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HEARING INTO ALCOHOL RELATED VIOLENCE

TRANSCRIPT OF PROCEEDINGS

MONDAY, 19 OCTOBER 2009

Cairns

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Committee met at 9.03 am

BROWN, Ms Joanne, Acting Cluster Manager, Alcohol, Tobacco and Other Drug Services, Cairns and Hinterland Health Service District

FREELE, Mr Kevin, Executive Director, Mental Health, Alcohol, Tobacco and Other Drug Services, Cairns and Hinterland Health Service District

CHAIR: Good morning, everyone. I declare open the inquiry into alcohol related violence. I acknowledge the traditional owners on the land upon which we meet today and the custodians of the sacred lands of our state. Thank you for your interest and your attendance here today. Before I proceed any further, I would like to acknowledge the members of the committee present: Mr Andrew Cripps, member for Hinchinbrook and deputy chair; Mr Steve Kilburn, member for Chatsworth; Mr Aidan McLindon, member for Beaudesert; and Mr Murray Watt, member for Everton. My name is Barbara Stone, member for Springwood, and I am chair of the Law, Justice and Safety Committee.

The Law, Justice and Safety Committee is a statutory committee of the Queensland parliament and, as such, represents the parliament. It is an all-party committee which adopts a non-partisan approach to its inquiries. On 4 August the committee received the following referral from the Legislative Assembly, and you should all have a discussion paper on your seat or on the table in front of you. That has the referral we received and all of the criteria that we will be looking at. We have also advised the public of the inquiry by advertising in the print media and also by writing directly to a number of individual organisations, government and non-government departments. The committee released an issues paper that, as I said, you should have with you and has invited submissions from the public through advertisements and by writing directly to a large number of stakeholders. After considering submissions received and other material and transcripts of hearings such as that of today, the committee will report to the parliament. An interim report will be given to the parliament by 26 November and a full report by 18 March 2010.

I would just like to remind people to switch off mobile phones or put them on silent mode if you have them with you. In the unlikely event of the need to evacuate, please follow the hotel staff's directions. Members of the public are reminded that they are here to observe and the hearing may not be interrupted. Representatives of the media have phoned and said they will be popping in throughout the day. If the media popped in, I need to know if witnesses agree to be filmed or recorded by radio. If not, we can ask them not to do that. Is that okay?

Mr Freele: That is okay.

CHAIR: Although the committee is not swearing in witnesses, I remind all witnesses that these hearings are a formal process of the parliament and, as such, any person intentionally misleading the committee is committing a serious offence. I also remind witnesses that Hansard will be making a transcript of the proceedings. Before I call our first witnesses, I would also like to acknowledge the member for Mulgrave, Mr Curtis Pitt, observing today. Thank you for being here. I ask our witnesses if they would like to make a statement or tell us a bit about the program that you are working on.

Ms Brown: Basically, what the alcohol and drug service provides across district responsibility is services for individuals and their families who are undergoing or suffering from negative lifestyle consequences as a result of alcohol or other drug use.

Mr Freele: I would like to support what Joanne was saying. I believe we have a very good alcohol and other drugs service in the Cairns hinterland area. It is a very large district spread over a large geographic area with a very diverse population. There are some unique characteristics of the Cairns area that impact directly on the services that ATODS provides. One of the main areas is that it is a major tourism centre, so we get a lot of very transient tourists—backpackers and other tourists who come to Cairns for a variety of the activities in Cairns. Obviously one of those activities is the partying and night-life that is available in Cairns. It also seems to attract a lot of other transient people to Cairns from further south who have not been able to, perhaps for a variety of reasons, manage lifestyle in another area of Queensland or Australia and they come to Cairns as a means of escape to some degree. That brings with it some issues around mental health and ATODS—alcohol and drug abuse. In summary, we do a very good job of providing those services over a very large geographic area. A key point to remember, especially with ATODS's services, is that it is a voluntary service. People have to be willing and motivated to partake of the services offered.

CHAIR: I will now open up to questions.

Mr CRIPPS: Thanks, Joanne and Kevin, for coming along to our inquiry today and giving evidence to our committee. Can you explain a little bit more how clients of your programs get referred into your programs?

Ms Brown: That is done through a variety of ways. I will talk to that question along a continuum of alcohol and drug use. I suppose at the front end would be health promotion and prevention activities. While that is not an individual approach, it is more population health. So you are looking at it across the population, and that is age group specific. We get referrals for activities in a number of organisations such as education, community councils, activities where there is generally a positive lifestyle message wanting to be received. That is the first bit. I suppose a bit further along on that continuum would then be somebody who was beginning to experience some minor harm. That would be early intervention or a secondary prevention activity. That is available to individuals or organisations if they would like to ring. For example, it might be a workplace wanting to look at alcohol and drug use across their workforce. We have a health promotion team who would respond to that.

Moving then further along the continuum where there would be more negative lifestyle consequences being experienced, we have a referral service. That is a phone-in and that is across all of the sites. One of the sites we cover within Cairns is the hospital service, which is at Lakeside at Cairns Base Hospital. That runs a day detox program, opiate referral, opiate replacement, the DABIT team, which is a slightly different arrangement which I can talk to in a moment. Then we have the community arm, which is a phone-in service that is individual or family based where an individual can ring in and will have a very quick assessment done and then an appointment will be offered if one is still wanted at the end of that. Then we have an alcohol diversion program, and we work closely with QPS and JAG. A client will get referred according to their arrest or charges and have the opportunity to uptake entry into the service in that Indigenous Alcohol Diversion Program. We run a program up in Lotus Glen, the prison, because although a lot of our clients are in Lotus Glen now, they have either been clients of the service before or will resume being a client of the service post incarceration. We go every fortnight and run a group there, and that is self-referred. We have a partnership with the prisons where the clients make contact within that system and then we get the referral. The phone-in referral operates around the district in all of the services. Does that answer that?

Mr CRIPPS: Do you need to add anything to that, Kevin?

Mr Freele: No, she covered that well.

Mr CRIPPS: Our inquiry has been established following a perception that there has been an escalation in alcohol-fuelled violence in our community. Can you talk about any data that your programs have been able to secure that would reflect that concern?

Ms Brown: Most of that data would come through the DABIT program. The data that I have that can speak to that is from February to October this year, and that would be to 10 October. I got this data late last week. There was a total of 1,184 presentations through the DABIT team. Of those, 653 were males and 391 were females. Of those, 486 people were assessed at a precontemplative stage of change, which means they are not willing to change their behaviour. Every client who goes through DABIT is offered the opportunity for follow-up appointments and engagement within the alcohol and drug service. Of the clients who have been offered, which is 1,184, a total of three people have attended and engaged in ongoing treatment.

Mr CRIPPS: So that reporting period was for a single reporting period from the program?

Ms Brown: From February to October. The program is quite new so we do not have any longitudinal data that we can offer and look at trends over time.

Mr CRIPPS: You do not really have anything to compare apples to apples?

Ms Brown: No, it is a pilot program. The other sites for that where you may be having hearings are the Gold Coast and Royal Brisbane. We were talking about some of the anecdotal figures we had. Our data was similar in terms of presentations in relation to alcohol as to that of Royal Brisbane, except their figures would have been proportionately higher because of population. For a client to enter into, for example, the Shields Street service, which is much more likely to be the client base that would be involved in the alcohol related violence, particularly in the CBD area, generally speaking, they will not present until they are experiencing fairly significant and severe lifestyle changes. It is much less likely that they will appear early on when problems begin to surface in their lives.

Mr Freele: I can just add that in the presentations to Cairns Base ED—I should preface that. My main area is the mental health field. The percentage of presentations to the Cairns Base ED that have a query mental health and alcohol related presentation is very high. For example, this weekend there were seven A presentations and 80 per cent of those would have been people presenting intoxicated and threatening suicide or they have taken an overdose of another drug and are threatening suicide. We see a very high percentage of dual diagnosis—that is, people with alcohol and other drug illnesses and underlying mental health problems as well. We deal a lot in the mental health area with those kinds of presentations. That is increasing nation-wide; it is not just Cairns. Every service I have visited across Australia is seeing an increasing number of dual diagnosis presentations.

Mr CRIPPS: That will be my final question. If you want to elaborate more on that, that is a very interesting piece of evidence for our committee to hear. Could you elaborate more, given that your expertise is in the area of mental health as well, about the incidences of dual diagnosis presentations where alcohol is involved but other factors certainly are playing a significant part, and mental health or drug use may be amongst those?

Mr Freele: I do not have any data to present to you today. I can collect that. Again, on my looking at the presentations for mental health, there is a growing percentage of people with dual diagnosis. We have programs in place and a collaborative relationship between ATODS's branch in Brisbane and Queensland Health and mental health to set up across the state dual diagnosis programs and protocols. That is in place in Cairns. Part of that growing collaborative relationship between ATODS and mental health is evidenced by the fact that now in Cairns and in many other districts across Queensland ATODS and mental health are under the one management structure whereas they used to be separate. It is a growing recognition that we need to work more closely together to provide a better service for the dual diagnosis presentations.

Again, we are seeing anywhere in Queensland or the nation the stressors displayed more and more frequently to do with lifestyle, with economic pressures, with unemployment, housing, education—all those factors combining—and often the course is for individuals to deal with that in the first instance by either alcohol consumption or other drugs. That can then lead to exacerbation of any underlying mental health issues—depression, anxiety or progressing on to a more serious mental illness. If that is not treated early—with some of the early intervention prevention programs that we are rolling out—then it does become a very chronic situation and life threatening in that the only way out that a lot of people can see is to either drink more or take more drugs. As I say, that exacerbates the mental health issues and they present with either suicidal intent or actually suiciding or self-harming in some other way and presenting at the EDs.

So we are looking at more intensive dual-diagnosis work, and early in the secondary phase when they are presenting with a problem, and in the early intervention detection through schools and other programs to try to prevent that pathway which people tend to go down. I guess the other factor is that with mental health we do have, as you know, legislation where we can, where necessary and where people meet the requirements, provide treatment involuntarily. Like I said before, with alcohol, drugs and other substances there is no such legislation to mandatorily provide treatment, unless it is the one program through Quit It.

Ms Brown: Quit It is still voluntary.

Mr Freele: That does present a lot more challenges to ATODS in providing the services. Like Jo said, the people have to be motivated and willing to accept that they do have a problem and that it is affecting their lifestyle and they want to do something about it. Most, I think, would be at the precontemplative or contemplative stage, where they may think they have a problem but do not really want to do anything about it, or they do not know how to do anything about it and nothing happens until it becomes a really serious problem.

CHAIR: You may have mentioned this, and I am sorry if I missed it: are you a 24-hour service?

Ms Brown: No, we are not. At the moment Shield Street runs eight till eight. Shield Street is the community arm of the service. DABIT runs some extended hours, but it is not 24 hours. We open five days a week to the general public with the exception of watch-house and home detox. Our watch-house and home detox program for clients who are a little unstable in the early stages of their opiate replacement therapy is seven days.

Mr KILBURN: As was mentioned by the member for Hinchinbrook, we are looking at particularly alcohol fuelled violence. Some of the things that have come up are whether it is a perception of increasing violence or whether it is an actual increase in violence. Perhaps you can help us with whether you have noticed a change in the age of people presenting with alcohol problems that are involved in your program. I take on board what you said about people having to want to do it, but in your general experience do you think there is a decrease in the age of people who start to show signs of alcohol dependency? What percentage of the people who come to you have perpetrated violence or are victims of violence?

Ms Brown: Firstly I will talk to the age. In Shield Street the bulk of our client group is 18- to 19-year-old males overwhelmingly. Alcohol is the primary presentation that we have. It is the drug of choice. Lakeside, which runs opiate replacement, has a different age group. Again, they are predominantly males but I think 39 to 54 is their predominant presentation. It is also a different class of drug. Because we have Drug Court and we have a number of programs that we run in partnership with other agencies, we do see an increase in young men presenting. I suppose when we do the assessment we would be looking at issues that are more complex than alcohol being the only drug of choice. Predominantly our client group are polydrug users, which means they are using more than one drug.

In Cairns a drug that is quite freely available and, after cannabis, is the most used is amphetamines. Amphetamines combined with alcohol would dramatically increase the propensity for violence, particularly amongst individuals who may, as Kevin talked about earlier, have a predisposition to mental health issues. Does that answer that adequately? Yes, we are seeing an increase in young males, but are those young males retaining and staying in treatment? I do not think we can say that that is increasing also, because generally they are young. Generally speaking—there is evidence to back this up, and I can give you those references if you wish—most people give up alcohol in their fourth decade of life, and that is generally because of their ill health. Their physical health is catching up. Young people, of course, do not generally have those issues confronting them in the age group that I have talked to.

Before I talk about the percentage of clients who are involved or have been involved in violence, one of the things we need to note about problematic alcohol and drug use—and bearing in mind the significance of the polydrug use issue—is that there is a drug culture which goes with that, and violence is part of that, both receiving and perpetrating. It is important to be mindful of that.

