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Law, Justice and Safety
Committee

22 October 2009

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The Research Director
Law, Justice and Safety Committee
Parliament House
Alice Street
BRISBANE QLD 4000
Email: ljsc@parliament.qld.gov.au

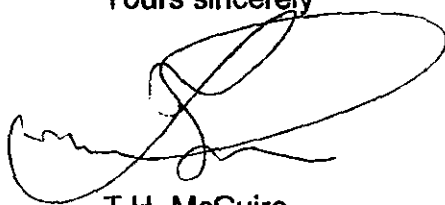
Dear Sir / Madam

Thank you for the opportunity to submit comments in relation to the Committee's Inquiry into alcohol-related violence in Queensland.

The Queensland Hotels Association has considered the Issues Paper prepared and issued by the Committee, and is pleased to make a submission, which is attached.

Please do not hesitate to contact me should you require clarification or expansion on any of the issues raised.

Yours sincerely



T.H. McGuire
President

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**QHA SUBMISSION TO THE LAW,
JUSTICE AND SAFETY COMMITTEE
INQUIRY INTO ALCOHOL RELATED
VIOLENCE AND ITS RAMIFICATIONS**

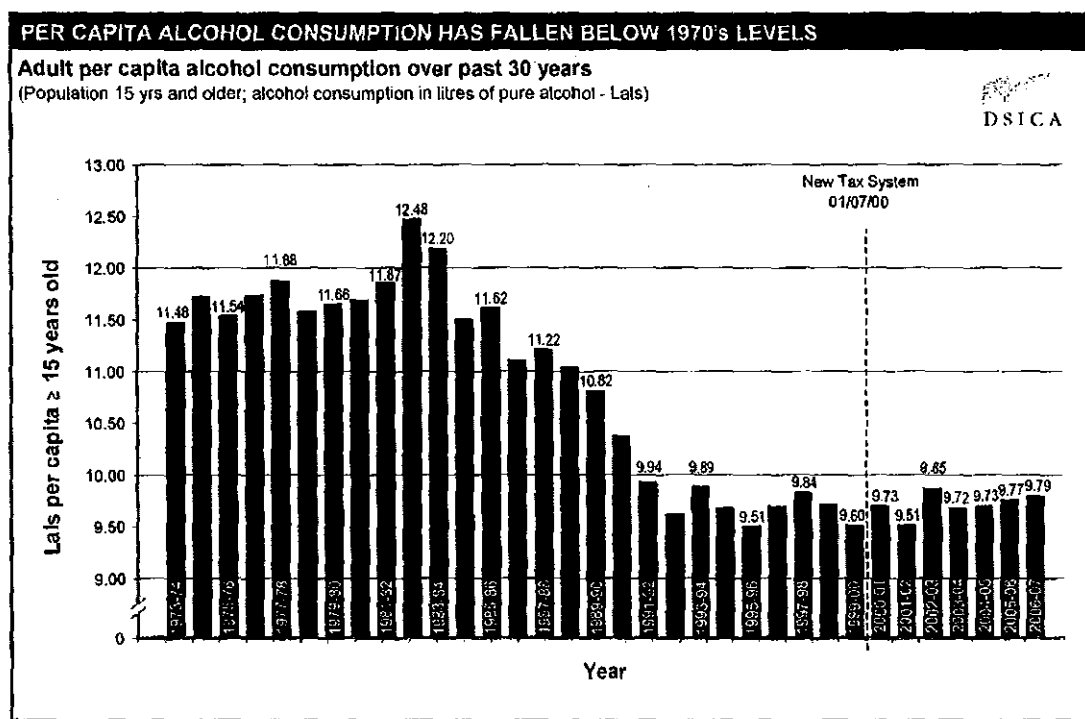
QHA SUBMISSION TO THE LAW, JUSTICE AND SAFETY COMMITTEE INQUIRY INTO ALCOHOL-RELATED VIOLENCE AND ITS RAMIFICATIONS

Introduction

In response to media reporting of violence in the community which is alcohol related, the Queensland Premier has commissioned a Parliamentary Committee Inquiry to address community safety and preventative measures aimed at reducing levels of alcohol related violence.

At the outset it must be stated that more than 70% of alcohol is consumed away from licensed businesses in Queensland, and that per capita alcohol consumption in Queensland has reduced by 20% since the mid 1980s. The trend towards reduced per-capita liquor consumption is likely to continue. Accordingly, it is appropriate that the Inquiry consider the matter of alcohol related violence, and domestic violence and crime generally, in the wider community, as well as in specific entertainment and business precincts.

The QHA contends that it is not the amount of alcohol that is being consumed in the community that contributes to the problem, it is the nature of the consumption that is contributing to anti-social activity. The large majority of our citizens consume alcohol responsibly and in moderation. Accordingly, the Inquiry should examine what element of the community is committing the violence, and derive and recommend targeted solutions to address this demographic group.



Aim

This submission provides input for consideration by the Committee relating to its Terms of Reference, and makes recommendations for further reducing alcohol related harm.

The Problem

There is a growing perception that alcohol-related violence in Queensland is on the increase and that further measures should be identified and implemented to correct this. Accordingly, the first issue is to accurately establish the actual level of alcohol related violence, and the second challenge is to identify any further sensible, practical, and suitably targeted measures which might assist to address this problem.

Our Community

Behaviour in entertainment precincts and licensed premises is generally reflective of the standards of behaviour that apply in the wider community. Issues like personal discipline, use of illegal drugs, inter-personal manners, respect for the law and authority, approach to over-consumption and undue intoxication, and the visitation of violence on other people, are reflective of community standards at large. It is quite apparent to even a casual observer of community trends that community standards have deteriorated significantly in recent decades and this is reflected in outcomes like higher rates of personal assault, murder, drugs use, road rage, school bullying, cyber-bullying, domestic violence and relationship breakdown. Entertainment, hospitality and licensed businesses are not remote or isolated from this trend, as their customers are of course, drawn from the general community. Consequently, whilst specific measures have been and can be implemented in licensed businesses to deter, prevent and mitigate the effects of violence, *the wider issue of cultural change around violence in the community must be addressed if a universal and enduring solution is to be found for this problem.*

Economic Contribution of the Licensed industries

Licensed businesses make an important and enduring contribution to the Queensland and national economies, and to a range of key revenue and social areas including job creation, training for young people and low-skilled persons, taxation, charitable contributions, and indirect job and business stimulus through industry stakeholder businesses. Of significance is that the hotel industry is one of the few industries in the nation where the female component of the workforce is larger than the male component. The 2009 PricewaterhouseCoopers report into the hotel industry concluded that Queensland hotels employ 38,000 people directly, with a further 55,000 employed indirectly. (Note 1). The report also finds that in the absence of the hotel sector, national household consumption would contract by an estimated \$3.5 billion.

Note 1 PricewaterhouseCoopers Report (2009), Australian Hotels: More than just a drink and a flutter. An overview of the Australian hotel industry.

It follows that any rational consideration of the benefits and costs of the alcohol industry in Australia must therefore consider the positive side of the industry's involvement in job creation, sustainable economic activity, investment, training for low and no-skilled employees, jobs for women, support for tourism, and the positive social and entertainment aspects of our trade, where the vast majority of our patrons and businesses are law-abiding and consume and serve responsibly.

Alcohol in the Community

Alcohol enjoys special significance, acceptance and popularity in Australian society. About 80% of Australians consume alcohol on a regular basis, and the vast majority of consumption is undertaken legally, in moderation, enjoyably, and responsibly. Consuming and offering alcoholic beverages is universally acceptable in Australian culture, and alcohol is ever-present in recreational, social and celebratory settings. Australia has a well-established drinking culture, where it is acceptable, and in some cases expected, that alcohol will be available and consumed in social settings.

More recently, our society has coined the phrase 'binge drinking' to describe drinking at unsafe levels. The definition of 'unsafe drinking' varies from jurisdiction to jurisdiction but, in Queensland, the *Code of Practice for the Responsible Service, Supply and Promotion of Liquor* defines risky drinking as the consumption (in a single sitting) of more than 11 standard drinks (for males) and more than 7 standard drinks (for females) (Note 2).

Central to the solution of the Inquiry's Terms of Reference is further action towards the development of a more responsible drinking culture in Australia.

On a national basis, Australia has made some progress towards this goal through the development of a *National Alcohol Strategy*, and through a wide and growing range of community, industry and non-aligned actions towards developing a more responsible drinking culture. Typical of these efforts is an organisation called DrinkWise Australia. DrinkWise is an evidence-based organisation focused on promoting change in Australia's drinking culture. It conducts research into alcohol related social and medical issues, with a view to driving informed cultural change. It has a particular focus on youth and the drinking culture of young Australians. It is worth repeating that per capita alcohol consumption in Australia (and Queensland) has reduced by 20% since the mid 1980s, indicating that it is the nature of some risky drinking that is the issue, not the overall level of consumption of alcohol per se. This in turn demands targeted solutions against violent offenders, not solutions which challenge and punish the majority of law-abiding citizens.

Note 2: A standard drink is any alcoholic drink containing 10 grams of alcohol. One standard drink always contains the same amount of alcohol (10 grams) regardless of container size, shape, or alcohol type (ie, beer, wine, or spirits). A standard drink is a unit of measurement. In the liquor industry, the 'standard drink' is a concept which permits the differing amounts of alcohol in different types of drinks and containers to be accurately compared. i.e. comparing apples with apples. Keeping track of the number of standard drinks consumed allows consumers to monitor and keep track of their personal level of alcohol consumption, as an aid to responsible consumption and drinking at safe and healthy levels.

National Alcohol Strategy

The *National Alcohol Strategy 2006-2009* (the Strategy) is a plan for action developed through collaboration between Australian governments, non-government organisations, liquor industry partners and the broader community. It outlines priority areas for coordinated action to develop drinking cultures that support a reduction in alcohol-related harm in Australia. The Strategy seeks to reflect the National Drug Strategy: Australia's integrated framework 2004–2009 and build on previous alcohol strategies which were endorsed by the MCDS in 2003. The Strategy is based on extensive consultations with over one thousand key stakeholders around Australia and a review of the most recent research literature and other data relating to trends in alcohol consumption and harm in Australia. The inclusion of liquor licensing authorities, police and local government in the consultation process represents an effort to integrate with other key groups including the health sector and the alcohol beverage and hospitality industry.

Development of the Strategy was guided by a set of principles that have influenced the research methods, the frameworks used for analysis, and decision making on policy specific issues. Those principles are:

- Build on past and present efforts
- Consult
- Seek evidence
- Contemplate future trends and issues
- Focus on some key areas
- Identify realistic responses.

The goal of the Strategy is to prevent and minimise alcohol-related harm to individuals, families and communities in the context of developing safer and healthy drinking cultures in Australia. As such, the *National Alcohol Strategy* is the obvious start-point for the work and considerations of the Queensland Parliamentary Inquiry, so that it does not attempt to re-invent the wheel.

To achieve this goal, the Strategy has four aims:

1. Reduce the incidence of intoxication among drinkers.
2. Enhance public safety and amenity at times and in places where alcohol is consumed.
3. Improve health outcomes among all individuals and communities affected by alcohol consumption.
4. Facilitate safer and healthier drinking cultures by developing community understanding about the special properties of alcohol and through regulation of its availability.

In light of the evidence of alcohol-related harm in the general community and within specific sub-populations, both universal approaches to reduce overall consumption and strategies targeted to reduce harm are needed in Australia.

Reflecting these aims, the Australian Government has established a number of priority areas which have been nominated as the focus of the Strategy. These are :

• **Priority Area 1: Intoxication**

- Increase community awareness and understanding of the extent and impacts of intoxication.
- Improve enforcement of liquor licensing regulations.
- Ensure the inclusion of Aboriginal and Torres Strait Islander groups to identify specific responses for Aboriginal and Torres Strait Islander communities.
- Implement strategies to reduce the outcomes of intoxication and associated harm in and around venues where liquor is consumed in private and public environments (more than 70% of consumption is of this nature, and occurs away from licensed businesses);
- Implement strategies to reduce the outcomes of intoxication and associated harm in and around late night (extended hours) licensed premises and outlets.

• **Priority Area 2: Public Safety and Amenity**

- Prevent and reduce alcohol-related injuries.
- Revise, develop where necessary, and disseminate best practice guidelines.
- Increase the capacity of local communities, including government, to address public health and safety issues associated with alcohol.

• **Priority Area 3: Health Impacts**

- Initiate a national effort to enhance the capacity and legitimacy of the nursing profession in addressing alcohol-related health problems.
- Promote primary care settings as an accessible and non-stigmatizing opportunity for health promotion, prevention and treatment of alcohol use problems.
- Improve capacity and encourage a system-wide health response to people at risk of short-term and longer-term alcohol-related health problems.
- Support whole-of-community initiatives to reduce alcohol-related health problems.

• **Priority Area 4: Cultural Place and Availability**

- Strengthen the regulation of alcohol availability including liquor licensing controls.
- Investigate price-related levers to reduce consumption of alcohol at harmful levels.
- Monitor and review alcohol promotions.
- Develop and implement social marketing campaigns to reduce alcohol related harms.

- Develop a shared vision for long-term culture change with the aim of reducing alcohol-related harm and developing safer and healthy drinking cultures in Australia.
- Examine the legal aspects of alcohol availability.

A fifth area of the Strategy, 'Where To From Here?' identifies actions required to support the implementation of the Strategy, including:

- Coordinated and integrated approaches
- Building the research agenda
- Data collection
- Monitoring and evaluation
- Developing the workforce
- Developing partnerships and links
- Shaping the future - providing strong leadership.

The recommended responses are listed under the four priority areas and the fifth section focusing on implementation of the Strategy.

