steve Donnelly
- Detective Inspector Tony Duncan

***Queensland Hotels Association***

- Mr Justin O'Connor, Chief Executive Officer
- Mr Steven Aylward, Membership and Marketing Services Consultant
- Mr Bruce Mathieson, National Operations Officer, Australian Leisure and Hospitality Group

***Office of Liquor and Gaming Regulation***

- Mike Sarquis - Executive Director
- Craig Turner - Deputy Executive Director
- David McKarzel - Director Policy and Research Branch
- Peter Reinhold - Manager Licensing (Liquor)

***Clubs Queensland***

- Mr Doug Flockhart, Chief Executive Officer, Clubs Queensland
- Mr Tony Murphy, CEO, Redcliffe Leagues Club
- Mr Dermot McEnroe, CEO, Northcliffe Surf Lifesaving Club

***Professor Paul Mazerolle***

- Director, Key Centre for Ethics, Law, Justice and Governance, and Program Leader: Violence Research and Prevention Program, Griffith University

**Brisbane – 5 February 2010*****Liquor, Hospitality and Miscellaneous Union***

- Mr Kroy Day, Representative
- Mr Nigel Stamp, Ambulance Officer
- Mr Ryan Roach, Hospitality Worker
- Mr Ky Mitchell, Security Worker

***Queensland Nurses' Union***

- Ms Beth Mills, Assistant Secretary
- Ms Liz Todhunter, Research and Policy Officer

***Queensland Health, Royal Brisbane and Women's Hospital Emergency Department***

- Associate Professor Alan O'Connor, Director, Emergency Department

***Academy Hospitality Australia***

- Mr Justin McGurgan, Managing Director
- Mr Ian Griffin, Director of Training

***Matthew Stanley Foundation***

- Mr Paul Stanley, Founder
- Mr Neville Coventry, Volunteer

***Professor Ross Homel AO***

- Griffith University

***Australian Security Industry Association Ltd***

- Mr Brian de Caires, Chief Executive Officer

**APPENDIX C – RECOMMENDATIONS OF THE NATIONAL PREVENTATIVE HEALTH TASKFORCE [FROM AUSTRALIA: THE HEALTHIEST COUNTRY BY 2020, NATIONAL PREVENTATIVE HEALTH STRATEGY – THE ROADMAP FOR ACTION, JUNE 2009, DEPARTMENT OF HEALTH AND AGEING]- RECOMMENDED ACTIONS REGARDING ALCOHOL**

**KEY ACTION AREAS**

**Key action area 1: Improve the safety of people who drink those around them**

*1.1 States and territories to harmonise liquor control regulations, by developing and implementing best practice nationally consistent approaches to the policing and enforcement of liquor control laws, including:*

- Outlet opening times, outlet density
- Accreditation requirements prior to the issuing of a liquor licence
- Late-night and other high-risk outlets
- Responsible Serving of Alcohol (RSA) and training model

*1.2 Increase available resources to develop and implement best practice for policing and enforcement of liquor control laws and regulations, relating to:*

- Optimal levels of enforcement of drink-driving laws
- Intelligence-led, outlet-focused systems of policing and enforcement
- Annual review of liquor licences as part of annual licence renewal process
- Demerit points penalty systems for licensees who breach liquor control laws, with meaningful and graduated penalties depending on severity and frequency of offence
- Monitoring and reporting on enforcement of legislation

*1.3 Develop a business case for a new COAG national partnership agreement on policing and enforcement of liquor control laws and regulations.*

*1.4 Provide police, other law enforcement agencies and private security staff with information and training about approaches to complying and enforcing liquor licensing laws and managing public safety.*

*1.5 Change current system to ensure local communities and their local governments can manage existing and proposed alcohol outlets through land use planning controls to:*

- Estimate and take into consideration the impact of proposed new alcohol outlets on outlet density levels, the health and safety of the local community, and neighbourhood amenity prior to granting a licence
- Determine the most desirable mix of outlet types
- Determine the appropriate conditions for new licences such as operating hours, noise restrictions and fees for cost recovery purposes
- Require an annual liquor licence renewal subject to satisfactory compliance

*1.6 Establish the public interest case to exempt liquor control legislation from the requirements of National Competition Policy.*

*1.7 Support the above through:*

- Partnerships with health and law enforcement groups and the alcohol beverage and related industries, such as alcohol retailers, hoteliers, licensed clubs, local communities and major event organisers
- Data collection and monitoring of alcohol sales, policing, and health and social impacts (refer also to key action area 8)