Mr McLINDON: Thank you for coming today. I guess, being politicians in a state government, we are generally reactive. You people are on the front line and see the by-product as an end result of the abuse of alcohol and drugs. What is it in your field of work where you get so frustrated where you say, 'I cannot believe that politicians are not doing X, Y and Z'? Where is it that you think we can change a culture? We can be reactive and look at options such as banning glass or whatever it may be, but what is it in your field of work where you would like to see us put some common sense into action in terms of preventative measures? Is there anything you could expand on in that regard?

Ms Brown: I think we need to acknowledge that the problem is national; it is broader than just Cairns. It needs to be a combination of measures and a combination of departments. Everybody does the best they can. That is not in dispute. In terms of prevention, if we are having a discussion in the alcohol and drug service, we would probably say that the population-level measures work well for the clients, though, in relation to the percentage of the population who will experience quite negative lifestyle consequences and be the kind of presentations that you are responding to, it needs to be at a number of different levels. That is being targeted now: supply reduction with Liquor Licensing, the police et cetera.

For us in terms of service provision, one of the big problems we have locally is that it is an enormous problem in the north to put a client through a rehabilitation service. If you were looking at the trajectory of a client who wanted to cease their alcohol and drug use, at present we can undergo a detoxification program but we have very limited bed numbers in Cairns to send them for rehabilitation. If you do not have rehabilitation, all you are doing is detoxing for respite. Then the client is left in a place where they have nowhere else to go. Rehabilitation is an important part of the process. In Cairns there are very limited beds.

Mr McLINDON: Did you want to comment on that, Kevin? Do you think there is something that we could be doing from a legislative point of view in terms of changing a culture at its inception?

Mr Freele: I believe it is very important to be proactive rather than reactive, as you have mentioned. I am not sure if any legislative changes will change the culture. That is probably not a way to change the culture, by law. That never seems to work very well, in my view. It is more of a national-state approach for an educational campaign similar to the Quit for Life quit-smoking campaign, which has had good results. It has been consistent and high profile. It would be something along the lines of a national-state or state promotional, educational campaign targeting the younger kids, supporting parents and gaining knowledge of the effects of alcohol and other drugs. People have a general idea, but, again, I believe that most people have the attitude, 'It will not affect me. I am stronger than this. It will not harm me.' We have seen from the quit-smoking campaign that it has changed over a period of time. It is that kind of approach, I think, of a mass educational awareness-raising campaign at different levels through different government departments and non-government agencies to promote that, rather than a legislative change which people will find a way around some way.

Mr WATT: I have two questions—one is specific and one is general—and I preface them by saying, again, that the focus of the inquiry is around violence associated with alcohol use. We would be very interested in an inquiry about alcohol use and what we can do about that, but we have been confined to the violence end of it. I am interested to know what connections and relationships your service already has with other government and non-government agencies involved in this, whether it be the police or welfare organisations, particularly focused around the violence end of the spectrum and whether you think there is any room to improve some of those connections. Having worked in the state government, I know that from time to time you have different agencies doing things and they may not necessarily be linked as well as they can be. That is my specific question.

My general question is a really open one: do you have any suggestions about what can be done to reduce the level of violence that seems to be occurring around alcohol? It could be anything from harm minimisation to tougher laws—whatever it may be—just based on your experience.

Ms Brown: In answer to the first question around the partnerships and connections that we have, we have a number of programs—for example, Drug Court. I know it is called Drug Court, but alcohol is still an issue. As I pointed out before, violence is a part of the drug culture. We have in Lotus Glen, the local prison, a group that we run every fortnight that is having quite good success. That program is run with Corrective Services, where they allow us access once a fortnight and we run that twice a year. We have partnerships locally with NGOs, both within Cairns and Yarrabah, where we have quite a robust arrangement around rehabilitation, where we would not be targeting violence, per se. Violence and I guess that change in the individual across a number of markers would ideally result in nonviolence as a coping strategy.

Regarding suggestions, if there were capacity to enhance our Lotus Glen service, that would be beneficial to the clients who were in that program. That program has very good longitudinal data that has come out of the US that has very good results. I am happy to supply those references if you require them. I suppose that for us and the prisons it is a matter of resourcing, but that program is well received by both the staff at Lotus Glen and the clients. It is quite a rigorous, challenging program for the clients but it does have some good outcomes.

CHAIR: Thank you for coming along this morning. We really appreciate your giving us your time and hearing from you. If there are any other committee questions, we will put them in writing to you and ask you to respond.

McGEE, Ms Theresa, Clinical Nurse, Drug and Alcohol Brief Intervention Team Program, Emergency Department, Cairns Base Hospital

CHAIR: We have Theresa McGee today. The committee went to the emergency department on early Sunday morning and heard about the DABIT program. So, Theresa, I would like to invite you up so that the committee can ask you a few more questions about that program.

Even though they are not swearing you in, I remind you that, once again, it is a parliamentary hearing. Do you want to tell us a little bit about what you do in the DABIT program?

Ms McGee: Sure. The program is called DABIT, which stands for Drug and Alcohol Brief Intervention Team. It is a 2½ year state-wide screening project for 18- to 65-year-olds. The purpose of it is to identify substance use patterns or problems. If we get requests to see people below the age of 18 or above the age of 65 from doctors in the emergency department or other nursing staff, we certainly do that—if they think that it is alcohol related or drug related issues.

We offer brief intervention, which can be in the form of verbal information and education or written material. Then we also do some motivational interviewing which, hopefully, assists with the progress from being noncontemplative to either contemplative or actually actioning.

We are starting to collect data regarding drinking hot spots. Although we have not got enough data yet to validate this or show statistics, what is often coming through the front doors is that not only do we deal with dual diagnosis stuff and, with tourism, a transient population but also a marginalised population of transient homeless people and, I think, as Kevin Freele said earlier, this area can attract people with complex health needs.

A lot of people say they want help but, statistically, only three of them have come to the party and actually engaged fully. I feel that if there was some sort of—you were asking earlier what practical thing could be put into place—residential rehab, there are a lot of Indigenous people who want to deal with their alcohol problems, as well as Caucasian, a lot of Indigenous people want to deal with their alcohol problems but they are homeless. So they have to stay in homeless shelters, go to day detox and then walk past half a dozen hotels in order to get back to the homeless shelter. Because their drinking is so dependent and so far down the track—because they are no longer 18 or 20; they are in their 40s or late 30s—it is very difficult for them. So although I get a lot of people saying, 'Yes, I want help,' very few them do proactively engage, because the resources seem very limited

CHAIR: Sorry, can I just get you to say your full name and your title, please, for Hansard?

Ms McGee: My full name is Theresa McGee and my title is clinical nurse, DABIT program, emergency department at Cairns Base Hospital. So it is difficult to initiate a seamless service delivery because of the fact that it is hard to do that connectedness into nongovernment agencies, although we try to collaborate and work very well with each other and we are supportive of each other. But that is part of the admission process. It is a lengthy process and there are not always available places, et cetera, for them.

We screen people who come under about 10 different groups. So they are not always obvious alcohol related incidents. They may be injuries or traumas and then underlying that you will find that there are alcohol and/or drug substance misuse problems. So it is certainly a very interesting area. It is a very new area. But data wise, we would still need to gather more data prior to being able to firmly say—

CHAIR: I have to say that that is an area that the committee will struggle with. There does not seem to be that data that really breaks it up into alcohol, drugs and alcohol, or just drugs or just alcohol. So it is going to be very difficult for the committee.

Ms McGee: Yes.

CHAIR: However, I must say that this is a good start, this program. You said before about people not continuing on even if they say they want to get help. I think I heard before that you do a bit of extended hours?

Ms McGee: DABIT does extended hours from the point of view that we do weekends, but our hours are from 7 until 5.30 on a daily basis.

CHAIR: The other thing I have to say that the committee is struggling with is that everywhere we have been the only people on the streets doing anything at that hour is the police. They have nowhere to send anybody for help. If someone goes and gets patched up at the hospital, they are not going to see you guys, either, because it is normally those early morning hours, let us face it, in the area that we are looking at. There just does not seem to be the services out there for anyone, even if you were on, to send them. Would I be correct in saying that, as this is what the committee is finding, or am I wrong?

Ms McGee: From a personal point of view, I agree with you, yes.

CHAIR: Okay. So if you were to work later hours and someone did turn up and present themselves somewhere, that would be virtually impossible?

Ms McGee: Impossible. It is nearly impossible during the day let alone at night.

CHAIR: While we have this witness, are there any questions?

Mr CRIPPS: Can I just clarify something about your data collection in relations to your opening hours?

Ms McGee: Yes.

Mr CRIPPS: From 7.30 in the morning until 5.30?

Ms McGee: Yes.

Mr CRIPPS: So if someone presents to the ED with an injury or under the influence of alcohol, for the purposes of your program if they present to the ED between those hours during the week they are not captured, or—

Ms McGee: If they present outside of those hours?

Mr CRIPPS: Yes.

Ms McGee: If they came in at two o'clock in the morning with an injury, I would hopefully be able to capture their data in the morning. We go straightaway to the emergency department handover and from there the people who are intoxicated and who are going to be discharged, we can hopefully get some of them in but we certainly miss a proportion.

Mr CRIPPS: You certainly miss a proportion? But if it is a serious injury, the treatment time is probably long enough for you to capture them at changeover in the morning and when your service starts?

Ms McGee: Yes, and if it is a significant injury, they are usually in hospital several days and I would then refer them to the consultant liaison drug and alcohol worker and she would follow them up on the ward to try to do a bit more motivational interviewing to see if they were interested in engaging with the services further.

Mr CRIPPS: So generally speaking, the data is not foolproof, but it is quite good.

Ms McGee: I think we are getting there. We have made a few small amendments for the Cairns specific area, but we been going for only six months. So it is very difficult to say, 'Yes, this has been successful,' but we are trying to work in collaboration with the police on a monthly basis. We have an emergency department meeting; we are trying to identify hot spots. We are only looking at hot spots in town, though, as opposed to hot spots around the suburbs, and there are many of those. I do not think we necessarily see those people presented to emergency departments.

CHAIR: Thank you very much. Thank you for your time. I have a feeling that the committee might be writing to you with some more questions. Thank you.

Ms McGee: Thank you.

CHAIR: We will just break for a couple of minutes while we have a changeover and get our police witnesses. Anyone who would like to grab a cup of coffee now might want to do that.

Proceedings suspended from 9.43 am to 9.46 am

FISCHER, Peter, Sergeant, Cairns District, Queensland Police Service

FITZPATRICK, Dennis, Acting Inspector, Cairns District, Queensland Police Service

TAYLOR, Paul, Chief Superintendent, Cairns District, Queensland Police Service

CHAIR: Good morning and I reopen the inquiry into alcohol related violence. Before proceeding I would like to introduce the members of committee present here today: Mr Andrew Cripps, the member for Hinchinbrook and deputy chair of the committee; Mr Steve Kilburn, member for Chatsworth; Mr Aidan McLindon, member for Beaudesert; Mr Murray Watt, member for Everton; and I am Barbara Stone, the member for Springwood and chair of the Law, Justice and Safety Committee. We are a statutory committee of the Queensland parliament and, as such, represent the parliament. We are an all-party committee that adopts a nonpartisan approach to its inquiries.

I refer to the discussion paper, which is on the table in front of you there, which has the referral that the parliament gave to the committee and also some of the criteria under which we will be conducting our inquiry. We have advised members of the public, the print media and also individual organisations and non-government organisations about our inquiry. We will be considering all submissions received, other material obtained, as well as transcripts of hearings such as today before giving an interim report to the parliament by 26 November and a full report by 18 March 2010.

I remind people in the audience to please turn their mobile phones off or on to silent mode. In the unlikely event that we have to evacuate, I ask that you follow the directions of the hotel staff. I also remind members of the public here today that they are here to observe the hearing and may not interrupt the hearing.

Those representatives of the media who have indicated they are interested in attending may turn up during this time. Would the witnesses be prepared to have the media film them or tape them? Thank you. Although we are not swearing in witnesses today, I remind all witnesses that these hearings are a formal process of the parliament and, as such, any person intentionally misleading the committee is committing a serious offence. I remind witnesses that Hansard will be making a transcript of the proceedings. So I therefore ask that you identify yourselves when you first speak and speak clearly and at a reasonable pace.

Before I begin by asking our witnesses whether they would like to make a statement, I want to put on the record, on behalf of the committee, my thanks to the officers who are here today. They took us on our night/early morning tour of the Cairns entertainment precinct. They were certainly very helpful to the committee and we really did get a lot out of that visit. So I want to thank the officers publicly for their assistance. Would you like to start with a statement, please?

