

4 July 2014

Mr Ian Berry
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
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Dear Mr Ian Berry

SAFE NIGHT OUT LEGISLATION AMENDMENT BILL 2014

Thank you for the opportunity to provide a submission on the *Safe Night Out Legislation Amendment Bill 2014* (the Amendment Bill).

The Queensland Coalition for Action on Alcohol (QCAA) is a coalition of like-minded health and community organisations committed to reducing alcohol-related harm. QCAA's aim is to identify and prioritise what needs to be done to achieve change that will reduce alcohol-related harms and improve the health and wellbeing of Queenslanders.

QCAA provided a submission to the Queensland Government on the *Draft Safe Night Out Strategy* (draft strategy) and expressed its strong concerns that the draft Strategy focussed primarily on the least effective strategies to reduce alcohol-related harm. A copy of this Submission and a Scorecard assessing the evidence supporting the actions in the Strategy are enclosed. QCAA is extremely concerned that despite a number of submissions and letters from FARE and QCAA, the Queensland Government continues to disregard the evidence on the most cost effective measures to reduce alcohol-related harm.

The Amendment Bill is designed to introduce legislative changes required to achieve the particular policy objectives of the *Safe Night Out Strategy*, recognising that not all of the initiatives within the Strategy require legislative changes. Its primary objective is to 'reduce alcohol and drug related violence in Queensland's nightlife'. Although there are some positive measures outlined in the Amendment Bill, such as the introduction of further regulation to alcohol promotions, as it currently stands the Amendment Bill will not achieve its objective because it does not include measures that control the availability of alcohol.

QCAA has developed a Five Point Plan to reduce alcohol-related harms in Queensland. These measures are based on the evidence of the most effective measures to achieve this:

1. Wind back late night trading hours and continue the moratorium on late night trading;
2. Control the density of licensed premises;
3. Prevent the harmful discounting and promotion of alcohol;
4. Enforce responsible service of alcohol requirements; and
5. Collect data on alcohol sales, consumption and harms.

QCAA strongly recommends that the Queensland Government introduce the measures outlined in the Five Point Plan to ensure that they meet their objective to reduce alcohol and drug related violence.

This letter addresses selected aspects of the Amendment Bill that directly relate to QCAA's Plan and submission on the *Safe Night Out Strategy*. The headings and numbering adopted follow the Amendment Bill numbering.

Clause 30 Insertion of new s 9A: 9A When a person may be taken to be unduly intoxicated

QCAA supports the provisions within the Amendment Bill to change the definition of intoxication.

The further detail within the new definition of intoxication will assist both the regulators and staff working at licensed premises to clarify the meaning of intoxication for the purposes of enforcing Responsible Service of Alcohol requirement.

To assist with the enforcement of the provisions within the Liquor Act 1992 (Liquor Act), the definition of intoxication should be elaborated upon within the Liquor Regulation and Guidelines. The Regulation and Guidelines should outline in further detail the characteristics of intoxication.

Clause 46 Omission of pt 4, div 8 (Moratorium on extended trading hours approvals)

QCAA is strongly opposed to ceasing the moratorium on late night trading between 12am and 5am.

There is no justification for removing the moratorium from the Liquor Act as there are no provisions within the Amendment Bill to address the harms arising from late trading in the same way that reducing late night trading venues will have.

Assaults occur most frequently at licensed premises after midnight.^{1,2} In NSW, where alcohol-related violence data is routinely collected and made available, the incidence of alcohol-related assaults increase significantly between 6.00pm and 3.00am, with 40 per cent of assaults at licensed premises occur after midnight.³

Clause 66 Division 1AA Responsible service, supply and promotion of liquor and preservation of amenity (142ZZA Responsible practices and promotions and 142ZZC Advertising)

QCAA supports the provisions with the Amendment Bill that prohibit the harmful discounting and promotion of alcohol products.

The inclusion in the Liquor Act of the unacceptable practices relating to the promotion of alcohol at on-licence premises is supported by QCAA. However the Bill also specifies that:

2 A person does not contravene subsection (1) if –

- (a) The advertising happens only within the relevant premises; and
- (b) The advertisement is not visible or audible to a person who is outside the relevant premises.

This should be removed from the Bill. The advertisement of these promotions should be prohibited whether they occur within the licensed premises or external to the licensed premises.

The provision should also be extended to apply to off-licence premises, so that off-licence premises are discouraged from supplying free or discounted alcohol.

It is also essential that these amendments to the Liquor Act are effectively enforced. To ensure that the amendments to the Liquor Act are effectively enforced, the provisions under *142ZZD Compliance notices* of the Amendment Act must be swift and certain.

¹ Jochelson, R. (1997). *Crime and Place: An analysis of assaults and robberies in Inner Sydney*. Sydney: New South Wales Bureau of Crime Statistics and Research.

² Briscoe, S., Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*.

³ Moffatt, S. & Weatherburn, D. (2011). *Trends in assaults after midnight*. NSW Bureau of Crime Statistics and Research, Crime and Justice Statistics, Issue paper no. 59.

Clause 113 Division 2 Sober Safe Centre Trial

QCAA supports the establishment of properly supervised sobering up centres.

These services may reduce the burden on health and police services, by providing an alternative for people who are intoxicated. However, these services must be supported by supply reduction measures, such as reducing the trading hours of late night licensed venues. This will help to reduce the demand for such services and costs of managing the expensive, resource-intensive centres.

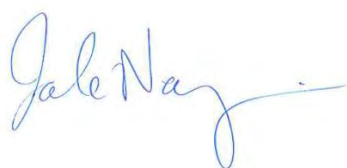
Clause 117 Chapter 18A Breath, saliva, blood and urine testing of persons suspected of committing particular assaults offences

QCAA supports mandatory drug and alcohol testing as an avenue to collect data and support the formation of future alcohol policies. De-identified data that results from this testing should be made publically available to support the formation of evidence-based policy.

In light of its duty of care to protect the health and safety of the community, the Queensland Government must prioritise measures that are the most likely to achieve its objective of reducing alcohol-related harm. Furthermore, it is unrealistic to expect people to make positive choices about their alcohol consumption when they are being bombarded by images and other activities designed to encourage and make it easy for them to drink. The Amendment Bill does not prioritise these measures and indeed, focusses on the measures that are least effective.

We would welcome the opportunity to address the Committee.

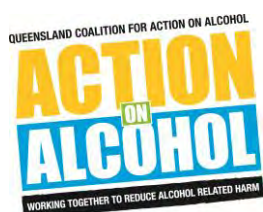
Yours sincerely



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QUEENSLAND COALITION FOR ACTION ON ALCOHOL

ACTION **ON** **ALCOHOL**

WORKING TOGETHER TO REDUCE ALCOHOL RELATED HARM



QCAA Submission to the Queensland Government on the Draft Safe Night Out Strategy

April 2014



About the Queensland Coalition for Action on Alcohol

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

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

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

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

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

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



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Recommendations

1. That the Queensland Government abandon the action on 'Setting clear standards' as it replicates what is already outlined in the *Liquor Act 1992*.
2. That the Queensland Government establishes an alcohol and drug education program that focuses on raising awareness of the harms associated with alcohol use and ways for people to reduce the risks of these harms. The education program should be evidence-based and a committee of experts in alcohol and drug education should be established to guide the development of the education program.
3. That the Queensland Government focuses on preventing alcohol-related crime through evidence-based measures and not through introducing harsher penalties.
4. That the Queensland Government introduces mandatory drug and alcohol testing for people charged with serious offences. De-identified data from this testing should be made publically available to support the formation of evidence-based policy development.
5. That the Queensland Government clearly indicates a timeframe and evaluation framework for the trial of 'sober safe centres'.
6. That the Queensland Government introduces a screening and brief intervention program as part of the trial of 'sober safe centres'.
7. That the Queensland Government strengthens the *Liquor Act 1992* and Regulations to prohibit licensees from engaging in specific promotional practices that encourage irresponsible consumption of alcohol in both on and off-licence premises. These changes should be determined in consultation with public health, and alcohol and other drugs experts, including the QCAA.
8. That the Queensland Government introduces a range of enforcement measures to ensure compliance with restrictions on promotions. This can include the Queensland Government's proposal for a 'mystery shopper' style test. However these tests must result in penalties for non-compliance and not just warnings.
9. That the Queensland Government publicise incidence of non-compliance with the *Liquor Act 1992* by licensees.
10. That the Queensland Government considers the cost-effectiveness of suggested policing strategies such as ID scanners before introducing these measures.
11. That the Queensland Government strengthens the definition of 'unduly intoxicated' in the *Liquor Act 1992* and Regulations to clearly provide a description of intoxication. It is important that this definition allows for adequate enforcement by Queensland Police and other compliance officers.
12. That the Queensland Government provides further information on how they intend to introduce measures to increase obligations on licensees to maintain a safe environment around their premises.
13. That the Queensland Government support greater enforcement of the Act by Queensland Police and OLGR compliance officers as part of the Strategy. This enforcement needs to include compliance officers visiting licensed premises throughout trading, including late at night and on weekends.

