



Wednesday, 23 December 2015

The Research Director
Legal Affairs & Community Safety Committee
Parliament House, George St
Brisbane, QLD, 4000

By email: lacsc@parliament.qld.gov.au

Dear Sir/Madam,

Tackling Alcohol Fuelled Violence Legislation Amendment Bill 2015 – Submission

With the introduction of the “Tackling Alcohol Fuelled Violence Legislation Amendment Bill 2015” (the bill), and subsequent referral to the Legal Affairs and Community Safety Committee (LACS), we would like to submit our policy submission, and a report commissioned by Our Nightlife Queensland for this inquiry.

Our Nightlife Queensland represents people from across the state who rely on licensed venues and associated industries for their livelihood. We are caterers, bar staff, cleaners, waiters and small business owners. In Queensland alone, there are 20 thousand workers and hundreds of small businesses who contribute over \$500 million to the local economy every year.

There are also 330 thousand locals and tourists also enjoy the entertainment and services provided in our local entertainment precincts.

We share the Government’s concern about alcohol-fuelled violence in our nightspots across Queensland. As an industry, we have worked well with previous Governments over many decades to get the policy settings right. We look forward to working with the committee on its inquiry into this bill.

We would be very interested in appearing at the public hearings being held, and are available for any of the gazetted dates. We shall be in attendance at all of the hearings across the state.

Dr Wayne Petherick, whose report is attached to this, would also be very interested in appearing, and would be able to offer some good insight from the academic space for the committee.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Nick Braban".

Nick Braban
Secretary – Our Nightlife Queensland

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A handwritten signature in black ink, appearing to read "Trent Meade".

Trent Meade
Director – Our Nightlife Queensland

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Dr. Wayne Petherick



Report on the Proposed Changes to Legislation for Lockouts and Restricted Trading for Licensed Venues in Queensland.

Report by: Associate Professor Wayne Petherick
Report for: Our Nightlife Queensland; Attention Nick Braban, Secretary
Date:

Executive Summary

This report will assess the likely impact of the above legislation on violence in and around licensed precincts in Queensland. A review of the literature on the relationship between alcohol and violence was undertaken along with proposed alternatives for combating alcohol fuelled violence. Even a cursory examination of the research and literature reveals that the relationship between alcohol and violence is a complex one, and is far from causative. An interpretation of the results of numerous studies and a consideration of the nature of disorder would indicate to me that there is little benefit in the proposed course of action, and that a reduction of trading hours would have numerous deleterious effects. These include but are by no means limited to a significant down turn in night time economy trading and possible displacement into other premises such as residential properties. Displacement is discussed, along with numerous recommendations that may be as effective, while simultaneously being less intrusive.

Summary of Opinions

1. The Newcastle studies are not necessarily the “gold standard” in lockout effectiveness, especially with more recent evidence indicating that Newcastle has one of the lowest rates of violence reduction across NSW.
2. Preloading before coming into entertainment precincts on alcohol and/or other drugs is contributing to the problem. It is thus my opinion that, providing clubs are doing their due diligence once on premise that this problem falls outside of the purview of the venues themselves and constitutes more of a public health problem. This is because the venues have no control over what is done in private.
3. There are a host of negative and often unintended side effects of trading restrictions.
4. There are numerous strategies outside of lockouts and trading restrictions that have been shown to be effective in reducing alcohol related violence, and these do not necessarily have the same negative impacts. What is more, lockouts are rarely implemented in isolation and most studies attempted to determine the effectiveness of lockouts without isolating the lockout as the cause of the reduction.

Qualifications

I am a forensic criminologist by training and qualification. I am currently Associate Professor of Criminology in the Faculty of Society and Design at Bond University on the Gold Coast, Queensland. I have held this position since 2009 and have worked at Bond University in various teaching capacities since 1998. I have taught in the areas of Alcohol, Drugs, and Crime; Crime Prevention; Crime and Deviance; Criminal Motivations; Applied Crime Analysis; Criminal Profiling; Forensic Victimology; Forensic Criminology; and Profiling and Crime Analysis.

I am also Principal of Forensic Analytic which offers training and consultation in various areas of forensic criminology.

I hold a Bachelor of Social Science (Psychology), a Master of Criminology, and a Doctor of Philosophy qualification.

Since 2002, I have authored over 60 textbook chapters and journal articles in both peer reviewed and industry or organisational journals. I am the author of *Profiling and Serial Crime* now in its third edition, co-editor of *Forensic Criminology*, and author of *Applied Crime Analysis* all published with Elsevier Science. I am also co-editor for the upcoming title *The Psychology of Crime and Antisocial Behaviour*. In these works I have written extensively on logic and reasoning, violent crime, forensic criminology, forensic victimology, risk and threat assessment, personality disorder and crime, various serial crimes, and false reporting.

I have prepared numerous reports on a variety of matters including homicide, stalking, false reports, the effect of media on juries, night-club trading times, arson, and risk and threat assessments. I have lectured to various organisations in Australia and the United States, and have given seminars to the Queensland Police Service, Victorian Police Service, and the Australian Federal Police Academy in Canberra. I have lectured on crime analysis and stalking to the Olean and Buffalo Police Departments, and the New York State Police in Olean, New York. I have presented at conferences on stalking, bullying, false reporting, applied crime analysis, and various other topics. I have been an invited speaker to the Mental Health Professional Network on the Gold Coast and the Australian and New Zealand Forensic Science Society, Brisbane Chapter. I have also provided training to the Queensland Fire and Rescue Service.

Criminology as a Field of Specialised Knowledge

In broad terms criminology is the scientific study of crime and criminals (Turvey & Petherick, 2010). In particular, criminology is a social and behavioural science in that the focus of analysis is human behaviour but the principle methodology is that of the scientific method. In Sutherland, Cressey & Luckenbill's (1992, p. 3) seminal work, criminology is defined as "the body of knowledge regarding crime as a social phenomenon". Marvin Wolfgang (1963, p. 155), a founding father of modern criminology, posits that "criminology should be used to designate a body of *scientific* knowledge about crime".

Criminology has an established corpus of research and theories. The status of criminology as both a distinct discipline and a field of specialised knowledge is best posited by Wolfgang (1963, p. 156):

We are contending that criminology should be considered as an autonomous, separate discipline of knowledge because it has accumulated its own set of organised data and theoretical conceptualists that use the scientific method, approach to understanding, and attitude in research...Such a position does not negate the mutual interdependence existing in the contributions to this discipline by a variety of other fields of specialisations. Thus, sociology, psychology, psychiatry, the law, history, and biology, with such allied fields as endocrinology, may individually or collectively make substantial contributions to criminology without detracting from the idiosyncratic significance of criminology as an independent subject matter of scientific investigation and concern.

Criminologists focus on many different aspects of the study of criminal behaviour. Those with a legal focus may study how policy, criminal procedures, and sentencing may influence the landscape of criminal behaviour. Others will examine the behaviour of groups and how society influences criminal decision making, or in how society can play a role in reducing and preventing crime. Many others focus on emotion and cognition and the role these play in criminal offending, along with mental health interventions intended to reduce offending behaviour.

Criminology is related to the study of the criminal justice system, but the two fields are not necessarily the same discipline. While criminology is the study of crime and criminals, criminal justice is largely an administrative discipline that focuses on the role, structure, and function of the police, courts, and prisons. Criminal justice is generally not considered to be a behavioural science, though practitioners may be behavioural scientists providing they have the appropriate education, training, and experience.

As the discipline is broad in terms of the depth and breadth of topics that may serve as its focus, there is a great degree of variance in knowledge and specialisations. For instance, a criminologist may be a victimologist, a sub-discipline of the general field, who focuses solely on issues relating to victimity. They may also be a specialist in the areas of crime prevention, juvenile justice, or prisons (known as penology), among others.

With respect to my particular speciality of forensic criminology, it involves employing criminological knowledge to address investigative and legal questions and is another sub-discipline within the field. It is perhaps one of the first and most historical applications in criminology.

As noted, forensic criminology is one sub-discipline of the general field, and is oriented towards addressing investigative and legal questions. It is a specialty allied with applied criminology in that the outcomes of analysis are oriented to practical applications. This sub-speciality is at the intersection of theory and practice, and is defined almost entirely by the fact that the forensic criminologist's opinion may be called upon as evidence in legal proceedings (Turvey & Petherick, 2010). This means that their opinions must not only be founded upon sound principles and tenets of behavioural science, but also be of sufficient quality to be used in court (Turvey & Petherick, 2010).

Introduction

Since World War 2 there has been a growth in the night-time economy throughout many Western countries to stimulate economies and as part of a growing trend towards liquor deregulation (Stockwell & Chikritzhs, 2009). This increase in the growth of entertainment revolving around alcohol consumption has led to widespread concern over alcohol related violence (Palmer, Warren & Miller, 2013). While there is a considerable body of literature studying the relationship between alcohol and violence, the specific nature of this link is inconclusive and often contradictory. Past studies have shown that alcohol is a factor in 77% of street crime (Ireland & Thommeny, 1993), with over one third of adults convicted of assault report being under the influence of alcohol (Kevin, 1992). The British Home Office (2000) report that for 40% of violent crime, 78% of assaults, and 88% of criminal damage cases the offender was under the influence of alcohol at the time.

Simply banning alcohol to address related problems would not appear to be a viable or elegant solution as the prohibition of the United States during the early 1900s would attest. While alcohol factors into a number of assaults and other crimes, the vast majority of people who consume alcohol do not break the law, and they do not engage in any variety of other antisocial activities. Beyond the individual, social, and regional differences, some proportion of this can be attributed to any number of policies and procedures that are already in place. These would include formal security, the Responsible Service of Alcohol (RSA), education campaigns, and street-level strategies aimed to improve the flow of foot traffic while simultaneously addressing post closure or lockout congestion.

There is a corpus of research associating alcohol related violence with licensed premises. For example, it has been found that those locations with higher alcohol sales report a higher level of assault and malicious damage (Stevenson, Lind & Weatherburn, 1999). Teece and Williams (2000) report that the most likely place for an assault to occur was within a licensed venue, while Fitzgerald,

Mason & Borzycki (2010) note that licensed premises are “high risk” for alcohol related violence and injury. Young males who frequent licensed venues are perhaps at highest risk (Teece & Williams, 2000). Males are more likely to experience violence in the street or at a licensed premise, while females are more likely to experience violence at home (Morgan & McAtamney, 2009). While this may paint a grim picture of the state of affairs, research has shown that there are myriad effective ways to address the problem of alcohol related violence. For example, venues that are well maintained, not overly crowded, and employ properly trained staff are less violent (Hauritz, Homel, McIlwaine, Burrows & Townsley, 1998). In addition, these venues also have less verbal confrontations and problems outside the facility proper.

Not all studies have demonstrated a positive effect for trading restrictions. In 1997 in the ACT Walker and Biles found that antisocial behaviours (including crime) were not reduced in the areas surrounding licensed premises for the period under study. d’Abbs, Forner and Thomsen (1994) found an increase in assaults at the intervention site. The main issue that has presented from a review of this literature is that the results of studies into lockouts are very mixed and somewhat inconclusive. The following quote by Miller, Diment and Zinkiewicz (2012, p. 5 - 6) best highlight this:

Research examining this type of intervention is very limited and has generated ambiguous results at best. Trials have been implemented without evaluation being considered and data is normally extremely limited. Some evaluations have shown significant reductions in assaults, but have either been very short term, or suffer from poor outcome measures, e.g. documenting all assaults in all venues, rather than only late night trading hours. However, a recent study by Miller and colleagues showed the the rate of hospital emergency department presentations during high alcohol hours for Ballarat did initially decrease after lockouts were put in place, but rates then increased steadily for the next six years... The evidence on lockouts thus remains largely inconclusive.

Not to put too fine a point on it, but most studies on lockouts suffer the same problem in terms of their results and the degree to which these indicate lockouts are effective: lockouts are most often evaluated during the introduction of a suite of measures aimed at reducing alcohol related violence. Thus, we cannot conclude that the lockouts alone are effective, that the lockouts are effective in conjunction with other measures, or that the lockouts are ineffective and it is the other measures that are effective. From a research perspective, the best way to study lockouts and other measures would be to introduce one measure, then conduct an evaluation of its effectiveness before introducing another measure, and so forth. Only then can we determine the effect that each has on its own and the relative effect of all combined. No studies I reviewed took this approach.

While there are a number of examples of extremely violent events, including the “one punch” homicide of Daniel Christie, and the more recent death of Trevor Duroux on the Gold Coast on the 4th of December, it should be noted that the rate of violence is still relatively low. Specifically, the chance of a night out resulting in violence has been estimated to be 0.11% (Data Analysis Australia, 2014). This estimate is based on all reported and an estimate of unreported alcohol related assaults as a ratio against all nights out. As Fox (2015, p. 44) rightly points out “if alcohol were a prescribed medication, a side-effect that was reported in only 0.11% of cases would not be considered to have been caused by the drug.” It has been reported to me that there are approximately 30,000 people in the Fortitude Valley precinct on a Saturday night, and that there are approximately 18 assaults per month attributed to the operation of the night time economy. It is my opinion that this rate is low, and definitely does not warrant the introduction of harsh measures. Moreover, this suggests that what the venues within the Valley precinct are doing is effective and should be used as a model for the rest of the state.

Because the relationship between alcohol and violence is a complex one, it could be said that, by extension, solutions are similarly complex. This means that no one approach is likely to negate the problem entirely, and it is my opinion that some solutions may actually exacerbate the problem, or may cause an increase in related problems such as violence in the home. This is known as displacement and will be discussed subsequently. Because of this, simply reducing trading or

drinking hours or introducing a lockout is not to be considered a panacea in reducing alcohol related disorder, especially seeing as research into lockouts “has generated ambiguous results” (Miller, Palmer, McFarlane & Curtis, 2014, p. 40).

As noted, the relationship between alcohol and violence is a complex one in which there is no 1 to 1 linear relationship, and it is definitely not straightforward as some would suggest (Fox, 2015). Research and literature have shown that the association between alcohol and aggression is the result of a number of interactions including individual characteristics, the pharmacological effects of alcohol, situational factors, and societal attitudes and beliefs (Australian Institute of Criminology, 2011). While it may seem reasonable to assume an dose-response effect, it has been stated that “alcohol-related aggression involves multiple contributing factors that are related to both the effect of alcohol on the individual’s behaviour and the situational context in which the incident occurs” (Briscoe & Donnelly, 2001, p. 12).

What this means is that it is possible to reduce, and in some regards eliminate, alcohol related violence and disorder through targeted interventions. While certain individual factors such as predispositions to violence and cultural factors such as attitudes towards alcohol consumption and violence may require more systemic interventions beyond the licensed venues, other interventions are somewhat easier and just as likely to be effective. For example, environmental factors such as controlling crowds and other individual level factors such as stimulating social conscience are not only likely to be effective, but are also very cost effective.

Just as important, it has been shown that problem behaviour is likely to occur in a relatively small number of outlets (Donnelly & Briscoe, 2005). Like many antisocial behaviours, this means that alcohol related disorder is more likely to cluster in time and space. This also means that it is amenable to intervention.

As with many social problems, the best strategies for violence reduction involves a multi-faceted approach involving many different stakeholders. Many of these are implemented in licensed venues already, with others such as liquor licensing imposed and enforced by various state governments. Strategies include, but are by no means limited to:

- * Using crowd controllers and other security guards to monitor and enforce prosocial crowd behaviour;
- * Banning cheap drink promotions that encourage binge drinking;
- * Greater enforcement and compliance with licensing provisions and RSA;
- * Education and training aimed at the public, staff, and venue management;
- * Staggered closing hours; and
- * Uniformed police controls, including venue spot checks.