It is the view of the QHA that to be credible and, ultimately, successful, the considerations of the Law, Justice and Safety Committee's Inquiry should both build on, and be complementary to the work and objectives of the *National Alcohol Strategy*. Self-evidently, community concern about the mis-use of alcohol and drugs is not new, nor is the notion of criminal and anti-social behaviour, including violence, that occurs as a result or a consequence of the mis-use of alcohol or illegal drugs. It therefore follows that the Inquiry does not stand in isolation, but must take account of a wide range of national, State and local interventions, regulations, programs and issues aimed at addressing identified community and industry concerns, including violence. There is no silver bullet here, these are complex and inter-related social issues, developed around a deep and long-established national drinking culture, and will not be easily remedied by short-term and low cost solutions. It is worth reflecting on four of the principles that guide the development of the national Alcohol Strategy, namely : **consult ; seek evidence; focus on some key areas, and ; identify realistic responses**. In its deliberations and licensing policy actions over the last decade, the Queensland Government has not applied one of these principles successfully, especially the link between evidence and policy action, with the consequence that its credibility with the liquor industry and the general public on licensing matters is at an all-time low.

Harm Minimisation as a Concept

Harm minimisation is a philosophy which underlies many health promotion programs, particularly those focusing on alcohol and illegal drug use. Harm minimisation programs aim to reduce the harmful effects of a behaviour while recognising that not all people who engage in a risky behaviour will stop completely. Many government health promotion programs addressing alcohol use are based on harm minimisation principles.

A harm minimisation approach accepts that alcohol use occurs and does not aim to eliminate the use of alcohol but, rather, to reduce harm which may result from its mis-use. Harm minimisation encompasses a range of strategies, across a range of media, and technologies. The World Health Organisation and the Australian *National Drug Strategy*, as well as almost all industry and community alcohol education strategies, recognise harm minimisation as a most appropriate framework for school (and youth) alcohol education. Harm minimisation does not condone or condemn use as, for the foreseeable future, alcohol consumption will remain a legitimate, attractive, and legal activity in Australia. The harm minimisation approach has been shown in a large number of studies and evaluations to be successful in reducing the harmful effects of alcohol. For example the Australian National Drug Research Institute undertook a randomised control study of a drug education program based on harm minimisation and found that students exposed to this program demonstrated lower rates of alcohol-related harm over time compared with those in the control condition.

Harm minimization has both a theoretical and a practical basis. On the theory side, it is about educating, informing, and explaining the benefits and risks associated with alcohol use and mis-use so that consumers can be aware of the physical, physiological, and emotional effects of alcohol consumption and make informed decisions about their own consumption. On the practical side, harm minimization refers to those practices, policies and activities on both the supply and consumption side that practically limit the potential harm associated with the mis-use of alcohol. A wide range of industry-developed harm minimization measures have been introduced over the years to mitigate the negative impacts of alcohol mis-use, examples of which include: free service of water and non-alcoholic beverages in licensed venues, mid and low strength alcoholic beverages, voluntary *Responsible Service of Alcohol (RSA)* codes and policies, serving liquor in glasses or containers marked with measured quantities, service of free food when alcohol is served, promotion of the *standard drink* concept, and action or policies aimed at banning or discouraging rapid or excessive consumption of liquor

Additional information on harm minimisation and the Australian Government's policy framework for reducing the harms associated with alcohol and drug use, may be found at www.nationaldrugstrategy.gov.au.

Establish the facts –

Much of the reporting around alcohol issues in our society, including the reporting of so-called 'alcohol fuelled violence' is sensationalist and inaccurate. For example, trend data related to overall levels and alcohol consumption, frequency of drink-driving detections, and the per-capita consumption of beer show a steady decline in each category. Yet, media reporting would lead the mythical little old lady to conclude that the nation is awash with alcohol, that there are violent and drugged people everywhere, and that our society is out of control when it comes to many aspects of the established social fabric.

It follows, therefore, that the Committee must have as its first task, the separation of fact from fiction, and establish the true level of general and criminal violence in our community, and then separate from that, the crimes and violence which is alcohol-related. This will not be an easy task, as the statistical collection capacity of the three main Government agencies involved, namely the Queensland Police Service, the Office of Liquor and Gaming Regulation, and Queensland Health, is poor. Moreover, these agencies are extremely reluctant to share and release the evidence and statistics that they do have, which makes any rational consideration of the trends and levels of criminal and anti-social activity most difficult.

We see this as a critical challenge to the Committee, as the evidence that it collects and assesses must be made publicly available for its wider considerations to be credible.

Queensland's publicly-funded systems for collecting accurate data around liquor, violence, health impacts and so on is rudimentary, and there is no centre of statistical excellence in our State. It follows that, before a problem can be accurately addressed, the nature, size and cost of the problem should be able to be quantified. It seems that we are not able to do this with confidence in Queensland, and that much of the public policy consideration is based on the level of media and public interest, rather than on any scientific consideration of the facts, statistics, trends and effectiveness or existing or prospective regulatory and public information measures.

The Inquiry Committee must actually and accurately establish the facts around alcohol related violence in Queensland. In so doing, we will, at a minimum, obtain an accurate picture of 'the problem' and therefore be able to target Government, industry and community efforts against the real issues rather than 'more of the same' and hope.

Evidence-based Policy Development

Good policy and regulatory intervention is based on and supported by clear and credible evidence, and the Queensland licensed industry will fully support any reasonable harm minimization measures which are supported by appropriate research and evidence. *It is an accepted principle of public policy development in Australia that (regulatory) measures should be introduced or repealed only where there is clear evidence or broad stakeholder consensus that the measure is respectively effective or ineffective in achieving its objectives.*

The history of liquor regulation in Australia (and Queensland) is littered with 'knee jerk' decisions designed to deliver a political quick fix, appease a hostile anti-alcohol critic, or provide a win to a media organization which is on an editorial crusade against a particular issue. Recent examples of this include the 3.00 am State-wide lock-out provision and the 'moratorium' on extended hours trading applications – not evidence based, and covered later in this submission.

Unfortunately, evidence-based harm minimization measures tend to be the exception rather than the rule in Australian public policy. In January 2009, the

Chairman of the (Australian) Productivity Commission stated the following during a speech entitled *Evidence-based policy making*:

"there has been a multitude of harm minimization measures introduced by different jurisdictions across the country, very few of those were preceded by trials or pilots to assess their cost effectiveness, or designed with the need for evaluation data in mind" (Note 3)

Absence of Due Process in the Bligh Government's Approach

The Bligh Government has demonstrated a haphazard, inconsistent, non-consultative, and opportunistic approach to the development of licensing policy, an approach which is resented by licensees.

After three years of rather confused holistic review of the *Liquor Act* from 2005, including a major change in direction when Premier Bligh succeeded Beattie, the Bligh Government introduced significant trading and regulatory reforms from 1 January 2009 which included:

- Banning of general licensed and gaming trade prior to 10.00 am daily;
- Mandatory RSA and/or RMLV training for all licensees and sellers of retail liquor; and
- The introduction of annual liquor license administration fees, which effectively represented a \$25 million per annum State tax on the licensed industry.

The then Licensing Minister, Andrew Fraser, supported a period of consolidation where the reforms could be given a chance to bed down, and stated publicly that he "did not support the substitution of glass beverage containers" as it would demonstrate that we are not capable of policing ourselves as a society.

Since that time, and largely without any meaningful discussions with industry stakeholders, Premier Bligh has unilaterally announced the following measures:

- A twelve month 'moratorium' on any consideration of applications for late night extended trading hours, backdated to include applications submitted before 1 January 2009;
- An inquiry into alcohol-related violence by the Queensland Parliament's *Law, Justice and Safety Committee*;
- An ill-conceived announcement that so-called high-risk premises would be asked to show cause as to why they should not be required to substitute normal glassware for safety glass as a measure to reduce the impacts of assaults with glass.

This piecemeal and haphazard approach to liquor policy development is seen as opportunistic, and fails to give support to the liquor reforms that are already in train, and the Parliamentary Committee Inquiry which is effectively having its work done for it by virtue of regular Premier's Media Announcements.

Note 3 Banks, G. Chairman Productivity Commission, February 2009 speech. *Evidence based policy making : what is it ? How do we get it ?* page 12

This approach inevitably undermines the industry's support for ongoing engagement in reform and policy discussions, which are seen to be devalued by the casual and ephemeral approach of the Premier and her administration.

It is worth repeating four of the principles that guide the development of the national Alcohol Strategy, namely : **consult ; seek evidence; focus on some key areas, and; identify realistic responses** – it is this approach that the Bligh Government should be following in developing targeted solutions to address violence in the community, and the allied issue of drug and alcohol-related violence.

Report of the National Drug Research Institute (NDRI) September 2009

The National Drug Research Institute (NDRI) is a source of reliable scientific information on a range of issues concerned with the prevention of alcohol and other drug-related harm.

The NDRI was established in 1986 as one of two national Centres of Excellence in drug research by the National Campaign Against Drug Abuse (now known as the National Drug Strategy). The NDRI contributes to the overall aim of the National Drug Strategy, which is to minimise the harm associated with drug use. It does so by undertaking research designed to establish the preventive potential of a number of interventions: legislative, fiscal, regulatory and educational.

On 22 September 2009, the NDRI issued NAIP (Research) Bulletin No 12, a report on a 10 year study into the harmful effects of alcohol in Australia in the period 1999 to 2009. **This report found that deaths attributed to alcohol use and mis-use in Australia fell by one quarter in the decade since its first report in 1996.**

The report also found that the death rate due to alcohol use and mis-use has declined in most regions, but the number of hospitalisations from alcohol-caused injury and disease has risen substantially in every state and territory. The major cause of alcohol-attributable death was alcoholic liver cirrhosis and the leading cause of hospitalisations was alcohol dependence. Hospital admissions due to alcohol-related violence were not of statistical significance.

NDRI Associate Professor Tanya Chikritzhs said that the most significant increases in rates of alcohol-caused hospitalisations occurred in Victoria, NSW, ACT and Tasmania. In the larger of these states, **deregulation of the liquor industry has substantially increased access to alcohol** over the last decade, including dramatic increases in numbers of outlets and more 24-hour and late opening venues. **States with tighter controls on access to alcohol such as Western Australia and Queensland fared much better.**

In Queensland, the rate of increase in alcohol-caused hospitalisations was below the national average, rising by 20 percent in 10 years, with the actual number of hospitalisations increasing from 14,997 to 21,601. The estimated number of **deaths caused by alcohol dropped** from 693 to 624 over the decade. (Note

that 2004-05 represents the most recent year for which reliable national data is available).

The NDRI report supports the theory that further deregulation and relaxation of the liquor licensing regime contributes to alcohol related harm. For example, the smallest rise in hospitalisations of 15% occurred in Western Australia, regarded as the most tightly controlled State in terms of licensing hours and off-premise (take-away) sales, followed by Queensland with a 20% rise in hospitalisations – a rise that did not keep pace with population growth and which therefore represents a per-capita decline in hospitalisations due to alcohol mis-use.

In this context, it is impossible to support or rationalise the Queensland Government's 2008 liquor reforms in this State which encouraged the growth and development of a small bar sector, with more relaxed amenity and safety requirements, compared to mainstream licensed businesses. The Queensland liquor industry fails to see how the objective of increasing harm minimisation due to liquor consumption can be served by encouraging more bars and liquor outlets – this measure clearly fails any rational examination of the evidence, including the failed experimentation and deregulation of the small bar sectors in Sydney, Melbourne and Geelong. In this context, there should be an immediate stop on the consideration of applications for small bar licenses which do not provide the same standard of amenity, safety, supervision and responsible practice as mainstream licensed businesses.

The hospitalisation figures cited in this report also do not take account of population increases, or the propensity of (particularly) young people to consume a cocktail of legal and illegal substances when they go out to private or public venues.

This report, and others like it, point to the reality that Queensland does not in fact have a crisis of alcohol-related violence or deaths. Alcohol related deaths have reduced by 25% over the decade to 2005 and hospital admittances related to alcohol mis-use have not kept pace with the rate of population growth.

The Queensland Hotels Association firmly believes that robust and honest evidence-based policy is essential if we are to address the real causes of alcohol and illegal drug related harm in our community. Further, we believe that this Inquiry and a revised National Alcohol Strategy must establish a mechanism to collect relevant data and review credible research in a more targeted and holistic manner. We welcome the fact that the NDRI suggests that the deregulation and

liberalisation of liquor licensing laws, forced under National Competition Policy more than a decade ago, has contributed to the mis-use of alcohol in society. At

that time, the Queensland Hotels Association and the wider hotel industry foreshadowed that this would occur, but was ignored on the basis that such concerns were driven by self interest.

In this area, there are at least two measures which can be adopted to contribute to reduced potential for harm in and around licensed premises in Queensland, those being:

- A requirement that the granting of new liquor licenses to businesses require them to have basic standards of amenity and safety including in-house ablutions and toilets, and designated standards of staff training and patron care; and
- Further study into the matter of license density, and the relationship between license density and anti-social and criminal activity.

Evaluation of Regulatory Measures – some work, some don't

As a first and fundamental step, it is incumbent on the Parliamentary Inquiry to undertake a summary evaluation of the many alcohol related harm minimization measures implemented over the past twenty years in Queensland. This evaluation should include an assessment of the relative and quantifiable success or otherwise of the measures, together with recommendations as to which measures are demonstrated to be most effective and which are least or not effective. Too often, a range of measures is introduced at the one time, and either not evaluated, or evaluated collectively as a group such that the effectiveness of individual measures is impossible to accurately assess. For example, the Brisbane City Safety Action Plan (formerly known as the 17 Point Plan) introduced inside the Brisbane City Council boundary in 2005 contained more than thirty new and separate changes or recommendations for licensed and stakeholder businesses which have had major impact on the license trade in Brisbane since that time. But the changes imposed at that time have never been formally evaluated. Similarly, the 3.00 am lock-out trial introduced in entertainment precincts in 2005, and subsequently adopted State-wide in 2006 has never been formally evaluated, even though it was subject to a desk-top review in 2007. Indeed, the cost/benefits/disadvantages of the 3.00 am lockout remain very contentious, especially in light of the abandonment of a similar trial policy by the Victorian government which concluded that its own 2.00 am lockout was counter-productive to good order and harm minimization in that State. For example, the 3.00 am lock-out in Queensland has contributed to a staggering increase in the offence of public urination as patrons cannot access the inside of licensed venues to use the toilet but must wait outside for taxis or public transport (with full bladders) for extended periods of time, and yet the social impact and cost of this increase in public urination offences is both un-quantified and seemingly of no interest to the authorities. Who gets the blame for this public urination ? – licensed businesses. Similarly, significant and major liquor reforms were introduced in Queensland from 1 January 2009 under a major review of the

Liquor Act 1992, flowing from a three-year formal review process and yet the Government has chosen to launch yet another Inquiry into alcohol related violence without either waiting for the impact of these reforms (including reduced

trading hours and universal RSA) to take or show effect, and without any attempt to evaluate the impact of these major reforms. Such cavalier and flawed policy

consideration contributes to general cynicism, and undermines industry enthusiasm for and commitment to further reform, no matter how well meaning.