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14. That the Queensland Government introduce requirements for the Office of Liquor and Gaming Regulation (OLGR) and the Queensland Police to publically report on compliance activities relating to the *Liquor Act 1992*, including the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified compliance breaches.
 15. That the Queensland Government legislate to introduce a 12 month state-wide trial of the reduction of trading hours based on the Newcastle alcohol restrictions, including:
 - Introducing a closing time of no later than 3am for licensees with extended trading permits; and
 - introducing lockouts at all extended trading permits from 1.00am (currently it is 3am).
 16. That the Queensland Government extend the moratorium on late trading beyond 31 August 2013.
 17. That the Queensland Government strengthen existing complaint and objection processes to allow communities, local governments and police to have a greater say on decisions being made relating to granting new liquor licenses and making complaints about existing licenses.
 18. That the Queensland Government provides further detail on their proposal to introduce a 'new enhanced late-night trading licensing and compliance regime' to licensed venues that 'trade after midnight'.
 19. That the Queensland Government abandons the failed and expensive *Safe Night Precincts* and redirect the funding to support evidence-based measures outlined in *QCAA's Five point plan to reduce alcohol-related harms*.
 20. That the Queensland Government ensures that adequate and safe transport options are available for people visiting late night entertainment precincts.
 21. That the Queensland Government grant Queensland Police powers to impose sanctions on premises found to contravene the *Liquor Act 1992*. These sanctions should include: on the spot 24 hour closures, stricter management plans for premises and revocation of extended trading authorisations.
 22. That the Queensland Government abandon the proposal to investigate 'the viability of ratings and rewards systems to benefit' liquor licensees that 'promote safety'. Compliance with the law should be an expectation, not a behaviour that warrants a reward.
 23. That the Queensland Government develop a comprehensive social marketing campaign to raise awareness of the harms that result from alcohol and provide the community with information on how to reduce the risk of harms. The campaign should be multi-faceted, have a clear message and target audience and be overseen by an expert advisory group with expertise in public health and marketing. The campaign should also be rigorously evaluated.
 24. That the Queensland Government routinely collect data on alcohol-related harms, including emergency department presentations, hospitalisations, ambulance attendances and alcohol-related assaults.

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25. That the Queensland Government immediately commences the process of funding an independent evaluation of the implementation of the Draft Strategy.
 26. That the Queensland Government adopt QCAA's *Five Point Plan to Reduce Alcohol-Related Harms* into the *Safe Night Out Strategy*, including the measures to restrict the availability of alcohol through reductions in trading hours and controlling the density of liquor outlets.
 27. That the Queensland Government undertake meaningful consultation with individuals and organisations with expertise in alcohol harm reduction in finalising and implementing the Strategy. This consultation should involve QCAA.



Summary

The Queensland Coalition for Action on Alcohol (QCAA) welcomes the opportunity to provide a submission on the Queensland Government's Draft *Safe Night Out Strategy* (Draft Strategy). Importantly, this consultation process should be the beginning of ongoing consultation between the Government and key stakeholders in the development of the detail of the Draft Strategy.

Alcohol is a product that causes significant health and social harms. The extent of these harms in Queensland cannot be ignored. In 2012, there were 91,783 alcohol-related emergency presentations in Queensland, representing an increase of 31 per cent from 70,170 in 2007.ⁱ This significant increase was apparent even when controlling for population changes. These harms not only affect the drinker, but also impact on people in the broader community. The majority (65 per cent) of Queenslanders consider the city or centre of town unsafe on a Saturday night, and two-thirds (66 per cent) have had at least one negative experience (e.g. property damage, having something stolen) attributable to someone else's drinking. Over one-third (35 per cent) of Queenslanders have been affected by alcohol-related violence, whether directly or through a family member or friend.ⁱⁱ

In response to the significant harms that result from alcohol in Queensland, QCAA has developed a *Five point plan to reduce alcohol-related harms in Queensland (QCAA Five Point Plan)*. This Plan is based on the evidence of what works to reduce and prevent alcohol-related harms. The Plan's five points are:

1. Wind back late night trading hours and continue the moratorium on late night trading;
2. Control the density of licensed premises;
3. Prevent the harmful discounting and promotion of alcohol;
4. Enforce responsible service of alcohol requirements; and
5. Collect data on alcohol sales, consumption and harms.

The Government's Draft Strategy has a strong focus on personal responsibility, with actions including the development of a code of conduct, developing an education program and harsher penalties. The Draft Strategy also focuses on voluntary measures with the alcohol industry, such as the expansion of the Safe Night Precincts. A focus in these areas completely ignores the evidence on effective measures to reduce alcohol-related harms. This Draft Strategy falls well short of what is needed to achieve meaningful reductions in alcohol-related harms. Instead the Draft Strategy should focus on population-wide measures, which have been proven to reduce alcohol-related harms.

The Government's Draft Strategy currently includes some measures to address the harmful discounting and promotion of alcohol and enforcement of responsible service of alcohol. QCAA supports these measures. However, the Draft Strategy does not include any measures that will reduce the availability of alcohol through restrictions to the density and trading hours of licensed premises. In fact, the Draft Strategy proposes that the current moratorium on late night trading hours be removed from 31 August 2014, which will likely add to the number of late night trading premises in Queensland. The absence of specific measures that target alcohol's availability is a glaring omission. The plan to lift the moratorium will increase the availability of alcohol and exacerbate the already unacceptable levels of harms.



This submission is presented in three distinct sections. The first section outlines QCAA's response to the actions outlined in the Draft Strategy, the second section outlines the key areas missing from the current Draft Strategy and the third section discusses the need for meaningful consultation on the Draft Strategy.

1. QCAA's response to the actions outlined in the Draft Strategy

This section outlines QCAA's response to the actions in the Draft Strategy. The headings used are those used in the Strategy. The actions are outlined verbatim in the boxes throughout this document.

Setting clear standards

1. Establish clear standards of behaviour for patrons, licensees and police when alcohol is consumed in public and indicate what actions licensees and police will take to stop alcohol and drug-related violence.

We will do this by:

a. Conducting an awareness campaign about clear standards of behaviour, including advertising, to ensure everyone understands the expected standards of behaviour and the actions that can be taken by licensees and police.

QCAA's response

The Queensland Government's proposal to 'establish clear standards of behaviour for patrons, licensees and police' simply replicates what is already outlined in the *Liquor Act 1992* (the Act) and will not reduce alcohol-related harms. The Act outlines the legal obligations for patrons, licensees and police relating to the sale, supply and consumption of alcohol, and the penalties that may be incurred as a result of breaches to the Act.

If the Queensland Government is concerned that there is a low awareness of the expected 'standards of behaviour', the focus should be on promoting knowledge of the Act, rather than establishing more red tape.

Alternatively, if the Queensland Government's intention is to raise awareness of the harms that result from alcohol and to provide community members with information on how to reduce their risk of incurring these harms, then a comprehensive social marketing campaign is needed. QCAA supports the establishment of an awareness raising campaign that has this broader focus. However the campaign must be well resourced, be promoted through a range of media (eg. print, social media and television), have a clear target audience and have clear messaging. This is further elaborated upon in response to Action 15.

Recommendation

1. That the Queensland Government abandon the action on 'Setting clear standards' as it replicates what is already outlined in the *Liquor Act 1992*.

Education

2. Make it compulsory for every student from year 7 to year 12 to undertake education every year about the culture, attitudes and social expectations of alcohol consumption, including the risks of binge drinking, illicit drug use and alcohol and drug-related violence.

We will do this by:

a. Implementing a suite of curriculum materials and teacher resources for use by all Queensland school sectors.

b. Developing a strategy for delivery that is flexible and has the capacity to be embedded into the curriculum aligned to the Australian Curriculum and school-based pastoral care programs.