What is most important in the context of lockouts and other trading restrictions, as stated by KPMG (2008, p. 33) is that “in all situations where lockouts have been used they are but one tool in a suite of initiatives targeted at addressing alcohol-related issues.” This report then goes on to state that (p. 44) “all initiatives are underpinned by a local partnership approach where police, councils, industry and community develop appropriate place-based strategies to tackle alcohol-related violence.”

The Newcastle Studies

As a part of this report I have been asked to look at the studies conducted in Newcastle which examined the effects of lockouts and reduced trading hours. I have read Kypri, Jones, McElduff &

Barker (2010), Kypri, McElduff & Miller (2013), Jones, Kypri, Moffatt, Borzycki & Price (2009), AHA-NSW (2014), and Stockwell & Chikritzhs (2009; this article provided an overview of a number of studies and a critique of the Kypri et al. studies). I have also reviewed the Clubs NSW (2013) Submission to the Statutory Review of the Liquor Act 2007.

According to Jones et al, the measures implemented included:

1. A lockout from 1am for all 14 hotels.
2. Bringing forward the closing time to 3am for 11 venues and 2.30am for three others.
3. Licensees were required to produce a plan of management.
4. Licensees had to arrange for independent audits on a quarterly basis.
5. An RSA supervisor had to be on-shift from 11 am.
6. From 10pm there were to be no high volume alcohol sales (such as shots) and there was a limit of four drinks per customer at one time.
7. Licensees were to ensure that patrons did not stockpile drinks.
8. Alcohol must not be sold 30 minutes prior to closing time.
9. Licensees must notify staff within 14 days of the new restrictions.
10. A radio network between licensees and security was to be established.

It is noted by Jones et al. (p. 6) that:

Reducing the availability of alcohol sales might affect crime in a number of ways. The intended effect is to reduce the total volume of assaults in the CBD by reducing the number early in the morning (i.e. after 3am). An unintended effect might be to geographically displace assaults from the CBD into neighbouring areas without having an effect on the aggregate level of crime. It is also possible that the intervention could produce a shift in the temporal distribution of assaults towards earlier times when alcohol is still available.

As a result, their study sought to examine (1) whether the restrictions had an impact on the total number of assaults; (2) whether there was geographic displacement to neighbouring areas; and (3) whether there was any temporal displacement (to an earlier time). Please note that the stated goal of the intervention was to reduce the number of assaults in and around licensed venues, and not to reduce the amount of patrons *in toto*. Any effect, therefore, could be considered a negative unintended side effect.

While the study found a decline in the period following the introduction of the restricted trading times (post 2008) there are a number of potential problems with relying on this study as a “gold standard” for lockouts and trading restrictions. These will be discussed along with the possible alternate explanations for variations in the data.

In this study, the assaults in Newcastle were examined alongside the assaults in Hamilton in order to determine whether there was any displacement to a neighbouring area. While this would seem like a good idea from a methodological point of view, it should be noted that the use of only one control site is problematic in that any variance could be the result of other factors that are unrelated to the new trading regime, such as demographics, socioeconomic status, or a host of others. In research/statistical terms these may be considered confounds, also often known as a “third variable problem” which refer to the influence of a third variable that is not measured causing a change in the observed outcome. This leads to what is known as an illusory correlation.

After preliminary investigation, it would seem that Hamilton may not be a suitable control area for the study as there are some differences between the types of licensed venues in Hamilton and Newcastle which may attract a different clientele which may account for variations in the rate of violence. This can be seen in the results presented by Kypri et al. (2010, p. 304) where they note that:

As shall be seen, the perpetrators and victims of assault in Hamilton are approximately 5 years older than those in the CBD, and the area occupied by pubs is considerably smaller than that in the CBD. In summary, Hamilton has many, but not all, of the features of an ideal control site and there are no other entertainment precincts in the Newcastle region suitable for comparison.

If this difference in the age of perpetrators and victims is generally reflective of a different demographic, then it may be that this explains the lack of spatial displacement to Hamilton from the CBD. According to Palk, Davey & Freeman (2010), being a male 25 years and younger is a significant risk factor for violence. If the average age of victims and offenders is older in Hamilton, this may also explain the lower general rate of violence in Hamilton as compared to the CBD. Further, a general reluctance on the part of younger patrons to co-mingle with older patrons may in fact mean that younger displaced drinkers from the CBD will actively avoid certain venues within Hamilton. This would reduce the overall potential for displacement to Hamilton. Anecdotal evidence has certainly shown this reluctance to co-mingle exists, and my many conversations with licensees and others would tend to indicate this is generally true.

Another reason why Hamilton may not be an adequate control site is that, as acknowledge by Kypri et al. (2010, p. 204), “pubs in Hamilton...reportedly began to adopt most elements of the intervention voluntarily from November 2008”. If nothing else, if the early adoption of these practices was successful in Hamilton it indicates these will work providing proper implementation *without* having to rely on trading restrictions. One reason for spatial displacement is the shifting of patrons from one area with restrictive policies into areas with less restrictive policies. If Hamilton were already doing this, there would be no point in moving from the CBD after lockouts.

Another aspect of the Newcastle studies that suggests a deal of caution when interpreting the effect of the trading restrictions is the range of variability from quarter to quarter in the data from 2001 to 2009 and beyond. Even a visual examination of this data shows that from one quarter to the next there is a variance of up to approximately 60 assaults per month in Newcastle (e.g. Q1 2001 was approximately 125 assaults followed by approximately 65 in Q2). We must also be careful in using Q1 as a yardstick for change in the rate of assaults as this period includes New Year’s Day and Australia Day, the latter of which is recognised as “the most violent day of the year”. However, similar variability can be seen at other times throughout the year which do not include this holiday season, and so these figures may still be demonstrative.

By contrast, the data from Hamilton shows a much smaller amount of variation, typically within a single digit range. This also indicates that there may be differences among patronage or in the enforcement of trading controls (such as RSA), or it may be reflective of the type of venue (sports bars versus night clubs or the like). This lower base rate of violence may also be reflective of different community attitudes. Whatever the cause, it is my opinion that the differences in the range of variability between the two jurisdictions may mean that they are not suitable for comparison and certainly not as a test case for the effectiveness of trading restrictions.

One potential reason for the variation is the movement of people into and out of the area for reasons unrelated to the trading restrictions. Two examples come immediately to mind here, but are by no means exhaustive of the general point. The first is the movement of mining personal into and out of the area on shift. An upward trend in assaults may be an indication of the return of those from the mines “cashed up” and looking to unwind after long work hours and days or weeks away from home. Another possibility relates to military deployments. Both Bullecourt Barracks and

RAAF Williamstown are located in the general vicinity (please note that Williamstown also had its own effective intervention without having to rely on lockouts). This may contribute to the local assault problems for the same reasons as returning miners: return from deployment or from “going bush” typically means an increase in disposable finances and a need to unwind after periods away from home in a usually restrictive environment.

Another observed anomaly that warrants discussion is a “flat line” that can be seen in the data from approximately Q1 2007. There is a whole period of one year during which the assault rate remained steady at approximately 90 assaults per quarter. While much longer periods are usually required in order to determine a change that reflects a trend, this one year does afford some critical analysis as the change is not for a smaller period of time such as a month or a quarter. This means there may be a more systemic underlying reason for this presentation leading into the decline in 2008. In short, if we consider this flat line in 2007 as the start of a period of change, then the decline in 2008 is likely to be a continuation of a downward trend unrelated to the changes in trading imposed at that time.

Possible explanations for this include a change in policing practices such as zero tolerance blitzes aimed at reducing public disorder, changes in sentencing practices by local courts removing habitually violent offenders from the population for periods of time, and other police operations such as those that “round up” bail and parole violators, those with warrants, or those who are otherwise considered a public nuisance. In short, it may be that enhanced policing or those revolving around zero tolerance practices and not changes in trading that affected a change in the assaults.

Another possible effect on consumption is differential access to finances, where it is known that access to money will have an impact on how much people will drink and take part in entertainment activities. This was acknowledged by Kyrpuri et al. (2010) as stated in their discussion (p. 308):

In the period studied there was a global economic crisis and dramatic changes in the price of petrol, both of which will have affected how much money people could spend on going out and purchasing alcohol, and therefore may have reduced the total exposure to the risk of assault.

In sum, potential differences in demographics between CBD and Hamilton, a pre-existing difference in the rate of assaults, and the utilisation of accords aimed at reducing violence prior to their implementation in the CBD may render these two locations unsuitable for comparison. From a methodological point of view, the Kyrpuri et al. (2010) study has been identified as being a weaker research design, being of a cross sectional variety and employing a “before and after” design (Stockwell & Chikritzhs, 2009).

Australian Hotels Association New South Wales

In addition to the above concerns I hold over the comparison of the two areas used to demonstrate the efficacy of lockouts in Newcastle, there have been concerns raised by others over the restrictions imposed. According to the Australian Hotels Association of New South Wales (AHA-NSW) (2014), the set of sanctions placed upon the licensed venues were variously known as the Newcastle model, Newcastle trial, or the Newcastle solution. They note that the lockouts were just one component of many aimed at reducing alcohol related violence around NSW that resulted in substantial reductions of violence across the state. What is important here is that the lockouts were simply one part of an overall strategy, and it is therefore my opinion that they should not be viewed as a panacea to alcohol related crime and disorder.

It is absolutely vital when making decisions from the results of studies that you are drawing correct inferences about any cause and effect relationships revealed by the data. This is done to ensure that you are correctly identifying the influence of one variable on another (or multiple variables on any number of others). This prevents illusory correlations, where there is an appearance of a

relationship that does not exist in reality, from being used in decision making. As noted elsewhere with regards to Kings Cross, and as identified by the AHA-NSW, the reduction in disorder is not from a reduction in alcohol consumption. Rather, it is a factor of a greatly reduced patronage to the area; “people who previously came from surrounding suburbs and regional centres, such as Maitland, Cessnock and the Central Coast chose not to go to the Newcastle CBD” (p. 8).

It is important to note that there may be a number of other fluctuations that occur outside of any proposed measures that may hamper the direct interpretation of any change, or indeed, in spite of any change.

The first is known as an extinction burst. This refers to an immediate but short lived increase in the number of disorderly offences as people initially come to grips with the changes in their environment. This burst can also occur as individuals or groups attempt to find ways to work around new strategies and procedures. Over time when attempts prove fruitless or they are not receiving the same reward from the behaviour, reinforcement from it will naturally decline. An extinction burst will see a relatively immediate increase, hopefully with a long term decrease in the behaviour under observation. This reduction will be sustained as long as individuals do not find a way around any obstacles put before them, or where they find alternate suitable arrangements.

There may also be a simple decline in the utilisation of resources and locations owing to restrictive or prohibitive new rules which patrons are unfamiliar with. These may be distasteful or simply reduce the reward received for engaging in the activity or with the environment. Over time individuals may return to their pre-change behaviours owing to habit, reward, personal preference, or any other reason leading them to re-engage. This may result in an immediate short term reduction in the behaviour under observation, though with a return to pre-change levels in the long term.

Data presented by the AHA-NSW indicates that the second possibility above is possibly occurring as there were 204 assaults in 2008, 233 assaults in 2009 (a decrease of 23.4%), followed by 282 assaults in 2010 (an increase of 21%). While not mutually exclusive, factors adding to the effect could also be the natural movement of people into and out of the environment during this period, such as those away in the mines or on military deployment as discussed above.

Other factors include (AHA-NSW, 2014, p. 9):

Amendments to the Liquor Act, publicity concerning the announcement of the “top 100 hotels”, the formation of the Alcohol Licensing Enforcement Command, improved compliance by licensees and improved behaviour by patrons which may have produced an increased focus on responsible practices and reduction in assaults.

A multifaceted approach to the reduction of alcohol related violence would make intuitive sense, especially given the body of literature and research on the issue, that resoundingly concludes that there is no one response to the problem.

Because of seasonal variations and those that occur over any given period of time, it is necessary to consider the long term impact of strategies such as lockouts. This is especially true because of illusory correlations and other influences. While research by Kypri et al. (2010 & 2014) and Jones et al. (2009) suggest that the lockouts were effective, other data would indicate that this is certainly not the case, perhaps at least not to the degree to which the success has claimed. The AHA-NSW also point to data suggesting that Newcastle is lagging behind other areas of the state. For example (p. 10):

Licensed premises assault rate changes March 2008 - March 2012:

- * All NSW: -30.0%
- * Campbelltown: -42.7%

- * Gosford: -37.7%
- * Wollongong: -34.6%
- * Newcastle: -25.3%

As seen in the above figures Newcastle has the worst record for reduction across all four jurisdictions and across the state in general. This would suggest that the measures have not been as effective as stated, and also potentially indicates that a “third variable” is contributing to the problem in this area.

In addition to the above, in their Submission to the Statutory Review of the Liquor Act 2007, ClubsNSW note that (2013, p. 20):

Alcohol related violence has declined significantly following the introduction of the *Liquor Act*, and preliminary 2013 BOCSAR data obtained by ClubsNSW indicate that this downward trend is set to continue.

As such, and given that the *Liquor Act* already contains provisions permitting the Authority to restrict trading hours for specific licensed premises, ClubsNSW does not believe there is sufficient evidence to warrant the introduction of a state wide trial or roll out of the “Newcastle solution” or any similar measures that seeks to impose restrictions on trading hours.

It is my opinion that there are sufficient alternative options available to use in any attempt to curb alcohol related violence, and that repressive measures such as early closures and lockouts are not necessarily the answer. This is especially true in light of the information presented above, and the likelihood that the Newcastle changes have not been the resounding success some have claimed. This at least partial failure is backed up by the available evidence as presented herein. As stated by O’Connor (2014, p. 6) with regards to a review of Newcastle undertaken by the Australian Institute of Criminology (2014, p. 6) “they can be reasonably confident that the Newcastle Solution caused a reduction in alcohol related assaults...however questions remain about the exact mechanisms of change and how they operate to bring about the reduction in alcohol-related violence.”

The Norwegian Study

For this review I have also read the study of trading hours in Norway by Rossow and Norstöm (2011). Their findings were, in brief, that changes in trading hours had a relatively symmetrical effect on violence. That is, for each hour of reduced trading there was a reduction in assault that largely paralleled the increase in assault that occurred for each hour of trading. The authors conclude that there was an increase of 4.8 cases per 100,000 people for each 1 hour increase in trading, implying a relative increase in assaults of 16%. This implies Norway has a relative assault rate of about 28 people per 100,000 (this is in line with data on Norwegian crime).

There are a few reasons that this data should be interpreted with caution, especially as they apply for comparative purposes between Norway and any Australian city.

When using studies from different countries as the basis for comparison, we must try to select those which present the greatest possible points of comparison, usually a result of shared socioeconomic or sociocultural features. For example, it is often not prudent to compare homicides by firearm between Australia and the USA given tight gun laws here compared to lax gun laws there, despite any other similarities. As such, there should be as much of a match as possible between the two or more places used for comparative purposes. There are obvious differences between Australia and Norway and because of these I would recommend the most cautious inferences as to the correlation between interventions and outcomes.

The first measure is one of the most obvious and relates to weather. It is known that weather impacts upon people’s use of outdoor spaces, and that there is a link between weather and type of alcohol consumed and amount of consumption. It is expected that this seasonal change in

consumption would also lead to a change in violence given that the two things are linked (but again I would caution, not causative). This difference can be seen in an “eyeball” examination of the rates of violence in Newcastle in the Kypri et al. (2010) study with the cooler months showing less offences.

There are apparent differences in consumption between Australia and Norway. Available data shows that, on average, Norwegians consume slightly over 8 litres of alcohol per person (Rehm, 2012), while Australians consume around 10 litres per person (ABS, 2012; these figures are from 2011 for both countries). Tolerance may play a role here, with an increase in trading hours representing a level of intoxication that is outside of the tolerance of individual drinkers. As such, more alcohol would lead to greater levels of relative intoxication, and contribute to greater levels of relative violence.

