

## SUBMISSION TO THE LAW JUSTICE AND SAFETY COMMITTEE

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## INQUIRY INTO ALCOHOL – RELATED VIOLENCE IN QUEENSLAND

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While I make this submission as an individual, I am managing director of our family companies, the Gleeson Properties Group which has been involved as owners and operators of electronic media, radio from 1950's and radio and television since 1962. I am a director of Ten Network Holdings Limited which holds television licences in Brisbane, Sydney, Melbourne, Adelaide and Perth and owns EYE CORP an outdoor advertising business which operates in Australia, New Zealand, Indonesia, Singapore, UK and US.

Gleeson Properties Pty Ltd has a property in Townsville adjacent to "Flinders Street East" which includes a licensed premises The Criterion Townsville which operates as a nightclub.

I disclose to the Committee that OLGR refused to renew the 3am to 5am permit for The Criterion from 1 April 2009 under the management of the former licensee, the matter was appealed, heard by the Commercial Tribunal in July 2009 and we are awaiting a decision. While my investigation into this matter has exposed me to some of the issues covered by the Inquiry and obviously influenced my thinking, I have attempted to be as objective as possible.

I have three children born, raised and educated in Townsville who have a large group of friends. All have been through their "Flinders Street East" phase and survived.

I thank the Committee for the opportunity on Friday 16 October 2009 to observe the proceedings in Townsville, and the members of the Committee who took the time to listen to my theories and point of view, even though I was not in a position to make a formal submission at that time. Some members may find that their responses to me have morphed into my ideas.

**THE INQUIRY**

The brief to the Committee assumes that alcohol, and in particular that served by the late night trading venues, is the cause of the violence and seeks recommendations to further regulate those venues. I have read the issue paper and much of the press reporting on incidents of violence, particularly in the last six months. Listening to those making submissions and talking to Committee members it is apparent that the brief to the Committee needs to be expanded to first look at what is causing the violence. Alcohol and drugs are not the cause of the violence but in reducing inhibitions obviously allow situations to escalate to violence.

I noted that when the Inspector from QPS and the Commissioner from QAS were making their submissions, they were very conscious of keeping their comments and answers to questions within the facts, statistics and studies that could be substantiated by reference to hard data, I believe if

these people and their counter- parts throughout the State are not allowed to speak to the Committee "off the record" as to what they actually believe is happening on the ground in these entertainment precincts and within the community as a whole, then they are a wasted resource. Ms Barbara Stone, Chair of the Committee commented to the QPS Inspector something to the effect "We have a million questions for you".

## VIOLENCE

Violence in our community is increasing and those involved are getting younger and the violent activity more vicious. Recent video footage of school yard fights between girls and the serious assault during a school-age-football match indicate that the problem we are looking at is only going to escalate as these kids start frequenting the pubs and clubs. Someone more qualified than I may be able to explain why these kids actually record this behaviour on their cameras and mobile phones to share with others.

I am sure that there have been many studies by behavioural scientists but my view is as follows:

1. We are dealing with a generation that has been taught that they have rights before they were taught they have responsibilities.
2. A generation that for the majority have never been disciplined by parents or teachers and so have no understanding of consequence for action.
3. A generation that had unfettered access to the content available on the internet, good and bad, because parents, teachers and regulators had no tools or the experience to manage the resource.
4. A generation that has had the opportunity to commence part time work at a very young age which has given them access to their own money and perceived independence from parental control.
5. A generation that has been bombarded by information to the extent that I believe they tend to act more instinctively than thoughtfully.
6. A generation that is self obsessed has little respect for authority and can respond aggressively when their actions or behaviour is questioned.
7. A generation that has been desensitised to sex and violence.

It is not long ago that the only sources material for us all, were books, newspapers, magazines, movies and television, the content of which was controlled by the censorship board and pornography was only available in brown envelopes from the ACT. Now the communication genie is out of the bottle and our kids have access to anything produced around the world including the user generated material on YOU TUBE. We can no longer control the production of content or delivery of this material by legislation locally or internationally. There has always been the argument that movies and television reflect what is happening in our communities, with the contrary view being that these story lines lead behaviour. It is interesting that over a long period of time, movies set in American high schools have always had the dominant group of girls who intimidate and bully the less popular, but it has only been recently that this has degenerated into serious physical violence in reality.