A commitment by Government to evidence-based policy making is therefore long overdue. Now is certainly not the time to continue hopefully but blindly down a path of recommending politically convenient but unproven additional harm minimization measures. This type of 'we must do something and this is something' approach places at risk government credibility, industry and community trust, and risks the sustainability of licensed businesses employing tens of thousands of people.

Queensland's liquor data collection and analysis capacity

The Queensland Hotels Association, and other similar industry groups, have consistently supported efforts to develop safer drinking and entertainment environments in Queensland. The Association's primary request to Government has been that the development of public policy, including licensing regulations and laws, should be evidence-based. Regrettably, recent regulatory outcomes have consistently failed this test, with licensing regulations being driven by factors such as revenue raising, following overseas or inter-State trends and examples, and policy decisions which conflict with each other such as aiming to reduce harm but, at the same time, deregulating control measures for small bar outlets.

Fundamental to any structured consideration of licensing laws is knowledge and consideration of the relevant facts and data that is available to support law-making. Specifically in relation to harm minimization and concerns with the misuse of alcohol is that reliable data is a pre-requisite to identifying the problem and finding targeted solutions.

Currently in Queensland there is an almost total absence of reliable, relevant, recent and useable data upon which to base decisions about alcohol-related violence or social impact.

Q: What should we do about Queensland's poor data collection and analysis capacity.?

A: We should allocate the time and resources to collect and interpret relevant licensing and criminal activity and statistics – perhaps in the Office of Liquor and Gaming Regulation.

In preparing this submission, the QHA made timely, personal, formal and informal requests to the Queensland Police Headquarters for access to or summaries of, relevant police crime and associated data relating to the alleged growth of violent crime in Queensland, and sought basic statistical data relating to the nature, location and profile of arrests and responses to alcohol-related violence. Regrettably, not one piece of statistical or research material was provided to the Association, leading to the conclusion that the available data was either not supportive of the argument that the Government and the police service wished to

be made, or that the data is so inconsistent and scant that it could not be used as a basis for decision making.

This absence of or withholding of relevant information from the Queensland Police Service is consistent with the QHA's argument that there has been an almost complete absence of evidence-based policy development in Queensland, and that much of the liquor reform agenda driven by the Government in recent years has been as a result of subjective and unscientific intervention in the hope that something will work.

2006 – 2008 Review of the Queensland *Liquor Act*

In early 2005, the Queensland Government commenced a review of the *Liquor Act 1992*, a mature, effective and credible piece of cornerstone legislation that had served the community well. Following *more than three years* of deliberation, including a 12 month hiatus during which time there was a change of Premiers, the review gave rise to significant amendments to the *Liquor Act 1992* and supporting regulations. The 2006 to 2008 review of the *Liquor Act 1992*, had as its primary objective the improvement of harm minimization measures around licensed trade in Queensland, and resulted in widespread reform measures which became effective from 1 January 2009. In relation to these recently-introduced reform measures, the following points are relevant:

- They represent substantial, recent, reform of Queensland licensing laws, and are still making their way through the industry with the consequence that many widespread potential benefits from these reforms are yet to be received;
- Licensees cooperated with and have supported the implementation of the reform measures, most of which have come at substantial direct cost to their businesses;
- The Queensland Government took the cynical opportunity to raise taxes and revenue as part of these reforms, with the introduction of numerous new taxes and charges, the most contentious of which was the introduction of an annual, indexed Liquor License Administration Fee which raised \$25 million in its first year, with no benefit to industry. This measure was and is seen simply as a State tax in disguise. The key point about charges and financial imposts such as these is that, in order to trade responsibly and to meet training, compliance and responsible practice requirements, licensed businesses must first be viable and profitable. It is only a profitable business that can afford to put in place the many regulatory and compliance requirements that bookend a responsible practice framework. Paradoxically, therefore, high levels of Government charges and taxes work in direct opposition to the development and extension of responsible practice.
- Mandatory and universal Responsible Service of Alcohol qualification was introduced for all retail sellers of alcohol, with an estimated annual cost to business of \$6 million. This measure was supported by industry as an important step towards cultural change around service obligations. At the same time, a more complex and individually expensive Responsible

Management of Licensed Venue qualification was mandated for all managers of licensed businesses, and at annual cost of \$ 4 million.

- The reforms resulted in a banning of licensed and gaming trade prior to 10.00 am State-wide, even though the risk profile of this trade as advised by the Queensland Police Service and the OLGR was close to zero. This measure reduced revenue, job opportunities and was based on no evidence that such trade contributed to social harm in any significant way.
- These major changes to the licensing environment in Queensland have not yet had time to have an impact in relation to social, community and industry trends in and around liquor issues. Indeed, there has been no informal or formal evaluation of these measures.
- The ink is not yet dry on the major reforms flowing from the 2008 Review of the Liquor Act and yet the Parliamentary Inquiry has been commissioned to consider aspects which were the subject of a formal, three-year long review by the bureaucracy. It is therefore difficult not to conclude that if there is a solution to the issues which are at the core of the Inquiry's considerations, then it must lie elsewhere other than with ongoing regulation and reform of the supply side of the industry. In all of the considerations to date, the one factor that has not been the subject of any real consideration is the consumer – it follows therefore that it might
- be time to focus on the missing part of the equation – personal behaviour, personal responsibility and personal accountability.

Patron Obligations and Responsibility

As discussed earlier in this submission, there has been a marked deterioration on community standards in recent decades and this is reflected in outcomes like higher rates of personal assault, murder, drugs use, road rage, school bullying, cyber-bullying, domestic violence and relationship breakdown.

In recent weeks in Queensland we have witnessed the following violent events or trends:

- A 16 year old girl severely bashing a female school rival in a schoolyard attack, an assault which was captured on mobile phone camera and posted on *MySpace*;
- Police officers requested to routinely attend and monitor junior sporting competitions in the Brisbane area to deter on-field violence amongst young players, and to prevent parents bullying players and match officials;
- The fatal shooting of two men in the Burleigh Heads area over the last seven months, the most recent on 15 August 2009, unrelated to liquor;
- Public acknowledgement by Police Commissioner Atkinson on 1 September 2009 that the practice of young people carrying concealed knives was widespread and increasing in Queensland. Mr Atkinson said "*we think this is an increasing trend and it's one we're very, very concerned about*" following the stabbing of a youth in a North Brisbane suburb, unrelated to liquor;
- A wild, all-in brawl at a schoolgirl rugby league carnival between under-18 teams from Caboolture and Woodridge State High Schools at Nundah in August 2009;

- The publication of research by insurer AAMI which has found that 83% of Queensland drivers believe that yelling, swearing and gesturing rudely are justifiable responses to traffic indiscretions by other road users;
- The publication of research by Education Queensland showing that bullying was a “pervasive problem in schools” with three children in every class *bullied daily* or almost daily;
- The violent death of Mullumbimby Year 9 student Jai Morcom on 28 August as a direct result of a schoolyard brawl triggered by conflict over lunch-time seating places;
- Release of a Police statistical report showing that 667 males aged 16 to 19 had been charged with weapons offences in Queensland in the 2008 reporting year, up by 21% from two years earlier;
- 10 August 2009 – Sai Callow, 17, strangled to death in Stanthorpe, unrelated to liquor;
- 13 August 2009 – Dylan Scattergood, 19, stabbed to death at Boyne Island, unrelated to liquor;
- 13 August 2009 – Linjin Cui, 35, decapitated and murdered in Springfield lakes, unrelated to liquor;
- 15 August 2009 – Richard Doherty shot dead outside McDonalds at Burleigh Heads, unrelated to liquor;
- 17 August 2009 – Fred Mabb, 82, murdered by home invaders in Mt Isa, no known connection to liquor;
- 19 August 2009 – Brian Bathgate, 55, murdered at Mt Warren caravan park, unrelated to liquor;
- 20 August 2009 – Mark Dimmack, 39, murdered in Townsville, involvement of liquor unknown;
- 23 August 2009 – Nathan Grant, 21, stabbed to death at Berrinba, unrelated to liquor.
- The list goes on, and on, and on...

These recent examples are listed to show that violence and deteriorating standards of adherence to, and respect for, the law are widespread in modern Queensland society. Not surprisingly, these lower personal standards do not just exist in suburbia, or in isolation, and have migrated with members of the public into recreational and entertainment activities and venues. Members of the public do not fundamentally change their attitudes or basic behaviour when they visit licensed venues, and it is unreasonable to expect licensed business operators and their staff to somehow, as a collective group, impose higher standards of behaviour and accountability on members of the public than are evident and accepted in the community as a whole – therein lies the rub. This is particularly the case when the mass media, industry regulators, and the police service are intent on simplistically advising the community and Government that the phenomenon of violence in and around licensed precincts and businesses is a direct result of the mis-use of alcohol, rather than a logical extension of the general violent behaviour of some members of the general population.

Similarly, young people who might be used to applying a lesser standard of behaviour in group recreational situations such as private parties and whilst attending mass events such as rock concerts, youth festivals, rodeos, bachelor & spinster balls, and so on, often apply wishful thinking when they subsequently visit licensed business and attempt to display the same level of poor behaviour in a more closely supervised licensed environment. This can often lead to conflict and violence when a different, higher, standard of patron behaviour is imposed on the group or the individual than was imposed at a more public event.

This trend towards increased violence and disrespect for the law, and its attendant decrease in accountability of individual and group perpetrators, is society-wide and it follows that the solution is also a whole-of-society challenge. Entertainment, hospitality and licensed businesses are not remote or isolated from this trend, as their customers are of course, drawn from the general community. Consequently, whilst specific measures have been and can be implemented in licensed businesses to deter, prevent and mitigate the direct effects of violence, ***the wider issue of cultural change around violence in the community must be addressed if a universal and enduring solution is to be found for this problem.***

There needs to be a re-connection between cause and effect, such that individuals are once again held responsible for their own actions, behaviour, and poor decisions. Crimes are crimes – they should not be glossed over in the interests of 'diversionary police strategies' aimed at keeping people out of jail. What is needed is the re-establishment the imposition of suitable punishments for violent offences such that it serves as a clear peer-driven deterrent to violent and anti-social acts.

In our society, one standard flows up from the other: if parents don't set values, if schools don't discipline, if police don't arrest, and judges don't penalize, is it reasonable to expect licensees to impose and enforce different standards of behaviour on young customers and single-handedly solve the challenge of violent behaviour amongst young people ?

The Inquiry's Terms of Reference require the Committee to "make specific recommendations on measures to reduce the incidence of alcohol related violence in Queensland". Whilst violence does occur in and near licensed premises and as a consequence of the mis-use of alcohol, as outlined earlier in this submission, the widespread violence in the general community, related or unrelated to liquor and illegal drugs, means that violence in and around licensed activities cannot be assessed independently of the society in which it operates. It must also be re-stated that more than 70% of alcohol consumption takes place at other than a licensed premises. The global solution to this problem therefore lies in global and targeted measures, aimed at improving the overall standard of public behaviour, responsibility and accountability, and in enforcing higher standards on those who continue to re-offend through deterrence and sanction.

In the night and entertainment economy, the vast majority of patrons are well behaved and law-abiding. However, as with any large concentration of people,

there will be a small percentage of people who are out to do no good, or to get their kicks at the expense of other people. This can be by stealing, by simply being loud-mouth and assertive, or can be more sinister such as venting their transient or ingrained frustration and dissatisfaction with their lot through violence towards others. People such as this normally take comfort in small group bonding, and seek to conduct anti-social or illegal activity anonymously, taking cover within the large and generally faceless mass of night-time revelers, whether that be at an event, a public gathering, in a licensed venue, or in public facilities such as trains and railway stations. Darkness, large crowds and anonymity are the friends of these people. For example, a Saturday night crowd in Brisbane's Fortitude valley regularly reaches 40,000 people (the equivalent to a large crowd at Lang Park). If only half of one percent of these people are out for no good, that means that 200 'baddies' are looking for trouble in the Valley on a Saturday night – in reality, the actual number of incidents and offences probably reflects a lesser number of trouble makers, meaning that more than 99.5% of patrons are living within the rules and not choosing to use or visit violence on other people.

Accordingly, one of the more effective measures to deter anti-social and criminal activity such as this is to remove the protection of anonymity which protects the behaviour of such people. This is particularly so for repeat offenders whose previous poor behaviour might have brought them to the attention of the police service. If the veil of anonymity can be removed from social misfits and repeat offenders, then this will help to establish a level of accountability and deterrence for this group of people. At its most basic, a system for moving in this direction might include:

- Wider use of CCTV cameras and monitoring in entertainment precincts along the lines of the Citysafe camera network in Brisbane;
- Installation of CCTV and recording equipment in late trading licensed venues (already mandatory in Brisbane for venues which trade after 1.00 am, and widespread elsewhere);
- Improved police data collection and interpretation activity, especially in relation to repeat and violent offenders such that a higher standard of accountability and scrutiny can be imposed on such people, especially at the point of interception / detection for violent or illegal acts; and
- Use and secure linkage of identity canning devices in high risk areas.

How do we increase deterrence for violent offenders ?

There needs to be a re-assessment of the penalties and associated sanctions which apply to violent offenders. In Queensland, we have seen the success of the so-called 'hoon' legislation which involves an escalating scale of penalties for people who are convicted of street racing, and similar dangerous driving offences which risk life.

The Queensland Hotels Association seeks an increased focus on the behaviour and accountability of violent offenders, including an increase in the types of penalties for violent and repeat offences such that they serve as a deterrent to re-

offences involving violence. Currently, the only sanction available to individual licensees is the temporary or permanent 'banning' of offenders from an individual premises. Whilst this can bring satisfaction to the licensee, it does not solve the problem of the violent offender continuing to escape the consequences of his actions by simply moving to another licensed venue.