One of the greatest causes of concern I have in using this study to direct or dictate any policy changes reside in the specificity of the data collected. As stated on page 12, “Other information that would have been of interest includes intoxication level among bar patrons and whether the assaults occurred inside the licensed premises.”

The first issue is that they did not examine the degree of intoxication on the patrons. While it could be argued that greater trading times would result in greater levels of intoxication, this cannot be assumed and any actual change may be the result to fatigue or some other unidentified variable.

The second issue is that they did not attempt to differentiate between the locations where the violence occurred. It may be that there are meaningful differences between violence occurring inside the venues versus that which occurs outside. The violence may occur outside of the venue as a result of conflict between patrons over service delivery (food and public transport being two examples). If this occurs over competition between patrons, then a simple change to the services they are competing for should alleviate the conflict and negate the effect.

One possible effect from increased trading times could be a “celebration” of the increase in drinking hours leading to higher levels of intoxication. This would produce the short term effect of an increase in violence, though if this were studied over a longer period this may reduce to pre-change levels once the novelty effectively wears off.

Another consideration that is not canvassed to any degree in the study is the adopted closing times. Should the same or a similar closing time be adopted for an entire region this would result in a large number of people on the street at the same time, all vying for the same services. The problem would likely be amplified if no extra provisions were provided for increased public transport, food services, and any other factors that may lead to frustration or conflict.

Drinking Fast and Slow

As discussed at various points throughout this report, there is an inherent bias in the way that studies are reported and titled. For example, a title along the lines of “the effectiveness of lockouts on violence around licensed premises” leaves one with the distinct impression that, if violence is reduced, that it was the lockout that was responsible for the positive effect. This, despite the fact that many studies, as also discussed throughout, incorporate a lockout as a suite of measures aimed at reducing alcohol related violence. It is also my opinion that terms like “alcohol-fuelled” are inflammatory.

This perception is based on the availability hypothesis, the belief that consumption of alcohol will increase parallel with its availability or our exposure to it. Because of this, any push for 24 hour trading would fly in the face of common sense because opening up rather than restricting trading times should lead to an explosion of alcohol related violence. It is my opinion that this belief of an increase in offending following relaxation of trading times is likely if we over estimate the role of

alcohol and underestimate other contributory factors. This is a similar bias that exists if we focus on lockouts as the sole solution among a host of interventions.

The determination of the negative effects of opening up trading hours is essentially a question of risk. That is, what is the risk of increasing the violence if we increase access to alcohol (as per the availability hypothesis)? There is a significant body of literature outlining the problems of violence risk assessment (though these translate equally well to other areas), and these include base rate problems and bias (Gormely & Petherick, 2015). Base rate problems are those that occur when we try to predict risk from behaviours that have a low base level of occurrence. Figures presented elsewhere in this report identify 18 or so assaults a month for the Fortitude Valley precinct, with well in excess of 100,000 total users of that area in the same time period. This means that alcohol related violence in that area has an incredibly low base rate of occurrence.

The second problem is one of bias and is well reported in the cognitive psychology literature (see Dietrich Dörner's *The Logic of Failure* for an accessible account of many logical failures and bias). One particularly potent form of bias is known as a satisfying hypothesis, and refers to choosing the first solution that seems satisfactory (Heuers, 1999). An insidious part of satisficing is that we will accept a theory as valid without coming up with our own, and what is worse, these hypotheses will endure even in the face of contradictory evidence. The problem may be exacerbated when we are given evidence that tends to support the satisficing hypothesis, such as research showing that alcohol is the problem, and that reducing access to alcohol (based on the availability hypothesis, and enforced through lockouts) reduces alcohol related violence.

While there is a body of literature and research surrounding lockouts and their effect on crime and violence, the problems with a select number of these are discussed elsewhere in this report. I will now turn to an examination of changes to the licensing laws in the United Kingdom that saw the introduction of "24 hour drinking". This is introduced by Snowden (2015, p. 8) in *Drinking Fast and Slow*:

England 2015. The nation is in its tenth year of '24 hour drinking'. Pubs are open all day and all night. Binge drinking amongst young people is at epidemic levels. Alcohol consumption is at an all time high. Violent crime is soaring and the number of alcohol related deaths rises every year.

None of this is true, but if such predictions had been made ten years ago, few people would have challenged them. Indeed, such predictions *were* made ten years ago and they represented mainstream opinion. Relaxing the licensing laws, we were told, could only lead to disaster. The aim of this paper is to see what actually happened.

Until 2005, pubs in England and Wales typically closed at 11pm. After 11pm, alcohol could only be served in venues which were open to the general public if drinking was ancillary to another activity (usually dancing) or if a specific exemption had been granted. This uniform 'chucking out time' often led to a mass exodus from pubs at around 11.20pm, followed by a rush to taxi ranks, fast food outlets and nightclubs. For those who wished to drink after 11pm, options were largely limited to loud, dance oriented nightclubs aimed at 18 to 30 year olds.

In addressing the community, then Prime Minister Tony Blair made specific reference to not publishing the many for the misdeeds of the few, though predictions about the decline of society and alcohol fuelled rampages ran rife. Media, political, and community outrage ensued.

But the effect of removing trading restrictions were unexpected and in fact the opposite of what was expected. It is my opinion that this report goes a long way to revealing the true underlying nature of alcohol related violence, and that is patron attitude and perception, binge drinking, and congestion in and around licensed premises. This is reflected in the following passage by Snowden (2015, p. 10):

One of the aims of New Labour's licensing reforms was to improve public order by staggering the hours at which pubs closed, thereby alleviating the chaos that could be caused by large numbers of people exiting pubs simultaneously. It was said that under the existing rules, pub goers drank against the clock, consuming alcohol quickly before last orders and returning to the street intoxicated, energetic and thirst for more. Under a liberalised system, they were expected to drink at their own pace and leave when they were ready to go home.

These new liberalised alcohol policies had an effect across the board, from the general consumption of alcohol, to violence, right through to public health and hospitalisations. As noted, the public health aspect is outside of the purview of this report, though I would encourage the reader to consult the Snowden document for further information about this. Thus, I will focus only on general consumption and violence. While Snowden’s report cites other sources, for the sake of brevity and clarity I will only cite this document. The reader should also consult it for the full original sources. Unless otherwise stated all information following is from Snowden (2015).

Drinking and Drunkenness

Between 2005 and 2013, the per capita rate of consumption in England and Wales fell by 17%, with consumption in licensed premises falling by 26%. These are identified as the largest reductions in consumption since the 1930s. Other measures of excessive drinking are also declining, including binge drinking and the relative frequency of alcohol consumption.

Crime and Disorder

In the year before the Licensing Act was introduced, there were 845,673 recorded incidents of violence against the person. “Thereafter it fell every year until 2013/14 when there was the aforementioned rise too 699,832. But even after ‘soaring’ in 2013/14, the number of offences was 17 per cent lower than it had been in 2004/05” (p. 16). The Crime Survey for England and Wales shows an even sharper fall in violent crime. Table 1 from this document is produced in its entirety below (p. 17):

	Violence with Injury	Violence Without Injury	Incidence of violence per 100,000
1995	2,270,000	1,567,000	94
2004/05	1,167,000	844,000	48
2013/14	611,000	702,000	29

Further:

Since 2004/05, there has been a decline in crimes that can be aggravated by alcohol, such as criminal damage (48 per cent), public order offences (9 per cent) and homicide (44 per cent) as well as those which are generally not, such as domestic burglary (31 per cent) and vehicle related theft (56 per cent)...Domestic violence has also declined, with the number of victims falling from 0.5 per cent of the population to 0.3 per cent and the number of incidents falling by 28 per cent...The number of sex offences has risen, but this has been plausibly attributed to a larger proportion of offences being reported.

...

Since 2004/05, despite a rapidly growing population, the number of violent crimes has declined by 35 per cent according too the crime surveys and by 17 per cent according to police records.

In 2007, the Home Office analysed data from 30 police forces in England and Wales and found a five per cent decline in violent crime in the twelve months after Licensing Act was implemented compared to the year before This included 12,000 fewer violent crimes committed at night time...There was, however, evidence of violent crime being dispersed later in the night, with a 25 per cent increase in violent crime between midnight and 3am. It seems likely that changes to pub and club closing times were responsible for this temporal displacement, but these early morning offences accounted for only four per cent of total violent crime and the increase was not enough to offset the larger decline observed at other times.

So while there was no increase in the crime rate, there was a temporal displacement to later in the morning hours. This would stand to reason, especially if we consider one of the main contributory problems to violence to be crowding.

It is my opinion, based on the findings of this report, that there is evidence that people drink to a time or to a budget. If we restrict this time, patrons are essentially forced to ‘drink against the clock’ in an effort to beat a lockout or to run their wallet dry in accordance with their preset spending limit. While there is some evidence to show a downward trend in the crime figures from England and Wales prior to the Licensing Act, the continuation of this trend in the data despite the increased possibility that the availability hypothesis would come into play, it certainly shows that more liberal trading hours do not a social catastrophe make. “Overall...the escalation of violent crime...did not materialise and may have been alleviated somewhat by the staggering of closing times and by the increased tendency of young people to drink in their local pub rather than go to the high street” (Snowden, 2015, p. 20).

The Importance of Containment and Zoning

It is my opinion that there are a number of advantages to keeping alcohol related problems in zones specifically allocated to the provision of alcohol related entertainment. By changing access to those areas previously zoned for entertainment, it is possible that there will be displacement and that this will shift problem behaviours into areas without the clustering of other patrons, a form of natural surveillance, and in which formal security are part of the environment. This may make it more likely that violence occurs in residential premises where none of these protective measures are present. This means that containing the problems to a certain geographical area means that any issues can not only be contained, but can be dealt with in a more focused way, such as by police or security already in situ.

This also means that formal justice agencies, most notably the police, can employ more problem-oriented approaches to containing behaviours such as targeting hot spots and hot times (in and around licensed venues at lockout and closing time). This will be inherently easier than policing any disorder that is displaced to suburban spaces which will be naturally more diffuse. This type of violence is also seen as more “private” which means it will be likely to remain hidden.

Preloading or Pre-fuelling

One of the significant problems relating to intoxication and alcohol related violence is known as “preloading” or “pre-fuelling”. This refers to the behaviour of consuming alcohol or other drugs at a location prior to going into a licensed venue or entertainment precinct. The most common reason provided for preloading is to socialise with friends (Allen, Devilly & Brown, 2015; Allen, Dalton, Devilly & Brown, 2015). The second most common reason given in this research was to offset the price of a night out by consuming drinks at a location where they are substantially cheaper than those in a pub or club, such as those purchased from a bottle shop.

It should be noted that preloading is a form of binge drinking, and this contributes significantly to the problem of alcohol related violence and road traffic accidents (VicHealth, 2014). This area has not been explored in any depth until recently, and thus we are only just developing an understanding of how often it occurs, who is doing it, and why. It should be noted that if the amount of alcohol consumed prior to going out exceeds that consumed whilst out, it is more likely to be the quantity of alcohol consumed whilst at home that causes or contributes most significantly to the violence. Preloading is difficult to enforce as it is likely to occur in private, with consumption at a level that is less likely at that time to lead to problem behaviour. However, the control of these individuals is far easier once they are in a public space, and this means that measures such as RSA and security control of patrons will not only be possible, but also effective.

The research conducted by Allen et al. above found that a large number of patrons they interviewed engaged in preloading. In the Gold Coast study (Surfers Paradise and Broadbeach) these researchers found that 83.1% of females and 85.7% of males preloaded. Of these, males reported drinking 8.5 standard drinks while females reported 5.8 standard drinks. In their study on Mackay

patrons, 81.08% of females reported preloading, while 73.91% of males reported doing so. It would seem then that males on the Gold Coast are preloading at a higher level than males in Mackay. However, males in Mackay report drinking on average 10.4 standard drinks, much higher than their Gold Coast counterparts, while females report 6.1 standard drinks on average, equivalent to their Gold Coast counterparts.

Given that preloading occurs mostly in private (Allen & Devilly, 2015) and probably off a licensed premises, it is my opinion that it is more suited for targeting through public health campaigns. Obviously the issue is one for licensed venues once the patrons have arrived, though as long as their RSA and the responsible handling of intoxicated patrons is maintained, this may be considered an issue outside of the purview of the clubs and pubs. I would agree with O'Connor (2014, p. 6) that "pre-fuelling remains a real challenge."

The Dark Side of Restricted Trading

The Effect of Trading Restrictions on Businesses

Another consideration, and one that will also be discussed as an adverse effect of restricted trading times is a general down turn of trading as a result of the new practices. Patrons will undertake a cost-benefits analysis on whether to use entertainment precincts based not only on monetary considerations but also time factors. I will use some arbitrary figures for the sake of the argument. Consider that it takes a patron 20 minutes and \$20 to travel one way. All told, this is 40 minutes of travel time and \$40 in costs for public transport. Now consider that many patrons do not go out until 10pm - 11pm. Where trading times are more liberal and clubs are open until 5am, this would mean approximately 6 hours of entertainment. Where closing times are more conservative, this would mean approximately 4 hours of entertainment. Factoring travel time and associated travel expenses, some patrons will make the decision not to use the entertainment precincts, or to use them more conservatively opting instead to drink at home.

In these instances, the reduction in assaults would therefore be related to a general reduction in patronage and not a general reduction in assaults because of a reduction in dose-exposure to alcohol. While this may still seem like a positive effect, the experiences of the businesses involved can be catastrophic including reducing staffing sizes or hours, loss of income, and in extreme cases business closures. This will also impact upon other markets and sectors including university students who rely on hospitality jobs to pay their way through tuition, and other markets like public transport and street vendors who rely to varying degrees on the night time economy. When factoring these into the equation, the cost of early closures may be more significant than the minor reduction in assaults that follow.

Such a deleterious effect has been seen in Kings Cross since the introduction of the NSW trading restrictions. Indeed, the problem it created was of a sufficient magnitude that the state government reviewed the effects of the laws early. It is my opinion that this is a tacit indication that not only did the laws not have the desired effect, but that they had numerous, negative, and unintended consequences. This was reported in the Sydney Morning Herald on the 14th of January, 2015 (Bagshaw, 2015):

Late night business owners in Kings Cross, Oxford Street and the CBD have been buoyed by the NSW government's announcement that it will review the lockout laws eight months ahead of schedule.

Premier Mike Baird's decision to review lockout laws in June, as revealed by Fairfax Media on Tuesday, has given owners hope that a favourable outcome could mean their businesses survive one of the worst trading periods in history. Since the laws were introduced, clubs and small businesses have closed doors in Kings Cross. The story has been repeated in the Oxford Street area, where mainstay, the Flinders Hotel, closed its doors Thursday.

"We had hoped that the usually busy summer period would turn things around but it hasn't been the case," said Douglas Grand, chief executive of the Kings Cross liquor accord, which represents the interests of the venues in the area. "It has been painfully quiet."

The lockouts have led to a 40 per cent drop in alcohol related assaults at licensed premises in Kings Cross in the past year, Bureau of Crime Statistics and Research show.

“Of course crime has been reduced, there is no one here, it is completely dead,” said Ron Creepy, owner of Kings Cross nightclub X Studio.

...

Foot traffic has fallen in Kings Cross by up to 84 per cent, according to the City of Sydney.

Profits in bars in the area has plummeted 40 per cent, Mr. Grand said.

...

According to O’Connor (2014, p. 3) in a submission to the City of Sydney:

Business operators in the Oxford Street and Kings Cross areas have raised their concerns with the City, claiming that over 2300 people have lost jobs, some businesses have closed down and many others are struggling to survive since the new measures were introduced. Additionally, feedback from the live music sector is that the new measures have had a negative impact on the programming of live music and performance in the CBD precinct.