8. A generation that has access to increasingly violent video and online games. I see two main issues with online activities, firstly there is a decrease in face to face social skills and

secondly there must be some individuals that are wired differently from the majority and have difficulty in separating the virtual from the reality. Younger children must think you can be shot or blown up and all you need to do is press the reset button.

Group activity including violence is something that has been repeated through history and is tribal in nature. The tribe may be based on ethnicity, religion, football team or code, nationality or have a political basis. The list is endless. These groups are created and bound by shared experience, with contact and communication being critical to the continuation of the group. We are always braver with a support group and more likely to act, when to take a step back in front of our peer group may cause embarrassment.

I believe with the communication available with mobile phones, email and social networking sites like Facebook we have created a new tribe with the complications that the membership is in a constant state of flux and shared information happens almost instantly. Good news and bad news is spread at the same speed. I think that investigators of the Cronulla riots concluded that the use of these tools contributed significantly to speed, size and ferocity of the disturbance.

To expand on my comment about violence among young women, I believe that it is this immediate and wide spread distribution of information that inflames a situation that in the past may not have been an issue. An example would be of a girl's boyfriend being seen with another girl. In the past she may not have found out for days and there would be a limited number of her immediate group of friends that would know and the passage of time would diffuse the matter. Now, a "friend" will more than likely send a photo of the couple together to the girlfriend and anyone else on the distribution list and it will end up on Facebook where everyone will post comments about the guy, the girls and anyone else they think should be involved. There is then considerable pressure for the girlfriend and her friends to respond and if timing and location means that the confrontation happens to coincide with alcohol consumption the seriousness of that confrontation will escalate.

Young men are equally exposed, and instant communication means that if there is a confrontation it is only minutes before both parties have back up and retreat becomes difficult.

There is no escape, the kids sleep with their phones and spend hours on Facebook the ultimate rumour mill.

#### **HARM MINIMISATION**

I am reluctant to comment on the initiatives that have already been put in place due to my lack of before and after experience, but there are a number matters that were raised in other submissions for which I wish to express support.

Any legislated change that increases the cost to operators of licensed premises must be shown to have real measurable benefits relative to the cost of the initiatives. History has shown that prohibition as a strategy does not work and further taxation or fees as noted by Mr. Greg Pellegrini increases the price competitiveness of drugs and will increase the consumption of alcohol from outside the venues. From my personal knowledge there is a significant volume of packaged alcohol

sourced and consumed from outside the "Flinders Street East" venues. I have seen people drinking in vehicles and our property is used as a dump for empty bottles and cans. A ban on glass inside the venues will not stop the use of glass as a weapon on the street where I understand most of the group violence takes place.

Reducing the alcohol content of beverages would have the same outcomes as described above.

The increased price of premixed drinks resulted in drinkers who had never mixed a drink in their life buying bottles of spirit with the obvious consequences.

When considering the effect of pricing and taxation, the impact of these same policies on tobacco use should be studied. My observation is that while a large number of people have given up smoking, it is predominately the result of the health message and the fact that office workers need to go out onto the street to smoke rather than price. I believe that a study of smokers would reflect that percentages are higher among the less well off socio-economic group which would suggest the increase in price of cigarettes has put pressure on the household budgets for rent and food rather than impacted on consumption. I believe we would see the same result from an increase in the price of alcohol.

Pre-loading as described to the committee I think started as Free-loading, where it was cheaper to raid the home liquor cabinet than buy drinks when out. Cost now means that the kids drink large volumes of high alcohol content liquor before they go to town. I have often heard the comment "I didn't have another drink when I got to town".

In relation to changes to operating hours I was interested to learn from Mr. Pellegrini the history of late night trading. I do not think circumstances have changed and it would seem to make sense that is better to have the activity in an area where it can be controlled and support services can be made available. This seems to be the strategy applied to the major areas where "Schoolies" congregate.

#### **ENFORCEMENT/EFFECTIVE OFFENCE AND PENALTY FRAMEWORK**

The following comments reflect my investigation into the procedures of the QPS and OLGR in relation to liquor incidents and punitive action.

I have had the opportunity to review QPS documentation from call for service, through liquor incident reports, to Court documentation that was used by OLGR to refuse the 3am to 5am permit for The Criterion Townsville. I questioned OLGR as to why with alleged liquor offences there was no evidence of blood alcohol levels recorded for any of the individuals involved. The department responded that the smell of alcohol was sufficient and that the QPS was unable to test for drugs or alcohol. This has been confirmed by QPS. Considering the prevalence of drugs, I do not understand how the department can sustain any action alleging a liquor offence where there is no hard evidence to support the allegation. Additionally, despite access to CCTV there is no attempt to determine whether individuals involved in incidents have been at the venue for five minutes or five hours.