Insp. Fitzpatrick: My name is Dennis Fitzpatrick and I am an acting Inspector of Police for the Cairns District. My normal role is the officer in charge of the Cairns Police Station. I would just like to give you some brief statistics from our perspective of the environment in which we operate here in Cairns. For example, in the 4870 postcode there are some 240 licensed premises. That does not include the BYO restaurants which are common throughout the city and the northern beaches areas.

We have 12 nightclubs. Seven of those nightclubs are licensed to open until 5 am. The other five are open to 3 am and have the option of once per month making an application to extend their permit to open and trade until 5 am. The worst case scenario is that once per month we could have 12 nightclubs operating within the city open until 5 am. As I have stated, we have numerous BYO restaurants, licensed premises and bars that are permitted to open until 12 midnight and until 2 am.

In terms of assault statistics, we have had 60 reported assaults that have occurred in licensed premises within the Cairns division since 1 January 2009. These include glassings, which have been given media attention of late, of which Cairns has had five. These are at the more serious end of the assault scale. Then there are the common assaults to assaults occasioning body harm and grievous body harm. The glassings we deem by way of law as unlawful wounding.

Five am is the general time where we have particular problems. We have had the lockout operating permanently in Cairns since 2005. What I refer to there is that at three o'clock there is no movement in or out of nightclubs. So we do not have transient movement of intoxicated people along the streets trying to get into nightclubs. This has been a very successful move. It has certainly decreased the policing difficulties we have had in the CBD.

One thing I would wish to add at this point is that our nightclubs are not restricted to one particular street or area. They are approximately over a one square kilometre area sprinkled right through our CBD. Predominantly they are controlled inside by CCTV cameras and externally most of the streets of Cairns are covered by the Cairns City Council CCTV.

The 5 am closure causes a lot of problems. There is no bus transport available. The only form of transport to help us remove people from the CBD at that time is Black & White Cabs. People who move at that time to the taxi ranks are susceptible to violence because of the level of intoxication they have sustained through the night. Generally, we have our difficulties when we are arranging the safe transit of these people into taxis or from the nightclubs to the taxis to home.

Further, as you probably saw from your walk around the village the other morning with our police, we do have businesses commencing as early as 5 am. One in particular is Rusty's Markets which is very well frequented by locals. There are literally hundreds of people moving to buy their fresh fruit and vegetables early in the morning. The intoxicated people from the nightclubs tend to cause disturbance and concern.

The 3 am lockout has been very successful because what it has reduced for us is the minor assaults—the street type offences and the public nuisance type offences. I do not have statistical information to provide to the committee today, but I can certainly obtain it and pass it on if required. What it has reduced is the public urinations, the kicking in of windows—the wilful damage type offences—the disturbances from fighting, and minor assaults. As I said, we have had a significant reduction in the public nuisance type offences. People who have a night out now have to plan and be ensconced in one of these nightclubs before 3 am because there is no opportunity to go to another one. That gives you a brief overview of how things operate.

CHAIR: Did you want to add anything, Chief Superintendent Taylor?

Chief Supt Taylor: I have been in Cairns since November 2008. Prior to that I spent several years in the same position in the south-eastern region which predominantly covered both the Logan and Gold Coast districts. The comments that I make today come from my experiences down the Gold Coast and more recently in Cairns.

Interestingly, listening to a couple of the witnesses prior to us, I think it is fair to say that there is a range of stakeholders from various entities and agencies which, in my opinion, probably work in isolation. They are in separate silos. Whilst there have been some good efforts for collaboration between different agencies and entities to address the problems of licensed venues and alcohol related violence I think they are invariably informal arrangements. Typically it is based on individuals who have an ability to negotiate with other people to come to the party.

I think there is a lack of supportive data right across-the-board. There are a number of reasons for this. In the past information has not been readily shared. The degree of information that is captured is somewhat lacking. One of the things that I think could improve the system is a best practice model which incorporates all those key stakeholders, whether they be government agencies or the local council or entities that actually have an involvement in either the legislative or administrative compliance of licensed venues.

At the first instance when a venue commences to become a licensed venue every opportunity should be taken to make sure that compliance is effected in a way that minimises the risk of that venue creating any problems for the immediate amenities. In the past, I think some of those opportunities have been missed—in particular, the first occasion when they try to get approval through council. My experience has been that council looks at it as a business which is likely to have an impact on the area.

Once people have a permit to conduct a business it then becomes very hard to put a level of compliance in place which is going to ensure that that venue is managed successfully. In my experience, there have been a number of venues that have had similar venues at other locations and over time have proven to be very problematic with regard to their management. Over time there have been a number of restrictions placed on them and yet they can open a new venue and there are no restrictions placed on them whatsoever.

There are great opportunities for a model where people work collaboratively to make sure a venue is managed appropriately. From my experience, it is probably the only industry where police continue to be actively engaged in assisting the management of venues to operate a business. We do not do it for the butcher; we do not do it for the baker. For years we have assisted licensees or publicans run licensed venues.

There are a lot of inconsistencies across different venues. We cannot compare different locations in the state. The co-location of venues provides some great opportunities for management collectively but also some challenges in that you have patrons from one venue coming out and meeting patrons from another venue across the road. It is a lot more problematic for police to manage venues that are scattered throughout the CBD as opposed to venues that are co-located. That would be quite obvious.

With regard to the aligning of services, there have been some comments this morning which clearly show that not all services are aligned to meet the demands. There needs to be some consideration in that regard. With regard to the data that needs to be collected, I said before that entities and agencies collect data but whether it provides a comprehensive picture I am not sure. Perhaps one of the considerations for the committee is painting a picture of exactly what data is required over time to give a better indicator of the impact of alcohol and violence and which stakeholders are best positioned to capture that and how could they capture it. I believe there is quite a gap there.

To give you an example, if you are relying on the data from police with regard to the impact of violence through alcohol then I point out that we can only go on those matters that are reported. We know that a lot of violence goes unreported for a variety of reasons. In the past we have not been able to get a clear picture of that. Again, there are a number of stakeholders, whether it be the hospitals, the Ambulance Service and medical practitioners, who would paint a clearer picture.

With regard to the licensed venues themselves, my experience has been that it is an industry that turns over management quite frequently and typically the risky period for a licensed premises is the late hours of three o'clock and five o'clock. Invariably the manager who is working those times is probably the Cairns

person with the least experience in that organisation. Typically the experienced managers are more or less working the day shift, which is the easy shift. They deal with complaints of overcooked steak as opposed to managing the issues at hand.

With regard to areas where I have seen the liquor industry action groups participating, there appears to be a great deal of benefit from that. Again that is on a voluntary basis. In my experience, particularly with the proliferation of licensed venues to multinational organisations, there is possibly a lack of commitment from those larger organisations to recognise the value of LIAGs. The beauty of a LIAG and the people who commit to it is that really it allows the licensed venue to be in a better position to manage itself responsibly. I talked to some police this morning and they say clearly you go around to different venues in Cairns and there is a level or degree that differs substantially in the way that they record incidents that occur in the venues. From their own perspective, I would think that a venue would be very keen, in the world of litigation that we live in, to reduce their exposure as an organisation to possible litigation for failure to record matters actively. The problem for police, obviously, is we rely on some of that information for prosecution. So if it is inconsistent across-the-board, how can you have a consistent form of prosecution? The police need to be aligned with other key stakeholders at the time that these incidents occur. Whilst there is a lot of goodwill with a lot of the agencies that we work with, it is on a part-time basis or an informal basis. One of the things that I would like to see is a greater commitment to those stakeholders to form groups like the LIAGs so that it can be a united front with regard to how compliance is managed.

In terms of the licensed venues with CCTV, I think there are missed opportunities with CCTV, particularly external to the venues, to be co-opted through local governments that have a CCTV footprint embedded into their management of public safety. If we are able to do that, and again that can be done through council by-laws, there would be a greater level of observation through the CCTV system. At the moment we are heavily reliant on the venue itself to produce CCTV footage. That in itself can present some challenges.

The other thing, I suppose, is that at the end of the day there needs to be a consistent approach in the way that we prosecute people who are not doing the right thing. I think my experiences have been that it is a large industry that we are managing and they have substantial avenues to support prosecutions because it is in their own interests, so it is imperative that any prosecutions that do take place are founded quite thoroughly and, at the end of the day, are successful and practical, because that is what sets the standard for the future. With regard to the case management of clients, it is very interesting. I think the management of clients, again, through a more consistent approach with other agencies could possibly be a little more comprehensive in the way that it is done. I think that at the moment probably we have people working in silos again and they are doing great work, but they could probably be supported in that regard.

The alcohol violence that has not been presented today is what occurs within domestic violence. Whilst we have not got the data here, I am sure my colleague here would be happy to provide that data. We see a greater proportion of domestic violence where alcohol is a contributing factor.

The other side of things, and it was mentioned by one of the members earlier, is we do see not only perpetrators of violence who are alcohol affected but invariably we see victims of violence who are also alcohol affected. Whilst people should be able to walk freely around the streets at three or five in the morning without fear of any form of victimisation, it is clear to me that the more affected by alcohol they are the more likely they are to be victims, particularly of assaults. We do see some people prey on others they know are affected by liquor to the extent where it is difficult for us to prosecute, because they come in as witnesses, they are heavily inebriated, and all they can tell you is that they have been assaulted and robbed and they cannot even remember where it was. It presents quite a challenge for the police to locate the offender and, indeed, to prosecute the offender. There is a range of other offences, not only with assault and robbery but there are a number of sexual offences and a range of other offences, which, if you took the alcohol away from the victim, you would wonder whether the offence would have been committed. Thanks for the opportunity.

CHAIR: Thank you. I think you have given us about 20,000 questions we now want to ask. However, I know that we will run out of time and we probably will write and request that formally. I do not know where to begin. I will start with the data. We have all heard this morning, and I think we would agree, that the data is a bit hit and miss. We were wondering how the police could effectively maybe get better data. One of the questions the committee has raised in the past is how do we know if the person you have arrested has just had alcohol or drugs, or where you had your last drink. I do not think it goes any further than your last drink. It could be that the poor publican who had him for one drink is being blamed for the whole lot. I would like to hear some comments about how we can look at getting better data through the police. Can we make it an offence of grievous bodily harm under the influence of drugs or alcohol?

Chief Supt Taylor: Certainly there is probably a legislative area there that could be considered with regard to circumstances of aggravation, particularly with matters of assault or sexual assault where the perpetrator is in fact affected by alcohol or drugs. The only one that I am aware of at the moment is dangerous driving causing death, where there can be a circumstance of aggravation, but you have to be under the influence of alcohol for that circumstance of aggravation. Of course, under the Criminal Code you still have a matter of intoxication. There is an area of self-defence, an area of mitigation. So there are some areas there that possibly could be considered, but certainly if a person who commits an assault claims the reason they have done so is that they were intoxicated at the time, that is probably against what it would appear that this committee is working towards. Possibly that is an area that needs to be

considered. I have not heard of the use of that for some years. I have been in the job for about 32 years now. I can recall when from time to time they would throw up as a defence the fact that they were intoxicated at the time.

With the data that I am talking about, we probably need some key people to sit down and work out what type of key is needed. This is right across the broad spectrum, from where the alcohol was consumed to the effects of alcohol. Different stakeholders would be better positioned at different points to deal with a particular client and take that data. Whether it be that the police are best to take certain aspects of that data, the ambos something else and health something else, I think that a model could be worked out. Certainly in the future it would provide more accurate data for government to assess the effects of various things that are implicated through licensed premises.

At the moment one of the problems that we have is a true aspect of the effects if we do certain things. When people make application for a licence, we know that if we are comprehensive in the way we look at that we will minimise the risk. There have been some great examples, not only in Cairns but elsewhere, where liquor licensing police and others have got together and been very comprehensive in the way that a liquor licence is given and, as a result, we have really minimised the impact that it has had, but that has not always been the case. Hopefully that has answered the question.

CHAIR: Thank you. I think the Deputy Chair has a question.

Mr CRIPPS: Thank you very much, Acting Inspector and Chief Superintendent, for coming along today to give evidence to our inquiry. I support the comments that the chair made earlier about the professionalism of the officers who took us around on our inspection of the Cairns CBD the morning before last. Even though they had to leave their positions to enforce the law from time to time during our inspection, they did so very professionally.

I want to go back to the evidence that the acting inspector gave earlier about police views about the effectiveness of the lockout. I wanted you to clarify and explain your evidence in that regard. If I recall correctly—and I will be guided by you—you indicated to the committee that the police had found the lockout quite effective in terms of isolating patrons at a particular licensed venue at a particular time, so it took the transient movement of patrons off the streets for that period until those licensed premises eventually closed at five o'clock. But I understand that in your evidence later on you indicated that at five o'clock, when those late-night traders finish, you then have a particular problem dispersing the crowd of patrons at that time. Can you indicate to the committee whether police would prefer to have that problem at five o'clock, but would it not be less of a problem at five o'clock if patrons had the opportunity to move away between three and five?