But this business impact has not just been seen in Kings Cross, and has indeed occurred in Newcastle, the “gold standard” in the effectiveness of trading restrictions. As discussed in Miller, Palmer, McFarlane & Curtis (2014, p. 48):

Basically what happened with the curfew, we would open till 2.30, quarter to three. They’d come to us about 11 o’clock from other venues, stay at our place for probably two to three hours and by about 1:30 2 o’clock they’d start leaving. Going to [X] they were open till 5 and...I think a couple of the other venues in Hamilton were still open till 5am. So what happened, but what that did when the curfew came in it cut us out. We were basically the smallest venue and we knew at 1 o’clock that if you had no one there it was not worth opening and it just got worse and worse. (NSW licensee).

In all of the studies reviewed for this report, I did not find one that mapped the trading restrictions to changes in patronage. This means that a reduction in violence could just as likely be related to a reduction in the number of people using venues as it could to the effectiveness of the imposed measures. Without trying to establish whether the changes were caused by some other factors such as this, it would seem misplaced, for many studies at least, to claim that the lockouts and early closing times were the sole contributing factor to a reduction in violence.

It is my opinion that the best outcome for all involved would be a reduction in the alcohol related violence without any reduction in the level of patronage. Not only would this enable businesses of all types to continue to operate without interruption or downturn, this would also have a positive public health benefit. That is, a possible reduction in alcohol related disease.

It should also be noted that it is not just the venues themselves that will lose business. Any associated businesses will also likely suffer, including street vendors and public transport companies. Of course, this does not include any loss of employment suffered by workers as a result of reduced trading. I am not aware of any studies that have assessed this economic impact, and consider that this should be a major factor in imposing restrictions. Indeed, as at 2010, Hahn et al. (p. 601) conclude that:

No studies were identified that assessed the economic impact of reducing the number of hours when alcohol may be sold. No study was found that specifically estimated the magnitude of commercial losses in sales and tax revenues because of a policy of restricting trading hours.

Trading Restrictions and Displacement

Displacement is defined as the shifting of focus away from one subject, target, or area to another through the implementation of measures to control or eradicate behaviours. Behaviours prone to displacement are more likely to originate from predatory or antisocial types than those that are the

result of simple opportunity or circumstance. The latter are also more amenable to controls such as crime prevention than those belonging to the former group.

While crime will rarely be displaced 100% of the time, place, or target, it is a very real possibility that must be considered before introducing controls of any flavour. A number of different types of displacement have been identified in the literature, and these are relevant for consideration here (see Clarke, 1997; Challinger, 1991; and Smith, Wolanin & Worthington, 2003):

1. Temporal displacement

This occurs when problems are shifted to another point in time. Relevant to the extant discussion of trading times, earlier closing or lockout times may create a situation in which the problem behaviour occurs earlier in the evening. This may become more likely if the patrons using the urban space engage in “preloading”, that is, drinking alcohol at home so as to consume less within the licensed premises, or in drinking a predetermined quantity to an earlier closing time

2. Spatial displacement

Spatial displacement occurs when problems are moved from one physical location to another. This may be more likely to occur when one locality employs measures not shared by a neighbouring locality causing patrons to move into a less restrictive area or environment. Palmer, Warren and Miller (2013) report on licensee concerns over the implementation of ID card scanners whereby those prone to problem behaviour would possibly move to other licensed venues who did not employ the ID scanners. This would also include the moving of violence from licensed or entertainment precincts into residential locations. This may be more likely if patrons undertake a cost-benefits analysis and decide not to venture into entertainment precincts because of a reduction in trading hours, discussed above.

Media surrounding lockouts in King’s Cross following the new laws, quoting Bureau of Crime Statistics data, shows six alcohol-fuelled assaults in March 2014, followed by 45 assaults - 20 of which were alcohol-fuelled - outside licensed premises in Kings Cross (McClellan & van der Broeke, 2014). Further, from February to March there was a 30% increase in assaults outside clubs, with nearly half of the 248 recorded being linked to alcohol. This would be highly suggestive of a spatial displacement effect, and tend to indicate that across the board lockouts are not necessarily the best solution or suited to every situation.

3. Tactical displacement

This type of displacement occurs when measures create a shift in the method employed to commit offences. While not directly included in this group, it is my opinion that strict responsible service of alcohol provisions may cause a change in the type of substances used or abused. For example, where alcohol becomes less available to intoxicated patrons, those inclined towards poly-drug use may turn to illicit substances. This would be problematic when they use substances with a well established connection to violence. Any of the stimulant class drugs would be included here, though any from the amphetamine class would be specifically problematic.

4. Target displacement

Target displacement occurs when proactive measures force the offender to commit the intended offence on a different target. This type of displacement is less likely in the context of the current analysis and relates more to crime prevention undertaken by banks that shifts the offending to “mum and pop” type family business who cannot afford extensive anti-robbery devices and technologies.

5. Functional displacement

This occurs when approaches force the offender to commit different types of crime entirely. It is my opinion again that this would be less likely to occur in the current context. Functional displacement would include forcing individuals to reveal bank account details or having them withdraw funds under duress because of bank employment of biometric markers that are less amenable to “hacking”.

6. Perpetrator displacement

Perpetrator displacement involves the taking over of criminal or antisocial behaviours when past offenders are removed. This may include, for example, large scale arrests of drug manufacturers and taken to of circulation, which leaves a vacuum in the drug trade. While targeted police operations may indeed remove known or repeat offenders through operations such as sweeps on outstanding warrants or “police blitzes”, it is less likely in the context of the night time economy that these voids are filled by other offenders. As a result, it is my opinion that any perpetrator displacement would be negligible to non-existent.

Given the above, it is my opinion that at least temporal, spatial, and tactical displacement are entirely possible under the proposed changes to the legislation. While the remaining three types are possible, they are considerably less likely in my opinion.

The evaluation of the temporary lockout in Victoria conducted by KPMG (2008, p. 7) found evidence of both spatial and temporal displacement:

- * Positively, the results of the patron and community survey did not indicate any significant displacement of people to non-lockout areas as even those patrons who responded to the survey and were locked out, simply went and found another venue (upwards of 60 per cent of respondents who were locked out).
- * There was a perception of change in patron patterns of attendance including some patrons leaving smaller venues earlier than usual to ensure they gained entry to late-night venues period to 2am.

I have read the first point above multiple times and I am still unsure of what it is arguing. It is reproduced correctly, and seems to simultaneously argue that there was no significant displacement, but then argues that upwards of 60% of patrons were displaced (the actual figure was 68%). I would call this significant. The second point is repeated elsewhere, and that is that smaller venues that close earlier are disadvantaged by lockouts as patrons leave their venues earlier in order to get into others with a later closing time before the lockout is in force. This is discussed elsewhere in this report regarding staggering the lockout times.

This report from KPMG also highlights another problem with measuring displacement: if surveyors and researchers wait until after the lockout, or measure movement around the time of the lockout, patrons may have already left to “beat” the lockout times into other clubs with later closing times.

Later in this report they provide more specific information with regards to patron behaviour as a result of the lockout (KPMG, 2008, p. 72):

7.5 per cent of respondents who attend late night venues indicated that they attend late night venues outside of the designated lockout areas. Those respondents indicating that they attend venues outside the four affected lockout areas were asked whether this was due to the implementation of the temporary lockout. Over two thirds (68 per cent, n = 111) of those respondents indicated that, because of the temporary lockout, they attended late night venues in other areas.

As such, the proposed measures may be counter productive. While possibly reducing crime and antisocial conduct in and around licensed venues, they may simultaneously increase other related offences such as assault, including domestic violence, and sexual assault which is also closely associated with alcohol consumption. Less related to violence but problematic for business owners is the reduction in trade that may be experienced by venues, licensees, and owners (KPMG, 2008, p. 73):

Licensees consulted through the Accords perceive the same amount of displacement occurred (that is, venue hopping) although earlier in the evening and similarly it was business as usual for venues in surrounding suburbs such as Booroodarra. However, 44 Licensee survey respondents (or 56 per cent) indicated that the temporary lockout reduced the total numbers of patrons attending venues during the temporary lockout period, compared to the corresponding three month period in 2007.

Any positive effect of the proposed legislation may be confounded by the difference between public space disorder and that occurring in private dwellings. Public disorder is inherently more observable and more likely to occur under the watchful gaze of informal agents (such as members of the public) and formal agents (private security and the police). There will be a greater reduction or a total lack of both informal and formal agents, meaning that private offences will be less likely to be reported. There is a body of literature that collectively suggests that certain types of domestic offences are less likely to be reported (Grech & Burgess, 2011;) and that about two-thirds of assaults are not reported to police for various reasons including perceptions of the seriousness of the offence and the relationship to the offender (Carcach, 1997). This may be particularly problematic because one of the strongest risk factors for domestic violence is the offender's use of alcohol (Mouzos & Makaii, 2004).

This may artificially inflate the perceived effectiveness of trading restrictions, where public disorder is reduced, while private disorder increases but is less likely to be reported.

Dealing with Alcohol Related Crime and Disorder

Any attempt to deal with the problem of alcohol related crime and disorder must be multifaceted and rely on the collective input of many stakeholders. This involves the government through effective legislation that is not unduly intrusive, the police and other agencies of justice, restaurateurs and night club licensees, the community, and patrons themselves. There is no simple solution to controlling such behaviour, and any attempts to "legislate away" the problem must be strictly observed and evaluated so as to ensure that the opposite (an undesired) effect is not the actual outcome. This would include forcing crime into the residential areas, either immediately surrounding the licensed venues, or those in which past nightclub patrons live where they can no longer bear the cost of travel to and from licensed venues, opting to drink instead at home.

While a consideration in any legislation, the broader health effects will not be considered herein, as this report does not seek to focus on public health, but instead considers the criminological evidence and expert opinion regarding the effect of lockouts and earlier closing times.

The New South Wales Alcohol Summit (2003) included specific directives related to alcohol, crime, and violence.

The first directive was binge drinking, which refers to more than five drinks for men and four drinks for women (Hahn, Kuzara, Elder, Brewer, Chattopadhyay, Fielding, Naimi, Toomey, Middleton & Lawrence, 2010). Other definitions include an acute level of intoxication that occurs in a short period of time, or of drinking more than one would normally drink. This problem is noted as being particularly prominent among younger drinkers. Binge drinking can have a rapid effect on the brain and subsequent behaviour because of the effect of alcohol on the frontal lobes, the seat of impulsive behaviours, prosocial behaviours, critical decision making, and rational thinking. Because binge drinking is usually part of an entrenched culture, reinforced by age and social conventions, it

is among the least likely problem drinking behaviours to be addressed by any intervention. This has been recognised by cultural anthropologists and is reflected in the words of Fox (2015, p. 11):

I would argue that no matter how much external influence and pressure is imposed, a stable core of “heavy episodic” or “binge” drinkers will persist. As long as alcohol exists (and it always will) no amount of regulation, education, propaganda, restriction, or taxation will deter the ‘hard core’ of dedicated abusers from periodically (or regularly) exceeding the official maximum “safe” allowance. For explanation, we must look to the social significance of the substance.

A number of studies have shown that binge drinkers are statistically more likely to engage in criminal and other antisocial behaviour. The UK Home Office reports that binge drinkers were five times more likely to be involved in violence than those who only drank sporadically (Richardson & Budd, 2003). Richardson and colleague report a statistical association between binge drinking and offending, with 39% of binge drinkers admitting to committing an offence, with 60% admitting criminal and/or disorderly conducted after drinking alcohol. Respondents in this study stated that offering cheap soft drinks, refusal of service, education campaigns, increased policing of entertainment zones, improved security staff, and the use of plastic bottles were ways of controlling associated disorder. It is interesting to note that many of these ways to control disorder and crime are already in place through RSA programs, as well as provisions made in clubs by having adequate in-house security.

Interestingly, longer opening hours was another measure that was believed to have a positive effect on crime and disorder. The reason for this resound throughout much of the literature on the issue: patrons often have a “pre-determined level” of consumption they plan to undertake, where shorter trading hours mean more drinking is condensed into a shorter number of hours which leads to binge drinking. Indeed, 24 hour trading is premised, at least in part, on increasing the amount of hours over which people can consume their “pre-determined level”. In 2005, the Government of England and Wales removed restrictions on the times at which licensed premises could sell alcohol. Following this, data was collected on the rates of violence, robbery, and total crime for a nearly four year period. An analysis of this data found that there was no evidence of an increase on total violence. While violence itself did not increase, there was a temporal displacement of violence to later in the morning (Humphreys, Eisner & Wiebe, 2013).

Another major concern from this study related to the advertising and promotion of alcohol. These two factors are closely associated with binge drinking. The promotion of alcohol can actively encourage activities such as binge drinking, or at the very least higher levels of general consumption (Richardson & Budd, 2003). Here, the general level of advertising is not necessarily the problem, rather the targeting of younger audiences (already at greater risk for binge drinking), and the promotion of drink specials through happy hours and like campaigns. There are already strict rules in place in Australian advertising relating to the promotion of alcohol through television and radio commercials, but there is no jurisdiction here for individual venues. As such point of sale promotions may proceed unfettered, though it is again important to note that these are also governed by existing RSA provisions, and also through initiatives targeting at individual venues through accord agencies like Our Nightlife Queensland. This would include poster-promotions and other education campaigns focusing on what is known in crime prevention parlance as “stimulating conscience”. These attempts are designed to increase dissonance and play on the existing conscience governing prosocial behaviour by patrons in licensed establishments.

There have been numerous strategies employed in the past that have all had success. Many of the components of individual approaches utilised below are still in use in many precincts today. These include at least the following:

The Manly Council introduced a 2am restricted entry policy for licensed venues with much success. This included an accord developed with local council and patrons, and anyone leaving a venue after 2am would not be allowed back in. After introducing this, they found the following:

- * The incidence of antisocial behaviour was down;
- * The number of complaints (noise and otherwise) from residents was down; and
- * There was a decline in the number of cases presented to the local hospital.

To increase the effectiveness of this approach, the Manly Council coupled the 2am entry policy with a “Late Night Summer Bus” service running on Friday and Saturday nights. The suburbs most densely populated by patrons enjoying local night life precincts were established and the bus service was put on during the busy times on a revolving basis. This ensured that any patrons suffering intoxication were removed from the area, reducing the opportunity to engage in antisocial behaviours. These declines support the principle of situational crime prevention (SCP) that changes to the environment and opportunity structure can exert a positive influence on offending behaviour. Data also supported this approach undertaken in early 2000 with a steady decline in assaults and stealing, with assaults between 2am and 6am declining by 50%. Strategies aimed at improved public transport including taxis, buses, and trains, were also put forth to the NSW government (O’Connor, 2014) and in Victoria (KPMG, 2008).

In an interview with the conveyors of the study (Gomola & Martin, 2003) at the time, they noted that a unified closing time of 3am caused more problems than it solved. Doing so placed more people on the street at one time, with all competing for food and beverage service and public transport. This also tended to increase the general level of noise and disorderly conduct.

Based on these above considerations, it is my opinion that any initiative that aims to undermine and thereby decrease binge drinking would go a long way to a subsequent reduction in crime and alcohol related disorder. What follows are a few examples of initiatives that, in my opinion, collectively would have a greater impact on disorder than a single facet approach like trading restrictions. It should be noted that many of the following recommendations are already employed to varying degrees in a number of locations.