It is therefore recommended that the Inquiry consider supporting the development of a suitable scale of penalties for specific offences involving violence associated with the consumption of liquor and/or illegal drugs. The following scale might form a basis for consideration:

- Wider use of on-the-spot fines for anti-social offences in licensed areas and precincts – young people today are increasingly responsive to the 'hip pocket nerve' and, consequently, increased use of the so-called 'Seatons' and summary offences penalties against targeted list of summary offences, with higher and fixed rates of penalty, should be considered as a first step;
- Systemic exclusion from licensed businesses – exclusion from a geographic group of licensed premises by order, similar to arrangements for Apprehended Violence Orders (AVOs) issued by the court. Over time, a sophisticated offenders database could be linked between premises and/or licensing offices to ensure effectiveness of the bans;
- Permanent exclusion from licensed businesses – as above, but permanent, lifetime exclusion, also linked by database; and
- Mandatory sentencing for violent offences – a standard, severe and escalating set of mandatory penalties and sentences for serious and repeat offences (truth in sentencing).

Of course, the above sanctions would only be of effect in and around licensed premises and precincts and this will only be of limited effectiveness in addressing the whole problem of alcohol-related violence as more than 70% of alcohol is consumed at other than a licensed premises.

Illegal Drugs and Protocol for Illegal Drugs

The influence of illegal and illicit drugs on violence and other anti-social behaviour in the community and the night economy is now so widespread that it cannot be ignored in any consideration of violence in entertainment or social circumstances. To focus the Inquiry's efforts solely on alcohol related violence without considering the influence of so-called *recreational drugs* is to ignore a significant contributor to the problem of societal violence.

Such reluctance to consider the influence of illegal drugs on youth and general behaviour is not surprising, as it reflects a wider pattern of ignoring the pervasive and growing influence of illegal drugs, increasingly seen by particularly young people as a legitimate substitute for the 'second rate' high obtained by alcohol.

For example, the Queensland Government website *Study Queensland* (http://www.studyqueensland.qld.edu.au/safety_wellbeing_drugs.asp) aimed at informing overseas students about the do's and don'ts of living in Queensland devotes five paragraphs to alcohol use, and two paragraphs to illegal drugs use – this is typical of Government approaches to illegal drugs – it's simply too hard and no-one has the answers. This site also includes an extensive section on drink spiking, a relatively rare phenomenon which is generally over-played and over-emphasised in Queensland, and which is declining in prevalence.

According to the Australian Institute of Health and Welfare, in 2008, 64 percent of police detainees tested positive to at least one drug. Of these, 43 percent attributed at least some of their offending to their drug use. Additionally, 62 percent of police detainees had used alcohol 48 hours prior to arrest. These results highlight the important relationship between drug and alcohol mis-use and crime, including violent crime, but also clearly show that the influence of illegal drugs cannot be simply and conveniently ignored in this debate; an issue that remains both relevant and pressing for policy makers and practitioners working in the criminal justice system.

Recent illicit drug use in Australia - by age

Recent illicit drug use is most prevalent among persons aged between 18 and 29 years. Almost one in three people (31%) in this age bracket had used at least one illicit drug and one in four had used marijuana/cannabis in the previous 12 months (in 2004). Approximately one in eight people aged 20–29 years recently used ecstasy, and around one in 10 used meth/amphetamine in the last 12 months. Similar proportions of persons aged 18–19 years had recently used ecstasy and meth/amphetamine, each at 9%. Young people aged 12–15 years were significantly less likely to use any illicit drug and/or marijuana/cannabis compared with persons in all other age groups between 16 and 39 years.

Note: Report: The Australian Institute of Health and Welfare, Canberra,

Statistics on drug use in Australia - 2003 to 2006

In 2005, over half of male and female Police detainees tested positive to marijuana/cannabis (55% of male detainees and 54% of female detainees). Higher proportions of females tested positive to amphetamine, methamphetamine, opiates, heroin and cocaine than males. Around three-quarters of male and female detainees aged between 18 and 39 years tested positive to any illicit drug, while over half of female detainees (51%) and less than half of male detainees (44%) aged 40 years and over tested positive to any illicit drug.

In 2003–04, DUCO surveyed 371 youths aged 10 to 17 on their use of alcohol, illicit drugs and their criminal behaviour. Figure 9.1 compares substances used in juvenile detainees aged 10–17 years and adolescents in the general population aged 12–19 years. In 2003–04 the rate of substance use was higher in juvenile detainees than in adolescents in the general population for all substances (Figure

9.1). Juvenile detainees were 10 times more likely to use amphetamine (50%) and hallucinogens (23%) and 16 times more likely to use inhalants (37%) than adolescents in the general population. Eleven per cent of juvenile detainees had used heroin in their lifetime compared with only 0.2% in the general population.

(Source: Australian Institute of Criminology Drug Use Careers of Offenders (DUCO) survey 2004-05)

Frequency of substance use

In 2003–04, 95% of juvenile detainees reported having used an illegal substance and 67% reported using more than one type of substance. Alcohol was used at least once by 97% and marijuana by 94% of juvenile Police detainees. Among current regular users, 71% had used any substance and 29% had used more than one substance. Cannabis was used most frequently among regular users (63%), followed by alcohol (46%) and amphetamine (20%). The escalation rate

(i.e. the percentage of people ever using a substance who become regular users) was also high for marijuana, alcohol and amphetamine (67%, 47% and 40% respectively). Of those juvenile detainees who were current regular users, 74% reported using cannabis several times a day. Fifty-three per cent of current regular users consumed alcohol one to several times a week.

Substance use and crime

The 2003–04 Australian Institute of Criminology DUCO survey of juvenile detainees shows a clear link between substance use and crime. Seventy per cent of juvenile offenders reported being under the influence of either illegal drugs (24%), alcohol (22%) or both alcohol and drugs (24%) at the time of offence. Over one-fifth of juvenile offenders (21%) were also sick or hurting due to lack of drugs at the time of offence.

The point of all this discussion of drugs and drugs use statistics is to demonstrate the widespread use of illegal drugs amongst younger Australians, and to demonstrate a clear link between the use of drugs and the commitment of crimes, including crimes of violence. Indeed, in juvenile age groupings, a higher ratio of criminal offenders were affected by illegal drugs at the time of their crime, than were affected by alcohol. Given that these juvenile offenders often progress to become criminal offenders at later ages, it is reasonable to propose that the (ongoing) use of illegal drugs by young Australians is a major influence on the commitment of illegal and violent acts in society, and that not all the reported 'alcohol related violence' is indeed attributable to the 'catch all' culprit of alcohol.

Illegal Drugs as an Economic Alternative to Alcohol

Since the mid 1990s, there has been a marked tendency for young people to view recreational drugs, and in particular the drug *ecstasy*, as an acceptable social and economic alternative to alcohol. This is for the following reasons:

- Less stigma
- More economic
- No hangover
- No calories
- No prosecutions
- No drinking driving

In Queensland, the widespread use of so-called 'recreational' drugs by, particularly, young people is a common and undeniable contributing factor to anti-social and violent behaviour in recreational environments. Common use illegal drugs include *ecstasy*, meta-amphetamines including 'ice' and, to a lesser extent, cannabis and marijuana. Increasingly, recreational drugs are seen by young people on fixed entertainment budgets as an economic alternative to alcohol in social environments. For example, an \$80 daily entertainment budget will obtain almost two *ecstasy* tablets plus water plus taxi share, whilst the same budget will purchase about seven full-strength alcoholic drinks in the same setting – with the illegal drugs giving twice the 'buzz' with no hangover or calories, the drugs are often the preferred social stimulant. Without over-playing the issue, it is simply a fact that illegal drugs are nowadays seen as an economic alternative to alcohol, and widespread consumption of illegal drugs in society and entertainment environments, especially the use of amphetamines, is a significant contributor to the trend towards increasing violence and violent behaviour.

As discussed earlier, there is also a tendency for society, the Government, the police and parents to put drugs in the too hard basket, with alcohol acting as the convenient 'catch all' culprit for all related anti-social activity.

The use of illegal drugs is so widespread that the Queensland Police Service has developed a (draft) drugs protocol for consideration by licensed premises in the Fortitude Valley area as one mechanism aimed at deterring the use of drugs in and around entertainment venues. A copy of this draft protocol is enclosed for reference.

Queensland Liquor Licensing Division Operations

It is fundamental that licensed venues are seen by the community as places where people can go to relax, be entertained, and be in a welcoming and safe environment.

Against this background, the community and the licensed industry understands the need for close regulation of the sale and supply of alcoholic and other products to the general public. The hotel industry has always supported the principles of such regulation, and industry participants recognise that they have a

responsibility to their community and their patrons to operate in a manner that seeks to promote the principles of responsible hospitality practice. Recent changes to the *Liquor Act* underpin this requirement, and have raised the standard of responsible practice compliance.

Industry understands that compliance officers have a tough job to do, and that they have a moral and legal obligation to enforce the rules.

Industry's long-held view is that compliance officers have a clear obligation to also work *with* industry to progressively improve standards and levels of compliance. This can sometimes best be achieved through an educative and cooperative approach, rather than a 'fix and fine' approach. Essentially, this means compliance officers having, and exercising, their experience and confidence to be able to determine those licensees who are genuine about their obligations and those who are not.

There is an expectation amongst long-serving members of the licensed community that they will be supported by, and treated with respect and consideration by licensing officers. Often, these expectations are disappointed. It is the industry's strongly held view that the concept of cooperation has deteriorated in recent years, including in smaller communities.

Compliance Officers – the reality

The reality in Queensland is that the culture of compliance is (unnecessarily) adversarial, and that compliance is based on a policing mentality. Licensees have the general view that compliance officers are looking for what is wrong, not what is right, there is too much stick and not enough carrot, and that a compliance visit is not deemed successful unless a fine or breach of the regulations is identified. The '*Spot Investigation*' Report form seems to bear this out – the first sentence is "*Did you find any problems / deficiencies with..*".

The current practice of 'swamping' licensees with large numbers of inspection staff on a single, group compliance visit is extremely unpopular, and is considered unfair and dangerous. It is potentially dangerous as it removes all duty management staff from the floor, often at peak trading time, which industry considers to be a clear and avoidable breach of harm minimisation practice.

Compliance visits at peak trading time. It is understood that compliance standards can sometimes best be assessed at busy times, but the (recent) Queensland practice of compliance 'teams' visiting licensed premises at peak trading time late on Friday and Saturday evenings has generated significant cynicism and discontent amongst hoteliers and licensees. Often, the practice requires all available supervisory staff to be removed from the 'floor' to meet with and/or assist the compliance team members. The result is a licensed premises without due supervision and leadership at peak trading time. This would seem to be directly at odds with a harm minimisation teaching, and a breach of best practice.

Absence of a 'preventative' or 'we're here to help' mind set. As a general rule, hotel operators and other licensees want to meet their legal compliance requirements, and are prepared to invest money and time to do so. By way of analogy, we cite the introduction of the total indoor smoking ban in licensed venues from 30 June 2006. Despite the fact that this was unpopular law (with some hoteliers and patrons), the level of compliance and enforcement was and remains excellent. This is because the 'selling' and enforcement plan was introduced and followed up in a cooperative, reasonable and common-sense manner. Importantly, only those licensees who bucked the law or simply and repeatedly failed the compliance requirement were made an example of. Thus, those who were trying were encouraged, and those who were not trying were punished – this philosophy needs to be translated to the liquor compliance world. Whilst there will always be a case for late night and in force compliance and enforcement activity in late-night entertainment precincts and at special events, there should be more 'walk and talk' with licensees during normal and quieter trading periods. For example, a program of liaison visits focussed on signage, or training obligations, or Approved Manager/current issue assistance and so on, would raise morale and respect in licensee circles. Currently, it seems that a licensing officer would rather fine a licensee for having a sign missing rather than visit him during the day and say "fix that sign up mate, or I'll have to reach for the book.

Liquor reform fatigue & consolidation period required

The four year period from 2005 to mid 2009 has seen unprecedented change in Queensland's licensed industry, including its rules.

Hotel profitability (and viability) has been significantly undermined by regulatory and commercial intervention. Smoking and gaming restrictions have now been joined by reduced trading hours, mandatory training regimes, safety action plans, large annual license fees, higher Federal excise rates, moratoriums on late-night trading applications and gaming machine allocations, and more restrictive IR practices, as factors which will hurt hotel business profitability now, and well into the future.

The Federal Government's unwelcome 70% increase in excise on ready-to drink (RTD) products has had the effect of putting a magnifying glass on the raft of recent impositions on the liquor trade, and unnerved many licensees and consumers. Licensees report widespread anger from customers about this blatant Federal tax increase, partly because of the manner in which it was disingenuously promoted as a responsible practice measure to address consumption of RTDs by young women.

On the subject of drinking culture, the hotel industry shares community concern about the potential mis-use of alcohol amongst the young male demographic and has consistently demonstrated a commitment to working to address its share of the problem. However, ongoing imposition of 'solutions' which have not bothered to draw on the empirical evidence or industry's experience continue to undermine

its goodwill and, if persisted with, will weaken our industry's commitment to joint action. It is simply human nature to prefer sugar to salt.

What industry now seeks and needs is a period of legislative, economic and policy consolidation, to enable the many changes that have been introduced or proposed in Queensland to take full effect such that their effectiveness can be evaluated. Too often, regulators want to move on to the next reform issue on the agenda, without giving existing plans or programs the chance to work or demonstrate where they might benefit from minor adjustment.

Licensees, their staff and our customers are suffering from reform fatigue. It is time for industry regulators to show support for industry commitment, as joint partners, in our ongoing and constructive work to develop and promote more responsible drinking cultures which, in turn, underpin good business.