Insp. Fitzpatrick: Our preferred view would be to have all nightclubs close at 3 am and no trade whatsoever till 5 am. That would be our preferred stance in terms of rostering, patrolling and controlling the patrons in nightclubs and in the CBD precinct. With our rostering practices, our awards and enterprise bargaining agreements, it would be our preference to have police rostered 8 pm to 4 am and therefore the four o'clock crew terminating could see the control and dispersal of people from the nightclubs. With the lockout there are very few movements around the city from club to club, quite obviously, between 3 am and 5 am. When we did not have the lockout, people could move as freely as they wished to seven nightclubs, if they so desired, and pay the entrance fee as many times as they wanted to within that 3 am to 5 am period. That caused us a great deal of concern because when there was that movement of people who were quite obviously intoxicated we had assault related issues that used to occur. Indeed, all sorts of crime trends were on the increase. With the lockout, people are now, as I said, within one of those nightclubs by 3 am, with no opportunity to move to another nightclub, so they have to make the best of what is available in that nightclub between 3 am and 5 am. So the lockout has simply reduced that movement.

Mr CRIPPS: So it is a second-best solution?

Insp. Fitzpatrick: That is right.

Mr CRIPPS: But it has improved the ability of police to respond or to meet the demand for your services in that period?

Insp. Fitzpatrick: Absolutely. There is no question about that. Between three and five in the morning, particularly on a nightclub morning—that is, the wee hours of Saturday morning and indeed Sunday morning—our patrol focus is generally in the suburbs at that time with the noise complaints, the domestics and other issues that are occurring at that time of the day. It is not then focused in the CBD between three and five. At five o'clock in the morning when there is this spillage, if you like, of people from the nightclubs and the movement to the taxi rank or other forms of transport they might have arranged, that is when our focus recommences in the CBD area.

Mr CRIPPS: In particular, it is the transport issues at that time which would assist police and the community as a whole to get those patrons out of the CBD and back to their homes.

Insp. Fitzpatrick: There is no question about that. There is one major cab rank in town, in Lake Street, which is frequented and it could have a queue, without any exaggeration, of over 500 metres long of people trying to get into cabs. Obviously there is a limited number of taxi resources at that time of the morning. They have to deliver people and return to pick up another fare. While those people are waiting there, we do have issues with language, assaults have occurred and some sexual offences have occurred at that time.

Mr CRIPPS: Acting Inspector, you would probably be in a very good position to reflect on this situation, generally speaking, because of your normal job as the officer-in-charge of the Cairns Police Station. So you would have an intimate understanding of the way you need to deploy the resources you have available at that time.

Insp. Fitzpatrick: That is exactly correct. As I said before, I would prefer to have the rostering ability to cease my crews at 4 am and therefore have them recommence on the Saturday afternoon at four o'clock to be available for other policing deployments. What we have to do is have teams that are rostered on commencing at 10 pm and at midnight going through until eight o'clock in the morning to police this particular issue.

Mr KILBURN: Thank you very much for coming here today. I add to what everyone else has said. We have been fortunate enough to visit the Valley, Mooloolaba, Townsville and now Cairns. The one consistent aspect I think has been the professionalism of the QPS officers in all of those areas and the extreme patience of the police officers in the way they have interacted with situations that have been incredibly taxing, I would suggest.

I would like to talk to you about the idea of being able to keep track of people and maybe ban people from precincts. In the Valley there are usually 60,000 people on the Friday night and, of that, maybe 150 cause a problem. In the Valley there is talk of linking scanners to scan licences and that sort of thing. Also, there is the idea that if people do perpetrate crime while under the influence of alcohol they should be able to be banned from licensed premises and precincts.

In Townsville the other night we had a person who was incredibly violent, and it was only the professionalism of the officers I think that prevented serious injury occurring to somebody. He made significant threats about wanting to kill the police officers and their families and a whole range of other things. When a background check was done it was found that he already had a domestic violence order out against him—which was no surprise to any of us who were there. For people who have demonstrated their inability to handle alcohol and who become violent, do you think we should be banning them completely from licensed premises? Do you think that is a reasonable option or do you think that is something that just would not be able to be enforced?

Insp. Fitzpatrick: I think that is a very reasonable option. It could be available, provided photographic licence identification is a requirement to enter the premises. If you have something without a photo on it and you hand it to your mate to get him into a nightclub, obviously we will have issues in respect of that. But if you need a photograph and some form of licence identification—as in a Queensland driver's licence, an 18-plus card or alternatively a passport—to allow you entry, and that is scanned and everyone in the nightclub precinct then knows of behavioural issues and they have warnings or flags, for example, to say that this person has recently caused a disturbance at such-and-such a nightclub, then you could ban them for a restricted period. All we can do in terms of our move-along powers is move them along for a 24-hour period. That is normally sufficient. They have 24 hours where they are not allowed to have a drink in the nightclub precinct. They have no other option than to go home and will not be a concern for the police or indeed the community.

Chief Supt Taylor: There is probably a precedent currently within the sporting venues where people are banned from a sporting venue because of their behaviour, and it is invariably alcohol related behaviour. There is also a precedent with some of the liquor accords that are established at various locations. Most recently, the liquor accord at Atherton has imposed bans. The licensees have a card system. To date there have been a couple of people through alcohol related assaults who have been collectively banned from those licensed venues. One of the problems here is that you are trying to balance a community expectation with an area that is heavily involved in tourism. From the comments of our friends from Queensland Health who appeared before us with regard to some of the cultural issues, it is clear to me that some of the people who visit here are from countries where culturally binge drinking is probably a lot more prevalent than it is here in Australia. So there are some difficulties there with regard to those people and whether we would be able to screen them as well as we could screen Australian residents or Queensland residents.

Mr KILBURN: What percentage of them are likely to be perpetrators of drunken activity or criminal activity as opposed to victims of it?

Insp. Fitzpatrick: It is very difficult to say. On some weekends it is predominantly tourists who cause the concerns. Most of the time as a general rule and, anecdotally, I would say it is the locals. There is one thing I could add with regard to the card system or a system of identification. That would obviously rely on the goodwill of the people in management of these nightclubs who really want to follow procedures, check people out and carry out the ban. It could not possibly be our responsibility to have a police officer on every door of every nightclub for the duration of the trade.

Mr KILBURN: It would be an expectation, I think, of the licence.

Insp. Fitzpatrick: Its operation would rely on their goodwill.

Chief Supt Taylor: There are some benefits, though. They have clearly got insurers that cover their issues with regard to on site. I would suggest that a system like that would go a long way to reducing what they would be paying in insurance. Possibly the industry could work with insurers to see what sort of rebate, if any, they would get. A thorough examination of that system and the benefits to the actual venue and the owners of the venue is something that I do not think, from my conversations with some of them, Cairns

they have fully explored. If you have a system in place which clearly is preventing people who have known a propensity towards violence or who have previously been involved in violence, I would think that would go a long way to reducing your liability.

CHAIR: I am struggling with the scanning a little bit, because, No. 1, what sort of information would hotel security providers be keeping of me or a family member? I do not know if many people in the public would like their daughter's details kept by the hotel industry or any other industry for that matter. I can understand a card system working in a small country town or in a confined area, but for 60,000 people over a weekend in Fortitude Valley you just could not do it. I would like to talk about the data. How would you get away with less data or the storage? Has any thought been given to that, or have you seen anything?

Insp. Fitzpatrick: No, ma'am. I have not expanded on that or given that any thought. It was just the thought process we had that photographic identification would be a requirement for entry and some sort of database interlinking the nightclubs to say, if this gentleman had played up and had been evicted from a venue, his card would not allow him entry at the next available nightclub he tried to enter.

CHAIR: So basically that would be down to Liquor Licensing to get that sort of data. I know in the Valley they are talking about hooking into the criminal system. I do not know how you could do that. I do not think any community could have any expectation that that should happen. I was just curious to hear your views. With regard to the tablelands experience, is it working because it is such a small environment?

Chief Supt Taylor: Yes, and there have been a couple of high-profile incidents there. Perhaps an avenue of thought may be, without passing on criminal history, if it was part of a process with regard to a conviction, and the range of convictions for various degrees of assaults could be a ban from licensed premises, maybe the only information that actually gets referred to licensees would be, for example, that Paul Taylor has a six-month ban. As to what that six-month ban is for, that does not have to be passed on. Perhaps the offence of having Paul Taylor on a licensed premises, again, I commit an offence and the licensee commits an offence. That would be on the fact that you did have that capacity to do it.

Not all licensed premises are problematic. I think that is the other point that we should clearly say. We have some licensed venues which are very, very responsible and we should not be considering that all licensed venues are problems. That is not the case. Some clearly have shown a capacity to manage responsibly, and we get little or no responses to those premises. But there are a few premises—and you could go to any area within industry and I would say that the police would be able to throw up a few names—which continually have a disproportionate degree of police response to them. They are the ones that should be concentrated on as far as who comes in and who does not come in, because they are the ones that cause the problems.

Mr WATT: I would be interested in hearing more about that, about what you think distinguishes some of the better venues from the problem venues. There might be things that the good ones are doing that we can roll out across-the-board.

Chief Supt Taylor: If I go back to the LIAG groups that I have had involvement with, those who have participated in LIAG do look towards the best management practices. Invariably the ones that are engaged in LIAG over time are the ones that show responsible management. The LIAG process is an informal arrangement, and invariably it is the larger proportion of the industry that, in my experience, believe they do not have to be involved in LIAG because there is no-one dragging them to table.

Mr WATT: And those problem venues are more likely to serve people who are clearly intoxicated? What is it that they do that creates the problem, do you think?

Chief Supt Taylor: Again, this is my experience, but to start with some of the venues are purchased by major organisations. They do not have a strong history in managing licensed venues. Sometimes when you speak to the management of the location they have had no or little experience in managing a licensed premises. They have come from other areas of the company. That, in itself, in my opinion, is a problem. We see it all of the time where there was a large turnover of middle management in those types of industries.

Mr CRIPPS: Little connection to the community, are you saying, too?

Chief Supt Taylor: Well, I think the industry has evolved a lot in recent years. The day of the publican having strong connections to the community, whilst it is still there, I wonder in years to come whether it will be there or not. Some of my dealings with some of them have been very difficult to work with.

CHAIR: You talked about the LEAPS program earlier. I would like to ask you more about that. Could you explain that to us further? Secondly, the areas where we have toured they have mentioned having officers solely for liquor licensing purposes and working with licensed venues. Every area apart from Cairns, I think, we have seen a brawler ban and we have seen them in action. I would like to hear how maybe that liquor licensing role in the police force could be structured or how it would work better.

Chief Supt Taylor: The officer who is in charge of LEAPS is here. I might add that it is a function within Cairns; it is not a permanent position. There are several locations around the state where there have been established, gazetted positions. The key selection criteria and the position descriptions can be targeted towards getting those people. I spoke earlier about making sure that you have agencies that are working hand in glove as opposed to people working energetically, but there is a little bit of a disconnect between the different agencies. One of the benefits of LEAPS is that, if you have the key stakeholders'

involvement, you do get a tight-knit group of people working collaboratively on these issues. Like I said before, that is done informally at the moment. That is an area where possibly the government could look at how it could formalise that so we are making sure that people are sitting at the table.

Sgt Fischer: I am the sergeant in charge of the LEAPS team, which is the Liquor Enforcement and Proactive Strategies team. Our role is we receive complaints about a licensed place around town. After we receive a few complaints we will carry out an inspection there. What the chief was saying before, and it might help you out here, is that of the clubs and pubs that we attend we can tell if it is a professional show because they will have everything there that we request. They will have their ramps and their house plans, and their house plans will be quite concise. It may be up to about 10 pages long. Other pubs and clubs will attend and the house plan might be about that long, which to us is not that crash hot.

We also go into the training conducted there and with these places that we consider good, we will meet with staff each month, advise of the changes in the laws, the staff there will actually note forms that they have been advised about and we have got a pretty good idea who is running a good show and who is not.

In regard to bans around town, I believe that down on the Gold Coast there is a gentleman who owns six clubs. He is investing in those scanner machines now. I am led to believe that the way they work is, because he owns six clubs, if a person is banned at any one of his clubs it just gets sent and it goes to all the clubs, which means that if this bloke arrives at that club they just do the scan and they go, 'No, you're banned. Goodbye.' So that is how that scanning machine works down on the coast, I believe.

We find in Cairns that there are a lot of persons who stay at home and drink at home before they attend the clubs. We are finding that at about 10 o'clock at night the clubs are just like a ghost town and they seem to arrive at about 11 o'clock. We would like to see a condition of licences where they supply a test of their breath and if they are, like, over .15, they are refused and there could be an acceptable breath test—

CHAIR: Point 15? Sorry, I just want to clarify that? Point 15?

Sgt Fischer: Yes.

CHAIR: If you were—

Sgt Fischer: Because that is under the influence.

CHAIR: If you blew that in a car, we would absolutely think that you were about to fall over, I think, if we see readings of .15.