From the above discussion and my review of the literature and research, it can be seen that there are a number of strategies that can be employed to reduce alcohol related crime and disorder. It should be noted that the vast majority of the studies, if not all of them, relating to violence in and around licensed premises have simply identified a problem without consideration as to whether there were solutions apart from those considered within the research design. These are typically of the pre-post design variety where violence prior to restrictions is measured, followed by measurements after the restrictions are imposed. This tends to provide a very unidimensional view of the issue: the problem is the number of trading hours, so restricting the number of trading hours will solve the problem. It is my opinion that this is simplistic, has the illusion of causation, is blinkered, and excludes a host of other measures many of which have been shown to work effectively. These studies also fail to take into account whether there is a substantive drop in the rate of violence while maintaining levels of patronage, or whether a dramatic decline in patronage results in an observable drop in the level of violence.

I have reviewed the various documents provided to me by Our Nightlife Queensland in regards to proposed service and venue changes, including a number of education campaigns, and would say at this juncture that the following is not exclusive or inclusive of these things, nor of measures already in place. What follows are a number of measures suggested both in the literature and from my experience. Some will be in place already, and it is my opinion that where not adopted formally that these become part of an overall strategy.

It would appear, and it is certainly my opinion that, a multi-pronged approach to the problem be employed. This is because the problem of alcohol related violence is multi-faceted and is related to poor entertainment, irresponsible serving practices, poor staff training, violating bar and club rules,

offensive behaviour, and over zealous security staff (see Palk, Davey & Freeman, 2010 for a review of these issues). It is also more likely to involve younger males.

Staggering Closing Times

There is no doubt from my survey of the literature that one of the universal problem identified with closing times is having a large number of people on the street at the same time. This creates tension among intoxicated and often tired patrons, who are all vying for service; from food to public transport. This can create a problem for security staff and police, who are often outnumbered by patrons, who are then required to moderate not only individuals but also the environment. This can cause strain among expectation and service delivery and lead to conflict.

A simple resolution is to have licensed venues closing at different times so as to stagger the out pouring of revellers to different times of the later night and early morning. This will reduce the strain on services and allow for the much more efficient flow of patrons away from licensed precincts.

I should reiterate at this point that I do not believe that lockouts are the most effective measure in reducing alcohol related violence, especially as they have never been studied as a stand-alone measure. However, if they are a *fait accompli*, I believe there is a way to implement them without at least one of the possible negative effects that may accompany them.

After a careful consideration of the lockout policies and procedures, it is my opinion that something seemingly counter intuitive and the opposite to what is intended by the introduction of lockouts be incorporated. This involves not only staggering the closing time of the venues, but also the staggering of the lockout times. While the purpose of the lockouts is to reduce the movement of patrons after a certain time, prima facie it seems illogical to have a venue closing at 5am sharing the same lockout time at one that closes at 3am. This unified lockout time will cause congestion, possibly leading to violence.

As noted above one of the problems relating to disorder is having a large number of people on the street at the same time. Staggering the lockouts would also alleviate this problem as those who chose to go may, while those who wish to stay longer can avail themselves of another establishment. This will also reduce service strain such as that on food vendors and taxi services.

One theme that comes from the literature on the topic of lockouts is patron frustration at not being able to get into a venue should they have to leave for any reason. From my own files and examination of the issue, one night club patron expressed concern over a female friend who was last seen talking to a large number of unknown males. Unable to get a mobile signal inside the venue, he went outside to see if he could get enough of a signal to make a call. The call went to voicemail and when he went to return to the venue was told it was past lockout. This caused a great deal of frustration and resulted in a confrontation with security.

Additionally, as expressed by one licensee in Victoria (Miller, Palmer, McFarlane & Curtis, 2014, p. 47):

I cannot see any gains in having an angry boyfriend outside while his girlfriend is inside...I honestly don't believe there is anything to be gained out of it. If venues and everyone is doing their jobs properly I don't think there are any gains in it at all and I think the city, the feedback I've had is the cities that have implemented it haven't had any great benefits from it.

This, however, would necessitate communication between venues such that the problem patrons cannot simply go from one club to the next after causing a problem. Clubs currently enjoy a modicum of communication, and this was indeed a requirement of the clubs in the Newcastle study. As such it is not out of the realm of possibility, and should remain a relatively costs effective solution to problem behaviour.

These staggered lockout and closing times would assist in the removal of patrons from the vicinity at the conclusion of their night. This will alleviate crowding and reduce frustration, competition for resources, fatigue, or intoxication.

ID Scanners

One controversial measure that has met a mixed reception is the use of ID scanners. Most notably, these raise privacy concerns in the storing and sharing of data, and the potential for data exploitation by organised crime groups along with the creation of “blacklists” (see Calligeros, 2010). There are some indications that the use of ID scanning is becoming increasingly common for screening patrons in Australia, the UK, the USA, and Canada (Palmer, Warren & Miller, 2013).

It is my opinion that ID scanners do have a role to play in reducing night time violence in and around licensed precincts. Presently where no ID scanning takes place, patrons are essentially anonymous to all but those who know them, and as such, individuals or groups can perpetrate violence under a veil of anonymity. ID scanners therefore, coupled with existing CCTV technology could directly link a person captured on film to a copy of their identity. Not only would this assist with speedy enforcement when problems arise, but removing the protection afforded by being unknown may prevent incidents from occurring in the first place. Within the parlance of situational crime prevention (SCP), this would be known as *reducing anonymity* (Cornish & Clarke, 2003).

Newcastle has reported some success with the use of ID scanners, and the Kings Cross Liquor Accord (n.d., p. 7) has noted that their implementation is a “best practice harm minimisation strategy”. While these scanners may be a worthwhile addition to other measures, it should be noted that only the proper training and enforcement of their use will result in anything near a successful implementation. So called “selective scanning” is one potential problem (see Palmer, Warren & Miller, 2013). This is where some patrons are scanned but not others, resulting in an incomplete database of patrons, rendering some searches pointless as some miscreant’s details will not have been stored. This may also result in profiling troublemakers, where young males are more likely to get “carded” than young females. This may also make it difficult to identify victims, witnesses, and other parties to offences.

The problems of incomplete usage are not peculiar to ID scanners though, and even lax adherence to RSA will see problems ensue. As such, we must be careful not to throw the baby out with the bathwater.

Ushers and taxi concierges

One important tool for ensuring the rapid movement of people from licensed precincts is the use of taxi ushers and concierges. These have a two-fold purpose.

First, these individuals serve as a type of formal surveillance which by itself may be enough to maintain an acceptable standard of behaviour. As an agent of formal security, these can also defuse volatile situations such as this involving intoxicated patrons, or call for other security guards should matters get out of hand.

Secondly, they serve the equally important role of reducing wait times while simultaneously ensuring the most efficient use of the available transport. This may include placing patrons into taxis who are all going to the same general area. This is reflected in Fox’s (2015, p. 99) Recommendation #24 “adequate transport out of the entertainment district.”

The issue of improving public transport comes up repeatedly in the literature and has been raised many times throughout this report.

Tougher Court Penalties

This strategy is not dependent on the club owners or licensees, but instead requires intervention at the level of the government and judiciary. This recommendation is premised on Fox's (2015, p. 95) argument that "you can't change drinking culture by simply changing drinking."

As discussed in the literature, the link between alcohol and violence is not direct, and is far from causative. The evidence for this resides in the fact that the vast majority of people who drink while in licensed premises do not engage in violent or antisocial behaviours. This means that the disorder is perpetrated by a relatively small segment of the drinking population, and this small segment is likely to involve a "violent element" who are predisposed to violence, and for whom alcohol may be a catalyst given its influence on the frontal lobes of the brain.

Given this, it is my opinion that imposing harsher penalties on those who create the most disorder would be a prudent strategy in dealing with violent incidents. This is reflected in Fox's (2015, p. 97) Recommendations #7, #9, and #10 respectively:

Identify and proactively manage the hard core of inherently violent individuals.

and;

Rehabilitative courses should be mandatory for even first time perpetrators of assault, and voluntary for those who violate alcohol related public order offences. For non violent offences, participation in such courses could be tied to reduction in fines.

and;

The 'consequence policing' in Newcastle appears to have been effective, but more research needs to be done to determine whether the policing of known offenders was a more critical factor. If this is the case, law enforcement efforts should be concentrated on repeat offenders, including reviews of bail compliance checks and parolee monitoring.

The "consequence policing" above involve the heavy and immediate imposition of fines on those who breached the public order, and had a positive effect on prosocial behaviour. Having these consequences coupled with a public education campaign will go a long way to curbing alcohol related violence and disorder.

Education

A principle component of any strategy is education. For workers within the hospitality industry, this education would come in the form of training. RSA is one component of this, and working in the industry many are well aware of the behavioural and cognitive signs of intoxication. More importantly, this training could include sessions on dealing with problem people, as simply involving security once a problem has escalated could elevate the response beyond the desired level making it more difficult to reign in a situation. This relates to Fox's (2015, p. 99; Recommendation #20):

Consistent, intelligent, fair and friendly enforcement of 'Responsible Service of Alcohol' or 'Host Responsibility' both by venues and police.

For patrons, education comes in the form of a myriad of measures designed to target their thinking about their behaviour and the subsequent impact this may have. Granted, trying to implement this strategy on the most intoxicated of patrons will be a challenge, but this would likely be effective for the vast majority of patrons. Within situational crime prevention this is referred to as *stimulating conscience* and in the instance of codes of conduct and behaviour as *setting rules*. Should notifications regarding intolerance of nuisance behaviour, this would come under the category of *posting instructions*.

Among a suite of recommendations, many aimed at social policy, Fox (2015, p. 96; Recommendation #4) comments on the importance of stimulating conscience:

Change perception of what's socially acceptable while intoxicated create clear social and legislated rules and then genuine social stigma and practical consequences for breaking them. The risks and consequences must be

clearly seen to outweigh the benefits. The socially sanctioned “license to transgress’ must evolve to encourage only pro social, positive behaviours. The rules must be seen as reasonable and proportionate by the community.

As one of the problems is a sub-culture that reinforces alcohol consumption as a social behaviour, a shift in drinking culture is required so that the focus is moved from the consumption to the social milieu in which consumption occurs. This could be the grist of education campaigns in and around licensed venues. As stated by Fox (2015, p. 99; Recommendation #19):

The should be a de emphasis on the consumption of alcohol for its own sake and a refocus on entertainment and group conviviality. We need to encourage the establishment of night time venues where alcohol is ancillary to the entertainment, not the centre of it.

In 2012, the Australian Institute of Criminology prepared a report for Justice in New South Wales. In this report, they provide a large number of strategies to reduce alcohol related violence. In six main categories, they provide sixteen specific examples of tactics that can be employed. Of these sixteen, eleven are focused specifically on education or training in some regard. These are (p. 3):

- * Develop a code of conduct that sets out rules and regulations relating to issues not addressed in relevant liquor legislation or regulations;
- * Provide additional training to ensure that mandatory levels of responsible service of alcohol (RSA) training are maintained, targeted at problematic premises;
- * Invite community members (including community representatives, business representatives, licensed premise representatives and other stakeholder groups) to be involved in project committees and to provide input into the development and implementation of interventions to address alcohol-related violence;
- * Provide education to licensed premises operators (e.g. workshops and seminars) around premise management and design and other issues that may impact on the risk of alcohol-related violence;
- * Conduct risk assessments or distribute risk assessment toolkit to help raise awareness of the risk factors for violence and other alcohol-related problems and inform improvements to the physical design and maintenance of premises;
- * Provide training to security providers and crowd controllers around issues such as dealing with intoxicated and aggressive patrons inside or awaiting entry to licensed premises;
- * Run a media campaign, community forums and develop and distribute various promotional materials to raise awareness of the problems associated with excessive alcohol consumption and spread a harm minimisation message;
- * Provide training to security providers and crowd controllers around issues such as dealing with intoxicated and aggressive patrons trying to enter licensed premises;
- * Targeted and proactive enforcement of liquor licensing legislation by police and regulatory authorities, focusing on the conduct of patrons;
- * Provide additional training to ensure that mandatory levels of RSA training are maintained, targeted at problematic premises;
- * Provide training to security providers and crowd controllers around issues such as dealing with intoxicated and aggressive patrons trying to enter or re-enter licensed premises; and

It should be noted that only one of the sixteen recommendations was to establish lockouts.

Changing The Physical Space

It is well known that the physical space in which humans interact can be pivotal in shaping and directing behaviour. Poorly designed and laid out spaces are more likely to invite antisocial behaviour, whereas well designed and laid out spaces are more likely to invite prosocial behaviour. This is so well established within the criminological literature that there are entire areas of crime prevention that revolve around it. Two of the best known of these fields are situational crime prevention (SCP), which addresses both environment and opportunity, and crime prevention through environmental design (CPTED).

Tactics that have shown to be effective include adequate lighting, ensuring good lines of site to disable covert behaviours, and using formal surveillance by employing security guards. Simply increasing the use of public spaces by the community can also reduce antisocial behaviour by increasing guardianship. Removing anything from the environment that can incite aggressive or antisocial behaviour may also be prudent. This is discussed by Fox (2015, p. 99; Recommendation #18):

Drinking environments should be devoid of obvious aggression inducing cues or images and designed with 'calming' and 'conflict reducing' features. Educational materials on designing drinking environments should be developed to support hospitality operators in improving their establishments.

Changing the physical space is more than making changes to the actual layout of public environments such as trimming bushes, removing posters from store windows to improve lines of site, and ensuring visitors lock their vehicles while enjoying social outings. It is also about establishing and maintaining an appropriate code of conduct. This code will set the tone for interactions between patrons, between patrons and staff, and between patrons and the environment. For example, Graham and Homel (2008) note that decor in poor condition, seating in rows, and poor lighting increase the risk of physical aggression. They also note that permissive atmospheres, tolerance of rowdy behaviour, and swearing and disorderly conduct all contribute to the perception that aggression and antisocial behaviour are acceptable and will not be sanctioned.

While CPTED and SCP can both have a positive impact on crime in a physical space, it should be noted that in a built up city space, significant changes can be difficult owing to the nature of the built environment. For example, it may not be prudent to take off the corner of a commercial office building in order to improve sight lines, nor might it be possible to change the roads and streets to improve the flow of traffic. From what I have seen of the area though, the venues are taking advantage of those things they can change. The street lighting is excellent, there is minimal interruption to sight lines from things such as footpath advertisements and sign, plants, or other obstructions, and there is a large amount of public transport available to and from the area. In short, it is my opinion that they are using the built environment to the degree possible, though I should note that a more comprehensive examination than that available to me on the 18th of December of this year (discussed subsequently) may provide a more detailed assessment.

Rewarding Licensed Venues for Good Behaviour

There is some value in identifying venues who make every effort in providing the safest environment for their patrons. Conversely, there is value in identifying venues that are repeatedly violating accords and policies relating to alcohol consumption and the enforcement of antisocial behaviour. In Sydney 12% of hotels and nightclubs accounted for almost 60% of assaults, in Newcastle 8% of venues accounted for 80% of assaults, in Wollongong, 6% of venues accounted for 67% of on-premises assaults (Briscoe & Donnelly, 2003).

Well advertised sanctions and rewards could be enough to encourage operators to take more of an interest in their own patrons' behaviour. While it may be argued that smaller venues are less able to afford measures and may be thusly disadvantaged by any such provisions, this relates more to the enforcement of current provisions rather than the introduction of new, restrictive measures. It is my

opinion that any loss from antisocial or criminal behaviour on or around the premises will likely be more deleterious than any enforcement this would require.

More importantly, being acknowledged as a “good venue” could improve the social and community standing of smaller venues, thus increasing patronage and consequently improving their bottom line. The benefits far outweigh the costs.

What is more, the bad behaviour of a few establishments will significantly impact on other venues who are actively engaged in enforcing the rules and meeting their obligations through blanket provisions such as lockouts and early closures.