QCAA's response

QCAA supports alcohol education for young people on the harms that result from alcohol consumption and strategies to reduce the risk of these harms. Alcohol and drug (AOD) school-based programs often face many challenges including that they are not always supported by the evidence, are poorly implemented, funded in an ad hoc manner that jeopardises the sustainability of the project, or never evaluated to assess the effectiveness of the program and areas for future improvement.ⁱⁱⁱ

Education programs should be developed and implemented based on the evidence of what is most effective. According to the evidence-base, alcohol education programs are most effective when they:

- employ inclusive, interactive teaching strategies that actively engage students in the learning process;^{iv v}
- involve whole of school and community support for classroom alcohol education messages;
- are based on the experiences and interests of the students it is designed to influence; and
- are timed such that the intervention starts before alcohol experimentation begins and continues as young people mature.

An example of an effective school-based education program is the Drug Education in Victorian Schools (DEVS). A trial of this program commenced in 2008 and ran for three years in 21 high schools in Victoria.^{vi} The classroom AOD education program addressed issues around the use of alcohol, tobacco and illicit drugs (mainly cannabis). At the heart of the DEVS program is its grounding in social learning theory, which posits that human learning – including alcohol and other drug use – occurs in a social context and is socially learned through modelling, imitating and reinforcing behaviours.^{vii} This “social cognitive approach” aims to teach young people to avoid using alcohol and other drugs by resisting external pressure from peers, family and the media, and by increasing coping skills.^{viii ix}



The DEVS program was delivered to year eight and nine students and included up to 12 classes.^x Students who participated in the intervention were no less likely to have tried alcohol, however the trial evaluation found that after the program they:

- were more knowledgeable about drug use issues;
- communicated more with their parents about alcohol;
- drank less and got drunk less;
- experienced fewer alcohol-related harms; and
- remembered receiving more alcohol lessons.^{xi}

The Victorian Government is rolling out the DEVS program in all secondary schools across Victoria.^{xii}

The development of an education program on alcohol and drugs should be established in consultation with experts.

Recommendation

2. That the Queensland Government establishes an alcohol and drug education program that focuses on raising awareness of the harms associated with alcohol use and ways for people to reduce the risks of these harms. The education program should be evidence-based and a committee of experts in alcohol and drug education should be established to guide the development of the education program.

Penalties

3. Introduce tougher penalties for those who are affected by alcohol or drugs and engage in anti-social and violent behaviour in and around licensed venues and in public.

We will do this by:

a. Introducing new offences and increasing penalties to make sure there are severe consequences for violent or anti-social behaviour:

- *'Coward punch' deaths will be punishable through a new offence of 'Unlawful striking causing death', punishable by a maximum penalty of life imprisonment, with the offender required to serve 80 per cent of their sentence of imprisonment before being able to apply for parole.*
- *Maximum penalties for aggravated serious assaults on public officers, such as ambulance officers, will go up from 7 years to 14 years imprisonment.*
- *Penalties for using anabolic steroids will be strengthened to make sure they are similar to the heavy penalties that already apply to other dangerous drugs such as methamphetamine and ecstasy.*

b. Making sure there are strong and immediate consequences for violent or anti-social behaviour around licensed venues:

- *On-the-spot fines for causing a public nuisance will go up to \$660 or a maximum fine of \$2,750 or six months in prison.*
- *On-the-spot fines for refusing to leave licensed premises will go up to \$550 or a maximum fine of \$5,500.*
- *Penalties for obstructing police will go up to \$6,600 or 12 months in prison.*


c. Changing sentencing rules so that offenders are punished with tougher penalties by the courts:

- *Being intoxicated will not be able to be used as an excuse to lessen a person's sentence.*
- *Offenders convicted of certain serious violence offences committed while intoxicated in public will have to serve 80 per cent of their sentence of imprisonment before being able to apply for parole.*
- *Courts will be able to hand out life-time bans from licensed premises.*

d. Requiring offenders to perform community service work as part of their sentence, for example, cleaning up areas of a precinct, working in a rest and recovery service or, where appropriate, undergoing alcohol or drug counselling/rehabilitation or another relevant program.

QCAA's response

Appropriate penalties are required to enforce the laws in place to manage public order and mitigate harms. Penalties are most effective if they are swift and certain, rather than severe.^{xiii} Penalties should be administered immediately and in a consistent manner, so people perceive a high likelihood of punishment. However there is, at best, marginal evidence to support the effectiveness of harsher penalties and mandatory sentencing in preventing or reducing alcohol-related crime.^{xiv}



An analysis of studies examining sentencing and its effect on crime rates by the New South Wales Police Association stated that ‘the very idea that tougher sentences will reduce crime by acting as a deterrent implies that the average would-be offender will contemplate the length of a potential sentence before committing a crime. Crime, however, is often impulsive and lacks such prudent foresight.’^{xv} This is even more likely for an intoxicated person who commits a crime.

The Australian Institute of Criminology (AIC) examined the effectiveness of drink driving prevention and enforcement strategies and concluded that ‘drink driving penalties should be supported by effective random breath testing enforcement because penalties alone, even when severe, have minimal impact if the perceived probability of detection remains low or unchanged’.^{xvi}

A further paper by the AIC examining mandatory sentencing suggests that while mandatory sentencing may result in small reductions in crime, the costs of this policy do not justify the small reduction that may be achieved.^{xvii} Furthermore the report states that ‘the large government investment required by mandatory sentencing laws would arguably return a much greater yield in terms of crime prevention if it were invested in prevention policy in areas such as education.’^{xviii}

Penalties should not be relied upon to curb alcohol-related violence and anti-social behaviour. There needs to be a greater focus on prevention to mitigate the risk of harms and on holding licensees accountable for irresponsible behaviour.

Recommendation

3. That the Queensland Government focuses on preventing alcohol-related crime through evidence-based measures and not through introducing harsher penalties.

Policing

4. Ensure the Queensland Police Service (QPS) has the powers and resources to respond quickly and effectively to alcohol and drug-related violence and anti-social behaviour where needed.

We will do this by:

- a. Continuing existing powers for police to direct a person to leave an area and not return within 24 hours.*
- b. Empowering police to issue banning orders to immediately ban a person from being in and around licensed venues.*
- c. Ensuring high visibility and rapid response to control incidents involving alcohol and drug-related violence and anti-social behaviour in Safe Night Precincts.*
- d. Conducting drug operations including tactical covert and overt strategies and drug detection dogs where needed.*
- e. Linking police information with ID scanners in licensed venues to improve enforcement of banning orders.*
- f. Conducting high profile operations with other jurisdictions to target alcohol and drug-related violence and anti-social behaviour.*
- g. Developing and implementing innovative policing strategies and technologies to support police presence on the ground in policing alcohol and drug-related violence.*
- h. Empowering police to conduct mandatory drug and alcohol testing on people who have been charged with serious offences to assist in prosecution.*

QCAA's response

Action four outlines a number of policing strategies relating to alcohol control including issuing banning and leave orders, ensuring high visibility of policing and introducing mandatory drug and alcohol testing. QCAA supports providing police with the powers necessary to enforce the provisions within the Act. However these measures must be evidence-based and cost effective.

Banning orders are a tool that is increasingly used in areas where there are a large number of licensed premises to support police to manage social order. Banning orders can be introduced by licensees, through local accords or legislation. There is limited research on the effectiveness of these orders.^{xix} However, they may be a useful tool for police in managing large crowds.

Mandatory drug and alcohol testing is supported by QCAA as an avenue to collect data and support the formation of future alcohol policy. De-identified data that results from this testing should be made publically available to support the formation of evidence-based policy.

Policing is a necessary part of enforcement, however it is also costly. A recent New South Wales (NSW) Auditor General report on the cost of alcohol abuse found the direct cost of alcohol to the

NSW Government to be \$1.029 billion, with policing accounting for \$372.4 million or 36.2 per cent of the total cost.^{xx}

Recommendation

4. That the Queensland Government introduces mandatory drug and alcohol testing for people charged with serious offences. De-identified data from this testing should be made publically available to support the formation of evidence-based policy development.

Sobering up

5. Develop and implement ways to effectively deal with people who are drunk and disorderly in public places.

We will do this by:

a. Implementing a trial of 'sober safe centres' in the Brisbane CBD enabling police to detain a person for their own safety when they are unduly intoxicated, at risk of serious harm, and behaving in a potentially violent and/or anti-social manner.

b. Continuing existing non-government organisation rest and recovery services in Fortitude Valley, the Gold Coast and Townsville and funding other Safe Night Precincts that can determine the best way to provide these services in their areas.

c. Exploring other support service measure such as drug and alcohol counselling.