Chief Supt Taylor: Point 15 in Queensland is considered to be under the influence.

CHAIR: No, 05.

Chief Supt Taylor: No, that is driving with a blood alcohol concentration, that is the lesser offence, .05. Point 15 is under the influence of liquor. It is three times over the normal legal limit. It is very common.

CHAIR: Okay. It is scary.

Sgt Fischer: So if a person arrived at a club and supplied a breath test and if it was .15, it is just refusal straightaway. It is bang, they are gone. Perhaps if we could have an acceptable limit—like .08 or .09 where they go, 'Yes, that's fine' and it is recorded and it could be done by download by the police each month and any person who is refused is recorded in a book, because the stats we would get from that would be the same as their book of the people refused. It puts the onus back on to the clubs, because, through experience we have seen people charged who are .2, .24 or .25 and I feel that it just puts the responsibility back on the clubs.

CHAIR: That is interesting.

Mr McLINDON: Just briefly on that, I know myself that, with a regulated lockout, once you are in you know you would be over .15. So you would end up staying at the club. If you had to recommend a time to government to—that's it, the party's over—what would it be?

Sgt Fischer: 3 am.

Insp. Fitzpatrick: On that note, the biggest single function we have to police throughout the year, as a general rule—we have Oktoberfest and issues in respect of that—is New Year's Eve. Correct me if I am wrong, but that is midnight. For the 27 years that I have been a police officer, I cannot see the need to trade until 5 am when the major event—the fireworks or the sky works, or whatever—occurs at midnight.

Mr McLINDON: I think there would have to be a correlation. It is not rocket science. The later you are open, the more—

Insp. Fitzpatrick: And on those occasions like New Year's Eve—and I am not denying anyone the opportunity to celebrate New Year's Eve or any other occasion they so desire—people will consume liquor up until midnight and then we are giving them the opportunity to drink at least five hours after that. That is why we would say 3 am is more than sufficient.

CHAIR: If you had a 3 am closing time—a level playing field for everybody—would you have a 1 am lockout, too? Or would you not need a lockout? Or at 2?

Insp. Fitzpatrick: I would prefer to have a lockout from midnight until 3 am if we were to restrict trade until 3 am in the morning because, as the sergeant alluded to—and being the parent of three children who are now over those teenage years, thankfully I know—I can confirm 100 per cent that they would prefer to go to a place and consume liquor before they come to town at around midnight to go to the nightclubs. That is just commonplace. Most of the children, or the youth, who do that around this town organise themselves to the extent of transport to and from venues or one sober and responsible person because of the programs that the police have had and the community expectation, I suppose, on the young people in this day and age to conform and behave. But there is that minority group who will not conform, who will drink and drive and who will cause street offences and, indeed, the assaults and difficulties for the police.

CHAIR: Thank you.

Mr CRIPPS: Can I direct my questions to the sergeant. I just want to talk a little bit about the proposal you put forward for a breath testing regime at the front door of licensed premises. They do a number of things at the front door of licensed premises. Patrons, if asked, are required to present their identification to prove that they are 18 years of age and that they can legally enter a licensed premises. Are you suggesting that, with the breath testing regime where if you are over .15 you are refused entry, that would be a mandatory regime? Every patron seeking entry to the licensed premise would be required to go through a breath test? Or are you saying that the security guard on the front door would identify someone who appears to be under the influence and then would undertake a breath test? For example, the other night where there was a line-up of 50 patrons wanting to enter a premises, you would go through the process of breath testing every patron seeking entry to a licensed premises?

CHAIR: And re-entry, because they come in and out.

Mr CRIPPS: Yes. Could you just clarify your proposal in that regard?

Insp. Fitzpatrick: If I could answer that? I would like to see it as being mandatory for the simple fact that a lot of people have, what we call in our trade, practised concealment. In other words, they are grossly affected by liquor but their communication skills, their ability to walk and talk and every other function is not an issue. A case in point is very recently a gentleman was charged with drink driving at about this time of the day. This is in Cairns. He went .28 or a bit over that and I was speaking to him and I could not, first of all, detect the smell of liquor about him and he seemed quite coherent at the time. So I would like to see this as a mandatory requirement for entry, because people will disguise the fact that they are inebriated or have the ability to do that, put it that way.

Mr CRIPPS: And if they are capable of disguising the fact that they are significantly under the influence of alcohol and if they are able to coherently enter into a conversation with any individual, can you justify that on the basis that alcohol affects some people in different ways?

Insp. Fitzpatrick: Quite obviously, it does. With alcohol, they are not all staggering drunk. Most of the people who leave and cause us concern from the CCTV footage prior to assaults are walking and talking and behaving quite normally until a certain issue occurs, for example, words are exchanged and violence then occurs.

Mr CRIPPS: Some sort of trigger?

Insp. Fitzpatrick: Some sort of trigger has to occur. But I would see that as an advantage. We have the law now where they have to produce identification to enter the nightclubs and all we are trying to do is suggest that they take that one step further with a mandatory breath test to show that you are under a prescribed limit for entry and that any nightclub that breaches that standard and allows in a person who is found to be over that or disregards that could be issued with a liquor infringement notice as an example.

CHAIR: Sorry, this will be my last question. I know that we are going over time. My only experience with being breath tested is being randomly breath tested while on the road. From only my observation, I notice that the officers undertaking the random breath test need to replace the mechanism on the breathalyser after each test; is that right?

Insp. Fitzpatrick: Yes, that is correct.

Mr CRIPPS: Is that the only mechanism that produces reliable tests in that regard? Would that be the case on the front door of a licensed premises—where the security guard or whoever is undertaking the test at the front door of a licensed premises would need to replace that apparatus on their breathalyser?

Insp. Fitzpatrick: The device that we use for random breath tests is what we determine in law as an indicator. It is not conclusive proof as to the alcohol content in a person's system, but that is a very, very good indicator.

Chief Supt Taylor: This suggestion, if it were taken on board, again refers to those problematic venues. The expectation would not be, if a venue has historically had no problems and has been managed responsibly, that we would try to encourage them to have another level of compliance which obviously is not needed. In my view, we are talking about a limited number of venues that have had a number of levels of compliance placed on them and are still problematic. This is possibly an avenue which could be considered.

CHAIR: Have you finished, Mr Cripps?

Mr CRIPPS: I have finished. I thank all of the officers for their answers.

Mr WATT: I have just one question. I have always felt with this inquiry that part of the challenge is to try to understand the psychology of the people who are being violent. If we can get our heads around what is going through their minds then that gives us some indication about what we need to do. I know that their minds are affected by alcohol so they are not necessarily thinking straight. Probably better than anyone else, the police are the people who deal with the person who has committed the assault. I wondered whether you guys ever get around to talking with the person about what they were thinking and why they did what they did. I imagine that is the kind of thing that comes up in conversation when you are charging them. Have you got any insight into what goes through their minds and what we could do, whether it be advertising campaigns or something else, to try to connect with them to stop them getting to that point?

Chief Supt Taylor: I think our friends in the Health area are probably in a better position to provide that understanding. I think my colleagues here would agree that we are not just seeing alcohol related violence but we are starting to see violence at levels and in age groups which, in our younger days, we could not imagine. I think it is fair to say—and I am no expert in it—that there would be numerous factors that impact on people. People are a lot more aggressive. They are a lot more impatient. Individuals have a lot fewer communication skills. A lot of younger people these days have no concept of how to confront issues and deal with issues. They have no mediation or negotiation skills or very limited mediation or negotiation skills. In my view, this leads to a higher level of violence.

One of the areas where it would be great to see a change through education is with regard to impatient behaviour on the roads. Our friends in Health and the ambos are getting confronted with levels of violence which years ago was not there. Who would have thought that an ambo who goes to help someone who is injured ends up getting assaulted by that person? I cannot remember that ever happening in my early years of policing and yet we are getting it from time to time.

I think some of these people do not understand their capabilities in terms of their violence. Young people have been brought up in an IT age where they play games. A lot of those games have inherent risks associated with playing. We believe that they probably transition from the game to life and try the same risky behaviour. They think they are bulletproof and can pull people on and next minute someone produces a knife and it gets very serious. I do not think they fully understand the consequences of some of their actions.

Clearly these blokes are dealing with people who stand them up all the time. There is only going to be one winner at the end of day. Common sense should tell them that they are not going to win and they will end up in the watch-house. People continue to play the game of taking the police on.

CHAIR: I am just going to ask one last question. I know that some clubs have changed to using tempered glass or plastic. Do you think that has made a difference or will make a difference?

Insp. Fitzpatrick: It would have to. Serving alcohol in plastic would simply reduce or eradicate the incidence of glassing.

Sgt Fischer: I have reviewed the five glassings we have had in Cairns. The glassings occurred because a person walked past and they were bumped. All five have been bumped and they have got the glass and turned on the person.

CHAIR: We noticed in Cairns for the first time ceramic teapots for cocktails. We were very surprised. Have we had any incidents with them yet?

Sgt Fischer: We have had none at this stage. It is being reviewed by the Office of Liquor and Gaming Regulation. They are not impressed to see those teapots. It is a little teapot that holds two standard drinks.

Mr CRIPPS: I noticed them as soon as I walked into a licensed premises the other night when we were being conducted around by the sergeant. I have been in my fair share of licensed premises and I have never seen alcohol served in teapots. The sergeant will tell you that I asked him to assist me and we photographed them. They are made of porcelain. I thought it was absolutely extraordinary. I welcome the indication from the sergeant that this is being reviewed by Liquor Licensing. We are worried about glass, but I would imagine a piece of porcelain that is broken would be pretty sharp.

Mr McLINDON: With the glassing, is it glass stubbies or normal glasses?

Sgt Fischer: As I recall, it was a champagne glass, a spirit glass, a stubbie and I think the other two were stubbies as well.

CHAIR: We really thank you for your time and for your information this morning. If the committee has any other questions we will put them in writing to you. On behalf of the committee, thank you very much for the information.

Proceedings suspended from 10.46 am to 11.10 am

(The audio recording for the next witness, Ms Joanne Lillywhite, was unsuccessful and is not included in the transcript.)

GARNHAM, Paul, Coordinator, Cairns City Licensees Safety Association

DAVIES, Dominic, Vice Coordinator, Cairns City Licensees Safety Association

CHAIR: Thank you for being here and thank you for your interest. Before proceeding, I will introduce the members of the committee: Mr Andrew Cripps, the member for Hinchinbrook and deputy chair of the committee; Mr Steve Kilburn, member for Chatsworth; Mr Aidan McLindon, member for Beaudesert; Mr Murray Watt, member for Everton; and I am Barbara Stone, state member for Springwood and chair of the Law, Justice and Safety Committee.

The Law, Justice and Safety Committee is a statutory committee of the Queensland parliament and, as such, represents the parliament. It is an all-party committee that adopts a non-partisan approach to its hearings and inquiries. On the table in front of you, you will see a discussion paper that has the referral that was given to the committee to inquire into alcohol related violence. It also has the terms of reference that we will be looking at. However, that is not a full list. There are other matters will be raised by the committee in its report as well.

The committee has advised the public of the inquiry by advertising in the print media and also by writing directly to a number of individuals, organisations and both non-government and government departments. The committee released an issues paper on 31 August 2009. We invited submissions from the public through advertisement and by writing directly to a large number of stakeholders. After considering the submissions received, other material obtained by the committee and transcripts of hearings such as today's, an interim report will be given to the parliament by 26 November and a full report will be give on 18 March 2010.

I remind people here today to turn off their mobile phones or to put them on silent mode. In the unlikely event of the need to evacuate, please follow hotel staff directions. I remind members of the public that they are here to observe the hearing and may not interrupt the hearing. If members of the media do turn up, would you like them to record or would you prefer not to have any media?

Mr Davies: I am happy.

CHAIR: Okay, thank you.

Mr Garnham: If they get right what they put in, it would be good.

CHAIR: I cannot promise you that. Although the committee is not swearing in witnesses, I remind all witnesses that these hearings are a formal process of the parliament. As such, any person intentionally misleading the committee is committing a serious offence. I remind witnesses that Hansard will be making a transcript of the proceedings and I therefore ask you to please identify yourself when you first speak and the organisation that you are representing, and to speak clearly and at a reasonable pace. I would now like to start the proceedings and ask if you would like to give us a statement or a bit of an overview on what you would like to tell the committee?

Mr Garnham: Firstly, my name is Paul Garnham. I am the coordinator of the Cairns City Licensees Safety Association. I have just come along today to have a bit of input and answer any questions I can.

Mr Davies: I am Dominic Davies, I am the vice coordinator of the CCLSA, our local accord. I have been in business in Cairns for 20 years. I am very passionate about the responsible sale of alcohol and harm minimisation within the alcohol industry. As such, I am here today.

CHAIR: Excellent, thank you. How many venues do you have in the association and what types of venues? I suppose there is quite a range.