Rewards and penalties for clubs that violate provisions or do well in contributing to enforcement strategies could include the granting of extended trading hours, while reducing trading hours or imposing lockouts on those that have a bad track record or consistently violate accords. It should be noted that this strategy would not be unfair to smaller venues or disproportionately fair to larger, higher income venues as many of the strategies require only the enforcement of current rules and regulations such as oversight of RSA and security responses to unruly patrons. This incentive based scheme also directly invests licensees and club owners in the longevity and success of their business and the comfort and safety of their patrons.

This strategy is neither new nor necessarily controversial. In the United Kingdom, The Licensing Act (2003) introduced in 2005 included a number of provisions for dealing with irresponsible premises. These include (The British Home Office, 2008, p. 39):

- * Expanded police powers to close down disorderly and noisy licensed premises;
- * Empowering police, residents and others to seek reviews of licenses where problems occur, backed up by an extended range of measures that impact on businesses and their profits (such as limiting opening hours or requiring them to close on weekends for up to three months);
- * Increased fines (as well as potential suspension for up to six months or forfeiture of personal licenses) following conviction for offences of allowing disorderly conduct or sales of alcohol to people who are drunk;
- * Increased penalties for breach of license conditions - a maximum fine of £20,000 and/or imprisonment for up to six months;
- * Increased penalties for selling alcohol to children - maximum fine increased to £5,000 on conviction, and it is possible for courts to suspend or order forfeit of personal licenses on a first offence as posed to a second conviction, as was the case previously; and
- * Prosecution by licensing officers for breach of licensing conditions and other licensing offences.

Policing

Policing will undeniably be a part of any response undertaken. They are the primary agency of criminal justice and the first point of contact for those who experience victimisation and crime. This would include not only members of the public but agents and representatives of a variety of organisations and businesses, including licensees and employees of licensed premises.

I will not go into depth in possible law enforcement practices aimed at reducing harm and violence, though some of the approaches will be covered. The point of this brief review is to demonstrate that, as one part of an overall strategy, the police can have a positive effect on the reduction of crime and antisocial behaviour outside of the arrest and prosecution of offenders.

McIlwain and Homel (2009) discuss two approaches that have been employed. These are based on the work of other researchers but for the sake of brevity I will simply refer to the summary of McIlwain and colleague.

Randomised enforcement includes placing uniformed police officers in venues at times decided by a random schedule. At each visit, police talk with managers and patrons in a non-confrontational way and observe what is happening inside the venue. Evaluations of this approach reveal no effect, or an effect that is limited to the duration of the project. It should be noted that this extinction effect is not limited to this type of study, and any behaviour will likely return to a pre-observed state. This change in behaviour is known as the Hawthorne Effect, is well established in the cognitive psychology literature, and refers to changes in behaviour that occur because we know we are being observed.

In the targeted approach, premises are not selected at random, but are instead selected on the basis of data identifying offences in or around those premises. Once the premises are identified, venues are provided a feedback report, given educational visits by police, and offered follow-up workshops (McIlwain & Homel, 2009). This approach has seen more success, and is likely owing to the fact that the randomised approach will see some premises visited that have no problems, while some that do have problems may be missed. As such, the targeted approach reflects more of an approach known as problem oriented policing (POP). This is promoted by practitioners and academics as a more effective response, whereby police identify problems of an incident or incidents, and then tailor-make an effective response specific to those problems (Braga, Wesiburd, Waring, Mazerolle, Spelma & Gajewski, (1999). POP is very easy to implement, can use existing data sources (such as official police and offence data) and efficiently utilise existing resources without having to change tactics or invest significant financial resources. This can be something as simple as more effectively directing police resources during problem times (known as “hot times) and problem areas (known as “hot spots”).

As noted above, a relatively small number of venues can be responsible for a disproportionate level of alcohol related problems. It is my opinion that this makes targeted policing employing POP principles critical in addressing alcohol related violence. This includes strategies where front line police patrol areas where there are high concentrations of licensed venues (Smith, Morgan & McAtamney, 2011). It is also my opinion that existing police resources should be sufficient with little evidence to show that increasing police numbers is effective in a measure in and of itself (Smith, Morgan & McAtamney, 2011).

Site Visit

On the 18th of December between the hours of 10.30pm and approximately 12.30am on the 19th of December I conducted a site visit at the Fortitude Valley entertainment precinct. I walked along the streets marking the outer limits of the precinct, and walked down the malls and past the majority of the venues in the area. I also spent time in the Chaplainwatch area, and spoke to many of the operators on shift at the time. I was given an overview of the computer and recording system and was able to watch them being deployed on tasks.

While my time was admittedly limited I was afforded sufficient exposure to provide a preliminary assessment on the area. Notably, I was able to observe security in action, observe the behaviour of patrons waiting in line to get into venues, observed patrons going from venue to venue, observed taxi formations, and was able to gain an appreciation of the venues themselves in terms of layout and decor. As such, I feel that I am able to provide a valid assessment of the area based on what I saw.

I will start out by discussing formal security as this was the first major observation I made while on site. The security at each venue appeared more than adequate, with many venues having several

staff on the door, and when I was able to look inside, could see that many venues had staff inside the premises also. In some venues, front door security made roaming tours of the inside, thus providing a dynamic view of the footpath area and the interior of the venues. When stopped outside some venues, I was approached by security asking if they could help, or whether there was anything I wanted. Security seemed interested in the actions of someone they may have deemed a loiterer.

For the larger venues that I observed many had security out on the footpath, located on the corner of the premises or on a footpath that had clear lines of site along at least one, and in some instances two, fronts of the building. This allows for a clear picture of patrons coming and going, and for foot traffic which may result in choke points where crowding may occur that could cause or contribute to conflict. From my observations I could see that all security guards had radio communications and could communicate with others. This is important as it allows not only for the rapid dispatch of guards to problem areas, but allows for the dissemination of information to other operators informing them of large groups coming and going from the venue, the identification of problem behaviours, and the formation of choke points on the street level.

I was able to see that some venues employ a fairly sophisticated system of ID card scanners. From what I observed, this scanned a formal identification such as a driver's license, and also took a photograph with a built in camera. This links ID with a high resolution image. As discussed elsewhere, this would remove any anonymity and will likely contribute to effective situational crime prevention. Having observed this in action, it is my opinion that the benefit would outweigh the potential costs, such as "hacking" or theft of personal information for identity theft (which, if using a secure computer system, is incredibly unlikely, and no more so than the risk of hacking any other system such as video store databases or gymnasium memberships).

While earlier in the evening, there was not a great deal of high level intoxication observed, though it was obvious some had been drinking. Those observed were all well behaved and orderly, and crowds large and small moved easily and freely on the streets, footpaths, and through the malls. Many clubs had lines of patrons of varying lengths waiting to get into premises. These lines seemed to move at a fairly quick pace and were orderly and well behaved from what I saw. Security managed these lines well, and in some clubs, ushers or hostesses "worked the lines" talking to those waiting for entry. These individuals can act as formal security and may have a calming influence on patrons, especially where they feel frustration should they be left waiting for entry. I did not personally observe any especially long lines though I note that in one or two instances security seemed more interested in the first part of the line. Reinforcing that "if you are responsible for the line, you are responsible for the whole line" would be a critical aspect in maintaining order.

As stated the movement of patrons from venue to venue was orderly and the crowds moved freely along the street and footpaths. Crossing at lights was orderly and I did not observe any patrons wandering freely across the roads or at red lights. This prevented choke points from arising which may lead to frustration and aggression.

Secure taxi points were starting to form at the conclusion of my site visit and so I was afforded a view of the management of those waiting for transport to and from the area. Not only were there a steady stream of taxis of all sizes moving through the area for the entire duration of my stay, but there was a steady flow of taxis moving through the secure ranks. These were well managed and I was able to see that the flow of passengers was well maintained and looked after by the ushers. These ushers also had radio communications and were easily identified in their high-vis vests. From what I saw during my visit, individuals had to wait a very brief amount of time to get taxis, either off the streets or in any of the secure ranks. As discussed elsewhere this is an absolutely vital component in the promotion of a safe environment as it prevents crowding, reduces competition for services, and prevents possible conflict from arising between intoxicated patrons.

With regards to the venues themselves, I was impressed with the interior layout, lighting, ambience, and in many cases the decor. Interior lines of sight were all clear and many venues employed glass shields or barriers instead of solid materials blocking the view. It is clear that a great deal of thought has been put into the design of many of the venues with many adopting a popular contemporary style of *shabby chic* or *nova chic*, employing recycled timber, timber cladding, and other timber fixtures and features. There has been a great deal of upscaling or up-marketing from what I was able to see. This increases the overall quality or “feel” of the venue, and as stated elsewhere in this report, the degree of dilapidation can contribute to disorder in the venue. There was also a large number of “hole in the wall” venues which have adopted a similar design philosophy. Such venues can provide an atmosphere where the evening is more about socialisation than the simple consumption of alcohol thereby reducing alcohol consumption and subsequent disorder.

Also important with regards to alcohol related consumption and disorder is the availability of food and non-alcoholic beverages. I was certainly impressed with the number and distribution of these outlets providing a range of foods and drinks. Even consuming a small amount of food during or at the end of the night can slow alcohol absorption through the gut and thereby reduce by the physical level and subjective experience of intoxication.

In short, it is my opinion that there are a number of strategies being employed in this district, one of the more popular in Brisbane. It was reported to me that they will have approximately 30,000 patrons using the area on a Saturday night, with about 18 assaults reported per month in the precinct. It is my opinion that this number of assaults would be considered acceptable given the considerable number of people who use the area on a monthly basis (this means that there are in excess of 100,000 people using this particular precinct on a monthly basis). This relatively low number of assaults is likely due to the care and attention taken by the licensees, security, and bar staff, and the utilisation and availability of external resources such as Chaplainwatch. Indeed, from what I have personally observed and studied, the area could be used a yardstick for how to deal with alcohol related crime and disorder. This is based also, in part, through my examination of the literature on dealing with alcohol related crime and disorder, the strategies introduced thus far, and a number of proposals generated by Our Nightlife Queensland for the introduction of unified formal strategies across the state. These will now be addressed.

The Safe Night Plan and Others

As part of this report, I have examined the Safe Night Fortitude Valley Precinct Plan which incorporates Just Let it Go Phase 1 and Stop the Violence.

According to the Safe Night strategy, the goal is to “restore responsible behaviour and respect, stamp out alcohol and drug-related violence and ensure Queensland’s nightlife is safe for all.” This is a blanket campaign strategy undertaken throughout Fortitude Valley and 14 other locations throughout Queensland. The approach is informed through a board of management of the licensees and others, and in conjunction with consultation with other key stakeholders.

The stated objectives of the plan are to promote RSA and minimise alcohol related harms through local initiative and direct interface with the Commissioner for Liquor and Gaming. Funds raised within the precinct will be used to roll out and evaluate the program (ending in December 2015). Rest and recovery support for those who have consumed alcohol or drugs will continue to be provided by Chaplainwatch and like organisations.

The Safe Night plan also includes the “Just Let it Go” campaign aimed at tackling an entrenched cultural sense of machismo undoubtedly contributing towards alcohol fuelled violence, especially that occurring among males where there is a perceived slight to one’s manhood, such as direct threat to the self or through indirect insult such as insults made to friends or partners. This is what Fox (2015) would call “fighting for honour”. Just Let it Go aims to reduce violence by:

- * Increasing coordination between industries in nightclub precincts;
- * Delivering preventative measures through communication campaigns;
- * Producing licensed campaigns for nightclubs;
- * Develop memberships to increase communications with patrons;
- * Measuring frequency and outcomes of preventative measures; and
- * Developing competitions to promote vibrant your cultures.

This also includes an increased communication and cooperation between clubs and taxis including:

- * Creating a continuity between industries in nightclub precincts;
- * Increasing communication between taxi cab ranks and nightclubs; and
- * Developing cooperation to improve services to patrons in night time entertainment precincts.

This campaign will revolve around what is called *Stimulating Conscience* within the SCP literature, and employs educational posters, beer coasters, and media campaigns. For example “How to Just Let it Go #3: We’re more likely to misinterpret other people’s behaviour and misread a situation if we’re a bit pissed. No wonder so many drunken fights start over something trivial. **Watch your alcohol intake.**”

It is my opinion that these campaigns, aimed at changing the way patrons think about alcohol consumption and violence while in the precincts and at home are an excellent way to undermine the foundation of many violent incidents such as perceived blows to honour. It is also my opinion that employing public transport agents will help to disseminate the message and serve as a constant reminder of the message while traveling to and from entertainment areas. This should go a long way to changing thinking patterns, and coupled with changes to the environment and crowding will be a useful addition to the suite of measures in place.

I would propose that strict changes such as trading restrictions at least be put on hold until a formal evaluation of at least these strategies can be undertaken.

Sustaining the Approach

It should go without saying that a lack of uniformity in application, or a staccato implementation of policies and procedures, will result in an almost total failure to address the problem. This type of stop-start may be caused by some rogue operators who only conform to practices when forced to, or when governments change and policy directives change from one rule to the next. A drop or a change in funding or research focus can also see a disruption in the enforcement of accords and best practice violence prevention for community spaces.

This problem is highlighted by McIlwain and Homel (2009, p. 18) who note that:

The above review of prevention programs aimed at reducing alcohol related harm in licensed premises highlights that whilst targeted police enforcement, staff training and community mobilisation all reduce the prevalence of violence in and around licensed premises, few projects sustain these effects after the intervention is complete.

A failure to be consistent across time will also lead to uncertainty among patrons in terms of how they are expected to behave and this may see an increase in violence owing to frustration and confusion. It is also imperative that any changes to policy and procedure are broadcast throughout entertainment precincts, a strategy that reflects the introduction of the Napoleonic Code of laws: the public cannot expect to behave in a law abiding way when they have no idea what the law is or

what it says. This was possibly reflected in the Victorian lockout trials where it was “noted that they [licensees] did not perceive any change in alcohol-related violence during the three-month temporary lockout period. If anything, Licensees perceived that the confusion and entry refusals to venues created...more angst and frustration on the streets than usual.”

Conclusion

As discussed above, this section and other parts of this report are a commentary on a range of strategies that are intended to address violence and antisocial behaviour in and around licensed entertainment precincts. The recommendations throughout are illustrative of the array of options available, though it should be noted that the recommendations are not exhaustive, more can be done than simple and arbitrary strategies like trading restrictions and reductions. Indeed it should also be noted that where studies have examined the efficacy of lockouts on reducing violence, these studies have focused on areas that have also incorporated at least some of the other strategies in addition to the lockout itself. This tends to highlight the recognition that lockouts alone may not be as effective as when used in conjunction with other methods. It also tends to confuse the possible influence of the lockouts, as it could well be the combination of measures that produces an effect, rather than the lockout alone. Also as noted, a lockout may have a serious business interruption effect where the violence reduces not because of the reduction in alcohol consumption but because of an overall reduction in the use of entertainment facilities where patrons are simply not willing to travel distances owing to reduced trading hours, or as claimed in Kings Cross, where they simply use other precincts that are not subject to the same restrictions as “The Cross.”

There is no one answer to the problem of alcohol related violence, and it is my opinion that in trying to reduce community and social disorder a multifaceted approach is going to be the most productive. This approach incorporates community, venue, council, and other key stakeholders such as police all working together to effect the most desirable, cost efficient, and least intrusive outcome. To consider a unilateral approach such as closing early would in my opinion be counterproductive to the end goal, and there is certainly a body of literature and research that supports this position. While the Newcastle experience would indicate a successful approach, a number of problems ranging from methodological issues to evidence that it was not as effective as argued.