QCAA's response

QCAA supports the establishment of properly supervised sobering up centres. However, sobering up centres are expensive, resource-intensive and do not target the prevention of alcohol-related harms. These services may reduce the burden on health and police services, by providing an alternative for people who are intoxicated.

If the Queensland Government supports sobering up centres, these should be used as opportunities to administer screening and brief interventions (SBIs). SBIs involve screening and assessing a person for risky alcohol use, and providing information and advice with the aim of reducing the person's risky alcohol consumption. Brief interventions are inexpensive, take little time to implement (as little as five to 10 minutes), and can be undertaken by a wide range of health and welfare professionals. Brief interventions primarily target people who consume alcohol at risky levels.

The use of an SBI to treat early stage problem drinking can save health system resources in the long term because it can ameliorate the need for later stage treatment which may be more intensive and costly. The effectiveness of SBIs in the primary care context is well-established and there is emerging evidence of their efficacy and importance in emergency and general hospital settings.^{xxi xxii} A recent Cochrane review of 22 trials with over 7000 patients showed that primary care patients who received SBIs consumed on average almost four standard drinks (38g alcohol) less than controls after one year follow up or more.^{xxiii}

Recommendations

5. That the Queensland Government clearly indicates a timeframe and evaluation framework for the trial of 'sober safe centres'.
6. That the Queensland Government introduces a screening and brief intervention program as part of the trial of 'sober safe centres'.

Responsible Service of Alcohol

6. Ensure that licensees comply with requirements under the Liquor Act 1992 to provide a safe environment for patrons and implement improved and consistent liquor licensing compliance arrangements.

We will do this by:

a. Implementing new ways to ensure licensees are prohibited from encouraging rapid or excessive consumption of alcohol including:

- *Introducing a new power to prohibit licensees from engaging in specific promotional practices that encourage the irresponsible consumption of alcohol.*
- *Testing alcohol service practices through 'mystery shopper' style tests with outcomes discussed with licensees to improve their compliance.*

b. Introducing mandatory requirements to operate networkable ID scanners for venues trading after midnight in Safe Night Precincts. For other venues outside these areas, we will enable the Commissioner for Liquor and Gaming to require ID scanners to be used where this is appropriate to manage community safety.


c. Amending the definition of 'unduly intoxicated' to ensure successful action can be taken against licensees who serve alcohol to an intoxicated person, regardless of the cause of intoxication.

d. Increasing obligations on licensees to maintain a safe environment around their premises and make sure action can be taken against licensees that don't comply with these obligations.

e. Implementing strategies to enhance the responsible service of alcohol by licensees, including developing educational and promotional material about licensees' responsibilities and induction material for new licensees and licensees applying for trading after midnight.

QCAA's response

Action six includes a number of strategies such as addressing alcohol promotions, introducing ID scanners and increasing the obligations on licensees of maintaining a safe environment.



Alcohol promotions

QCAA supports strengthening the Act to prohibit the harmful discounting and promotion of alcohol products on both on and off-license venues and supports the action within the Draft Strategy that a *'new power to prohibit licensees from engaging in specific promotional practices that encourage the irresponsible consumption of alcohol'* be introduced.

QCAA also supports the enforcement of these measures through 'mystery shopper' style tests. However the outcome of these tests should result in prosecution and meaningful penalties for breaches of the Act. This will send a clear message to licensees that breaching the Act will not be tolerated.

The QCAA Five Point Plan includes a measure to 'Prevent the harmful discounting and promotion of alcohol'. This measure includes:

- strengthening the Act to prohibit the harmful discounting and promotion of alcohol products on both on and off-licensed premises; and
- ensuring that these measures are enforced.


The Act currently allows for the Minister to prohibit the sale of a product that inappropriately targets young people, increases intoxication at rapid rates and/or encourages irresponsible use of alcohol. Additionally, the Act and the *Liquor Regulations 2002* contain provisions to prohibit alcohol promotion in on-licensed premises. This includes banning the promotion and sale price of alcohol on the outside of on-licensed premises (eg. 'Happy hours' and 'two drinks for the price of one'). While these price promotions are not allowed to be advertised outside a licensed premise, they are permitted to occur within the licensed premise. The Act also prohibits promotional activities which encourage the rapid consumption of alcohol. Despite these regulations alcohol is too frequently discounted and promoted at both on and off-licensed premises.

Introducing ID Scanners

ID scanners are being proposed or have been introduced in a number of areas where there are large numbers of licensed premises that have late night trading. The justification for their introduction is often to allow for the quick identification of people that are causing social disorder in and around these areas. A study examining their effectiveness in the city of Geelong, Victoria, found that ID scanners were popular among stakeholders, however there was little connection between the introduction of the ID scanners and alcohol-related assaults in and around late night trading premises.^{xxiv} Furthermore the study found that there was uncertainty about data management and privacy considerations. The effectiveness of ID scanners in reducing alcohol-related assaults and the cost of introducing this measure should be considered before this policy is progressed.

Definition of intoxication

Under the Act, 'unduly intoxicated' is defined as a 'state of being in which a person's mental and physical faculties are impaired because of consumption of liquor so as to diminish the person's ability to think and act in a way in which an ordinary prudent person in full possession of his or her



faculties, and using reasonable care, would act under like circumstances'. This definition is vague and does not provide an adequate description of what intoxication is. In the *Australian Capital Territory Liquor Act 2010*,^{xxv} a person is 'intoxicated' if:

- a) the person's speech, balance, coordination or behaviour is noticeably affected; and
- b) it is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor.

The Act should strengthen the definition of 'intoxicated' in a manner similar to that used in the ACT Liquor Act. Elaboration on this definition should be supported in related Regulations.

Obligations on licensees to maintain a safe environment

QCAA provides in-principle support to 'increasing obligations on licensees to maintain a safe environment around their premises'. This should include swift and certain punishment for licensees found to be non-compliant with RSA requirements. Further detail is required of how the Queensland Government intends to introduce such 'obligations'.

Recommendations

7. That the Queensland Government strengthens the *Liquor Act 1992* and Regulations to prohibit licensees from engaging in specific promotional practices that encourage irresponsible consumption of alcohol in both on and off-licence premises. These changes should be determined in consultation with public health, and alcohol and other drugs experts, including the QCAA.
8. That the Queensland Government introduces a range of enforcement measures to ensure compliance with restrictions on promotions. This can include the Queensland Government's proposal for a 'mystery shopper' style test. However these tests must result in penalties for non-compliance and not just warnings.
9. That the Queensland Government publicise incidence of non-compliance with the *Liquor Act 1992* by licensees.
10. That the Queensland Government considers the cost-effectiveness of suggested policing strategies such as ID scanners before introducing these measures.
11. That the Queensland Government strengthens the definition of 'unduly intoxicated' in the *Liquor Act 1992* and Regulations to clearly provide a description of intoxication. It is important that this definition allows for adequate enforcement by Queensland Police and other compliance officers.
12. That the Queensland Government provides further information on how they intend to introduce measures to increase obligations on licensees to maintain a safe environment around their premises.

7. Enhance enforcement and compliance measures and ensure that police and liquor compliance officers effectively coordinate and integrate their activities to reduce the regulatory burden on businesses, without compromising compliance.

We will do this by:

a. Increasing the ability of the Office of Liquor and Gaming Regulation (OLGR) to:

- *Undertake covert and overt compliance monitoring programs including additional late-night and weekend activities, and targeting identified premises and geographical areas of concern.*
- *Gather and analyse relevant data and information, using this to develop compliance programs specifically targeted to responsible service of alcohol and providing safe environments at licensed premises.*
- *Conduct statewide coordination of activities.*
- *Engage with the liquor industry, business and local communities on harm reduction strategies.*
- *Provide education and training to operational police and compliance officers.*

b. Requiring OLGR to place greater emphasis on enforcement action for serious non-compliance with the Liquor Act 1992.

c. Establishing a joint QPS/OLGR taskforce to ensure improved consistent compliance arrangements are implemented, including operating procedures and training for police and OLGR compliance officers, and developing strategies, concepts of operation, and ways to target resources.


d. Ensuring ongoing cooperative working arrangements where officers from QPS and OLGR work together to:

- *Ensure greater consistency in enforcement practices between QPS and OLGR.*
- *Reduce the regulatory burden on business, by better coordinating inspections and compliance activities across QPS and OLGR.*
- *Enable better sharing of information about investigation outcomes, compliance history and other relevant data between police and compliance officers.*

QCAA's response

QCAA supports greater and more coordinated enforcement of the Act by Queensland Police and Office of Liquor Gaming and Regulation (OLGR). QCAA's Five Point Plan includes 'Enforce responsible service of alcohol requirements'. More specifically QCAA's Plan specifies the need to introduce measures to better enforce responsible service of alcohol requirements in licensed venues throughout Queensland, including compliance officers visiting licensed venues outside of regular business hours.