**Key action area 2: Increase public awareness and reshape attitudes to promote a safer drinking culture in Australia**

*2.1 Develop and implement a comprehensive and sustained social marketing and public education strategy at levels likely to have significant impact, building on the National Binge Drinking Campaign and state campaigns to:*

- Help build a national consensus on safer alcohol consumption
- Raise awareness and understanding of NHMRC alcohol guidelines
- De-normalise intoxication
- Raise awareness of the longer term risks and harmful consequences of excessive alcohol consumption

*2.2 Embed the main themes and key messages within a broad range of complementary preventative health policies and programs, such as:*

- Schools and tertiary education settings
- Community-based sport and recreation settings
- Community-based cultural groups

*2.3 Introduce basic strategies in the workplace to prevent and reduce alcohol-related harm in a range of key industries, including:*

- Offering regular basic health checks for employees
- Development of evidence-informed workplace policies
- Employee assistance programs

### Key action area 3: Regulate alcohol promotions

#### *3.1 In a staged approach:*

- Phase out alcohol promotions from times and placements which have high exposure to young people aged up to 25 years, including:
- Advertising during live sport broadcasts
- Advertising during high adolescent/child viewing
- Sponsorship of sport and cultural events (e.g. sponsorship of professional sporting codes; youth-oriented print media; internet-based promotions)
- Consider whether there is a need for additional measures to address alcohol advertising and promotion across other media sources

#### *3.2 Introduce enforceable codes of conduct requiring national sporting codes to take greater responsibility for individuals' alcohol-related player behaviour.*

#### *3.3 Require health advisory information labelling on containers and packaging of all alcohol products to communicate key information that promotes safer consumption of alcohol, including:*

- The current NHMRC Australian Guidelines to Reduce Health Risks from Drinking Alcohol
- Text and graphic warnings about the range of health and safety risks of alcohol consumption
- Nutritional data
- Ingredients
- Clearly legible information on the amount of alcohol by volume and number of standard drinks

#### *3.4 Require counter-advertising (health advisory information) that is prescribed content by an independent body within all alcohol advertising at a minimum level of 25% of the advertisement broadcast time or physical space.*

### Key action area 4. Reform alcohol taxation and pricing arrangements to discourage harmful drinking

#### *4.1 Commission independent modelling under the auspices of Health, Treasury and an industry panel for a rationalised tax and excise regime for alcohol that discourages harmful consumption and promotes safer consumption.*

#### *4.2 Develop the public interest case for minimum (floor) price of alcohol to discourage harmful consumption and promotes safer consumption.*

#### *4.3 Direct a proportion of revenue from alcohol taxation towards initiatives that prevent alcohol-related societal harm.*

### Key action area 5: Improve the health of Indigenous Australians

#### *5.1 Increase access to health services for Indigenous people who are drinking at harmful levels through:*

- Providing resources to primary healthcare providers
- Training of staff, including Indigenous health workers
- Expanding both community-based and residential alcohol treatment programs
- Increasing health service capacity to facilitate coordinated case management of alcohol-dependent persons

#### *5.2 Support local initiatives in Indigenous communities, including:*

- Restricting the physical availability of products
- Reduce the number, density and/or opening hours of licensed premises in areas of high alcohol-related harm
- Strengthening enforcement of RSA
- Establishing local groups of senior Indigenous men and women to promote greater individual and family responsibility in relation to alcohol

#### *5.3 Establish a reliable, regular and sustained system for the collection and analysis of population statistics on alcohol and drug use among Indigenous people.*

#### *5.4 Establish and fund a multi-site trial of alcohol diversion programs.*

#### *5.5 In communities that desire them and which are large enough to support them, the availability of night patrols and sobering-up shelters should be expanded.*



## Key action area 6: Strengthen, skill and support primary healthcare to help people in making healthy choices

*6.1 Enhance the role of primary healthcare organisations in preventing and responding to alcohol-related health problems by:*

- Reviewing the incentive structure for alcohol-related health checks in the primary healthcare settings that are both universal and targeted at high-risk groups
- Further developing their role in coordinating collaborative initiatives such as individual and group referral programs for alcohol-related risk factors
- Increasing the uptake of pharmacotherapy treatment for alcohol dependence, by GPs and specialist alcohol and drug treatment services

*Promoting the NHMRC guidelines on low risk drinking*

*6.2 Develop a more comprehensive network of alcohol-related referral services and programs to support behaviour change in primary healthcare by:*