As most if not all of the venues who have implemented a lockout regime also incorporated other or additional security measures at the same time as the lockout it is largely inappropriate to suggest that the lockout was the cause of any possible positive benefit from the intervention period. Furthermore, it is my opinion that research into lockouts periods that report findings along the lines of “we observed a decrease in assaults of X/Y%” leads to the false belief that the lockout was the sole factor involved in the violence reduction. As noted at multiple places throughout this report, lockouts were rarely implemented in isolation, with many jurisdictions also including enhanced or increase police presence, a change in liquor licensing provisions, increased council and other key stakeholder contributions to things like increased public transport and other intervention practices. It is thus my opinion that even publishing articles or scoping documents which link any reductions in violence to lockouts (e.g. “The effectiveness of lockouts in reducing alcohol related violence” type titles) is misleading because this implies that it was the lockout that was effective, and not the lockout combined with other approaches, or the other approaches without the lockout.



Wayne Petherick, December 2015

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Ensuring the safety of Queenslanders inside and outside licensed venues



A message to all Queenslanders

As an industry, there is nothing more important to us than the safety of our patrons. We enjoy providing quality entertainment options for every day Queenslanders and we know that our patrons know how to enjoy themselves responsibly.

With the help of the Queensland Police, we take pride in knowing that inside and outside our venues are safe and secure.

In many parts of Queensland, late-night venues provide a valuable source of employment – particularly for young people – and tourist revenue to the local economy. It is important that policies designed to tackle the incidence of anti-social behavior do not place these jobs at risk.

We want to work with the Government to find a way to implement the necessary reforms without harming the 7,200 licensed venues in Queensland and their employees.

Consultation is critically important. We believe that with common commitment we will be able to find a position that is workable for all parties and which achieves the necessary outcomes.

We hope the Queensland Government will adopt the suite of proposals we believe will improve the safety of our patrons inside and outside our venues, while protecting the jobs of tens of thousands of Queenslanders across the state.

Sincerely,



Nick Braban
Secretary



Trent Meade
Director

Keeping people safe while protecting jobs

As an industry, we have worked hard over the last seven years with successive Queensland Governments to get the settings right. We believe we are getting it right, and that existing settings can be retained and fine-tuned for better outcomes.

This policy document will outline the industry's alternative policies that can achieve the Queensland Government's existing priorities.

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Proven initiatives that will safeguard patrons and won't cost jobs

The industry shares the Queensland Government's concerns about tackling anti-social behavior in Queensland's nightspots and licensed venues. Safety is our number one priority too.

There are a range of options the government could adopt that would help achieve the outcomes necessary while also protecting jobs and small businesses in the hospitality and entertainment industries.

We agree with many of the Government's commitments in looking at a holistic approach to tackling this important issue in the community, including greater police presence, expansion of Safe Night Precincts, conducting a multi-media education and awareness campaign and imposing mandatory banning orders on violent offenders.

Our industry fears we will see increased pressure on venues to cope with patrons trying to get into our venues before the lockout and reversely, managing patrons who do not meet the lock out time.

Local Solutions for Local Areas

The former governments Safe Night Strategy began putting in place a formalized framework for precinct management and engagement across the state. This built on the good work already being done by Liquor Accords in Queensland.

Local areas, whether it be via Safe Night boards, or local Liquor Accords should be empowered and allowed to best decide what measures suit their communities. The rejection by local government across the state of Labor's proposed policy shows that local area stakeholders want some level of self-determination when it comes to alcohol policy.

"One Size Fits All" legislation in the terms of community management rarely works, and it is those who live, work and play in their local areas that know what works best for them. The Safe Night Strategy provided funding streams for local areas to access allowing the administration and rollout of measures that work in their areas, and this should be continued.

Measures that could be introduced at local levels, without state-wide application include the following:

Voluntary ID Scanning Systems

Local areas can choose to “opt-in” to an ID scanning network, administered by the Office of Liquor and Gaming Regulation. This would allow flexibility as to what venues opt-in, what areas are subject to this, and what times scanning would apply.

The flexibility of a voluntary scheme allows areas to decide for themselves if it is suitable for them. It also allows areas to exclude venues deemed too small or differing in style from larger ones to not require this costly system. It can also allow venues to not have to scan patrons who are quite obviously not a risk such as our senior citizens or function attendees.

Areas like Caxton Street (and others around event venues such as stadiums) also have unique needs on “game days” where the simple volume of people attending before and after games make scanning too invasive to be workable.

Voluntary Lockouts

Mandated lockouts have created a swath of issues in reality which governments have yet to address. The need for a lockout, and its level of application is better agreed upon between all stakeholders in a local area. State government, Local government, community groups, and business groups can come up with a better way.

As an example, the Newtown Liquor Accord in Sydney have instituted a voluntary lockout amongst their venues. This allows them the flexibility to have a “pass out” system to allow certain patrons re-entry to a venue (a friend walking someone to transport, someone stepping outside for fresh air). It allows employees in these precincts to be able to enjoy entry to venues after lockout if they finish work late. It allows commonsense decisions to be made about who is subject to the lockout such as young people isolated in the public space whilst friends are inside venues.

This option has been shown to work, and reduces risk to those who may inadvertently find themselves “locked out” and under risk in the public space. Most importantly it allows local areas to craft policy that works for them.

Voluntary Drink Restrictions

Restricting the sale of certain drink types (namely shots), is a measure that has been canvassed and implemented in certain areas. Whilst the data on the

efficacy of this style of measure has yet to be shown in an evidentiary way, common sense dictates that it is certainly a useful tool.

That said, a blanket approach can inadvertently restrict certain styles of venues that do business differently. Take for example a high end whiskey bar. Under a statewide ban on shots, this bar would no longer be able to serve a neat whiskey to customers. The amount of harm that this style of bar creates is simply too small to be able to quantify, so why would we destroy the way they do business?

It can also be argued that these types of bars change culture via their offering. Consumers are moving to a quality over quantity experience, and it is these types of venues that create vibrancy and distinction in their areas.

A voluntary approach, similarly to ID scanning and lockouts, allows flexibility and common sense to prevail.

Other initiatives

There are many other ideas that communities will design that suit them. A strengthening of the local framework allows this entrepreneurial and agile approach to management to flourish. Examples include “floor prices” for liquor (Townsville CBD Liquor Accord 2012).

Chaplaincy, Rest & Recovery and Intervention

The single most important and effective measure in reducing harm and risk in precincts is undoubtedly rest & recovery and intervention. These services fill a needed gap between venues, police and ambulance, not only reducing harm, but saving government enormous amounts of money down the line.

Many areas around the state already have these services implemented, and past governments have funded these to some extent (along with the business community). All areas that have an agreed upon level of attendance and concentration of venues should have these services funded and implemented via a best practice model.

An example of services offered include:

- Foot patrols for first aid and conflict management.
- Car patrols for transport of at risk persons (intoxication, injury).
- Rapid response with crisis intervention, frontline first aid, incident defusing, and peace-making.

- Secondary victim response and support, assisting any family, friend, or person peripheral to, yet affected by an incident or event.
- Rest & Recovery centres for first aid, intoxication management, and diversion away from ambulance and hospital for less serious incidents.

These styles of interventions take pressure off police, watch houses, ambulance crews and hospitals. Most importantly, they reduce risk and assist those who are at risk, limiting harm.

Transport Initiatives

Intelligent design and management of transport to effectively move people out of precincts reduces risk immeasurably. Local boards can best deliver ideas on how to design these, but initiatives can include:

- Cab rank locations and timings.
- Late night bus and train services.
- Community area free bus services operating on loops (Northern Beaches, Sydney as an example).
- Secure cab ranks managed by the Taxi Council, with commensurate security.
- Regulation of illegal ride-sharing services which place patrons at risk and impede traffic and rank management in precincts.
- Communication at transport areas with regard to culture change (see below).
- Entertainment and engagement options at transport points (music, buskers, free wi-fi).

Simple changes and management can make our streets safer by helping people get home quickly and safely. This needs to be major priority for any strategic approach to harm minimization in precincts, as getting people home quickly, safely and securely moves them from the area of highest risk (the public space).

Environmental Design & Engagement

Environmental design and engagement of property owners and developers can deliver safe precincts that are built to be safe. At a local level, safety committees should be set up to address these issues.

As an example, in Fortitude Valley, the Chamber of Commerce convenes the Valley Safety Group. This group is attended by groups as diverse as resident representatives, property developers, transport providers, local and state government, and licensed venue representatives. Chaired by a director of

Aecom specializing in design and planning, this group problem solves issues in the precinct with a focus across the whole 24 hours of the day.

Issues which the group has dealt with include:

- Traffic and pedestrian management.
- Lighting issues around the precinct.
- People movement and crime prevention engagement with residents and developers.
- Perceptions of safety in the precinct.
- Cleaning issues.
- Public toilet issues.

Via regular safety audits, problems are dealt with quickly and effectively by the responsible stakeholder.

Other strategies that can be canvassed by these types of groups are ideas such as:

- Late night food options in precincts (food trucks, market vendors).
- Late night event activations to increase precinct vibrancy (night noodle markets, buskers, music in public space, art installations).
- Vacant space utilisation – empty tenancies activated via art initiatives, cultural exhibitions, start up business support).

These styles of engagements should be created statewide.

Drug & Alcohol Referral Services and Interventions

A flow on from the Chaplaincy services outlined above should be referral to assistance for drug and alcohol abuse. Chaplainwatch in Fortitude Valley currently have a referral pathway for young people who are over intoxicated to discuss their choices with councilors in the following days. This has had an enormous uptake and is showing good results.

This addresses culture and behavior, having long term outcomes. This should be instituted in communities across the state. Assisting people who make poor decisions, and changing behavior will make communities safer.

Culture Change, Education and Long Term Focus

To address the cultural issues surrounding alcohol related harm, a coordinated, intelligent and comprehensive campaign needs to be undertaken across the state.

In partnership with the Just Let It Go Foundation, we can achieve a long term change in this state. Furthermore, training of school leavers in the Responsible Service of Alcohol gives them not only an understanding of the law and expectations of community when it comes to alcohol; but also a qualification which will assist in gaining employment.

The Just Let It Go Foundation for Reducing Risk and Harm

“Just Let It Go, mate” were the last words of Bruce Steensen as he came to the aid of a taxi driver outside a nightclub on Queensland’s Sunshine Coast. The Just Let It Go Foundation for reducing Risk and Harm was established in 2015 to actively work with governments, industries, communities, and families to reduce the risk of harm to young people by developing innovative preventative initiatives and programs.

The foundation aims to reduce risk of harm by improving the social and physical environments of young people, improving the communications and decision making of young people and encouraging constructive and healthy cultural practices and pursuits.

The Just Let It Go Foundation for reducing Risk and Harm recognizes the significant role industries of night time entertainment precincts can play in reducing incidents of alcohol fuelled violence.

The Just Let it Go Foundation for reducing Risk and Harm has identified that to reduce incidents of alcohol fuelled violence there is a fundamental need to reduce the time patrons spend on the streets and between services and venues in precincts. By reducing the time patrons spend between venues and transport services, the precincts will reduce the risk of harm of alcohol-fuelled violence to young people. This will be achieved by delivering a series of preventative measures that directly reduce risk of harm to young people in social and physical nightlife environments.

The Just Let it Go Foundation for reducing Risk and Harm will develop a series of strategies and measures to reduce the risk of harm to patrons on the streets of entertainments precincts by:

- Increasing coordination between industries in nightclub precincts
- Delivering preventative measures through communication campaigns
- Producing licensed campaign products for nightclubs
- Developing memberships to increase communications with patrons
- Measuring frequency and outcomes of preventative measures
- Developing competitions to promote vibrant young cultures

The Just let It Go Foundation will be engaged to develop a series of strategies and programs to improve communications and coordination's between industries in night time entertainment precincts. The foundation will consult with participating stakeholders to reduce violence in night time entertainment precincts by introducing and measuring a series of strategies and programs. These will include designing strategies to reduce risk of harm to young people through increased industry cooperation between nightclubs and taxis including:

- Creating a continuity of communication and messaging campaigns in taxis and nightclubs
- Increasing communications between taxi cab ranks and nightclubs
- Developing cooperation to improve services to patrons in night time entertainment precincts

Responsible Service Programs for School Leavers

Industry is willing and able to roll out free Responsible Service of Alcohol training to school leavers across the state of Queensland. With the governments assistance, memorandums of understanding and partnerships can be set up with schools to effectively deliver this.

An understanding of the concept of RSA, along with knowledge of the law, will inculcate young people with knowledge that not only assists them in venues, but in the domestic space as well.

Enforcement and Regulation of Current Laws

The Liquor Act of Queensland is a detailed piece of legislation, developed over many years of consultation and evolution. It currently empowers the Commissioner for Liquor and Gaming to condition problem venues or areas as required. These conditions can include:

- Lockouts
- Trading hour restrictions
- Drink service restrictions
- ID Scanning conditions
- Security ratio conditions
- CCTV coverage conditions
- Many more management practices the commissioner sees fit

Using the current framework of the Liquor Act, problem areas and premises should be conditioned as required i.e. introduce lockouts and trading restrictions where a problem exists.

The “level” of harm would have to be agreed upon based on comparative figures from across the nation. This dovetails with the “Local Solutions for Local Areas” strategy.

Furthermore, government regulators must take action on rogue traders, quickly and effectively. Currently, local accords and boards are having to notify OLGR of problem venues, with slow and meaningless action being taken. These venues must be shut down for the benefit of all.

Interestingly, this is the style of approach of the NSW state government is taking to regulation of areas. Newcastle and Kings Cross are often cited as examples for Queensland, but what advocates of this approach do not mention is that these are direct interventions in problem areas. OLGR NSW and the NSW state government do not feel that blanket application of the intervention is a reasonable course forward. This is not the default approach, it is intensive, costly, and only for areas identified that have issues.

Implementation Panel Reporting to the Attorney-General

An implementation panel of key stakeholders was instituted under the former government. This panel included local MPs from certain precincts, the Queensland Hoteliers Association, Our Nightlife Queensland, Taxi Council Queensland, Chaplainwatch, Police, and other key government departments.

The panel was afforded monthly reporting from government departments responsible for the implementation of the strategy. This not only allowed the free and open flow of information, but maintained pressure on the bureaucracy to deliver on goals quickly and efficiently.