Mr Garnham: Before it was mainly focused on the inner city CBD, the night clubs, restaurants and that type of thing. We are just broadening our accord out to capture the bigger Cairns area. I think at the last meeting we had 40-odd people attend the meeting. That was very good to see. There is a great range of clubs right across Cairns. We get everybody else involved because the issues we have in the CBD are no different to what we have out in the suburbs. We want to get everybody on board.

CHAIR: So you would have members from the nightclub industry, publicans and hoteliers if you want to say that, sporting clubhouses?

Mr Davies: Yes, Brothers.

CHAIR: And restaurateurs?

Mr Garnham: Restaurants.

CHAIR: So quite a wide range, thank you. Mr Cripps, would you like to ask any questions?

Mr CRIPPS: Thank you, Madam Chair. I will open with a question that I should have directed to you in the first instance, which comes from our last witness: how many people have you banned since the accord was formed?

Mr Garnham: None. Banned from the accord, do you mean?

Mr CRIPPS: Banned from licensed premises who are members of the accord. I am aware of a number of accords that have been formed in my electorate that have put in place voluntary protocols for the banning of patrons if they are repeatedly involved in incidents at the licensed venue. I appreciate the fact that each individual accord has the capacity to bring in their own arrangements for dealing with patrons who are involved in incidents. Could you give us an insight into how your accord deals with them?

Mr Davies: Just on the banning issue, we have not banned anyone as such. However, it has been discussed quite a bit over the last six months. There is a new tool available that I am sure you are aware of, the ID scanners. We have one venue that just recently got them in. My venue is getting it in this Thursday. That will enable us to have a link and we will commence banning people, but that is not on a level of the CCSLA or the accord.

With ID scanning and banning, it is my view that high-risk venues, be it late licences or licences with a track record of difficulties, rather than curtailing their hours or what have you as a first step, perhaps you should look at them compulsorily getting these ID scanners, because it provides a link. Instead of saying, 'It was this guy in the bright shirt who did a glassing in the venue', you go to the police with a name and an address. It makes it far easier for them to follow up. In my view and from the feedback I am getting from venues that have these ID scanners, the troublemakers just walk away. It pushes them away from the venues anyway. I think that is a very powerful tool.

There is a big barrier in that it is going to cost me \$12,000 to install mine and I am fortunate that we have a busy venue. It may be that in the long-term it might save government money to have some sort of subsidisation program to get them into the venues, because it will lower the level of violence. I would encourage you to have a look at the case study in Geelong where the police have them. When the police pick up a guy around the corner from the venue—not from the venue—and that guy has been having a punch up, when they book him they scan the ID and it goes out instantly to all the night clubs and they are banned for, I think, 48 hours straight up. But it is up to the individual venue policy how it treats that. If it were me, I would just ban them for two months straight up, or whatever. It is a very powerful tool that will assist with banning.

Mr CRIPPS: It may be a very good thing that the members of your accord have not had the requirement, since you formed your accord, to ban any patrons who may have been repetitively involved in incidents. But my point simply is that I am aware of a number of accords that are made up of members who have licensed premises, and they have developed their own voluntary arrangements whereby the members of the accord all agree that if someone is involved in repeated incidents at licensed venues they are banned from those venues. If your accord has not developed that sort of voluntary protocol as yet—although you indicated that a number of venues are now putting in this identification scanner system, which is fine—what sorts of issues has your accord been dealing with?

Mr Garnham: There are all sorts of incidents, especially in the CBD, with drunken offences and things like that. We have a radio system in place, especially for the late-night traders in the CBD. So if there are any troublemakers or offenders, that information is radioed through. That is controlled by the council camera room. They can pick offenders up on the street, track them to where they are going and notify venues as they are coming up to those venues. So we move the troublemakers out of the CBD.

Mr Davies: We also pay separate security, aside from the council's security, at peak times to patrol the streets. We have been doing that for five or six years now.

Mr Garnham: It is probably about six years. It is venue-paid security. We have security on Friday and Saturday nights which patrols as well as the security we have in clubs and venues. Again, it is on the radio hook-up and the information can be sent to any venue at any time.

Mr CRIPPS: So you have a sophisticated communication system between the venues and that is linked to your security providers?

Mr Garnham: Yes.

Mr CRIPPS: So you can give advance warning of a patron who has been affected by alcohol and has been involved in an incident so they can be prevented from gaining access to other licensed premises around the CBD. My point is that I am aware that other accords have put in suspensions or bans for patrons who have been repetitively involved in incidents and that suspension or ban lasts for a period of time. It is not just a one-night thing. It could be a three-month, a six-month or a 12-month period when they are not permitted to go on licensed premises.

Mr Davies: I take your point and I think it is a good point. I think the sooner a system like that is implemented in Cairns the better.

Mr CRIPPS: You indicated that you had some very good numbers at your meeting—up to 40 attendees. How many members do you have? I am not really comparing apples with apples here, because I represent an electorate that has larger towns rather than cities and there are probably fewer licensed premises, so it might be an easier scenario for them to control that situation. As opposed to members who are turning up at the well-attended meetings, how many licensed premises are members of your accord?

Mr Garnham: Like I said before, we have just opened up to broader Cairns. So we will not have a full membership number until probably our next meeting or the one after. Before that, it was made up of probably around 30 venues in the CBD who participate on a regular basis.

CHAIR: With the ID scanner that you are going to put in and the other club has already put in, what sort of information is kept, how long is it kept and how is it kept?

Mr Davies: It scans your licence. It apparently can scan 300 licences or ID cards from around the world. In the next couple of months they will have one that efficiently scans passports as well. So it scans all of those details and takes a photo as they walk in the door. Then straightaway if there has been an issue with that person there will be a flag that will say that person has been banned for one month, for two Cairns

months, for life or whatever. It will also have the circumstances—whatever you put into the system at the time. All the venues ideally should be linked so that if something happens at Gilligan's, for instance, the information comes back to us and it is up to us to determine how we would like to treat that. There is certainly scope, if all the venues are on this sort of system, for your local accord to have policies on how different grades of offences are dealt with.

CHAIR: You said the photo on the licence or passport or whatever is going to be used in the future. The information that is stored I gather is their address, photo, full name, date of birth.

Mr Davies: Passport licence number.

CHAIR: Where is that stored?

Mr Davies: It is stored in the computer.

CHAIR: Who would have access to that and how would you get access?

Mr Davies: To satisfy privacy laws, only your nominee or licensee can get into it using passwords to upgrade the information. So it has to be managed carefully to cover the privacy laws. However, it is an effective tool. You cannot access it, but when you scan someone as they come in it will give you information, such as how often they have been in and whether they have been in three times that night or whether it is their second entry within an hour, because that will usually flag that kids are swapping ID around to get in the venue.

CHAIR: How long is that information stored?

Mr Davies: As long as you like.

CHAIR: I think that was all I had on the ID scanner.

Mr Davies: They are based in Brisbane. I would recommend that you get a chance to talk to them. There are a few systems. ID Scan is the strongest firm in Australia. When you make it to Mackay you will hear a lot about them, because I think all of the venues in Mackay are running it now.

Mr Garnham: As far as I know.

Mr Davies: It would be well worth your time. It is new technology that I think has the possibility to address a lot of the things that you are here to address.

CHAIR: Thank you.

Mr KILBURN: Thanks, gentlemen, for coming along today. I do not need to know where, but do either of you have 5 am licensed premises?

Mr Davies: Yes, I do.

Mr KILBURN: Just as a matter of interest, if a recommendation was to shut all premises at 3 am, what effect would that have on your business?

Mr Davies: It is a double-edged sword. It would have a substantial effect on my business. However, it would not affect the viability of the business. You need to bear in mind that Cairns is a tourism destination, and we are competing with the likes of Thailand, Mexico, Spain and what have you, which all have far more relaxed licensing laws. We are also competing with Sydney and Melbourne. The backpacker market has been a very strong area of tourism and has dragged us through over the last 12 months. There needs to be a compromise of dealing with the needs of the tourists.

Closing at 3 am is a double-edged sword. When you close the doors at 3 am, you get a burst of people coming out and that puts stress on infrastructure, primarily taxi ranks and what have you. So you can get blow-ups at taxi ranks. The long lines encourage people to walk when perhaps they ordinarily would not. Here in Cairns the council has done a terrific job of putting CCTV throughout the town. I think we have about 60-odd cameras now. But that has pushed a ring around the town and it has pushed the troublemakers out. So if you are going to walk out of that ring in small groups, you are likely to be mugged, and the risk of rape, theft and what have you increases dramatically. So it puts stress on it in that way.

You have to appreciate that police have limited resources. From their perspective it is probably better because they can roster on their staff and they can deal with it in a compressed frame of time. It needs to be looked at objectively. I am open-minded.

Mr KILBURN: Are any high-risk premises or late trade licensees not pardon of your accord? Are most of the places in the CBD in it?

Mr Davies: Mad Cow?

Mr Garnham: There were a couple of venues previously that were excluded. The accord of action made up a code of conduct that they did not wish to follow. They were excluded. With a new head of Liquor Licensing in town, we have opened up the accord to everybody again. They are being invited back into the fold once again.

Mr KILBURN: Most of your premises have CCTV. One of the things put to the committee today was maybe there is an opportunity that that CCTV that you take from your premise can be linked to the council CCTV network. Would you have a particular problem with that if that were a recommendation?

Mr Davies: My view on that is how much information can council process? I do not know the privacy issues on that. What I will say is that it was a good thing when it was legislated to have CCTVs on the front doors. The more CCTVs you have in your venue the better. We have 40-odd cameras throughout our premises. When there are issues the police come to you and they say, 'It is such and such a time,' and you copy it off and you get it to them. That works well. I think it is not the feed—where it goes—it is increased CCTVs. There are also benefits with your public liability insurance these days. Insurance companies are in favour of that also.

Mr Garnham: On that, the extension of trading hours has been discussed many times and it was decided that the standard trading hours would go back to 10 am to 12 midnight, and anybody who traded after 12 midnight would be on extended hours. I think it would be a better move to make all late trading venues on the same conditions. There are a lot of smaller places that operate after 12 midnight that do not have any CCTV footage whatsoever. Certainly for venues that trade after 3 am the conditions are much stronger on top of those, but I think in all fairness if anybody wants to trade on extended hours they should all have the same conditions attached.

Mr Davies: I agree with that.

CHAIR: One of the things I noticed nearly everywhere we went was the security providers. I think it is one for every 100. Everywhere we went people went to great pains to tell us how they had four on instead of two or five on instead of one, and I have to say looking around they probably need four or five on. I just want to know whether you think we have the figures right for the security providers.

Mr Garnham: Again, if we go back to late trading, anybody who trades after midnight should have the same conditions. Again, for security it is mostly the venues that trade after three that have conditions for security. There are a lot of venues that trade until two o'clock in the morning and they do not have any conditions on security. In all fairness, for trading after midnight I think the numbers are pretty right. The venues that are out there doing the right thing always have more than the prescribed numbers anyway. I think as far as the numbers go we are pretty right.

Mr Davies: When the legislation changed and the emphasis turned to harm minimisation, that was a good change. It puts the onus back on the operators to minimise the harm. I am the same: I have more than one to 100 because in my venue I feel I need it. I will make the point that it is very expensive to put security on. With the alcopops legislation and the moratorium on 3 am licences and glassing, it is well recognised in government that alcohol when not dispensed responsibly can be dangerous. It is a dangerous drug, for want of a better term. The missing link is when the ACCC gained momentum, being a federal body, it is stronger than the state legislation. The states lost the ability to limit the number of licensed venues and to limit the level of aggressive discounting. Since then, they have asked the accords to control it and you do it with varying success. At the end of the day, there is no teeth. I think the states need to band together at a Premiers Conference, they need to go back to the federal government, particularly now with all Labor governments in power, and they need to say, 'We need to be able to control this.' That will help you terrifically. That is how it used to operate 12 years ago. You can go out in Cairns now and there will be hours of PAL, where you pay \$5 or \$10 at the door and you get a free drink. Despite what licensing tell you, they know about it and they are powerless to stop it. That is a problem.

Mr WATT: I am very conscious that there are good operators and there are bad operators, as there are in every single industry. It is important for the committee to get the balance right so that the good operators can continue going about their business providing an entertaining environment, especially in a tourist setting like here. Some of the things that might need to be done focus on what some of the rogue operators are doing that need to be controlled. I asked the police this as well. I am interested in your perspective on what are some of the things that the rogue operators are doing that the better operators are not doing? Is that where we should be focusing our attention?

Mr Davies: Most rogue operators do not go out and open a business to be rogue operators. They go out with the best intentions. At the end of the day, it is a price sensitive market and they end up having to discount, which ends up having big social problems because you have the kids going out and they are intoxicated to an unacceptable level. They are not making money when they are doing it. The point I would make is you have rogue operators because there are too many high-risk licences, which then means they have to discount to make money. They are not making enough money to be able to put in good CCTV, have extra security around their premises, ID scanners, and provide good training because they are running by the seat of their pants. On the other side of the coin, you want enough competition in the industry so the venues keep renewing and you have a vibrant night-life, which is an essential mix of tourism. I think the balance is wrong. There are too many venues. The government needs to be able to control the number of venues.