Code of Conduct for Venues and Patrons

Queensland licensees are now firmly of the view that there exists major imbalance between the responsibilities, accountability and penalties of licensees on the one hand, and patrons on the other. Almost all additional reform action in recent years has been on the supply side (licensees) and almost none has been on the consumption side (patrons). This situation is further exacerbated when both police and liquor enforcement officers take a 'softly, softly' approach to patron breaches because they do not want to exacerbate a situation or make a troublesome arrest. The outcome of this is that most patrons now think that can get away with almost any kind of poor behaviour in and near licensed premises because they will not be held accountable for their actions. The *Liquor Act 1992* provides for substantial penalties when a patron is guilty of drunk and disorderly conduct (defined as aggressive, bodily harm, violent, disruptive, argumentative, and affecting other patrons' enjoyment level). Penalties for patrons include maximum \$2,500, and an on-the-spot fine of \$250. The point is, that these on-the-spot and maximum penalties are not commonly applied to patron behaviour, and the expectation amongst patrons generally is that it is the exclusive obligation of the licensee to maintain good order and safety in and around licensed premises.

A good start point for the Inquiry's research would be to conduct a basic analysis of the patterns of detainment, arrest and penalties of disorderly patrons in and around Queensland licensed venues. This would provide some input as to whether we actually have a problem of violence, as well as a clear indication as to the current level of sanction and penalties being placed on patron behaviour.

On a positive note, the Queensland Hotels Association has developed a Code of Conduct for Venues and Patrons which provides a guide to the responsibilities and obligations of both venue operator and venue patron when it comes to general and responsible behaviour. The widespread adoption and adherence to such a Code would be a positive measure to improve patron and venue interaction around higher standards of behaviour. A copy of the Code is enclosed with this submission.

Economic Incentives for Licensed Venues to embrace upgraded technology and counter-measures

Queensland licensed business contribute more than \$1 billion annually to State revenue collection by way of a wide range of taxes and charges including but not limited to gaming taxes, payroll tax, land tax, stamp duty, Health Services Levy and liquor license administration and compliance fees. In addition, the Liquor Industry contributes Federal taxes and charges, including the GST, many of which are returned to State revenue.

It is apparent therefore that the State has the financial capacity to incentivize licensed venues to adopt any (new) mandated technology or practices which may assist to reduce alcohol-related violence near licensed premises by either refunding part of the costs on demonstration of outlays, or by discounting annual fees on adoption of a specific safety practice, measure or program, including advertising and security.

The Queensland licensed industry has been adversely impacted by the Global Financial Crisis which has reduced consumer confidence and spend, and which has also reduced global and domestic tourism, and business travel and entertainment. Profitability of licensed businesses has also been eroded by the ongoing and inexorable imposition of Government taxes and charges by both State and Federal Governments.

The Committee should therefore consider ways in which Government can incentivize and financially assist licensed businesses to contribute to practical measures aimed at reducing alcohol-related violence, including patron education and support measures aimed at bringing about a more responsible drinking culture.

The United Kingdom Experience

Australia's common law and drinking cultures have their roots in the United Kingdom and it is therefore worth briefly examining the contemporary British experience with violence in the U.K., including alcohol-related violence.

Like Australia, the U.K. has a strong tradition of social and recreational drinking. Unlike Australia, the U.K. also has a strong tradition of 'yob' culture contributing to a history of social violence, social disruption, and anti-social behaviour. At its worst, the culture is exemplified by the activities of soccer hooligans both in the mainland U.K. and abroad.

Features of the drinking and law and order scene in the U.K. in recent times include:

- Wide de-regulation of drinking hours, including government support for 24 hour licensed trade in order to reduce 'peaks and troughs' in the patron and policing environment;
- Recent targeted crack-downs on the perpetrators of anti-social and violent acts by:
 - Early and widespread use of CCTVs and follow-ups, including the assessment of high-definition images to provide police intelligence for later arrests;
 - Increased and sophisticated operational policing, including dedicated intelligence gathering against violent and repeat offenders;
 - Use of ASBOs and total banning orders against offenders - an Anti-Social Behaviour Order or ASBO in the U.KI. is a civil order made against a person who has been shown to have engaged in anti-social behaviour including criminal behaviour. Breaking an ASBO can render up to five years imprisonment. In the UK, there has been criticism that an ASBO is sometimes viewed as a badge of honour by some younger people. Many see the ASBO connected with young delinquents. Notwithstanding, the use of branding mechanism such as ABSOs is seen as a positive discriminating step in the cause & effect equation, effectively bringing home to the perpetrator of criminal or anti-social activity that there is an enduring consequence of their actions, and that further offences can and will result in more serious punishment.
- An overall and progressive change in policing and enforcement to focus on the perpetrators of violence, working cooperatively with licensees and other stakeholders (with parallels to our local liquor accords).

Over recent decades, the U.K. has evolved its approach to anti-social behaviour to place a greater focus on the criminals, not the general licensed trade, and to take a selective and targeted approach to violence and its perpetrators, not a blanket approach. The British have come to the conclusion that violence and anti-social activity is as more of a cultural and societal issue, than it is an alcohol-related issue.

Low risk late trading

Not all late-trading licensed venues are liquor and youth oriented. For example some licensed resorts and mainstream accommodation hotel trade late for a small number of guests who may be interested in cocktails and dancing, whilst some suburban hotels are relatively quiet late into the evening, choosing to stay open for low-risk gaming business. As a consequence, any proposals to address alcohol-related violence in and around licensed venues must be carefully targeted, based on risk, and the temptation to recommend universal solutions and measures for what is a relatively narrow problem profile must be resisted.

The Committee will know that the *Liquor Act* already contains provision for widespread application of a Risk Assessed Management Plan (RAMP) by

licensed businesses which became effective from 1 January 2009, and which has not yet had time to demonstrate effectiveness in reducing anti-social and violent behaviour. This is a wheel that does not require re-inventing.

Small Bar Venues and Licenses

The 1 January 2009 licensing reforms introduced a new type of liquor license aimed at making it relatively easy to obtain a liquor license for a 'small, boutique-style bar. The guidelines provide that such bars may accommodate a maximum of 60 patrons, need not have toilets, and may be established in non-traditional areas such as city lanes and non-commercial buildings. The theory is that the advent of such eclectic, boutique, sophisticated bars will contribute to a more refined and civilized form of drinking, effectively removed from, and showing the way forward for, the mainstream licensed venues and industry. This theory represents the triumph of hope over common sense. There is simply no empirical or anecdotal evidence available in Australia that supports the theory. In Melbourne and Sydney where licensing deregulation has promoted the explosive growth of small bars, there has been a marked deterioration of public safety and amenity in entertainment precincts, and an attendant rise in alcohol-related violence and offences.

This is not surprising. Common sense dictates that community concern and public behaviour in and around licensed venues will not be improved by opening more bars. It's akin to saying that road safety will be improved if we increase the number of cars on the road.

Further, any experienced licensee in Queensland will attest to the fact that it is almost impossible to run a profitable licensed business in a high-rent, high compliance environment with a customer base of 60 patrons maximum. With such a small customer base, profitability can only be achieved by either breaking the law and habitually serving more than the permitted 60 patrons, or by cutting costs including training, compliance, service levels, entertainment, and venue amenity. Either way, the law will be broken sooner rather than later. Of course, as we know from recent history of licensed restaurants trading as bars in Queensland, when such businesses fail, there is always some up-and-comer all too ready to step into the premises, and also go broke using the same formula. In the meantime, liquor compliance and safety come second to achieving profitability.

For the hotel sector this is a common sense issue not a competition issue. Hotel operators welcome diversity in the marketplace, and the ability of patrons to choose from a range of venue experiences. However, as an industry we fail to see how the principal objective shared by the government, the community and the liquor industry, that of improved harm minimization, can be served by further deregulating and softening the license application process in favour of small bars.

Our logic is simple, you don't solve liquor-related concerns by approving more bar outlets. The truth is that there is no new 'eclectic' customer group waiting for this to happen. More bars simply means more competition, downward

pressure on prices, skilled labour spread thinner, more venues for the thugs to hop between, and increased momentum in the race to the bottom.

Glass Serving Containers

Periodically, there are media calls for glass drinking containers to be banned from licensed premises as they can be used to assault other patrons – ‘glassing’ as it is known. The following salient points are relevant to this issue:

- Personal assault of any kind is against the law. First and foremost, it is the obligation of every citizen to obey the law, and this extends to behaviour in social settings and on licensed premises. Assaulting other people, including acts of ‘glassing’, is a crime. Glassing is a particularly serious crime as it sometimes involves mutilation and disfigurement. Such assaults should be heavily punished.
- Incidents where glass beverage containers are used to assault other patrons on licensed premises are relatively few in number. The recent Report provided to Government by Professor Paul Mazerolle of Griffith University characterised assaults with glass as being ‘quite rare’ and concluded that these assaults represented an extension of the inexorable drift to violence in Queensland and Australian society – this observation is consistent with the QHA’s position. Some of the statistical collection by the health authorities relates to glass injuries which occur in domestic locations, and in places other than on licensed premises. When it is considered that there are literally millions of incident-free glass cycles in Queensland hotels, clubs and restaurants every week, it is apparent that the potential risk associated with the use of glass containers is being well managed in a vast majority of licensed venues.
- Risk assessment: responsible licensees routinely assess the patron and inherent risk associated with their business and, in some cases, are obliged to do so by law. As a consequence, any licensee can, and some do, substitute alternative types of drinking containers for glass where there is assessed to be an undue risk of glass injury. Obvious examples of the ‘workability’ of this approach are community festivals such as the former ‘Indy’ carnival, where plastic containers, including plastic bottles, are the norm.
- Glass is also more cost-effective (re-usable), durable, more hygienic, more environmentally responsible, and is the overwhelming preference of our patrons.
- The ‘bottom line’ is that, despite the political attraction of a superficial ‘fix’ to this problem, we should not universally change a fundamentally sensible and rational industry practice of serving drinks in glass because a small number of idiots choose to break the law and assault others with glass containers.

The QHA’s position is that glasses should remain the default serving container in Queensland hotels and licensed venues, and that individual licensees should continue to assess and address patron and general risk as a matter of routine. Further, the QHA supports strong sentencing and severe punishment for those people found guilty of such assaults, on the basis that strong punishment would

act as a deterrent to others. In support of this approach we cite the Queensland Government's success with its so-called 'hoon' legislation where there is an escalating scale of punishment which acts as a strong deterrent to re-offence. As a result of firm policy and judicial intervention targeted at the offenders, the offence of drag racing and 'hooning' has been significantly wound back in Queensland. We offer that there is clear potential to stamp out the offence of glassing with a similar approach.

Naturally, where a recurring or high level of incidents involving the mis-use of glass occurs, or where the risk of glass-related injury is assessed as being significantly higher than normal then, of course, remedial action should be initiated by the venue or by the regulating authority in conjunction with the venue or precinct. Such measures may include the use of safety 'glasses' or other types of toughened or tempered safety glass which shatters on impact like a windscreen. Specific patron education should also be considered on a venue or precinct basis.

On 5 October 2009, the Premier of Queensland held a Media Conference where she announced that the Government would introduce amendments to the *Liquor Act* for urgent consideration, in respect of assaults using glass. The result of this process is that amended legislation was rushed through the Parliament such that venues which had the misfortune to 'host' an assault where glass caused injury in the preceding twelve month period, could be assessed as 'high risk', with the consequence that those businesses could be conditioned such that no regular glass container could be used on part or all of the premises. The OLGR subsequently followed through with letters to 41 named premises requiring the businesses to show cause why their operations should not be categorised as 'high risk' and required to transition to a no regular glass regime.

This episode is a classic and clear example of a political fix to obtain media coverage and for the political leadership to be seen to be doing something, and which de-stabilised and worked against a process of remedy that was already in train. In relation to the glassing assaults, the following matters are relevant:

- The licensed industry is equally concerned about potential violence and assaults with glass as other stakeholders, and had been working constructively with the regulator, the police and community groups to find and implement a range of holistic solutions – this included the voluntary substitution of glass in more than 70 licensed venues in Queensland in the preceding two years;
- In response to concerns about assaults using glass on the Gold Coast, in February 2009 the Bligh Government commissioned a research report into the causes, triggers and remedies of such assaults to "inform a government and community response". The comprehensive 190 page research report by Professor Paul Mazerolle and Dr Peter Cassematis of Griffith University called *Understanding Glassing Incidents on Licensed Premises : Dimensions, Prevention and Control* was received by the Government in early 2009, but its findings seem to have been completely ignored by the Government ! Amongst its key findings are that:

- Glassing assaults are rare;
- Glassings are very difficult to predict;
- Glassings are the result of multiple factors acting in concert;
- The relative ratio of patron : venue responsibility is extremely difficult to determine;
- A 'glasser' could belong to any demographic category;
- There is a lack of rigorous research that has addressed glassings as a specific form of violence, and a similar lack of research that would conclusively identify solutions; and
- There is no 'silver bullet' solution to the overall problem of assaults and violence within and without licensed venues, but strategies to reduce violence are likely to be complex, wide-ranging, and of extended duration.

What do we therefore make of a Government which identifies a problem, commissions research to examine the problem and recommend solutions, but in the meanwhile enacts urgent legislation to address the symptom of the problem not the cause of it? The answer is that this is reflective of a Government which has lost its way in the established and correct manner of developing public policy, that is: **consult ; seek evidence; focus on key areas, and; identify and implement realistic responses.**

This episode has resulted in the Government effectively supporting a small number of violent offenders to set the legal agenda for the whole of Queensland's licensed, entertainment and tourism industries, and impose additional, avoidable costs of several millions of dollars, all because it is not prepared to enforce the laws that currently exist in relation to violent assault in our community. As demonstrated with HIV-assault, and 'hoon' legislation, a law and order problem can be solved with concise, targeted, enforcement against the offender, such that it acts as a deterrent to others and provides an enduring solution to the problem.

Police operations and intervention

It is the reality that the police force is the principal enforcement arm of the community. In licensing operations, there is a long history of cooperation between licensees and their local police officers aimed at preventative and intervention action to enforce licensing and wider law, and to intervene against law breakers. It is again the reality that many police call-outs to licensed venues result from licensees doing the right thing and request police support to enforce the law, for example, where potential patrons are refused entry to a licensed premises but then cause trouble or threaten staff outside a venue.