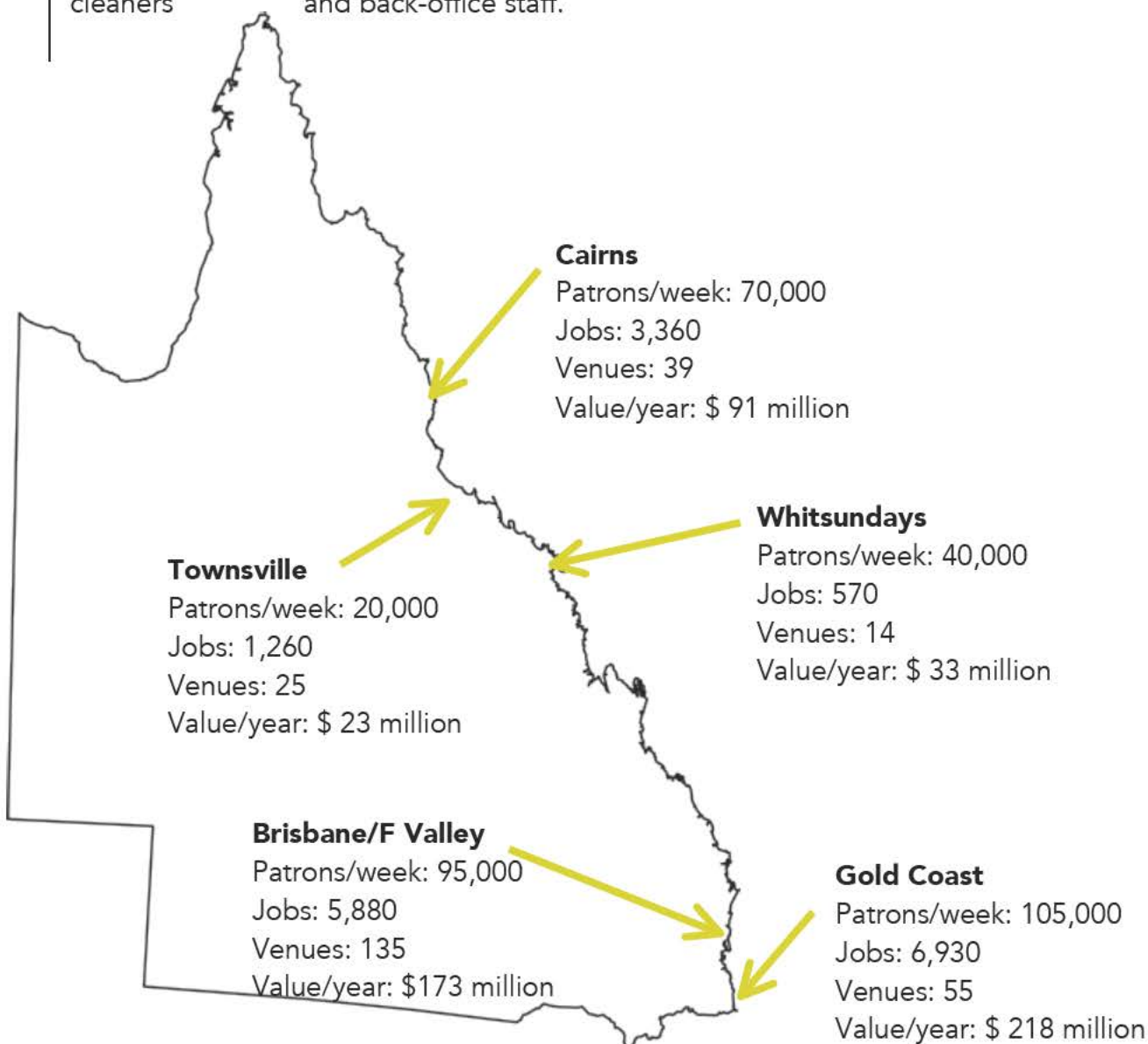
Data sets were analyzed monthly, allowing true decisions to be made with real time evidence. This is an absolute must for this state. We need to look at the evidence from our state, rather than results that are over 5 years old from Newcastle.

Importance of the late night economy across Queensland

Jobs and the Economy

The late night economy is an important part of the Queensland economy, generating over \$500 million in economic value every year and is enjoyed by up to 330,000 locals and tourists per week.

Across Queensland, the late night economy supports nearly 20,000 jobs – from bar staff, waiters and food/beverage suppliers to security personnel, cleaners and back-office staff.



History of improvement in precinct safety

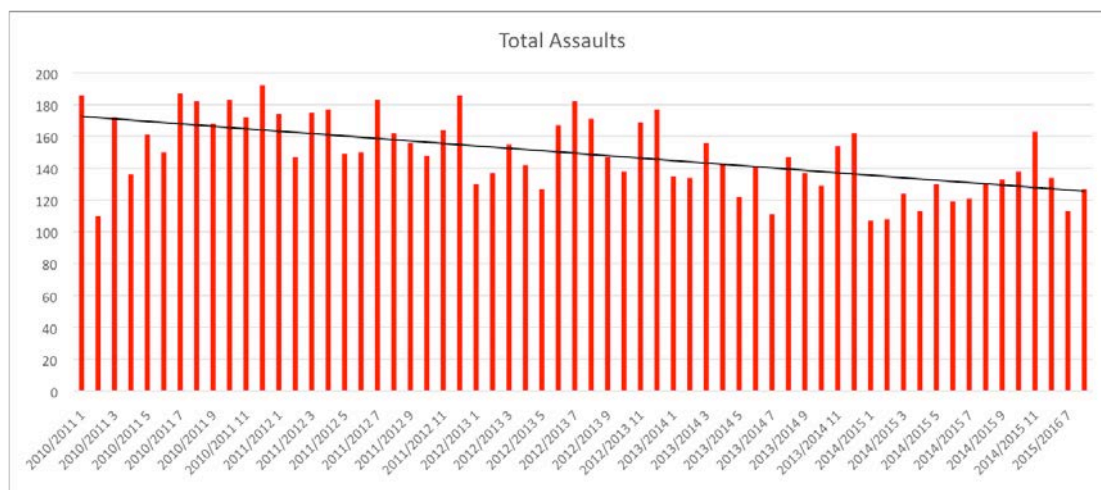
Over the last decade, licensed venues in Queensland have invested heavily in many measures to improve patron safety inside and outside of venues and entertainment precincts. Following these investments, there have been significant reductions in anti-social behavior.

The initiatives introduced by the Beattie Government, supported by the industry, were successful to the point that the subsequent Bligh Government considered removing the 3am lockout altogether.

Introducing a 1am lockout will reverse the radical improvements to patron safety that has been achieved over the past decade.

Long-term Action = Long-term Reduction in Assaults

The combined efforts of successive Queensland Governments and local precincts to tackle anti-social behavior are working. For instance, Queensland Police statistics show assaults in Queensland's Safe Night Precincts have been steadily falling for 5 years. Below shows assaults in the SNPs from the last 5 years, 6pm-6am each day.



Total Reported Assaults, 6pm-6am each day, All SNPs in QLD
Source: QPS Statistical Services (data file can be provided on request)

Since the introduction of the Safe Night Precincts, the incidence of assaults and other offences against the person have been consistently amongst their lowest rates ever. The outcome in reduced anti-social behavior can be

attributed to the collective work of police, licensees and community groups, working together to reduce alcohol related harm.

An evaluation of the Safe Night Out Precincts is currently underway. It is important that the Queensland Government await for the final evaluation before taking further action on imposing mandatory lockouts.

Peter Beattie (2005) – Brisbane City Safety Action Plan

- 3am lock out 5am shut down
- More police and greater police powers
- Better transport access and security
- 3am lockout in Brisbane City Council Local Government Area
- Mandatory CCTV cameras, inside and outside of venues
- Mandatory crowd control for venues
- Ban on advertised discount liquor
- Extra Liquor and Gaming Compliance Officers
- Additional lighting and CCTV in Brisbane CBD and Fortitude Valley
- Code of practice for Responsible Service, Supply and Promotion of liquor

Anna Bligh (2010) – Drink Safe package

- Implemented following a Parliamentary Inquiry into Alcohol Related Violence
- Allocated \$4.2 million funding
- Establishment of drink safe precincts in Fortitude Valley, Surfers Paradise and Townsville
- Police numbers boosted by 39%
- Better supervision in taxi queues
- Banning powers for police to permanently remove troublemakers

Anna Bligh (2011) – Proposed repeal of existing lockout and expansion of Drink Safe Precincts

- Proposed trial for deregulation of licensing regulations
- Extra \$3.2 million to expand the Drink Safe Precincts to include Townsville, Caxton St, Broadbeach
- Trial did not proceed due to change of government at 2012 election

Campbell Newman (2014) – Safe Night Out Strategy

- No change to existing 3am lockout and 5am shutdown provisions
- Extra powers for police
- Expanded number of Safe Night Out Precincts
- Tougher penalties for offenders and new offence for one-strike kill punches
- Mandatory community service for offenders
- Easier persecution of licensees who disregard responsible service of alcohol
- Late night traders must have ID-scanners linked to state-wide database
- Local management boards for Safe Night Precincts

- Improved transport, amenity, rest-areas and lighting in entertainment precincts
- Enhanced licensing and compliance regime to prevent alcohol and drug violence in and around licensed venues

Benefits of this approach

Jobs and the Economy

This approach will not cost jobs, damage the economy or tarnish Queensland’s reputation as a premier tourism destination.

As we have seen interstate, the proposed policies of a 1am lockout and a midnight ban on the sale of neat drinks and cocktails will cripple the late night economy.

With the current proposed policies, Queensland’s reputation as a popular tourist destination is at risk, as are the jobs of up to 6000 Queenslanders.

Based on interstate experience of the proposed lockout and ban of shots, cocktails and neat drinks after midnight, we expect the proposed policies will have the following impact on jobs and the economy across Queensland’s popular entertainment precincts:

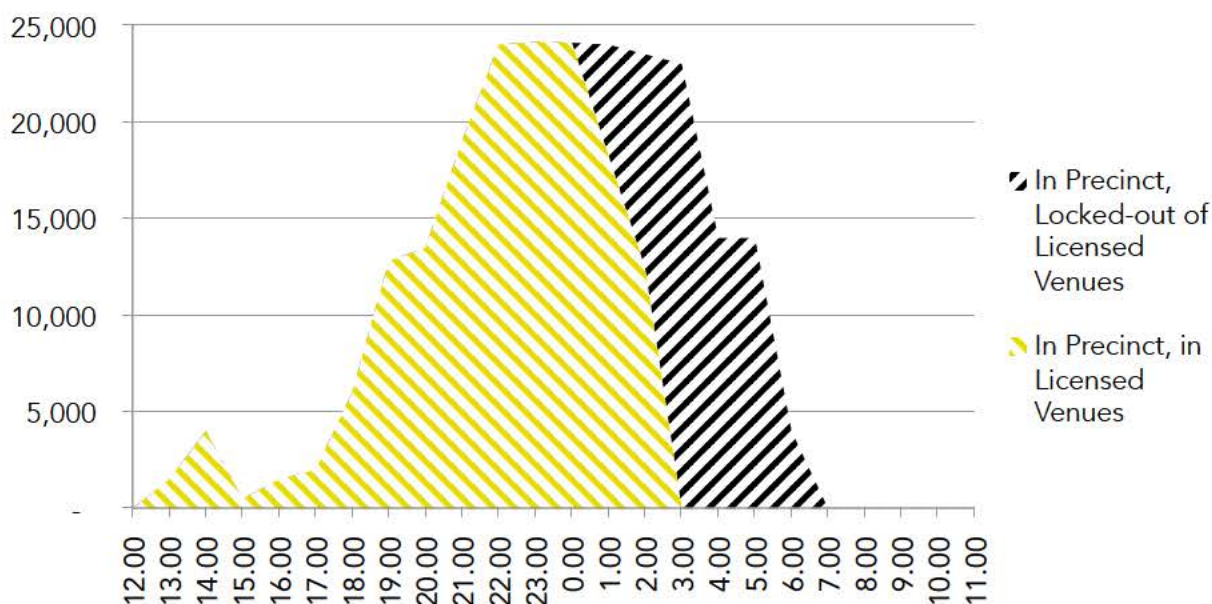
	Number of local jobs at risk	Potential cost to local economy
Cairns	1,000	\$ 25.5 million
Townsville	380	\$ 6.4 million
Whitsundays	720	\$ 9.2 million
Brisbane/Fortitude Valley	1,760	\$ 48.4 million
Gold Coast	2,080	\$ 61.1 million
Total	5,940	\$ 150.6 million

Patron Safety in Entertainment Precincts

Our approach will keep patrons in our entertainment precincts safe. Based on the experience of lockouts interstate, we know the proposed lockout and shutdown policy will make our entertainment precincts and licensed venues less safe. We also know in New South Wales, there has been influx of assaults in surrounding suburbs, higher rates of anti-social behavior at the Casino and more suburban backyard parties.

Locking patrons out of venues at 1am and shutting down at 3am across Queensland without a wind down period will force patrons out of bars and into public areas of entertainment precincts and onto the streets, placing unmanageable stress on police and transport resources at both the 1am lockout and 3am shutdown times.

Impact of Lockout on Patrons - Surfers Paradise



It is often noted that a lockout does not force patrons onto streets as they can stay at the venue of their choice. What this view fails to understand is the flow of people around precincts attempting to gain entry into a venue. There are times where it can take up to 15 minutes to gain entry to a venue due to the time invested in properly checking intoxication levels and identification. To have to explain to and not allow the large amounts of people who may still be attempting to line up would be disastrous.

The last thing we want to do is to put pressure on security and staff to have to quickly check intoxication levels and credentials on a door simply to get large volumes of people into a venue at lockout time. Whilst this is

manageable in today's environment at 3am, the numbers at 1am are incredibly larger, placing more pressure on the precinct.

Local police and transport providers cannot cope with this volume of patrons simultaneously leaving venues, trying to find a safe way home. Many patrons will be stranded in entertainment precincts and outside licensed venues, leaving them less safe than inside a well-managed venues.

Ensuring patrons can enter and leave entertainment precincts safely is the critically important in ensuring patron safety in Queensland entertainment precincts.

Licensing Fees and Fee Structure

All licensed venues across Queensland pay substantial liquor license fees. The fees that apply to liquor licenses increase dramatically; depending on the time the venue is open. Licensed venues that trade late at night pay substantially higher fees than all other licensed venues.

Fee description per venue	Amount
Base fee for commercial hotel license (10am to midnight)	\$3,273
+ Extended trading (midnight to 3am)	\$9,090
+ Late-night trading (3am to 5am)	\$12,130

The Queensland Government receives \$20 million per year in liquor license fees from licensed venues across the state. We believe that the revenue from these fees should be redirected to support additional policing and support resources around licensed venues.

Responsible Service of Alcohol

As previously mentioned, Queensland has one of the toughest RSA regimes in Australia. This has been developed over the past decade in partnership between all key stakeholders in the liquor industry, government and community organizations. The idea of "RSA" is so entrenched in Queensland society, that the acronym is part of the vernacular of modern Queenslanders.

Employees are trained and coached in the principles of RSA from their first day of work, right through their whole career in hospitality. Furthermore, managers and operators of businesses are now also trained in the Responsible Management of Licensed Venues, a course of training that was a first in Australia (and perhaps the world), giving managers and operators an in-depth understanding of the legislative framework they operate in. Leading on from this is an appreciation of the harm minimization ideals underpinning the idea of "RSA".

Without a doubt, the liquor industry in Queensland promotes and practices RSA to a high standard, but as with any industry, there are still those who do the wrong thing. We fully support any government action against those who threaten not only the safety of Queenslanders via poor RSA, but who threaten our ability to operate by forcing industry wide action to weed out the few who do the wrong thing.

Targeted compliance initiatives and penalties against those who break the law should proceed. Continued commitment to RSA and RMLV training is the bedrock of harm minimization in and around licensed venues. With governments support, industry can roll out RSA training to all school leavers, further cementing this idea in the mind of young people, whilst also complementing governments job-creation agendas.

It must be remembered that a by-product of venues maintaining good RSA, can also push people into the public space. By refusing entry to those who have pre-loaded and are intoxicated, problems can manifest in spaces that are out of industry's control. This is where policing, penalties and education will have the greatest effect. Issues in public spaces with regard to anti-social behavior often flow from good RSA, so it is disingenuous to further legislate industry in areas such as lockouts, as we will simply see more displacement into unsupervised spaces, not only in our precincts and around our venues, but in the suburbs, in the homes, and in the backyards of private citizens. These are spaces where "RSA" does not exist.

Criminological Review of Academic Literature and Operational Ideas

Our Nightlife Queensland engaged one of Queensland's leading criminologists, Dr Wayne Petherick, to undertake a review of academic literature relating to alcohol related violence, trading hours, lockouts, and associated mechanisms for regulation of late night economies.

This deliberately set out to take into account the writings, teachings and learnings from a number of different academic disciplines, including anthropologists, economists, public health experts, and criminologists.

Our recommendations to government have been guided by his findings, and we attach his report to assist in guiding future policy development.

Contact us for more information

As an industry, we are always focused on getting the best outcomes for workers and our patrons. We want to make sure we can get the best policies for Queensland.

We are always open and willing to consult at any time.