QCAA's Five Point Plan also specifies the need to introduce requirements for OLGR and Queensland Police to publically report on compliance activities relating to the Act, the number of premises inspected and their location, the times of day that these premises are inspected and the number and type of identified breaches of compliance.



It is important that enforcement by Queensland Police and OLGR is coordinated. Enforcement of licensing conditions is an effective strategy to reduce alcohol-related harms. However to be effective this enforcement needs to be sustained. Enforcement can include a combination of targeted and randomised strategies focused on all licensed premises in an area. Enforcement should be undertaken in a highly visible manner but to a randomised schedule. In addition media publicity pre and post visits to licensed premises have been found to be critical aspects of successful enforcement projects.^{xxvi} Queensland Police and OLGR compliance officers also need the capacity to undertake covert operations that result in prosecutions that are swift, timely and appropriately measured.

Recommendations

13. That the Queensland Government support greater enforcement of the Act by Queensland Police and OLGR compliance officers as part of the Strategy. This enforcement needs to include compliance officers visiting licensed premises throughout trading, including late at night and on weekends.
14. That the Queensland Government introduce requirements for the Office of Liquor and Gaming Regulation (OLGR) and the Queensland Police to publically report on compliance activities relating to the *Liquor Act 1992*, including the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified compliance breaches.

8. Ensure we have a responsive, accountable and strengthened licensing system that takes into account community safety concerns and focuses on promoting responsible service of alcohol practices, instead of simply winding back trading hours.

We will do this by:

a. Requiring that the Commissioner for Liquor and Gaming give greater weight to a recommendation made by the Commissioner for Police about public safety when deciding an application for extended trading hours or considering imposing conditions. The Commissioner for Liquor and Gaming will provide written reasons explaining how the recommendation of the Commissioner for Police relating to public safety will be addressed in the decision about the licence and/or conditions.

b. Enabling communities, through their local councils, to have a greater say on applications for extended liquor trading hours and adult entertainment permits.

c. Empowering the Commissioner for Liquor and Gaming to direct a licensee to amend its risk-assessed management plan to ensure the licensee's compliance with the Liquor Act 1992.

d. Using licensing conditions to require all venues in a particular precinct to prevent and manage alcohol and drug-related violence, e.g. lock-outs and responsible service of alcohol initiatives.

e. Introducing a new enhanced late-night trading licensing and compliance regime that will apply to clubs, pubs, hotels, nightclubs, and restaurants that trade after midnight.


f. Approving a final extension to the moratorium on decisions about late-night trading hours to 31 August 2014, which would lapse on the passage of the legislative measures proposed to address community concerns about late-night trading.

QCAA's response

Action eight refers to a number of measures including limiting trading hours and allowing for greater involvement of communities, police and local governments. Each of these is explored further below.

Trading hours

QCAA disagrees that in order to curb alcohol-related harms, 'promoting responsible service of alcohol practices, instead of winding back trading hours' is best practice. This is completely counter to the international and Australian evidence on trading hours, which demonstrates that reducing trading hours is one of the most effective measures to reduce alcohol-related harms.^{xxvii} Research on the relationship between the trading hours of licensed premises and alcohol-related harms consistently demonstrates that increased trading hours are associated with increased harms.^{xxviii} Restrictions introduced in the New South Wales (NSW) city of Newcastle in 2008 demonstrate that even modest reductions in the trading hours of licensed venues can result in sustained reductions in alcohol-related harms.^{xxix} A recently published evaluation of the Newcastle trading hour restrictions



found a sustained reduction in assaults. This equated to a 21 per cent decline in assaults per hour restricted. This effect was present five years after the restrictions were introduced.^{xxx}

International research has also consistently demonstrated that extended trading hours for licensed premises are associated with increased alcohol-related harms, including that the:^{xxxi}

- Liberalisation of trading hours in Australia has been associated with a number of alcohol-related harms, including road traffic crashes and assaults;^{xxxii}
- Limitations on the earliest time alcohol (or certain types of alcohol) can be sold by both on- and off-premise is associated with decreases in alcohol-related assaults, ambulance call-outs and emergency department presentations;^{xxxiii}
- Relaxation in licensing laws to allow 24 hours trading in the UK in 2005 was associated with a 25 per cent increase in serious violent offences committed in the early hours of the morning;^{xxxiv} and
- For each one hour extension in on-premise alcohol sales in Norway, there was an additional 4.8 assaults per 100,000 inhabitants per quarter.^{xxxv}

The Queensland Government should move to limit the trading hour of venues with extended trading. QCAA does not support ceasing the moratorium on late night trading and sees no measures in the Draft Strategy which will address the harms arising from late trading, and that justify the removal of this moratorium. The moratorium on applications for extended hours between 12.00 am and 5.00 am should also be extended beyond the 31 August 2014 expiry date.


QCAA's Five Point Plan includes the recommendation 'Wind back late trading hours and continue the moratorium on late night trading'. More specifically, it specifies that the Queensland Government legislate to introduce a 12 month state-wide trial of the reduction of trading hours based on the Newcastle alcohol restrictions, including:

- Introducing a closing time of no later than 3am for licensees with extended trading permits;
- Introducing lockouts at all extended trading permits from 1.00am (currently it is 3am); and
- Continuing the moratorium on all late night trading across Queensland beyond the current expiry date of 31 August 2014.

Engagement of Queensland Police and community in liquor licensing decisions

It is important that recommendations made by the Commissioner for Police on liquor licensing applications are given considerable weight by the Commissioner for Liquor and Gaming in determining licensing applications and extended trading. This should be extended to any objection or complaint on any liquor licence made by Queensland Police and not just the Commissioner of Police.

QCAA supports Queensland Police, Local Governments and local communities having the opportunity to provide meaningful input into decisions being made relating to granting new liquor licenses and making complaints about existing licenses. Local communities should be able to have their say on licensing decisions directly, rather than relying on the mediation of their local councils.



The proposal to introduce a 'new enhanced late-night trading licensing and compliance regime' to licensed venues that 'trade after midnight' lacks detail. Further information is required on what the 'compliance regime' entails. Consultation should be undertaken on this with alcohol harm reduction researchers and sector organisations.

Recommendations

15. That the Queensland Government legislate to introduce a 12 month state-wide trial of the reduction of trading hours based on the Newcastle alcohol restrictions, including:
 - Introducing a closing time of no later than 3am for licensees with extended trading permits; and
 - introducing lockouts at all extended trading permits from 1.00am (currently it is 3am).
16. That the Queensland Government extend the moratorium on late trading beyond 31 August 2013.
17. That the Queensland Government strengthen existing complaint and objection processes to allow communities, local governments and police to have a greater say on decisions being made relating to granting new liquor licenses and making complaints about existing licenses.
18. That the Queensland Government provides further detail on their proposal to introduce a 'new enhanced late-night trading licensing and compliance regime' to licensed venues that 'trade after midnight'.

Safe and supportive environments

9. Establish Safe Night Precincts for the safe and effective local management of these areas. Safe Night Precincts will be declared in key entertainment precincts across the state.

We will do this by:

- a. Establishing a Safe Night Precinct local board as an incorporated association in each Safe Night Precinct, with membership of the association from all liquor licensees in the area, and other relevant representatives including from Chambers of Commerce, nominated community organisations, local government and Queensland Government agencies including police, transport and ambulance services.*
- b. Safe Night Precinct local boards will manage and plan for the precinct to address community safety issues including transport, lighting, public facilities and CCTV.*
- c. Providing funding for each Safe Night Precinct to provide rest and recovery sobering up services through non-government organisations.*
- d. Ensuring Safe Night Precinct local boards can raise private funds and apply for grants from local, state and federal governments to implement locally relevant and appropriate initiatives to effectively manage alcohol and drug-related violence in the precinct.*



QCAA's response

Safe Night Precincts are an extension of the existing Drink Safe Precincts, of which there are currently three, Surfers Paradise, Fortitude Valley and Townsville. This number will increase to 15 across Queensland through the Draft Strategy and be trialled for 12 months.^{xxxvi} The Safe Night Precincts will be overseen by local councils through a collaborative board. This will see the development of Safe Night Precincts in places such as Sunshine Coast, Toowoomba, Cairns, Surfers Paradise, Broadbeach and Brisbane's Central Business District.