- Implementing quality standards and an accreditation system
- Brokering through existing primary healthcare services
- Strengthening links with general practice and community-based alcohol and drug services and coordinating through primary healthcare organisations
- Including the role of practice nurses

*Utilising the Headspace (youth mental health promotion) service sites*

*6.3 Increase access to primary healthcare services and improve health outcomes for hard-to-reach disadvantaged individuals who are at risk of alcohol-related health problems by:*

- Limiting the costs of primary healthcare for disadvantaged groups, such as co-payments
- Providing outreach and culturally appropriate services
- Providing opportunistic brief interventions for alcohol when also addressing other key health risks such as smoking and/or obesity

## Key action area 7: Build healthy children and families

- 7.1 Protect the health and safety of children and adolescent brain development by:
- Developing nationally consistent principles and practices regarding the supply of alcohol to minors without parental/guardian consent
- Promoting informed community discussion about the appropriate age for young people to begin drinking

*7.2 Support parents in managing alcohol issues at all stages of their children's development through community-level approaches including:*

- Broad dissemination and implementation of the NHMRC guidelines on the risks of alcohol consumption for young people aged under 18 years and for women who are pregnant or breastfeeding
- School-based parent networking for mutual support and information sharing
- Local policing programs to proactively liaise with families, schools and communities at times when alcohol may pose risks to the health and safety of young people
- Provision of practical advice for handling alcohol issues among children and adolescents at key life stages and settings, including commencement of secondary education, in sport settings, during periods of stress, at times of family disruption or breakdown, and in school leaving years

*7.2 Measure the impact of harmful consumption of alcohol on families and children by ensuring all population surveys that collect data to monitor drug use and drug trends across Australia collect information on parental status or childcare responsibilities of drinkers.*

## Key action area 8: Strengthen the evidence base

*8.1 Develop a system for nationally consistent collection and management of alcohol wholesale sales data to inform key alcohol policy developments and evaluations that includes:*

- Funding for data collection and provision by the alcohol beverage and related industries; and
- Funding for regular and ongoing data management, analysis and reporting by the Australian Bureau of Statistics.
- Continuation of current accessible datasets on alcohol consumption levels in Australia, collected and compiled by the Australian Bureau of Statistics

*8.2 NPA to define a set of essential national indicators on alcohol consumption and health and social impacts by reviewing what is currently available and what is also required.*

*8.3 Expand the collection of patterns of drinking data to include place of drinking, duration of drinking occasion, and reasons for drinking.*

*8.4 Improve utilisation of key datasets on the harm to drinkers and harm to others, including:*

- Police data including that relating to random breath testing, ignition interlock devices, and crimes against property and crimes against the person
- Child and family welfare agency data
- Health services data including hospitals, primary care services, ambulance services and specialist treatment services
- Local government data on management of public space, clean-up costs, noise issues and enforcement of local laws
- Other relevant datasets including fire services, property insurance and medical insurance

**APPENDIX D**

# Statements of Reservation



## **STATEMENT OF RESERVATION**

**DEAN WELLS MP  
MEMBER FOR MURRUMBA**

Regretfully, I cannot agree with my colleagues that identity card scanning of patrons of nightclubs and hotels should be encouraged. If the Committee's other recommendations are implemented, I do not believe such an initiative would prevent any additional incidents. On the other hand the consequences of such screening becoming widespread could be disastrous.

For example an organised crime syndicate with control or influence in a night club could use the technology to determine when a home or business was empty, and have a group of associates ready to rob the place, secure in the knowledge that the owners or residents were out, or alternatively determine that the person they were after was alone. Likely the computers of different establishments using scanning technology would be linked. So if in a particular house or business there were half a dozen people, then the organised crime figure would just have to wait until on some Friday night those people were scanned into one, two or six different establishments.

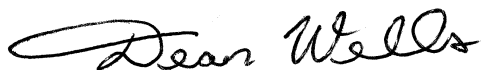
Of course it could be argued that safeguards could be put in place, restrictions could be placed on sharing personal information, and protocols and inspectorates could be put in place to protect information privacy. However I cannot envisage any protocols or restrictions that would be respected by organised crime, nor any safeguards or inspectorates that would be effective against a determined computer hacker.