Mr WATT: So there are too many venues and therefore there is so much alcohol being consumed because there are so many places open; is that what you mean?

Mr Davies: That is what I mean but not so wild or extreme as that, but you have the idea.

Mr WATT: Steve Kilburn has already asked you about the issue of opening hours. Again, I hear what you say about it being a tourist precinct and you are competing with other venues internationally that have a fairly liberal attitude towards venues and alcohol. One of the things I have been thinking about is that, if certain venues are going to be able to trade until five or late in the night, are there some sorts of restrictions

that can be imposed that limit the damage that is caused by those late trading venues? These days at most big sporting venues you cannot buy a full-strength beer and you cannot buy spirits. Is one option after a certain time of the night that you limit the kinds of drinks that can be sold?

The police were talking earlier today about a proposal to breath test each patron on arrival at a venue so that if they are over .15 they are not allowed in. That is because of this issue that a lot of people are drinking heavily before they go out. I am interested in your perspective on some things that you could potentially do that allow venues to keep trading without causing the damage that arises.

Mr Garnham: You bring up late-night trading venues and the problem with alcohol consumption back then, but I think it really starts long before that. We need to be educating our teenagers a little bit better long before they get to going out to nightclubs and stuff in town. They have been going to parties in parks and that type of thing and consuming excessive amounts of alcohol. That is what they are used to. We finally get them into motels and nightclubs and we have all of a sudden got to try to put the handbrake on and try to bring them back to reality. But it is something that they just do not understand and it is quite a few years down track before they start to understand and see where everybody is coming from. So our education needs to start way, way before actually the age where they can start drinking legally.

Mr Davies: I agree with what Paul is saying. My view is that I do not think things like shots, doubles and things like that, particularly late at night, are needed, that is for sure. That would help.

Mr WATT: That is the thing. There is a bit of a push towards this committee to restrict opening hours. I suppose my personal view is that there is a difference between venues that are in an entertainment precinct and those that are in the suburbs, in residential areas.

Mr Davies: My view on that is there is a will among the community that they want to party and they want to drink on the weekend. It is unfortunate that I think our culture here in Australia leans too heavily to drinking. As a committee, I believe you guys need to be careful of displacing the problem. The level of discounting has decreased. It has gone in waves over the years but, over the last few years, the level of discounting has decreased in Cairns. What we are seeing is the culture among backpackers to drink goons wine—or flagons of wine—by the pools around their hostels and we see the younger kids drinking at home or at parties and then coming into town later on. If you start closing earlier, I am sure you are going to see a culture of house parties going late into the night and you are pushing it out into the residential areas and it is going to be a big job for the police, because it is not concentrated.

We have a 3 am lockout on the weekends and we close at 3 on Sunday to Thursday in Cairns. My view is I think the balance is about right. I think where you should be seeking to go is that the venues that open until 5 am adequately minimise the risk. There is a whole range of issues you can do as a responsible operator to minimise that risk. I will just give you a few, if you like. For instance, we put extra security on out in the streets in a different uniform in the vicinity of our premises. We have CCTV around the corner from our premises so the guys at the door can monitor what is not in their eyesight. I think this ID scanner is going to be massive. You could raise the ambient level of lighting in certain venues. You can have a banding scheme where, for people who are deemed to be intoxicated, rather than put them out in the street you put a band on their wrist and they cannot be served any further alcohol with certain rules so their mates do not get them or they do not take the bands off and they are given free water and then they can be put out on the street. I know some venues have introduced a red and yellow card system, because the kids are used to that.

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

CHAIR: Mr McLindon will ask the last question.

Mr McLINDON: Thanks for coming. Where do you have your most problems? With the locals or overseas visitors, given that Cairns is unique in terms—

Mr Garnham: I would say locals, definitely. We find the backpackers and the people from overseas are pretty good. I do not know whether it is the way they are educated or the way they are brought up—whether it is more liberal over there. You normally find them much better behaved than what the locals are. I do not know whether it is the culture that the young ones get and that is the way they have been brought up, but tourists are much better behaved.

Mr Davies: The dills do not get out of their own country, generally.

CHAIR: That is probably a good point. On that I think we will end it there.

Mr Davies: Can I just make one more point? Hot-dog stands, fast-food outlets at night: they are a flare-up point and you need to look at them having some sort of security, or CCTV. They need to be tied into the same network.

CHAIR: Thank you very much.

Mr Davies: Thank you very much for having us.

Proceedings suspended from 12.21 pm to 12.23 pm

ROBINSON, Mr Malcolm, Inner City Facilities Manager, Cairns Regional Council

VERRA, Ms Laree, Community Safety Officer, Cairns Regional Council

CHAIR: Good afternoon and I declare the hearing for the inquiry into alcohol related violence reopened. I would like to thank you for coming along today and spending your time speaking with the committee. Before I proceed any further, I would like to introduce the members of the committee here today: Mr Andrew Cripps, member for Hinchinbrook and deputy chair of the committee; Mr Steve Kilburn, member for Chatsworth; Mr Aidan McLindon, member for Beaudesert; and Mr Murray Watt, member for Everton. I am Barbara Stone, member for Springwood, and chair of the Law, Justice and Safety Committee.

The Law, Justice and Safety Committee is a statutory committee of Queensland parliament and as such represents the parliament. It is an all-party committee which adopts a non-partisan approach to its inquiries. On the table in front of you is a discussion paper. It contains the referral from the Legislative Assembly that we received. It also has the terms of reference that we will be looking at. However, we are not limited to those topics. We will be looking at other topics as they are presented to the committee.

The committee has advised the public of the inquiry by advertising in the print media and also by writing directly to a number of individuals and government and non-government organisations. The committee released the issues paper on 31 August 2009 and has invited submissions from the public through advertisement and by writing directly to a large number of stakeholders. After considering the submissions received, the other material obtained and the transcripts of hearings such as today's, the interim report will be given to the parliament by 26 November and a full report by 18 March 2010.

I would like to remind everyone to switch off their mobile phones or to put them on silent mode. In the unlikely event of the need to evacuate, please follow the direction of hotel staff. I would like to remind members of the public that they are here to observe and not to interrupt the hearing. If media representatives turn up, would the witnesses allow recording of the proceedings or would you prefer not to have the media present?

Ms Verra: We would be unable to make comment with the media present because we have not signed off on that.

CHAIR: We will handle that if they come along. Although the committee is not swearing in witnesses, I remind all witnesses that these hearings are a formal process of the parliament. As such, any person intentionally misleading the committee is committing a serious offence. I also remind witnesses that Hansard will be making a transcript of the proceedings. Would you like to make an opening statement or give an overview to the committee?

Ms Verra: No.

CHAIR: My first question is: what do your two roles entail?

Ms Verra: The community safety officer is a position that sits in the Community Development Unit and basically works at facilitating strategic responses to crime prevention issues. I work with the police crime prevention unit, with other departments within the council such as Inner City Facilities, with the CCLSA and different stakeholders on various crime issues and work out strategic responses to the same.

Mr Robinson: I look after the open space in the CBD and esplanade. One of the components of that is looking after public safety. I look after council's City Safe program which incorporates the CCTV system and foot and mobile patrols by licensed security guards.

CHAIR: So you look after that beautiful lagoon area? That would be hard, would it not?

Mr Robinson: It is not too bad.

CHAIR: It would be one of the better parts to look after, I would imagine.

Mr Robinson: It is. We have the nicest parts of town.

CHAIR: I will hand over to the deputy chair to ask some questions.

Mr CRIPPS: Thank you very much for coming along today to give evidence to our committee. Can you walk me through any of the incidents or concerns that council had prior to the creation of your positions in council? What is the rationale? What are the reasons your positions exist? Was there a spate of incidents? Was there a particular reason your positions were created? What are they designed to address?

Ms Verra: I know my position came about from a report that was done in the very late 1980s and early 1990s. It was called the *Crime of fear*. It was a report done by a consultant around the perceptions of crime in Cairns and the impact on tourism and had a link to the homelessness and public intoxication issues that Cairns was experiencing at the time. The Community Safety Committee is a council committee that oversees my position. That committee was created and my position dropped out of that. My position has been in place since then. Does that answer your question?

Mr CRIPPS: Yes, it does for your position.

Mr Robinson: My role as facilities manager has existed for a while and it is probably not really relevant to the committee but the City Safe component has evolved over time. It started with CCTV cameras being installed in the city back in 1997 as part of the City Place upgrade. The rollout of those continued since that time.

There has always been a council authorised officer present in the CBD. We have an Indigenous liaison role looking after issues on the street, dealing with homelessness issues and that sort of thing. We have licensed security providers operating for council to try to reduce the number of unacceptable incidents and to increase the perception of safety in the CBD. Does that answer your question?

Mr CRIPPS: Yes, that answers my question in terms of your position. My next question relates to some evidence that we heard earlier from the Queensland Police Service. In particular, it was specifically mentioned that they had some frustrations with council approving additional and new licensed premises without having a lot of regard to the increased risk of having licensed premises in an area. They said that the council really assesses the development application as a business, not as a particular type of business. Is that something that council will have regard to going forward? Is it something that has been brought to your attention? In your positions do you provide any advice to council when these types of applications come forward for additional licensed premises in particular areas of the city?

Ms Verra: Yes, we do. We provide comments around whether we believe it would be in the interests of public safety to actually approve that licence. However, the way that we impact on the licence being granted through Liquor Licensing is very minimal. We have had instances where we have given a lot of evidence to say that we do not agree with a certain licence and it has not been taken notice of. We have had dealings with Liquor Licensing where we have asked them what information they would like to see to support our comments. But the act is very limited. Basically, we are reduced to a paragraph to say that council does not support this application. Then we have the internal divergence sometimes between our opinions and the councillors' opinions.

CHAIR: I think the police officers were trying to say to go one step before they apply for a liquor licence—go to the step where there might be a building become vacant in the city and it is now going to be a hotel where before it was a hairdressers or something. At that stage can council step in—that is, before they apply for the liquor licence? Is there a point where you can come in?

Ms Verra: It would depend whether it was a material change of use application or not. We would have to check with planning to clarify that. My understanding would be that if it is a place of business and it does impact on a material change of use then council do not have any grounds to stop it from going ahead. That is just my understanding and it could be incorrect.

Mr CRIPPS: That is all the questions I have at the moment.

Mr KILBURN: Thank you very much for coming in. One of the suggestions that was made earlier was linking the internal CCTV from licensed premises into your City Safe program. Do you think that would be, one, possible and, two, beneficial?

Mr Robinson: It would be possible. It would be very difficult and, because of the amount of information you would be getting, it would be almost impossible to actually administer. The actual monitoring of it would be the difficult part. One of the benefits of our system is that we are very proactive. The operators are looking for behavioural indicators that let you know that people might be about to do unacceptable things. They will monitor people who are looking as if they may cause trouble and send patrols to address the problem, to make a physical presence and often deter things from happening. That has been demonstrated to be effective. We do not have the ability to do that within the licensed premises. I can see a role for Liquor Licensing doing that.

We have tried to get Liquor Licensing officers and police officers to come and sit in the CCTV operations room. One of the problems that we have is that our staff who are out on patrol do not have the powers that police do. Whilst they have a good deterrent value and do break up a number of incidents, if we had the support of police and actually had a police officer in the camera room directing police on the ground, it would be far more effective. I am happy for the technology that we have to be advanced so that the cameras within the venues are being monitored, but I really feel that it is a police and Liquor Licensing issue and they should be the ones who are actually monitoring the footage and dealing with it.

Mr KILBURN: Would you be able to produce records telling us the number of incidents that you pick up in your monitoring room by time of day and night and that sort of thing to show the correlation between when the things are happening? Would that be available?

Mr Robinson: Yes, we have a very detailed breakdown of data over the last few years by time, date and location. We break it down over a wide variety of incident types such as possession of alcohol, public consumption of alcohol, general disturbances, assaults. If you would like that data, it is available.

Mr KILBURN: Could you just give us an idea—just a rough idea, I do not mean exactly—how much you think all this costs? Obviously it is trying to make the streets safe, but a lot of it would be related to alcohol related incidents, I am guessing.

Mr Robinson: Yes, alcohol and violence are the two major issues.

Mr KILBURN: Do you have an idea of roughly how much that costs councils each year, running the City Safe and the other programs that you have?

Mr Robinson: Probably about \$1.5 million per annum.

Mr KILBURN: That is all I have.

CHAIR: Thank you. The media have asked for footage but with no sound. Is that still a problem?

Ms Verra: That is fine.

CHAIR: Did you hear that, media representatives? That is fine—footage with no sound please. That will be for the next witness as well.