It is proposed the Safe Night Precincts will include the installation of better lighting, transport options, CCTV camera, 'sober safe centres' and mandatory ID scanners in problem areas.^{xxxvii}

However, there is no evidence to support the effectiveness of the current Drink Safe Precincts or reasons as to why this program should be expanded. An 18 month evaluation of the Drink Safe Precincts by the Queensland Auditor General found that 'more than two years after the DSP trial commenced, after a total investment of more than \$10 million and two evaluations, its proponents are no closer to establishing its efficacy'. Furthermore, the Report found 'despite being an intended outcome of the trial, there has been no demonstrated improvement to public amenity in any of the three DSPs'.^{xxxviii} Despite this, the trial has been extended until June 2014.

The Auditor General Report also found that the evaluation used to assess the DSP trial was an ambitious attempt to use a broad range of data, including police, ambulance and hospital data sets. However, each of the three main data sets had important limitations that adversely affected their relevance and the evaluation's usefulness.

QCAA supports the prevention of alcohol-related harms across Queensland using evidence-based population-wide measures, not expensive measures that have already been found to be ineffective.

Recommendation

19. That the Queensland Government abandons the failed and expensive *Safe Night Precincts* and redirect the funding to support evidence-based measures outlined in *QCAA's Five point plan to reduce alcohol-related harms*.

10. To address concerns about safe and appropriate transport arrangements around late-night trading venues, better transport services will be provided.

We will do this by:

a. Conducting a communication campaign to promote the availability of transport (e.g. NightLink services) to encourage patrons to use this form of public transport.

b. Conducting a three year trial for an increased scope of services (e.g. NightLink buses) to provide five inbound/outbound Friday and Saturday night services on two additional routes (Fortitude Valley to Aspley and Brisbane CBD to Garden City).

c. Working closely with the Safe Night Precinct local boards to ensure public transport in the precincts is managed safely and effectively and continuing to monitor transport issues in each Safe Night Precinct around the state.

d. Continuing to provide funding assistance for the provision of secure taxi ranks in all Safe Night Precincts around the state.

QCAA's response

QCAA supports improvements to public transport in and around areas where there are a large number of licensed premises.

Many licensed premises are open long after public transport stops operating. When public transport options are not made available, increasing numbers of people are forced to remain on the streets for longer periods of time, and competition for available transport can increase conflict and disorder.^{xxxix}

The World Health Organization (WHO) encourages the provision of alternative transportation, including public transport until after the closing time for licensed premises, as a strategy to manage alcohol-related harms.^{xl} Transport options should be varied and made available up until and after licensed premises have ceased trading.

It is important to note that public transport is simply a tool for crowd management and cannot be seen as replacing the need to address the overall availability of alcohol through reducing the number of liquor outlets and trading hours for licensed venues.

Recommendation

20. That the Queensland Government ensures that adequate and safe transport options are available for people visiting late night entertainment precincts.

11. Police will take effective action to combat alcohol and drug-related violence, targeting places known for alcohol and drug-related violent incidents using a range of options (including de-escalation) to quickly intervene to prevent potentially violent, offensive, disruptive or offensive behaviour.

QCAA's response

QCAA supports the use of targeted and randomised enforcement measures to prevent and address alcohol-related violence, as long as sanctions are administered swiftly and certainly. However neither randomised nor targeted enforcement policing strategies have demonstrated large reductions in assaults. The Queensland Police and OLGR compliance officers should also be granted powers to swiftly and consistently impose meaningful sanctions for premises who contravene the Act. These powers should include:

- on the spot 24 hour closures;
- stricter management plans for premises; and
- revocation of extended trading authorisations.

These powers should be exercised without bias or reduction when a serious incident occurs on licensed premises, such as someone being seriously injured by a case of alcohol-related violence. This will ensure that venues do not continue to trade after a serious offence has occurred until it can be ascertained that appropriate risk management procedures are in place and that both the Queensland Police and QLGR compliance officers are satisfied that this is the case.

Recommendation

21. That the Queensland Government grant Queensland Police powers to impose sanctions on premises found to contravene the *Liquor Act 1992*. These sanctions should include: on the spot 24 hour closures, stricter management plans for premises and revocation of extended trading authorisations.

Working together to build a diverse and vibrant nightlife

12. We will develop and implement new ways to regulate the liquor industry that value those businesses that effectively manage and prevent alcohol and drug-related violence in and around their venue. We will do this by investigating the viability of ratings and rewards systems to benefit those venues with management practices, policies and designs that promote safety.

13. We will facilitate Safe Night Precinct local boards' consideration of ways to empower local governments and local communities to grow areas with diverse economies, including exploring coordinated planning processes between state and local governments, and how to better facilitate local government, police and local community input on liquor licensing decisions.

QCAA's response

QCAA does not support the adoption of a 'rewards system' for licensees who comply with the law. This is because compliance with laws should be an expectation of licensees, just as compliance with other laws in our society is an expectation of all citizens. If the Queensland Government seeks to ensure that liquor licensees 'effectively manage and prevent' alcohol-related violence, then investment should be made in enforcing the existing Act. This should include ensuring that non-compliant licensees are penalised.

Local Governments, local communities and police should be supported to have greater access to processes relating to the establishment of new liquor licenses and to making complaints about existing licensed venues. However, QCAA questions the ability for this to occur through the Safe Night Precinct local boards. In addressing Action 9 of the Strategy, QCAA demonstrated that the Queensland Auditor General has shown that the Drink Safe Precincts have failed and QCAA sees no evidence to suggest that the Safe Night Precincts, which are built on this model, will be any different.

Recommendation

22. That the Queensland Government abandon the proposal to investigate 'the viability of ratings and rewards systems to benefit' liquor licensees that 'promote safety'. Compliance with the law should be an expectation, not a behaviour that warrants a reward.

Getting the message across


14. We will implement a communication strategy to provide clear and targeted messages to Queenslanders about the need for everyone to support and be part of a responsible culture that does not tolerate alcohol and drug-related violence.

We will do this by:

- a. Seeking to build partnerships with non-government organisations, businesses and the community to promote messages about and build a culture of responsible behaviour when enjoying a night out, through social media and other forms of communication.*
- b. Promoting the key actions under this Action Plan, public safety enforcement measures, and the need for everyone to work together to foster a responsible culture in Queensland that does not tolerate alcohol and drug-related violence.*

QCAA's response

QCAA supports the development of a well-funded, sustained and evidence-based public awareness raising campaign. This campaign should have a clear target audience and message, should be delivered on a range of mediums and should learn from the strengths and weaknesses of previous campaigns. However, QCAA acknowledges that the effects of campaigns on reducing alcohol-related harms are minimal when compared to actions addressing the availability, promotion and price of alcohol.



Alcohol-related social marketing campaigns in Australia, with the exception of those relating to drink driving, are often ad hoc, not sustained and have had ambiguous messaging.^{xli}

Five key elements are required for an effective social marketing campaign. These are:

1. Social marketing campaigns should have clear goals - Being clear about what the social marketing campaign is trying to achieve is one of most important considerations. Social marketing campaigns can aim to raise awareness of a particular harm or a group of harms, or they can aim to change an individual's particular behaviour or a range of behaviours.
2. Social marketing campaigns must be underpinned by range of health behavior change and marketing theories - Not one health behaviour change theory explains all human behaviours. Drawing on a range of theories from the health behaviour and marketing disciplines assists in gaining an understanding of individuals, their communities and what motivates them.^{xlii}
3. Social marketing campaigns should have a target audience and a clear message - A common characteristic of social marketing campaigns is that the individual is the centre of the intervention. However, all individuals are different therefore it is important to ensure that a target audience is identified for a social marketing campaign.^{xliii}
4. Social marketing campaigns should be multifaceted and use a range of methods - For a social marketing campaign to have a broad reach, a range of methods should be included in the roll out of the campaign. These methods include the use of television, radio, and print media. Along with using a range of methods, it is also important that consideration is given to how the information of the campaign is disseminated.
5. Social marketing campaigns should be supported by complimentary measures - Social marketing campaigns will have the most success at changing behaviours if they form part of a comprehensive campaign that includes environmental controls. A challenge with social marketing campaigns that aim to reduce alcohol harms is that they exist within an environment in which alcohol advertising is constantly occurring.

The Queensland Government should establish an expert advisory group to oversee the development of the social marketing campaign. The expertise required for the group should include public health, social marketing and advertising.