In Queensland, during peak trading periods on Friday and Saturday evening, it is a statement of the obvious that there are not enough police on duty across Queensland. Not only is this peak entertainment and recreation time, but it is also a peak time for police responding to large sporting events, high volumes of traffic, domestic parties, domestic violence, and the myriad of calls that are made for police assistance at that time. In such times of peak trading it is often difficult to get a timely or any response from the Queensland Police Service as this is

also 'peak general crime time', and licensing response to request patrons to 'move on' or similar are seen as a low priority for over-tasked police officers. This situation raises a number of issues for the Committee's consideration including:

- whether the under-staffing of police at peak trading time and their consequent inability to respond to call-out in a timely manner is a contributing factor to the inexorable and steady increase in violence in the whole community;
- whether the absence of police in numbers in entertainment precincts results in a higher level of conflict than might otherwise occur due to the absence of a deterrent presence, and the potential for violent offenders to think that they can 'get away with it';
- whether the absence of effective police coverage and the consequent rise in the mandatory and elective use of crowd controllers and private security officers to 'fill the gap' has contributed to the ongoing reduction in respect for the law, and contributed to trigger points in situations when security and crowd control staff intervene without the authority or arrest powers of a police officer;
- whether some or all of the \$25 million raised by the Government from the imposition of an annual liquor license administration fee from 1 January 2009 should be directed into the provision of more police officers with which to police entertainment precincts and which can increase the general capacity of police; and
- what role the Queensland Police Service sees for itself in addressing the increasing general violence in our community.

3.00 am Lockout State-wide in Queensland

In 2005, without consultation with liquor industry stakeholders, the liquor regulator introduced a trial 3.00 am lock-out in the Brisbane City Council (BCC) footprint in order to assess the impact of such a measure on anti-social activity associated with the mis-use of alcohol and illegal drugs. Lock-outs were then topical seen as something of a panacea by Australia's licensing regulators, and ideas such as this tend to spread like fashion as they are discussed informally at liquor regulators' meetings. The 3.00 am lock-out was subsequently extended State-wide in Queensland in 2006, and remains in place today.

The hotel industry generally does not have an issue with the 3.00 am lock-out as the vast majority of Queensland hotels are closed before 3.00 am. Notwithstanding, we do have an issue with the veracity and evaluation of the lock-out as a patron and community care issue. The effectiveness of the lock-out in terms of its objective of reducing trouble, petty crime and anti-social activity has never been appropriately assessed. In all forums which were convened to examine aspects of the lock-out, the Queensland Police Service simply held a consistent line that the lock-out was "effective" without ever providing, releasing or demonstrating statistical evidence to support this assertion. Such "we know that it must be working" is a common refuge of the Queensland Police Service and the Office of Liquor and Gaming Regulation, the statistical collection capacity of which is rudimentary at best. In addition, consistent requests to see the

evidence that the lock-out measures have had a positive effect on anti-social activity have simply been ignored.

This is consistent with the wider pattern of licensing regulation in Australia where imposed measures and restrictions are never genuinely reviewed, lifted or evaluated – simply added to, with the result that we are left with an ever-rising level of complex compliance and reporting (red tape), which simply makes living within the rules more and more problematic for licensees.

A copy of the QHA's submission to an OLGR desk-top review of the 3.00 am lock-out provisions is enclosed for reference – it had no tangible impact on the existence, administration, or extent of the lock-out and was, unfortunately, a wasted effort.

Conclusion

The Queensland Hotels Association supports the general move towards a greater emphasis on harm minimization and supports any measures aimed at reducing violence in our society which are based on a rational analysis of the evidence. The QHA remains concerned about historical and disproportionate

focus on the supply side of the licensing equation, and contends that the time is right to focus much greater attention on the consumption side of the equation and, specifically, the matter of individual behaviour, responsibility and accountability.

We need to acknowledge the two immutable facts that per capita liquor consumption in Australia and Queensland is declining (20% over 20 years), and that a large majority of liquor is consumed away from licensed premises (more than 72% of all consumption in Queensland). This leads to the conclusion that the social harm emanating from the mis-use of alcohol in Queensland relates predominately to the *nature* of consumption, not the *quantity* of consumption. Consequently, whilst specific measures have been and can be implemented in licensed businesses to deter, prevent and mitigate the direct effects of violence, ***the wider issue of cultural change around violence in the community must be addressed if a universal and enduring solution is to be found for this problem.***

Generally, Queensland's highly regulated liquor industry performs responsibly, progressively and with a cooperative approach to addressing incremental and social harm issues associated with its trade. Millions of Queenslanders consume alcohol every day in an enjoyable and responsible manner.

The continuing focus upon tighter and tighter on-premise compliance conditions, and more expensive 'solutions' for licensed premises, including the imposition of large annual license fees, simply contributes to these businesses becoming more expensive to run, to drink at, more competitive, and more confronting for patrons. This in turn is accelerating the trend towards greater consumption of liquor away from licensed premises, with a consequent reduction in supervision, safety,

access to services, and responsible practice. In short, higher risk drinking. Remember, less than 30% of liquor is consumed on-premise. Therein lies a major dysfunction in licensing regulation in Queensland, tighter and tighter and more costly regulation and restriction of licensed venues is directly contributing to young people drinking in less supervised, higher risk, and more violent environments.

The total absence of any reference in the Committee's Terms of Reference or the Issues paper to the use of illicit and illegal drugs illustrates the concerns of many stakeholders in the liquor industry that any negative impacts which emanate from illegal drug use in the late-night economy are simply and conveniently sheeted home to the use of liquor. Even a cursory read of the available literature indicates that the widespread and regular consumption of illegal drugs in Queensland is a major contributing factor to anti-social activity, including violence, within youth and general society.

Whilst the hotel industry in Queensland and other liquor industry stakeholders are more than prepared to continue to address the problems which flow from the misuse of alcohol in our community and to continue to contribute morally and practically to solutions, the time has come to recognize that it is not the quantity of liquor that is the central problem, it is the nature of its consumption, and our drinking culture which need to change. Kicking people in the head, on the ground, is new to Australia, it is not part of our historical landscape. It reflects a change in attitude, and this generational change is also impacting our drinking culture.

It is now time to focus on the behaviour, responsibility and accountability of the individual through better public education, joint government and industry effort, and targeted and higher penalties for violent offences which serve as a deterrent to violent acts and behaviour.

As demonstrated with priority issues such as HIV-assault, and 'hoon' legislation, a law and order problem can be solved with concise, targeted, enforcement against the offender, such that it acts as a deterrent to others and provides an enduring solution to the problem. This is what is required to address and reverse the issue of violence in society.

The nature of the challenges which confront those involved in the regulation and sale of liquor are complex and multi-faceted. As a community we need to move towards the promotion of a responsible drinking culture, where the obligations of the licensee are complemented by the responsibilities of the individual, within a responsible practice framework. Reform measures which simply add more rules and costs for industry, whilst raising fees and ignoring patron responsibility, will simply invite a skeptical response.

The Queensland Hotels Association and its Members looks forward to continuing to contribute to the ongoing development of a more responsible drinking culture in Queensland, where the rights and responsibilities of licensed businesses and their patrons are in appropriate balance.

Recommendations

The following recommendations are made:

- the Inquiry should examine what element of the community is committing the violence, and derive and recommend targeted solutions to address this demographic group;
- the Committee should consider and make recommendations about further action towards the development of a more responsible drinking culture in Australia;
- the Committee should consider targeted solutions against violent offenders, not solutions which challenge and punish the majority of law-abiding citizens and businesses;
- the considerations of the Law, Justice and Safety Committee's Inquiry should both build on, and be complementary to the work and objectives of the *National Alcohol Strategy*;
- the Committee should recommend that the Queensland Government base its development of liquor policy on the principles that guide the development of the national Alcohol Strategy, namely : **consult ; seek evidence; focus on key areas, and identify realistic responses;**
- that the Committee as its first task, accurately and credibly establish the true level of general and criminal violence in our community, and then separate from that, the crimes and violence which is alcohol-related;
- that the Committee commission research involving a basic analysis of the patterns of detainment, arrest and penalties of disorderly patrons in and around Queensland licensed venues, with a view to providing input as to whether we actually have a problem of violence, as well as a clear indication as to the current level of sanction and penalties being placed on patron behaviour in licensed precincts and in the wider community where more than 70% of alcohol is consumed;
- that there be an immediate stop on the consideration of applications for small bar licenses which do not provide the same standard of amenity, safety, supervision and responsible practice as mainstream licensed businesses;
- that there be formal acknowledgement that the deregulation and liberalisation of liquor licensing laws, forced under National Competition Policy more than a decade ago, has contributed to the mis-use of alcohol in society;
- that the Committee acknowledge that alcohol-related deaths have reduced by 25% in Queensland over the decade to 2005 and that hospital admittances related to alcohol mis-use have not kept pace with the rate of population growth in the same period;
- that the Inquiry recommend the establishment of a mechanism to collect relevant data and review credible research in a more targeted and holistic manner such that liquor policy development can be evidence based;
- that further study be recommended into the matter of license density in Queensland, and the relationship between license density and anti-social and criminal activity;
- that the Parliamentary Inquiry undertake a summary evaluation of the many alcohol related harm minimization measures implemented over the past

twenty years in Queensland. This evaluation should include an assessment of the relative and quantifiable success or otherwise of the measures, together with recommendations as to which measures are demonstrated to be most effective and which are least or not effective;

- that the Committee recommend that the Queensland Government commit itself to adopting an evidence-based liquor policy making regime;
- the Inquiry acknowledge that whilst specific measures have been and can be implemented in licensed businesses and precincts to deter, prevent and mitigate the direct effects of violence, ***the wider issue of cultural change around violence in the community must be addressed if a universal and enduring solution is to be found for this problem;***
- that the Committee consider adopting and recommending the following specific measures aimed at deterring violent behaviour in the late-night economy, say, after 1.00 am where trading takes place on a regular basis:
 - wider use of CCTV cameras and monitoring in entertainment precincts along the lines of the Citysafe camera network in Brisbane;
 - installation of CCTV and recording equipment in late trading licensed venues (already mandatory in Brisbane for venues which trade after 1.00 am, and widespread elsewhere);
 - improved police data collection and interpretation activity, especially in relation to repeat and violent offenders such that a higher standard of accountability and scrutiny can be imposed on such people, especially at the point of interception / detection for violent or illegal acts; and
 - use and secure linkage of identity scanning devices in high risk areas.
- that the Committee consider supporting the development of a suitable scale of mandatory penalties for specific offences involving violence associated with the consumption of liquor and/or illegal drugs;
- that the Committee acknowledge the influence of illegal and illicit drugs on violence and other anti-social behaviour in the community and the night economy;
- that the Committee acknowledge that in juvenile age groupings, a higher ratio of criminal offenders are affected by illegal drugs at the time of their crime, than are affected by alcohol;
- that the Committee support the concept and roll-out of a *Code of Conduct* for Venues and Patrons which provides a guide to the responsibilities and obligations of both venue operator and venue patron when it comes to general and responsible behaviour. The widespread adoption of and adherence to such a Code to be aimed at improving patron and venue interaction around higher standards of behaviour;
- that the Committee consider ways in which Government can incentivize and financially assist licensed businesses to contribute to further practical measures aimed at reducing alcohol-related violence, including patron education and support measures aimed at bringing about a more responsible drinking culture;
- that the problem of 'glassing' assaults be addressed through patron and community education, and thorough higher penalties against violent offenders such they the penalty represents a deterrent to such assaults. Where the identified risk warrants such measures, a range of mitigation measures

including standard glass substitution should be considered on a case by case basis. A universal substitution of glass regime should not be considered, as this would represent capitulation to the very, very small number of criminals who would be supported in impacting the safe drinking arrangements of four million Queenslanders and their tourist visitor guests.

- that, following wholesale liquor and regulatory reform in recent years, that it is appropriate that a period of legislative, economic and policy consolidation takes place, to enable the many changes that have been introduced or proposed in Queensland to take full effect such that their effectiveness can be evaluated. This is because regulators want to move on to the next reform issue on the agenda, without giving existing plans or programs the chance to work or demonstrate where they might benefit from formal evaluation or minor adjustment;
- that the Committee derive and recommend targeted solutions to the identified problems rather than universal measures which impact on all licensees, irrespective of the risk profile associated with their trading practices and profiles;
- that the Committee recommend a commitment by the licensing regulator to the formal validation of liquor reform measures on a case-by-case basis, and a stop to the introduction of new measures that are not supported by appropriate research and evidence;
- that the Committee support adoption of a risk-based and evidence-based approach to liquor issues management;
- that the Committee recommend a program of targeted education and penalties to contribute to an improved culture of personal behaviour, self-discipline and personal accountability;
- that the Committee recommend the introduction of significantly higher penalties for violent and repeat offenders in order to deter initial and repeat offenders; and
- that a greater capacity for response to licensing and general crime be developed by the Queensland Police Service including consideration of whether some or all of the \$25 million plus raised by the Government from the imposition of an annual liquor license administration fee from 1 January 2009 should be directed into the provision of more police officers

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Enclosures:

1. QHA Submission to the Queensland Government Review of the 3.00 am lockout provisions dated December 2007
2. (Draft) QHA Safe Hotels Code of Conduct for venues and Patrons (2009)
3. (Draft) Fortitude Valley Police Service Protocol relating to illegal drugs in licensed precincts

4. Queensland Government Code of Practice for the Responsible Service, Supply and Promotion of Liquor (June 2005)

21 December 2007

Ms L. Woo
A / Executive Director
Liquor Licensing Division
Queensland Treasury
PO Box 1141
BRISBANE QLD 4002

Dear Ms Woo

I refer to Mr Chris Watters' letter of 7 December 2007 inviting input on the 3.00 AM Lockout conditions by 24 December 2007.

It is the strong view of the Queensland Hotels Association (QHA) that, having been consistently delayed in recent months, and as it represents an important and State-wide liquor trading condition, that this review could and should be the subject of consideration within the wider, ongoing review of the *Liquor Act 1992*.

Philosophically and practically, the QHA has consistently and historically supported a liquor trading regime in Queensland which strikes an appropriate balance between regulatory control and business viability and support. In matters of regulatory intervention, the Association's preference is for decisions impacting on such areas as trading hours, responsible practice, customer control, and use of technology, to be made on the basis of science, considered research or other evidence-based decision making processes. The QHA has not opposed the introduction of lock-out conditions as it shares community and government concern about the potential and actual anti-social behaviour in Queensland late at night, some of it alcohol-related. Notwithstanding, the QHA's consistent position has been and remains that such a measure must be able to be empirically shown to be effective, for the measure to be retained.