I want to pick up on what Steve was raising with the CCTV. This might be a question for building and planning again. It may not be possible for you to answer this. It has been put to me that with building applications for new actual buildings, for example, perhaps part of the approval process should be a requirement to install a CCTV camera on the outside of the buildings to link in to your cameras. Therefore, it is not just liquor licensing issues; it is actually the whole of community safety that they could be looking at. Perhaps we are missing the opportunities of making that part of the building approval process. Obviously in relation to costs, you guys would look after it and monitor it, but actually installing the camera would be up to the building people.

Mr Robinson: That would be nice.

CHAIR: So you could see how that could be—

Mr Robinson: Yes, that would be very beneficial. Getting the cameras into place is actually the most expensive part of the exercise. Often a lot of underground cabling work needs to be done and that can be very cost prohibitive. The main hot spots for incidents are in relation to licensed venues, so ultimately we are looking to roll out cameras in front of all licensed premises. If that was allowed for in the original building approval, that would certainly save a lot of time and money down the track.

CHAIR: It would assist?

Mr Robinson: Yes.

CHAIR: Thank you.

Mr McLINDON: With the potential cameras in the hot spots, is there a potential partnership with the businesses whereby they contribute towards those costs, or does council bear the whole cost?

Mr Robinson: It comes from council revenue. We have been lucky to date to get security improvement funding for all the cameras that we have had to date. They have been 50 per cent funded.

Mr McLINDON: By the state government?

Mr Robinson: State government. That funding stream has apparently dried up, so that could impact on the continued expansion of the system.

Mr McLINDON: At what sort of time do you see most incidents occurring?

Mr Robinson: We have a wave of public consumption of alcohol from between around 6 pm through to about 10.30 pm, when people are coming into town and have alcohol with them. From there the public intoxication starts to peak around midnight through until around 4 am and the assaults start around midnight through to about 3 am or 4 am. I have some graphs that show you this sort of information if you would like them to be tabled. We can forward that information through to you electronically if you would like.

Mr McLINDON: Thank you. That would be great.

CHAIR: Do you want a written request for that to be forwarded to us?

Mr Robinson: I will take the verbal.

CHAIR: You will take it on board that you will provide that?

Mr Robinson: I will take the verbal, yes. We will forward it through, yes.

CHAIR: Thank you. Do you have any questions, Mr Watt?

Mr WATT: I do not have anything.

CHAIR: If there are no other questions, it looks like you have had a fairly easy session. It was very informative. Thank you very much for that. We look forward to getting those statistics. This was going to be the end of the public hearing, but we have someone here from the Cairns Youth Justice Service.

BORDUJENKO, Mr Brett, Case Officer, Cairns Youth Justice Service, Department of Communities

CHAIR: I know I do not have to re-read everything, because you have been here since the beginning. What would you like to tell the committee?

Mr Bordujenko: I am with the Cairns Youth Justice Service which is run under the Department of Communities. Our role is to monitor community based orders such as probation, community service and conditional bail—those sorts of things. Combined with that there is also the social services aspect of our role where we are providing intervention such as anger management therapy, victim empathy and a range of social skills for our target group. All of our clients are referred via the courts through a community based order.

At the moment in Cairns we are at an all-time high with cases, and that is why I felt strongly about speaking to the committee today. While I cannot speak for the overall statistics of the department, in Cairns we have certainly experienced an escalation in violent crimes, in particular robbery with violence, often in company and armed as well. I cannot think of a single offence that has actually happened of that nature in the CBD area. It always happens in the suburbs. Of course, there is no CCTV there. People are inevitably caught, I guess, because they give themselves up, through community pressure, sketches in the media and that sort of thing. One quarter of my personal case load would involve robbery with violence at the very minimum. That is a change even from last year. I felt that was relevant to the committee because in every single incident alcohol is present. I think not only in the robberies but with almost every single offence other than perhaps shoplifting, whether it be public nuisance and wilful damage ranging right through to assault, grievous bodily harm and that sort of thing, they are all related to alcohol.

It is important because the group that we are talking about ranges in age from 10 to 18 on average. I would say almost 95 per cent are not attending school, and that ranges right down to the 11- and 12-year-olds as well. I guess you have a generation of young people who are just completely missing any sort of natural interventions regarding alcohol education and so forth that they would have received in school. I thought it was actually interesting when one of the gentlemen here was talking about how they attempt to apply structure in nightclubs to people who are drinking excessively. I guess it is really a continuation of people learning to use alcohol in the suburbs. I guess that the role that we are playing, too, is trying to apply a structure that is not being applied by traditional parents, guardians and that sort of thing.

One of the issues I would like to raise has not been discussed here today and I think it would have a great effect on the community. Currently the way the juvenile justice system works is that young people can be arrested. They are placed on bail until a plea is entered before the court. Once they have either been found guilty or plead guilty in court they are then sentenced to probation, community service or whatever. You can only apply a curfew during that period prior to being sentenced. Personally I find that to be ridiculous that during the period of uncertainty, whether you have either pleaded guilty or you are not guilty, a curfew can be applied to you but then once you have actually been found guilty a curfew no longer applies at all.

Another issue that is fairly current is that Youth Justice is a government organisation and it runs from nine to five. Beyond that period, young people are expected to be monitored by their parents who, while not to be so generalist, are generally parents who are not capable of monitoring those young people to begin with. I think that in every instance with the young people who have engaged in either assaults or robbery or violence it is rarely ever their first offence off the bat. It is generally an escalation in behaviour or over a period of time the offences contain the element of violence and so forth. I am aware that there are proposals being looked at by the state government at the moment to do with the Juvenile Justice Act. It has been proposed perhaps that curfews attached to community based orders could be coming—

CHAIR: That could be being discussed. We do not know.

Mr Bordujenko: In the role that you have, I implore you that this is an initiative that really needs to happen. In every instance that I know involving young people, if perhaps a curfew had been applied then that escalation may have been controlled. I certainly do not see it as the only thing. The circumstances of violence usually involve young people full of alcohol wandering around the streets beyond the CBD area. Usually in those instances it is a group of people where the severity of the violence enacted upon members of the community is more serious than perhaps a fight in a nightclub and that sort of thing.

CHAIR: Thank you. Today we have had registered formal speakers, so I know we are over time. So I encourage you to write to the committee with anything else you may like to add. We certainly have not heard about the curfew falling off once they get an order. I think that is a valid point you raised today for the committee to consider. With that, I thank you.

STAFFORD, Acting Superintendent Adrian, Far Northern Region, Queensland Fire and Rescue Service

CHAIR: Committee members, we have another random witness and I invite him to come forward. Once again, I will give you the same courtesy of being able to speak with us for a short time. Are you footage only or can you have the media present?

Supt Stafford: I have not checked that with my superiors, so I will stick with footage only.

CHAIR: Firstly, I will introduce the members of the committee: Mr Andrew Cripps, member for Hinchinbrook and deputy chair; Mr Steve Kilburn, member for Chatsworth; Mr Aidan McLindon, member for Beaudesert; and Mr Murray Watt, member for Everton. My name is Barbara Stone, member for Springwood, and I am the chair of the Law, Justice and Safety Committee.

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I know that you turned off your phone because I saw you do it before. I know that you will probably tell us what to do in the unlikely event of the need to evacuate, so we will follow your orders. I remind members of the public that you are here to observe and the hearing may not be interrupted. Although we are not swearing you in today, I remind you as a witness of the hearings that it is a formal process of the parliament.

Supt Stafford: I am an acting superintendent in charge of the Cairns area for the Queensland Fire and Rescue Service. My normal role is manager of community safety which encompasses the whole of the region. Fundamentally, the two broad aspects of my role are in relation to building fire safety and enforcement issues and also issues around community education across all communities in the Far North. I have taken the opportunity today to come along and answer any of the questions that the committee has and hopefully give some insight into some of the issues in relation to fire in these types of licensed premises and some of the events that occur within those premises, or the possibility of certain events occurring and how that might affect us in our role.

CHAIR: I will let my fellow colleagues start the proceedings.

Mr KILBURN: Thank you, Superintendent Stafford, for coming along today. We have heard from the QPS and the QAS about how different things affect their organisation. I thought it would be an opportunity for you to come along and talk briefly to the committee about the role that the fire service has in working with those other agencies in LEAPS and identifying issues in licensed premises. Maybe you could give a few examples of where alcohol creates problems for you in licensed premises in particular.

Supt Stafford: Sure. As Mr Kilburn mentioned, we are involved in a couple of different initiatives in relation to issues that revolve around licensed premises—LEAPS is one. I am sure everyone is across that. We partake as an agency in relation to that multiagency approach. What we have found with LEAPS is that, while it does have some benefit, from our point of view as a single agency there is a lot of time taken whenever you visit a premises because there are a lot of agencies that have to go through a lot of paperwork and other related issues. From a single agency point of view, we do not get a high strike rate, to put it that way. So we engaged with the local officer in charge of the Cairns city beat area to start another program outside of that where basically we and the police go around on a semiregular basis and check for any breaches in relation to the Fire and Rescue Service Act and the regulations. That has provided some benefit.

We met with one of the committees that looks after the liquor licensees within Cairns and educated them about the requirements under the act that they have to abide by. We shared some information and educated them on what our intentions were. To that end, we then did some visits and enforced some of the issues that we identified that would breach civil legislation. After some period of time, after several visits, we found that most licensees were coming on board with the direction we were giving them in relation to fire safety matters. So that has been successful because, as I said, we have had a good strike rate in relation to compliance.

I am no expert on what is considered intoxication or excessive intoxication but, from my personal experience and the experience of the staff that have to respond to calls to some of these premises, obviously people make bad decisions when they are intoxicated. Some of the concerns we have is that in certain instances they operate alarms illegally. So they set off manual call points and the like and that initiates an alarm that we have to respond to. That call is obviously part of our workload, but it is a problem for us because once we are on that call we are committed to that call and cannot respond to a call of greater urgency, if you like. That does take up some time for us and absorb some of our resources that will then not be available to do other things.

We have experienced situations where people grab fire extinguishers and set them off. We also experience from time to time—and I do not want to overstate this—that when people who are under the influence see firefighters walking into premises there is a level of harassment I suppose, but not to any great degree.

CHAIR: Your colleagues told us about that.

Supt Stafford: Without being too specific about what goes on there, the major concern that I have, particularly when you look at world events and instances that have occurred in licensed premises where fire has occurred, is that there is potential for a large loss of life. The level of intoxication is of some concern to us. When people are under the influence it is difficult for us to operate in that environment. If they are right at the top end of being intoxicated, it just adds to the risk. In terms of fire, people tend to panic if they are not intoxicated, and being intoxicated adds to that risk. Not so long ago in Chicago there was a fire where a lot of people lost their lives. If you see footage from that instance you can see where blockages have occurred. People who are intoxicated will fall over more easily. There are blockages where people build up. It creates a problem and people unfortunately lose their lives.

The level of intoxication is of some concern to us in those at-risk premises. I call them 'at-risk premises' because the review of legislation that recently occurred under 104KD and 104KE identifies the premises at risk. The fire service is currently working through and ticking off which premises across the state fall under that category. Most of the higher level liquor licensed premises—that is, nightclubs—will generally fall into that category. We do have some concerns in relation to some of the illegal activity—for example offences under the act—in interfering with fire alarm systems that occur. Certainly the potential for us to have to manage, in conjunction with the police, any type of evacuation of people from a building will provide a somewhat greater challenge than if we were dealing with a premises where people were not intoxicated.

Mr McLINDON: When a new venue opens, is there some sort of clearance check as part of that?

Supt Stafford: Yes. The applicant is alerted to the fact that they have to apply to us for a building survey report, which indicates that from a safety point of view they comply. Liquor Licensing receives that report and in certain instances they will not issue a licence until such time as we are satisfied with the level of fire safety in that premises.

Mr McLINDON: So in that process you can raise any concerns you might have in terms of capacity and—

Supt Stafford: The Queensland Fire and Rescue Service, again under the new legislation, is building its capacity to respond to that. Under the legislation there is new criteria in how we set numbers for liquor licences. The fire service really has only one person at the moment in the state who does that because they wanted to apply a level of consistency across the state. They have identified three of the major regions initially—south-east Brisbane and northern—to have that dealt with. The plan is then to roll that out and train further officers to undertake the setting of occupancy numbers. That is ongoing.

Under the new legislation, a licensed premises must comply with not only the occupancy numbers but also how they manage those occupancy numbers and the migration of occupancy numbers within their premises. As you can appreciate, a dance floor, generally speaking, is a metre-and-a-half space. If a dance floor is overcrowded, they are responsible to make sure that the migration of people in that building is controlled.

CHAIR: Thank you for doing that for us today. I know that the department will be giving us a submission in the whole-of-government submission to the committee. But thank you so much for being here and being able to share that information with us. With that, I declare the inquiry today closed. I also thank the staff for their role today.

Committee adjourned at 12.59 pm