My position is that if an offence is considered to be serious enough to warrant action by OLGR, Police should be given whatever power they require to test for alcohol and drugs.

Employees of licensed premises are expected to control access to the premises and the consumption of alcohol by patrons simply by observation. This exposes the employee and licensee to a potential discrimination action if the individual is sober but has some disability on one hand and action by OLGR on the other hand if staff do not identify an individual who appears sober but has just had five shots at another venue 100m away. The legislation must provide certainty for licensees who apparently must personally take on the responsibility for the behaviour of individuals in and around their premises regardless of whether the individual is drunk, drugged, ill, mentally unstable or sober with a bad attitude.

The legislation or the interpretation of the legislation assigns responsibility to the licensee for an undetermined area outside the property boundaries without the licensee having any legal authority to enforce any actions or protection when exercising that responsibility.

OLGR have indicated that they need have no consideration as to the financial impact of their decisions. The legislation has penalties for various breaches, but the legislators must also consider what the financial penalty will amount to for decisions that affect the trading hours and other core issues for a business. The penalty should suit the breach, the evidence supporting the breach should be robust and be collected by properly trained and experienced individuals.

The current situation where OLGR employees collect raw data, from in many cases a brief report which maybe over a year old, from a third party source, where the OLGR employees have no direct knowledge of the incident and form conclusions without the benefit of the input from anyone concerned, should not have been the intention of the legislation. The licensee is, due to the delay, disadvantaged in that CCTV footage which may have assisted a defence would not be available.

It should also not be the intention of the legislation that the penalty for a number of minor incidents over which it is debatable a licensee could have had any real control should result in a financial penalty of hundreds of thousands of dollars and the loss of jobs.

OLGR's current focus in my experience has been one of punitive action rather than timely identification of potential problem areas and assistance with management strategies to prevent re-occurrence of unacceptable behaviour.

#### **ISSUES FOR EMERGENCY SERVICE WORKERS/QPS/QAS/HOSPITAL STAFF/EMPLOYEES OF LICENSED PREMISES/SECURITY PERSONNEL**

I am surprised that the impact on the above listed service providers has not already been dealt with. Players and spectators of some sporting codes can have life bans for assault on a referee or violent behaviour. There should be no argument that any serious assault on the above people should result in some significant mandatory penalty whether or not alcohol or drugs are involved.

#### **INDIVIDUAL RESPONSIBILITY**

We do not expect car dealers to examine the driving record of a customer before selling a vehicle and we do not penalise the dealer if the customer is involved in an accident where the driver is proven to be at fault. We penalise the driver and if he or she persists with illegal behaviour we take away the right to drive and if they still persist we put them in jail.

Driving while intoxicated was identified as not being appropriate behaviour and legislated against. We soon found that evidence of not being able to walk a straight line or touch your nose with your eyes closed should not be sufficient to support a conviction. The introduction of the breathalyser and associated legislation made it clear and now all parties know the chemistry within certain variables, the risks and the penalties. Repeat offences result in higher penalties.

We need to adopt the same standards not just for pubs and clubs but for the wider community. I am not proposing random testing of blood alcohol levels, but for individuals involved in any serious assault, rape, domestic violence, theft, wilful damage or workplace accident involving injury, where police have good reason to believe drugs or alcohol are involved there should be mandatory testing. ~~If drugs are detected or blood alcohol is over a predetermined level then a separate offence has~~ occurred and is dealt with appropriately. Aside of the health issues an individual can be as intoxicated as they want to be as long as they do not drive, steal, hurt anyone or damage property.

Advice from QPS has been that individuals cannot be banned from a venue or the precinct. My submission is that regardless of whether alcohol is involved or not there should be the opportunity to ban individuals where they are known to be repeat violent offenders. Such bans should be expanded if possible to individuals with convictions for drug offences.

#### **MANAGEMENT STRATEGIES/ INFRASTRUCTURE**

I support the position of other submissions that there is a need for infrastructure in Flinders Street East including a Police Beat and public toilets. I noted the concern of the QAS Commissioner as to safety of his staff and perhaps a joint facility of toilets, police beat and first aid facility might be an option. Council has always been concerned about the risk usually associated with public toilets but if located with a police presence there should not be an issue.

Again thank you for considering my submission.

Paul V Gleeson