Recommendation

23. That the Queensland Government develop a comprehensive social marketing campaign to raise awareness of the harms that result from alcohol and provide the community with information on how to reduce the risk of harms. The campaign should be multi-faceted, have a clear message and target audience and be overseen by an expert advisory group with expertise in public health and marketing. The campaign should also be rigorously evaluated.

Review of Action Plan

15. We will rigorously assess how the measures implemented through the Action Plan are working, through a review of the Action Plan after 12 months from its commencement.

QCAA's response


QCAA supports an independent and robust evaluation of the final Strategy. To effectively measure the progress of the Strategy, improvements are required in the collection of alcohol-related consumption and harms data. QCAA's Five Point Plan includes *'Collect data on alcohol sales, consumption and harms'*. More specifically QCAA supports working 'collaboratively to improve processes for the collection and coding of alcohol harms data including data from police, ambulance services and hospitals'. This data is valuable in evaluating the impact of alcohol policy measures. Data should also be collected on compliance activities of regulators and compliance with the Act by the licensees.

There are currently significant gaps in the collection of alcohol-related data in Queensland. For example, there is a lack of available alcohol-related violence data. This gap in data collection was also identified by the 2010 Queensland Legislative Assembly Inquiry into alcohol-related violence, which recommended that "the Government develop a comprehensive and consistent scheme involving all relevant departments for the collection and evaluation of data regarding alcohol related violence."^{xliv}

The Queensland Government should move to ensure that data is collected and reported on to inform the evaluation of this Draft Strategy and other initiatives being introduced to prevent alcohol-related harms.

An evaluation of the final Strategy should include the collection of both statistical data and observational and behavioural data. Statistical data relating to alcohol consumption, enforcement and harms is needed to measure changes in behaviours as a result of the measures being introduced. This data includes:

- Consumption data, including the collection of alcohol sales data, which should be reported by all licensees.
- Crime data, including rates of alcohol-related offences such as alcohol-related assaults and property crime.
- Health data, including emergency data presentations, hospitalisations and ambulance attendances. This data can be enhanced if hospitals and ambulances are required to collect data on the last place of alcohol consumption for the patient.
- Compliance data, including information collected by the Office of Liquor, Gaming and Regulation (OLGR) on compliance of licensees and compliance activities by OLGR and Queensland Police.
- Economic data, including data on the costs incurred by local and state governments on addressing alcohol-related harms and measuring the impacts on the 'night time economy'.



Observational studies should also be undertaken as part of the evaluation, both inside and around licensed venues in the precinct to examine licensee and patron behavior. Observations of licenses should examine responsible service of alcohol practices and promotional activities and any changes in these practices. Intercept interviews can also be carried out with patrons out in and around the Brisbane to gain further data about the behavior of patrons.

Recommendations

24. That the Queensland Government routinely collect data on alcohol-related harms, including emergency department presentations, hospitalisations, ambulance attendances and alcohol-related assaults.
25. That the Queensland Government immediately commences the process of funding an independent evaluation of the implementation of the Draft Strategy.

2. Key areas missing from the Draft Safe Night Out Strategy

The Draft Strategy focuses heavily on personal responsibility and fails to acknowledge that in order to effectively change the drinking culture, it is vital to modify the drinking environment by targeting the price, promotion and availability of alcohol.

The Government's Draft Strategy currently includes some measures to address the harmful discounting and promotion of alcohol and enforcement of RSA. Each of these areas are included in QCAA's *Five Point Plan to Reduce Alcohol-Related Harms*. However, the Draft Strategy does not include any measures that target the availability of alcohol through the density and trading hours of licensed venues. In fact, the Draft Strategy proposes that the moratorium of late night trading hours will be removed from 31 August 2014, which will result in more late night trading venues in Queensland.

The Draft Strategy also does not focus on the prevention of alcohol-related harms, instead focusing largely on individuals when they are intoxicated and in late night entertainment precincts. This 'ambulance at the bottom of the hill' approach does not adequately acknowledge the extensive evidence-base that clearly articulates the need to introduce prevention measures that target the drinking environment.

QCAA has worked with its members who have considerable expertise and first-hand experience in preventing alcohol-related harms, to develop its Five Point Plan. The QCAA Five Point Plan outlines evidence-based policies that target the availability, affordability and promotion of alcohol. A summary of the five actions outlined in QCAA's Five Point Plan is included below. A full copy of the Plan is included as an attachment to this submission.

1. Wind back late night trading hours and continue the moratorium on late night trading


Introduce a 12 month statewide trial of the reduction of trading hours based on the Newcastle alcohol restrictions, including:

- Retain the current standard trading times of 10am to midnight and transition back to a 3am closure.
- Introduce lockouts on all extended trading across Queensland.
- Continue the moratorium on all late night trading across Queensland.

2. Control the density of licensed premises

QCAA proposes that the Queensland Government:

- Establish and enforces saturation zones in areas that are identified as already having large numbers of liquor licenses.
- Introduce cumulative impact and cluster control policies for the determination of new liquor licenses.



3. Prevent the harmful discounting and promotion of alcohol

QCAA proposes that the Queensland Government:

- Strengthens the Liquor Act 1992 to prohibit the harmful discounting and promotion of alcohol products on both on and off-licensed premises.
- Ensure that these measures are enforced.

4. Enforce responsible service of alcohol requirements

QCAA proposes that the Queensland Government:

- Introduce measures to better enforce Responsible Service of Alcohol (RSA) requirements in licensed venues throughout Queensland, including Compliance Officers visiting licensed premises outside of regular business hours.
- Introduce requirements for the Office of Liquor and Gaming Regulation (OLGR) and the Queensland Police to publically report on compliance activities relating to the Liquor Act 1992, the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified breaches of compliance.
- Prohibit the sale of shots, mixed drinks with more than 30ml of alcohol and ready mixed drinks stronger than five per cent alcohol by volume after 10.00pm.
- Prohibit the sale of alcohol mixed with energy drinks after midnight.

5. Collect data on alcohol sales, consumption and harms

QCAA proposes that the Queensland Government:

- Work collaboratively to improve processes for the collection and coding of alcohol harms data including data from police, ambulance services and hospitals.
- Continue the collection and publication of alcohol sales data in Queensland.

Recommendation

26. That the Queensland Government adopt QCAA's *Five Point Plan to Reduce Alcohol-Related Harms* into the *Safe Night Out Strategy*, including the measures to restrict the availability of alcohol through reductions in trading hours and controlling the density of liquor outlets.



3. The need for meaningful and ongoing consultation

The Queensland Government's Draft Strategy lacks detail on the actions and measures outlined in the document. There is also no detail about the proposed processes and timeframes for the implementation of the Strategy.

The final Strategy should include information on how the Queensland Government intends to develop the detail to support the actions in the strategy and how the implementation of the strategy will be undertaken.

This consultation should occur with experts in alcohol control policy to ensure that the actions are evidence-based and have the best possible chance of preventing and reducing alcohol-related harms.

Employing an online survey to gather feedback on the Draft Strategy is grossly inadequate and does not properly evaluate the actions being proposed, the evidence on each of the proposed actions or the lessons learnt from other jurisdictions.

Recommendation

27. That the Queensland Government undertake meaningful consultation with individuals and organisations with expertise in alcohol harm reduction in finalising and implementing the Strategy. This consultation should involve QCAA.

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Assessing the effectiveness of the Queensland Government's
Draft Safe Night Out Strategy – Scorecard

April 2014



Assessing the effectiveness of the Queensland Government's *Draft Safe Night Out Strategy* – Scorecard

On 23 March 2014 the Queensland Government released its *Draft Safe Night Out Strategy (Draft Strategy)*, which outlined 15 actions. These actions have been established to support Premier Newman's intention to 'make Queensland the safest place in Australia for people to go out and enjoy themselves'.

This scorecard assesses the 15 actions against the evidence on effective measures to prevent and reduce alcohol-related harms. The scorecard includes information on the action, an assessment of the action against the evidence-base and information on whether this action is likely to be effective in preventing or reducing alcohol-related harms. Well respected research reports were used in the assessment of effectiveness of the actions within the Strategy, including *Alcohol No Ordinary Commodity*, which summarises the available evidence on alcohol control policies.

The assessment of effectiveness of the actions has been graded with a credit, pass or fail mark.