In the matter of the 3.00 am Brisbane (and subsequently State-wide) lockout conditions, it is the QHA's view that there was never a strong evidence-based case for the introduction of a lockout. More than 18 months on, there has not been a shared assessment of police crime and response statistics that would permit industry and community groups to make an informed assessment of the effectiveness of the policy. The Association is led to understand that many of the internally-available Police Service statistics provide conflicting 'evidence' of the effectiveness or otherwise of the 3.00 am lockout.

Accordingly, the responses outlined below are based on member input and a combination of objective and subjective assessment of trading conditions either side of the lockout conditions being imposed.

Has the lockout had an impact on trade and profits for licensed premises ?

The lockout has had no impact on profitability of licensed trading that takes place prior to 3.00 am.

For late-night trading (after 3.00 am) the lockout has had a negative impact on trading turnover and profitability. The negative impact has been in four areas:

- Less cover charge income – as there are no ‘venue hoppers’ after 3.00 am, opportunity income from door cover charges has disappeared after 3.00 am.
- Reduced patronage prior to 3.00 am – the 3.00 am lockout forces patrons to make a conscious consumer decision as to whether they will stay out or go home after 3.00 am. A proportion of clients decide that we’ll ‘beat the lockout rush’ and make a decision to depart for home earlier than they might have otherwise. This is difficult to quantify, but there has been a double digit reduction in after 3.00 am patronage across the period since the Brisbane lockout was introduced in 2005 and the State-wide lockout was implemented from 1 July 2007.
- Less bar income from venue hoppers after 3.00 am – because no new patrons enter premises after 3.00 am, there is a steady, lineal decline in turnover (and profit) after that time. There is no scope for promotional or other entrepreneurial activity to build turnover and profit after 3.00 am. With many of the trading costs fixed (electricity, security, music) then profitability is further eroded when there exists only a small patron base.
- Increased security and vigilance costs – as the penalties associated with patron entry after 3.00 am are prohibitive, many venues have either maintained or enhanced security and staffing arrangements astride the 3.00 am ‘surge’. Thus, in order to self enforce the 3.00 am exclusion regime, it has become necessary for late-trading venues to maintain a superior security regime, including the ability to both respond to incidents and simultaneously maintain a patron exclusion system – this is more expensive than simply having one group of staff to meet both functions.

Has the lockout impacted on employment in the industry ?

Yes, but the impact has been largely neutral in terms of staff numbers. It has however resulted in a ‘skewing’ of labour outlays away from serving staff and towards security and management staff. Specifically:

- The lockout has spurred a requirement for increased numbers of security staff to both respond to incidents and, at the same time, maintain a patron exclusion system after 3.00 am. See dot point above.
- As no new patrons can enter the premises from 3.00 am, venue managers can instantly adjust service and general staff numbers to match the

number of patrons in the venue. Thus, it is now common practice for staff numbers to be cut as soon as the post-3.00 am clean-up / pickup is finalised. Over time, patterns of patron numbers become known, with the result that many venues now run shifts to 3.00 am or shortly after, and maintain a basic staff, matched to declining patron numbers after that time. This has not necessarily reduced employment, but it has certainly reduced income and hours worked for casual and permanent staff members of late night venues.

Has there been an impact on venue safety in and around licensed premises ?

As a general and subjective assessment, inside venues has become safer and outside venues has become less safe.

After 3.00 am, there are generally less patrons inside venues than previously, and less intoxicated or drugged new patrons coming into venues from other locales. Therefore, after 3.00 am, patron management is easier because there is a fixed crowd, rowdy or possible troublemakers can be identified and more closely watched, and patrons are less likely to cause trouble because, if they get ejected from a venue, they cannot access another venue and must go home. Also, there is often a more comprehensive and responsive security environment after 3.00 am – see above.

Outside venues and in entertainment precincts, it is a different story after 3.00 am. It is arguably less safe outside late night trading premises now than it was prior to the lockout being introduced. This is particularly the case in relation to taxis, pedestrian traffic and taxi queues. In major entertainment precincts such as Surfers Paradise, Fortitude Valley and the Brisbane CBD, patron and access control has become a major issue in the hour between 2.30 am and 3.30 am as venues, transport drivers, security personnel and the patrons themselves deal with the rush to be settled in a venue by 3.00 am. There does exist a noticeable 'surge' during that time as patrons look to meet up in a designated venue, catch taxis to alternative venues, beat the lockout rush by taking a taxi home, and generally hit the street during that time. Initially and still in a lingering way, there was evidence of disaffected, angry and aimless people 'roaming the street' after missing venue entry at 3.00 (either by misadventure or deliberately) and looking for ways in which to vent their frustration. This is difficult to measure empirically, but does result in petty damage, abuse of officials and members of the public, abuse of transport staff, abuse of security staff and so on. Such anti-social activity did of course take place before the lockout was introduced, but there is certainly a '3.00 o'clock surge' in this type of behaviour at the moment. Anecdotal evidence available to the Association from younger patrons indicates that the Brisbane and Valley streets are 'problematic bordering on dangerous' after 3.00 am – in part due to the absence of a police presence in other than the mainstream areas.

Has patron behaviour altered following introduction of the lockout?

Generally no. Patrons have of necessity adapted their bar-hopping and rendezvous activity to accommodate the lockout reality. Inside by 3.00 am or you're on the outer. Patrons have accepted the reality, and that venue staff and security will closely enforce the 'ban'.

Notwithstanding, there is particular type of customer who routinely parties after 3.00 am, and the lockout has not altered or impacted the nature of the late night patron. Both anecdotal and empirical evidence points to the majority of anti-social and alcohol-related incidents occurring in and around licensed premises after 3.00 am both before and after the lockout. It must be up to those with access to crime-related statistics to ascertain the true impact and merits of the lockout approach. From a pure resource allocation perspective, it may achieve a better result to spread the available policing resources over a longer timeframe rather than compress the 'action' into the period astride 3.00 am.

Damned if you do and damned if you don't.

For late trading venues there exists a clear element of 'damned if you do, and damned if you don't'. Whilst not specifically impacted by the lockout, licensed venues are obliged to both maintain a duty of care and refuse entry to patrons exhibiting anti-social or unduly intoxicated tendencies.

If venues enforce their obligations under the 'exclusions' requirement, there is often offensive or disturbance-type activity proximate to the venue when the excluded or 'victimised' patron vents his/her frustration. This is inevitably reported as 'disturbance outside (name premises) venue'. In this way, premises attract attention, statistical collection, and perhaps notoriety simply for doing the right thing in refusing entry of undesirables onto their premises. Whilst this is an unscientific, subjective and judgement call, if such circumstances were repeated across a number of venues, it is easy to see that it is safer inside licensed venues than outside on the streets. If a duty of care position is now applied to an inebriated, vulnerable, drugged or injured member of the public, where is the safest place for that duty of care to be exercised ?

Impact of smoking bans

The indoor smoking bans have been introduced in rough parallel with the 3.00 am lockout, with a total indoor ban being put in place from 1 July 2006, one year earlier than the State-wide lockout. Any analysis of revenue and profitability resulting from the lockout must be seen through the lens of the indoor smoking ban. The smoking bans cut revenue in Queensland licensed venues by 7% in the year 1 July 2006 to 30 June 2007. Gaming revenue declined 9% during the same period.

For late trading premises, the smoking bans and the lockout provisions represented a 'double whammy'. You can't smoke inside, but if you go

outside to smoke, you can't come back in. In such circumstances, it is not surprising that many of the 40% of regular drinking smokers decided not to patronise late night trading venues where they could not smoke inside.

Conclusion

Whilst this issue mainly impacts on licensed premises which trade after 3.00 am, the manner in which the lockout has been introduced and managed is relevant to all other licensees.

To the QHA, it seems to have been born and enacted as an act of faith, rather than as a measured, evidence-based tool with identifiable and measurable impacts. Since the introduction of the lockout, there has been a distinct absence of empirical statistical evidence related to the merits, or otherwise, of the lockout. Some Police Service commentators indicate that 'things have got worse' in some late-night precincts.

Whilst the QHA has no strong view against the lockout, on balance, it does not appear to be advantageous to affected licensed businesses. There would seem to be a flimsy case for the retention of the 3.00 am lockout provisions unless compelling evidence materialises which indicates a significant improvement in patron behaviour and law and order in late night trading precincts which can be attributed to the introduction of the lockout.

Finally, the recently released Liquor Licensing Update for December 2007 States that, in the context of the ongoing review of the *Liquor Act*, the "post 3.00 am lockout will still be imposed State-wide". This statement indicates that the Division has already made up its mind about the future of the lock-out, and that the consultation process is simply a case of going through the motions.

Such cynicism diminishes the worth of the consultation process, and brings into question the Division's sincerity in relation to stakeholder consultation generally.

Yours sincerely

Justin O'Connor
Chief Executive

SAFE HOTELS CODE OF CONDUCT

(www.safehotels.com.au)

FOR PATRONS

The management of this venue is committed to providing you with a safe, enjoyable and appealing environment.

By law, we are not allowed to serve people who are intoxicated (as defined by law in this State/Territory).

We want to provide you with a great venue to respect and enjoy and we want our patrons to feel secure in the knowledge that they can come here to unwind and have fun without feeling threatened or at risk.

In order to do this, we expect our patrons to accept and adhere to our Safe Hotels Code of Conduct. Please read, accept and adhere to our Code of Conduct.

For patrons, adhering to the Safe Hotels Code of Conduct means the following:

1. As a patron, I will not enter this venue while unduly intoxicated;
2. As a patron of this venue, I accept that management and staff will not break the law by serving me if I am unduly intoxicated;
3. As a patron of this venue, I understand that I will be refused service if I appear to be unduly intoxicated. If staff (including security) ask me to leave the premises immediately, I understand it is an offence to remain;
4. As a patron, I will not enter this venue under the influence of any illicit substances or illicit drugs and I will not take illicit substances or illicit drugs while on this venue's property;
5. As a patron, I will respect this venue's dress code by wearing the appropriate attire at all times;
6. As a patron of this venue, I will not be rude, abusive or act violently towards any other patron, venue staff or the Police;
7. As a patron, I will support venue management not accepting anyone being verbally or physically assaulted, any acts of theft, vandalism or discrimination and illicit substance use on the venue's property;
8. As a patron, I understand that I may be recorded on closed-circuit television cameras located inside and outside of the venue;
9. As a patron, I will leave this venue in a quiet and orderly fashion and respect the people and the property of people who live close to our venue;
10. As a patron, I understand that if I don't wish to accept this venue's Patron Code of Conduct, I should not try to enter or remain in this venue;
11. As a patron, I understand that drink spiking is illegal and therefore, it is not tolerated in this venue.

FOR VENUES

The management of this venue is committed to providing you with a safe, enjoyable and appealing environment.

By law, we are not allowed to serve people who are unduly intoxicated (as defined by the Queensland *Liquor Act 1992*).

We want to provide a great venue for you to respect and enjoy, and the Safe Hotels Code of Conduct assists us in doing so.

For venues, the Safe Hotels Code of Conduct means the following:

1. We will operate our premises in compliance with the relevant laws of this State to provide a safe, secure environment for all patrons and staff;
2. We will not welcome patrons who are unduly intoxicated;
3. We will only engage in the responsible sale and service of alcohol by refusing service to anyone who appears to be unduly intoxicated. We will use our professional judgement and the law to assess if you are unduly intoxicated;
4. We will not tolerate the use and/or supply of illegal drugs on our premises and we will refuse service to anyone who appears to be under the influence of any illicit substance or drug;
5. We will enforce our dress code that demands patrons are appropriately dressed at all times;
6. We will not permit any rude, abusive or violent behaviour towards any other patron, our staff (including security staff) and Police;
7. We will not accept anyone being verbally or physically assaulted, any acts of theft, vandalism, discrimination or illicit drug use on the venue's property;
8. We will consider our neighbours by asking our patrons to leave this venue in a quiet and orderly fashion, and to respect the people and the property of people that live close to our venue;
9. Management of this venue reserves the right to refuse entry to, or remove any persons who have contravened our Safe Hotels Code of Conduct for a discretionary period determined by management.

Illicit Drugs in Licensed Venues

Aim:

To provide practical advice for venue operators and security providers to reduce illicit drug distribution and use inside licensed venues.

Background:

This advice is based on Australian police experience as well as National Drug and Alcohol law enforcement research in Australia and the United Kingdom. It can be applied in varying degrees to licensed premises and open air music concerts.

Management attitude and standards

- Demonstrate a clear anti drug stance.
- Venue management actively participate in local anti drug initiatives and promotions (public education, posters, banners, Tee shirts worn by staff)
- Decisive action is taken against employees found using or supplying drugs – anywhere not just in premises.
- Management cooperate with police investigations into drug activity (CCTV, identifying suspects and recording details)

The physical environment:

- Signage should inform patrons that
 - CCTV is in operation in and outside the venue.
 - Management will not tolerate drug trafficking and drug use within the venue and police will be notified and person banned from premises.

- Toilets and other areas are clean and kept free of any discarded drug paraphernalia.
- Venue is sufficiently lit in all areas to allow observation of patron activity.
- Staff and police have unrestricted access to all areas of the club – there is no such thing as a “private” room or booth.

Competence and confidence of venue staff

- Initial screening of staff. (Background checks, declaration of no previous convictions, obligation to inform management of any prosecution action taken by police).
- Staff adopt venue policy re illicit drugs – see below.
- Management ensure staff are educated concerning the types, appearance and packaging of drugs.
- Staff know and practice your venues response to illicit drug use within the venue.
- Regular staff briefings on relevant matters (Persons of interest, recent drug matters detected by staff, methods of concealments).
- Reward for detecting and identifying drug traffickers and users.
- Regular debrief interviews with staff to provide a specific opportunity to disclose suspicions about drug activity that require closer scrutiny.

Patron monitoring practices

- Regular roving patrols by security staff of all areas of the venue especially the DOSA and secluded or dark areas.
- If possible, have an attendant in or near the toilets to discourage any unacceptable ‘crowding’ of people and to discourage the selling and the use of drugs in this area.