The Information Commissioner's submission to the Committee is particularly powerful on this issue (see page 22 et seq.). The collection of the identity information will undoubtedly lead to the creation of blacklists. These blacklists will undoubtedly have on them people who never attended the establishments concerned (due to people using other people's ID cards), and those on the blacklist will not have any formal system whereby they can correct the record. The blacklists will undoubtedly include people who have not committed any offence, but have simply been deemed by someone with a computer to be undesirable. The blacklists will be used for other purposes, and perhaps be sold for other purposes. Rental and real

estate agencies would be an obvious application, as would be a variety of consumer and employment listings. The uses to which the information could be put range from the injustices just mentioned, to mere annoyance. An example of the latter would be the collation of the names and addresses of the entire patronage of Queensland night clubs on a particular night to sell it to an advertising agency wanting to target the demographic for an advertising push. Or think of the worst thing that can happen. It is sometimes useful to consider improbable scenarios, because if you wait long enough the improbable eventually occurs. The worst thing that can happen is that organised crime gets hold of the blacklist and sells it to an international terrorist organisation looking for likely recruits or targets.

The contents of the blacklists will inevitably be dubious. If they contain no details of the reasons for the person's inclusion on the list, there will be no way of distinguishing which blacklisted person is a dangerous criminal and which blacklisted person was merely deemed unpleasant on one occasion. If they do contain details they will be defamatory documents, at least in respect of those whose details are not 100% correct. They will be constructed without regard to natural justice, because there is no device by which a person can establish that they are on the list, or contest their listing. Because the list would be in the hands of private enterprise, the Right to Information legislation would not apply, yet the information held will be used to inflict penalties on people usually only delivered by law enforcement agencies of government, which of course are bound by rules of natural justice and information accountability that do not apply in the private sector.

These objections are the more potent because usually those who argue for identity scanning do not argue it as a measure for preventing incidents, but as a measure for identifying those involved in incidents. In my view it is more important to address the underlying causes of escalating violence. The Committee's recommendations relating to violent interactive video games, and the proposal to determine the psychological background of persons who commit violent acts, suggest much better projects than creating a new and odious industry based on identity card scanning.

A handwritten signature in black ink, appearing to read "Dean Wells". The signature is fluid and cursive, with a large initial 'D' and 'W'.

## STATEMENT OF RESERVATION

We, the undersigned, support with reservation, the recommendations in this report. The reasons for our reservation are based on the concerns outlined below.

### FAILURE TO EVALUATE PREVIOUS LEGISLATIVE CHANGES

On 4 August 2009, the Committee received a referral from the Legislative Assembly to conduct an inquiry and report on alcohol related violence in Queensland, with a focus on community safety and preventative measures to reduce levels of alcohol related violence, including its ramifications. The terms of reference included:

- Considering best practice harm minimisation measures, including specific measures such as restrictions on use of glass;
- The impact of late opening hours on incidences of alcohol related violence;
- The flow-on issues for emergency service workers, police, and front-line health workers of alcohol related violence;
- The role of education campaigns in effecting changes to community attitudes to alcohol consumption;
- The role of parents in influencing the attitudes of young Queenslanders towards alcohol consumption;
- The economic cost of alcohol related violence.

The Parliament considered amendments to the *Liquor Act* in September 2008. The *Liquor and Other Acts Amendment Bill* included amendments that proposed to implement recommendations arising from a comprehensive review of the *Liquor Act* which commenced in 2005. The bill included a wide range of amendments, including:

- An emphasis on harm minimisation in the provisions of the *Liquor Act 1992*;
- Reduced trading hours;
- A ministerial power to ban undesirable alcoholic products;
- Licence fees based on risk, and a requirement for risk assessment management plans as part of the licensing process;
- Mandatory training for all staff, licensees and managers in responsible service of alcohol and responsible management of licensed venues;
- An offence of irresponsible supply (secondary supply to a minor).

No evaluation of the success or otherwise of the measures implemented as a result of the amendments to the *Liquor Act* contained in the *Liquor and Other Acts Amendment Bill* has been undertaken. There has been no real opportunity for such an evaluation to occur. Less than 12 months after the bill was debated in parliament, the Committee received its referral to look at many of these matters again.

This report makes recommendations, in particular in relation to harm minimisation measures and trading hours, in relation to matters that were the subject of recent legislative change. We seriously question the integrity and robustness of the government's public policy making process when it appears to be based on *ad hoc* approaches, rather than on proper planning and evaluation of initiatives.

A constantly changing regulatory environment has a negative impact on the liquor and hospitality industry and discourages investment. This is particularly the case when the industry can not have confidence the decisions being made by government are based on sound data and a coherent public policy making process.

## **WORK OF THE COMMITTEE UNDERMINED**

Even before the Committee received its referral from the parliament on 4<sup>th</sup> August 2009, the Premier issued press releases and made extensive public comment in relation to her intention to establish an inquiry into alcohol related violence and the causes of that violence, by way of referral to the Law, Justice and Safety Committee.