- A **CREDIT** is given to an action that has evidence to support its effectiveness in preventing and reducing alcohol related harms.
- A **PASS** is given to an action that may contribute to community education and safety. However, these actions have little evidence to support their effectiveness and may not be cost-effective.
- A **FAIL** is given to an action where there is no evidence to support its effectiveness in preventing or reducing alcohol-related harms. Actions may also be given a fail if the evidence suggests that the action could result in further alcohol-related harms.

The assessment on the effectiveness of actions was made with the information provided in the Draft Strategy. The actions listed throughout this scorecard have been recorded from the Draft Strategy verbatim. Where actions included a number of measures, the grade is given based on the majority of measures within the action.

Summary of Results

Of the 15 actions listed in the Draft Strategy, three received a credit, three received a pass and nine received a fail. The actions that received a credit grade related to regulating promotions, enforcement of licensee requirements and evaluation. The actions that received a pass grade related to providing education, introducing a trial of sober safe centres and mandatory drug and alcohol testing for offenders. The actions that received a fail focused largely on changing individual behaviours using measures that are ineffective such as harsher penalties and developing a code of conduct. One even allows extending late trading by removing the moratorium on late trading venues; an action that will lead to further harms.

Queensland Government's *Draft Safe Night Out Strategy* Scorecard

Proposed action	Assessment	Grade
1. <i>Establish clear standards of behaviour for patrons, licensees and police when alcohol is consumed in public and indicate what actions licensees and police will take to stop alcohol and drug-related violence.</i>	<ul style="list-style-type: none"> Unnecessary duplication of measures covered by existing government regulation – the <i>Liquor Act 1992</i> already mandates requirements for patrons, licensees and police. Proposed code of behaviour less effective due to its voluntary nature. 	FAIL
2. <i>Make it compulsory for every student from year 7 to year 12 to undertake education every year about the culture, attitudes and social expectations of alcohol consumption, including the risks of binge drinking, illicit drug use and alcohol and drug-related violence.</i>	<ul style="list-style-type: none"> Research shows that while education may increase knowledge and change attitudes, it has no long-term effect on drinking. 	PASS
3. <i>Introduce tougher penalties for those who are affected by alcohol or drugs and engage in anti-social and violent behaviour in and around licensed venues and in public.</i>	<ul style="list-style-type: none"> Offenders typically don't contemplate potential sentencing when intoxicated so harsher penalties are unlikely to reduce or prevent alcohol-related harms. 	FAIL
4. <i>Ensure the Queensland Police Service (QPS) has the powers and resources to respond quickly and effectively to alcohol and drug-related violence and anti-social behaviour where needed.</i> <i>[Note - This action includes a number of measures such as issuing banning and leave orders, ensuring high visibility of policing and introducing mandatory drug and alcohol testing.]</i>	<ul style="list-style-type: none"> A mixed bag. For example, there is only limited research available on the effectiveness of banning orders, but drug and alcohol testing will be useful as an avenue to collect data and support the formation of future alcohol policy. 	PASS

Proposed action	Assessment	Grade
<p>5. <i>Develop and implement ways to effectively deal with people who are drunk and disorderly in public places.</i></p>	<ul style="list-style-type: none"> The value of sober safe centres is still not clear, and while it potentially reduces the burden on police and health services and provides an alternative venue for drunk people to recover, it does not prevent or reduce alcohol-related harms. 	PASS
<p>6. <i>Ensure that licensees comply with requirements under the Liquor Act 1992 to provide a safe environment for patrons and implement improved and consistent liquor licensing compliance arrangements.</i></p> <p><i>[Note - This action includes a number of measures such as addressing alcohol promotions, increasing responsible service of alcohol obligations on licensees and introducing ID scanners.]</i></p>	<ul style="list-style-type: none"> The evidence makes clear that reducing exposure to alcohol advertising reduces per capita consumption, and more so, in the case of young people. There is also evidence to support the sustained enforcement of responsible service of alcohol in preventing and reducing alcohol-related harms. A recent study in Geelong found that ID scanners were not effective in reducing alcohol-related assaults. 	CREDIT
<p>7. <i>Enhance enforcement and compliance measures and ensure that police and liquor compliance officers effectively coordinate and integrate their activities to reduce the regulatory burden on businesses, without compromising compliance.</i></p>	<ul style="list-style-type: none"> To be effective responsible service of alcohol must be enforced in a sustained manner. All enforcement and compliance measures must be long-term sustained initiatives. 	CREDIT
<p>8. <i>Ensure we have a responsive, accountable and strengthened licensing system that takes into account community safety concerns and focuses on promoting responsible service of alcohol practices, instead of simply winding back trading hours.</i></p> <p><i>[Note - This action includes a number of measures such as providing the Commissioner of Police with greater weight in the determination of late trading venues, providing communities with a greater say in liquor licensing processes and removing the moratorium on late trading.]</i></p>	<ul style="list-style-type: none"> Allowing community members, local councils and Queensland Police a greater say in the way that decisions are made about liquor licensing is a positive measure, however more detail is needed on how this will occur. There is overwhelming evidence that demonstrates that reducing trading hours of licensed premises reduces harms and increasing trading hours increases harms. Not addressing trading hours and lifting the moratorium is a glaring oversight which will result in more harms. 	FAIL

Proposed action	Assessment	Grade
9. <i>Establish Safe Night Precincts for the safe and effective local management of these areas. Safe Night Precincts will be declared in key entertainment precincts across the state.</i>	<ul style="list-style-type: none"> There is no evidence to support the effectiveness of the current Drink Safe Precincts, which are the basis of the Safe Night Precincts. A damning 18 month evaluation of the Drink Safe Precincts by the Queensland Auditor General found that 'more than two years after the Drink Safe Precincts trial commenced, after a total investment of more than \$10 million and two evaluations, its proponents are no closer to establishing its efficacy'. Furthermore the Auditor General's Report found 'despite being an intended outcome of the trial, there has been no demonstrated improvement to public amenity in any of the three Drink Safe Precincts'. 	FAIL
10. <i>To address concerns about safe and appropriate transport arrangements around late-night trading venues, better transport services will be provided.</i>	<ul style="list-style-type: none"> Adequate transport options are important in managing the movement of large crowds in late night precincts. However, better transportation options are not a prevention measure to reduce alcohol-related harm. 	FAIL
11. <i>Police will take effective action to combat alcohol and drug-related violence, targeting places known for alcohol and drug-related violent incidents using a range of options (including de-escalation) to quickly intervene to prevent potentially violent, offensive, disruptive or offensive behaviour.</i>	<ul style="list-style-type: none"> Policing and enforcement of the <i>Liquor Act 1992</i> can be effective in preventing and reducing alcohol-related harms, however these efforts have to be sustained. However neither randomised nor targeted enforcement policing strategies have demonstrated large reductions in assaults. 	FAIL
12. <i>We will develop and implement new ways to regulate the liquor industry that value those businesses that effectively manage and prevent alcohol and drug-related violence in and around their venue. We will do this by investigating the viability of ratings and rewards systems to benefit those venues with management practices, policies and designs that promote safety.</i>	<ul style="list-style-type: none"> There is no evidence to support a ratings and rewards system for licensees. Government shouldn't be rewarding licensees for obeying the law. Instead, sustained enforcement of the obligations of licensees is more likely to be effective. 	FAIL

Proposed action	Assessment	Grade
13. <i>We will facilitate Safe Night Precinct local boards' consideration of ways to empower local governments and local communities to grow areas with diverse economies, including exploring coordinated planning processes between state and local governments, and how to better facilitate local government, police and local community input on liquor licensing decisions.</i>	<ul style="list-style-type: none"> There is no evidence to support the effectiveness of the current Drink Safe Precincts, which the proposed Safe Night Precincts are to be based on. There is also no evidence to support the effectiveness of voluntary liquor accords without enforcement. Refer to Action 9. 	FAIL
14. <i>We will implement a communication strategy to provide clear and targeted messages to Queenslanders about the need for everyone to support and be part of a responsible culture that does not tolerate alcohol and drug-related violence.</i>	<ul style="list-style-type: none"> There is no evidence that messages to drinkers about limiting their drinking are effective. There is some evidence to support the effectiveness of drink driving campaigns when supported by strong media coverage and engagement. 	FAIL
15. <i>We will rigorously assess how the measures implemented through the Action Plan after 12 months from its commencement.</i>	<ul style="list-style-type: none"> The Queensland Government must develop and implement an evaluation framework to assess the effectiveness of measures being introduced and once assessed, modify or improve accordingly. Any framework should be established by experts in evaluation and include the routine collection of alcohol-related harms data. 	CREDIT