- Where no attendant is possible, toilets should be regularly patrolled by security staff. It is important to respect personal privacy. It is recommended that clear guidance is given to staff about when it is appropriate for them to try to enter a 'cubicle' and when further assistance should be sought (no response / concern for welfare)
- Bar staff, cleaners, security and management must remain vigilant within the venue for signs of;
 - drug use. (not drinking liquor yet intoxicated, drinking copious amounts of water).
 - suspicious activity (frequently leaving and reentering the premises, exchanging small items or money with other patrons, and/or attempting to deliberately conceal their hands from view)
- Minimise 'pass outs' and ensure these are monitored for repeated use.

Effective consistent response

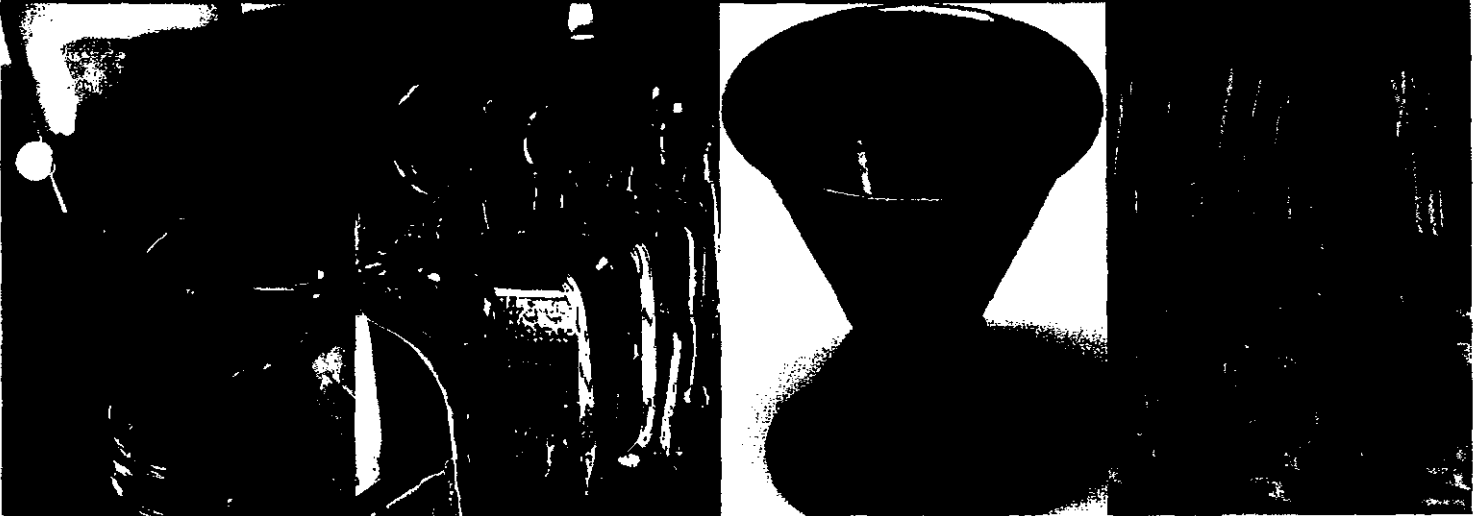
- All staff are aware of how to respond to illicit drug activity.
- This response is included in the house policy.
- Every effort should be made to identify the patrons involved, e.g names and other identifying information obtained and recorded.
- Suspects are deliberately paraded in front of CCTV to record a clear image.
- Record kept of all drug related interventions (evictions, reports to police) Details of the names of the security and bar staff attending, the suspect patron/s, the physical description of suspects, clothing, time, date, location in the venue should be noted to assist police identify suspect and witnesses.
- Full incident report to be completed by the Senior Security person present.

- Evidence is “preserved” until police arrive. If drugs are found they should not be discarded but secured pending collection by police.
- Cooperate with police to obtain other evidence of the event, e.g. CCTV
- Action is taken to ban the person from future admission to the venue.

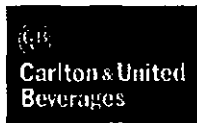
Possible clauses to include in the venue policy – to be adopted by staff

- “If at any time a patron is found in possession of what is reasonably suspected to be illicit drugs or is observed to be engaged in behavior reasonably suspected of being associated with the supply or use of illicit drugs, management is to be notified immediately”.
- “Suspicious activity includes frequently leaving and reentering the premises, exchanging small items or money with other patrons, and/or attempting to deliberately conceal hands from view”
- “Any drugs found are to be taken from the person, secured and handed to police.”
- “The person is to be escorted to the entrance and either photographed or deliberately positioned so that a clear image is obtained from a CCTV camera”
- “The person is to be requested to produce photographic identification and their appearance verified. Their name and other particulars are to be recorded”
- “In all cases where illicit drugs are found, police must be notified to attend immediately”
- “In cases where suspicious activity is detected details should be recorded in a register and this information routinely passed on to police (Crime Stoppers)”

Code of Practice for the Responsible Service, Supply and Promotion of Liquor



CABARETS
Queensland



Queensland Government
Department of Tourism, Fair Trading and
Wine Industry Development
Department of Health



Purpose

This Code of Practice provides a proactive whole-of-industry approach to ensure liquor is served, supplied and promoted responsibly. It also encourages the creation of safe, secure and social environments for patrons of licensed premises to minimise harm to individuals and the broader community.

The Code of Practice supports and progresses the Government's commitment in *Finding the Balance: Queensland Alcohol Action Plan 2003/2004 to 2006/2007 (Queensland Alcohol Action Plan)* to prevent and reduce harm associated with alcohol misuse in Queensland, and is based on the *Australian Alcohol Guidelines: Health Risks and Benefits* endorsed by the National Health & Medical Research Council in October 2001

The Code of Practice provides a universal guideline for use by the Liquor Licensing Division, licensees, permittees and their staff to identify and control the risks associated with a practice or promotion related to the service and supply of liquor, and comply with the *Liquor Act 1992*.

Legal obligations

Section 148A of the *Liquor Act 1992* imposes obligations on licensees and permittees in the conduct of business on licensed premises (or premises to which a permit relates) to:

- I. maintain a safe environment for patrons and staff of the premises; and
- II. ensure liquor is served, supplied and promoted in a way that is compatible with minimising harm from the use of liquor and preserving the peace and good order of the neighbourhood of the premises.

It is an offence if a licensee or permittee:

- Engages in a practice or promotion that may encourage rapid or excessive consumption of liquor (Maximum penalty \$7,500).
- Does not engage in practices and promotions that encourage the responsible consumption of liquor (Maximum penalty \$7,500).
- Does not provide and maintain a safe environment in and around the premises (Maximum penalty \$7,500).

Definitions

The following definitions apply to this Code of Practice:

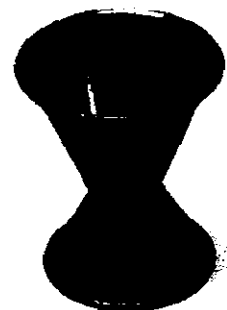
- 1. Practice** The manner in which liquor is served or supplied by licensees and permittees.
- 2. Promotion** Communication by licensees and permittees trying to persuade and influence customers to consume liquor including:
 - i. Advertising – any form of advertisements or commercials through television, radio, internet, mobile phone, newspapers, magazines, billboards, posters, catalogues etc;
 - ii. Publicity – generating commercially significant news in the mass media;
 - iii. Personal selling – with one or more prospective purchasers for the purpose of making sales and includes providing free samples for tasting or consumption; and
 - iv. Sales promotion – any other marketing activity that stimulates consumer purchasing such as:
 - Special offers – discounting, coupons, contests
 - Special methods – point-of-sale displays, other non-routine, non-personal selling efforts.
- 3. Rapid** A male patron consumes 4 or more standard drinks in one hour.
A female patron consumes 3 or more standard drinks in one hour.
(Based on *Australian Alcohol Guidelines*, National Health & Medical Research Council, Canberra, 2001)
- 4. Excessive** A male patron consumes 11 or more standard drinks on any one day.
A female patron consumes 7 or more standard drinks on any one day.
(Based on *Australian Alcohol Guidelines*, National Health & Medical Research Council, Canberra, 2001)



Code of Practice

This Code of Practice commits the liquor and hospitality industry to:

- I. **Assess the risk** of all promotions and practices in accordance with the risk assessment guideline before the practice or promotion is commenced.
- II. **Develop a management plan** where any high risk is identified to demonstrate any risks can be controlled before the practice or promotion is commenced.
- III. **Not conduct** promotions and practices if:
 - there is any unacceptable risk; or
 - any high risk cannot be adequately controlled.
- IV. **Immediately cease** any practice or promotion that is underway if patrons:
 - consume liquor rapidly or excessively; or
 - engage in unsafe behaviour.



Ultimately, whether or not a promotion or practice is lawful will depend on how the actual promotion or practice is conducted by the licensee and their staff, whether the risks have been satisfactorily controlled, and the response of patrons.

Consumption Rate	How many standard drinks (or equivalent) are patrons encouraged to consume hourly?				
		Unacceptable Risk	High Risk	Medium Risk	Low Risk
	Male	More than 4	4	2 to 3	Up to 2
	Female	More than 3	3	2	Up to 1
Consumption Level	How many standard drinks (or equivalent) are patrons encouraged to consume on any one day?				
		Unacceptable Risk	High Risk	Medium Risk	Low Risk
	Male	More than 11	11	7 to 10	Up to 6
	Female	More than 7	7	5 to 6	Up to 4
Consumption Method	How is the liquor served for consumption?				
	Unacceptable Risk	High Risk	Medium Risk	Low Risk	
	Drink stockpiling	Yard glass	Bulk pre-mix	Standard measures	
	Multiple shooters	Test tubes	Cocktails	Half-measures	
	Laybacks		Non standard measures	Low alcohol drinks	
	Water pistols			Non alcohol drinks	
	Offering trays of shooters				
Discounting	What is the promotional discount compared to the regular price on premises for the equivalent drink?				
	Unacceptable Risk	High Risk	Medium Risk	Low Risk	
	Gender based discounts	50% or higher	25% to 49%	Less than 25%	
Time Frame	How long/what time is the promotion conducted for?				
	High Risk	Medium Risk	Low Risk		
	More than 2 hours	1 to 2 hours	Less than 1 hour		
	Any time after 9:00pm				
Related Activity	Is the promotion or practice linked to an activity?				
	Unacceptable Risk	High Risk	Medium Risk	Low Risk	
	Skolling games	Prizes based on	Liquor prizes	No related activity	
	Emotive titles	volume consumed		Food/meal prizes	
	"Drink like a fish"			Not consumption related	
	"Beat the clock"				
Patron Safety	What are the risks of the promotion/practice to patron safety?				
	High Risk	Medium Risk	Low Risk		
	Physical injury risks	Glass Injury risks	Reasonable physical activity		
	Sexually provocative activities	Slip/trip/fall risks	Non-threatening environment		
	Table/Bar dancing		RSA trained staff		
	Pyrotechnics/Fireworks		WH&S Plan		

Examples of acceptable and unacceptable practices or promotions

Section 41A of the *Liquor Regulation 2002* prescribes examples of acceptable or unacceptable practices or promotions under the Liquor Act. The examples provided in the Liquor Regulation do not limit the operation of the Liquor Act in relation to other practices or promotion.

Acceptable	Unacceptable
<p>Competitions with prizes of food, meal deals or other non-liquor prizes are acceptable.</p> <p>Deterring patrons from taking part in skolling games.</p>	<p>Drinking Competitions that encourage rapid or excessive consumption of liquor or discourage a patron from monitoring or controlling the patron's consumption of liquor are not acceptable.</p> <ul style="list-style-type: none"> • skolling games, 'boat races' • 'laybacks' • consumption of liquor from a water pistol • labelling or titling of promotions such as "Beat the clock" and "Drink like a fish"
<p>Supplying liquor in standardised quantities that can be recognised by patrons is acceptable.</p> <ul style="list-style-type: none"> • serving spirits in measured nips • serving liquor in glasses or jugs marked with measured quantities • supplying liquor in prepacked containers labelled with measured quantities <p>Serving half measures of spirits on request.</p>	<p>Using a container that encourages rapid or excessive consumption of liquor or discourages a patron from monitoring or controlling the patron's consumption of liquor.</p> <ul style="list-style-type: none"> • serving liquor in a yard glass for skolling • serving liquor in a test tube shaped glass without providing a stand on which the glass can be placed • multiple supply of 'shooters' • offering trays of shooters
<p>Promotions involving low alcohol liquor, where it is clear from the advertising and promotional material that it is a low alcohol liquor promotion, are acceptable.</p>	<p>Promotions or drink cards which provide a multiple of free drinks, or extreme discounts on a given day or night are not acceptable.</p>
<p>Free liquor – A complimentary standard drink upon arrival is acceptable.</p> <p>Wine buffets and drink packages are acceptable provided:</p> <ul style="list-style-type: none"> • the function/event involves a full meal or banquet; • there are measures to monitor and control a patron's consumption of liquor; and • appropriate action is taken to discourage rapid or excessive consumption of liquor. 	<p>Unlimited liquor consumption such as "all you can drink" offers and "free drinks for women" are not acceptable.</p> <p>Promoting free or discounted liquor without providing an appropriate number of staff or security persons to monitor and control patrons' consumption of liquor is not acceptable</p>
<p>Helping patrons to arrange transport from the premises is acceptable.</p> <ul style="list-style-type: none"> • arranging the supply and convenient positioning of public telephones displaying telephone numbers for taxis and emergency services • allowing staff to make telephone calls to arrange transport for patrons <p>Providing appropriate lighting inside and outside the premises</p>	<p>Promoting or conducting an activity that encourages harassment of patrons or staff.</p> <ul style="list-style-type: none"> • conducting a 'wet T-shirt' competition during which discounted liquor is served to patrons, and the licensee does not provide adequate staff or security persons to monitor or control patrons' behaviour and some patrons become intoxicated and harass other patrons and staff;
	<p>Holding a patron's financial-institution access card and serving liquor to the patron on account over several days pending payment when the patron next receives social security benefits is not acceptable.</p>