Since the inquiry was established following the referral from the parliament to the Committee, the Premier and the Minister for Tourism and Fair Trading have continued to issue press releases and prosecute the intentions of the government pertaining to the use of glass in licensed premises and other matters related to this problem.

The statements of the Premier before the referral pre-empted the inquiry of the Law, Justice and Safety Committee and any recommendations it would eventually have made. The statements by the Premier and the Minister for Tourism and Fair Trading since the referral have continued to disrupt the Committee's inquiry by progressing a parallel agenda, while having no regard to the consequences.

For example, in a *Gold Coast Bulletin* article dated 25 July 2009, the Premier stated that her government would ban glass from problem and high risk venues throughout Queensland and work with police, health experts, the hotel industry, liquor licensing and community leaders to tackle alcohol related violence and anti-social behaviour.

The Premier had obviously predetermined the policy of her government in respect of the use of glass in licensed premises, notwithstanding that she would soon refer the matter of examining harm minimisation measures, including specific measures such as restrictions on the use of glass, to the Law, Justice and Safety Committee.

The Minister for Tourism and Fair Trading proceeded to oversee the issuing of a number of show cause notices to licensed premises deemed to be "high risk" venues. There was considerable concern expressed that the process by which these venues were determined to be "high risk" was arbitrary and lacked evidence.

These show cause notices were contested by a number of licensees by way of a court action to have them overturned. This reflects a lack of confidence within the liquor and hospitality industry in the policies of the government. Eight licensed premises have already had glass banned from their premises, notwithstanding that the report of this committee was yet to be completed and tabled in Parliament.

As such, the genuine interest of the government in the views of this committee's recommendations in respect of harm minimisation measures, or indeed, other matters concerning alcohol-related violence, is questionable. The potential for this situation to occur was flagged by the opposition during debate on the *Parliament of Queensland Amendment Bill* in May 2009, which established this and other new committees.

The creation of Parliamentary committees based on broad areas of policy development has diverted the committee system away from their previous role, where they were focused on the scrutiny of the executive. The Premier claimed the new committee structure was designed to create a system more focused on developing best practice policy and legislative solutions to issues facing Queenslanders.

The actions of the Premier and the Minister for Tourism and Fair Trading suggest that the government has abandoned this view. Far from allowing the new committee system to develop best practice policy and legislative solutions, the government has pursued a pre determined course of action, seemingly for base political reasons in response to pressure from the media to do something in relation to “glassing” attacks.

In any event, it was in this environment, whereby the government had issued controversial “show cause” notices to a number of licensed venues across Queensland, that the Committee was required to conduct its inquiry, including consultation with liquor and hospitality industry groups and individual licensees.

It would be naïve to believe this environment did not influence the submissions received by the Committee. We consider that, notwithstanding the substantial efforts of the Committee, its work was compromised by this environment of distrust between the government and the liquor and hospitality industry. The actions of the government have therefore undermined the work of the Committee.

## **REPLACING GLASS IN LICENSED VENUES**

Recommendations 23, 24, and 25 of the Committee propose that regular glass be phased out of all venues trading after midnight, other than low risk venues, within two years. We note that although a number of licensed premises have voluntarily commenced the phasing out of regular glass, a wider compulsory requirement will result in substantial costs being incurred where new stock will be required.

Although a wide range of polycarbonate “glasses” are currently available, the availability of toughened glass in a variety of shapes and sizes is less extensive. Not only will licensed premises be required to source polycarbonate or toughened glass stocks, manufacturers will be required to invest in capital equipment to meet this demand. The practical ramifications of this recommendation should be noted.

## **INADEQUACY OF THE DATA**

As noted in the interim report of this Committee, the government submission to this inquiry discussed the inadequacy of the data pertaining to incidents of alcohol-related violence. The dearth of reliable statistics in relation to this matter was frequently encountered by the Committee during the public consultation process. This is underlined by the inclusion of recommendation 7 in the committee’s report.

Given the lack of information available to the Committee, it must be recognised that the recommendations contained in this report are based on the limited data that was able to be identified. The extent that this limited data could adequately inform the Committee in the development of its report should instruct the Parliament in its consideration of the merit or otherwise of these recommendations.





**Mr Andrew Cripps MP**  
**Member for Hinchinbrook**



**Mr Jarrod Bleijie MP**  
**Member for Kawana**



**Mr Ray Stevens MP**  
**Member for Mermaid Beach**