

87

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

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

87

Written by: Jason Titman

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 is important to acknowledge that the Chalk hotel and others in the industry acknowledge effective alcohol management is integral to a healthy and sustainable industry. Licensed Venues do not want assaults occurring on or around our premises. We wish to be involved with the Government and other stakeholders in developing solutions. The facts are however that as a community and as elected officials *"the tail is wagging the dog"*. Governments in this country have got alcohol management totally wrong and unless they stop the *"Band aid"* measures and stop addressing the problem at the wrong end, alcohol related violence will continue to increase, so too will elicit drug use and the costs to the Community will continue escalating. The only winners are going to be those who sell elicit drugs (as you will see from my report, a difficult problem for the community and Government to deal with but they are losing the battle here big time).

My reference to Governments refers generally to every Australian State Government and the Federal Government however I appreciate this Inquiry's reference is to the Queensland Government, hence my attention will be directed towards the Queensland Government.

I appreciate some submissions will be eloquently worded. I am a small business operator and I don't have time to eloquently word my submission but I will give you the facts and as educated individuals I think you will see where I am coming from. For the record, the writer is 38 years old, has 3 children under 6, has travelled the world, has an accounting degree with distinction, worked for the largest accounting firm in the world, worked in the motor industry, with business partners has owned and operated some of Brisbane's busiest licensed establishments, has an MBA, cycles with a large number of specialist doctors and has been on the Board of the Mater Mothers hospital, so I suggest I have a fairly balanced view of this whole argument.

I understand and appreciate the "harm minimization" objectives of the Government and am supportive of this broad goal. However I am very unsupportive of the approach the Government is taking to get there!

Let's get the facts down:

(I am willing to expand upon many of my comments and suggestions however I feel that the reader of this submission will get a broad understanding of the message I am delivering. All comments should be taken as a whole, because in isolation one may get the wrong message).

Alcohol Trends

- More than 70% of alcohol is consumed away from licensed premises in Queensland.
- The per capita alcohol consumption in Queensland has reduced by 20% since the mid 1980s.
- There has been an increase in violence across all aspects of society (road rage, shopping centre rage, assaults and violence between parents and kids in children's sport and school yard bullying) so we need to consider this before taking the 'easy option' of blaming licensed venues for the increase in violence and assaults. Essentially, licensed premises are just a 'reflection of society'.

- Chalk asserts 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.
- On-premise licensed venues have implemented unprecedented reforms and measures in recent years. We need time for these reforms to take effect and for the culture of patrons and venues to work their way through our community. We have not had sufficient time to measure the benefits of these reforms. We continue to introduce "*band aid*" regulations without properly assessing what the impact of these reforms have been.

Alcohol Taxes and Compliance Costs

- With the amount of compliance based reforms and legislation covering licensed premises, licensed premises are actually very safe.
- Continuing to increase the price and cost of compliance of licensed premises is going to lead to two major problems.
 1. The Public are sick of being told what to do and how they can behave and with alcohol becoming more expensive on licensed premises we are going to see a huge trend towards back yard parties and parties in parks and community halls. These places are unregulated and are going to cause grief for the community and increased costs of policing, etc. Away from the regulated licensed premises the alcohol is cheaper, you can smoke where you like, you can effectively turn up the music as loud as you like and you can behave as you please.

2. This is the way the youth are viewing the decision at the moment:

	Ecstasy	Alcohol
Cost	\$40	\$80 - \$90
Lasting feeling Of elation	10+ hours	2 – 3 hours
Side Affects	Nil	Vomiting, morning after, etc
Calories	Nil	Put on weight drinking alcohol
Drug addict	No – Only consume 2 or 3 tablets each week and all of my friends do it, so it is perceived as being socially acceptable by many.	
Taxes	Nil	Significant

Conclusion – if the Government continues to drive up the cost of alcohol and the cost of compliance we are going to see a continued shift towards 'back yard' parties and the youth moving towards taking more drugs. Not only are drugs cheaper but they don't put on weight (these are two powerful motivators for the youth, which in their own right are hard enough to control but this is the '*mood on the street*' amongst the youth).

Other Issues

There is a problem with the Culture around alcohol in Australia. For the past 50 years or so the media have embraced sporting and media stars and almost always shown them with alcohol in their hands, thus promoting success being associated with alcohol. And the Government and Community wonder why we have a problem in our community? Because it helps sell newspapers and TV ratings, a number of those in the media industry have conveniently turned on the liquor industry and are now showing everything that is bad about the industry but the arguments are not balanced and the Government is buying this "*hook line and sinker*" and is "*making legislation on the run*". Remember, this culture around alcohol was not created overnight.

What research has the Queensland Government undertaken into the culture of alcohol in Europe? I was in Europe last year and alcohol was freely available in their service stations, McDonalds, corner stores and you can buy alcohol anytime of the day, yet they don't seem to have the social problems with alcohol that we have. Isn't this a starting point and doesn't it say something about "prohibition" style approaches being introduced by the Queensland Government? Let us remember that prohibition failed in the United States. Banning pornography and prostitution has not worked and the current path the Queensland Government is on with alcohol management is not going to work. The 3am lock out is a failure in most respects. Have the decision makers finally realized why there has been an increase in urination and the like in the areas where the 3am lock out applies? That is because there are no toilets for patrons when they leave licensed premises and are waiting for taxis and they can't get back into venues.

Most of the industry now has an unworkable relationship with the Department that administers the Liquor Act. Inconsistent advice and approaches towards compliance matters, there is a culture of "*guilty until proven innocent*". Unfortunately, there is virtually no respect from industry for this department because of the "*stand over*" and "*entrapment*" tactics used on us in the past few years. We are legitimate business operators who have spent millions of dollars improving the appearance, patron safety and management of our properties and businesses. We contribute millions of dollars to the Queensland economy and employ over 80,000 people, mostly those entering the work force for the first time and we are being treated like we are underworld criminals. There is little or no respect for operators in the industry from many in the Department and in Government.

There is little or no consultation with industry before new legislation is introduced.

After the latest Section 98 "High Risk" notices the industry has now turned against the Police force and will be refusing to co-operate or report incidents. For 2 years the Police and Government has assured the industry that the records being kept by the Police were not going to be used against venues and that we should be open and honest with them and that all would be working together. Yet, for those venues who have received the Section 98 "High Risk" notices they have found out that all records from the police have been turned over to Liquor Licensing and used against us in these notices.

This is not a healthy industry that is being developed by this Government.

The media and Government keep referring to binge drinking by 14 to 17 year old teenagers. Consumption of alcohol by anyone under legal age should not be allowed or encouraged. However it is just as irresponsible for the media and Government to continually refer to (and show pictures of) licensed premises when they run these stories. In my 12 years of being in the Industry I don't believe we have ever had a 12 to 17 year old on our premises or served in our bottle shops. Where are they getting this liquor from? I believe from people who are over the legal age. The "Secondary Supply" legislation recently introduced should be commended but once again, what a sad state of affairs to see that it was necessary, however, at least it places the responsibility back on the individual and not so much on the venue. This is the right way to address the problems with alcohol and violence we are having in our Community. Yes, venues need to play a part but the current and proposed expectations of the Government on licensed premises are not going to achieve the desired outcomes. The point remains, there are no 12 to 17 year olds on licensed premises binge drinking, so stop mentioning and showing licensed premises when referring to teenage binge drinking.

The ACCC has the power to investigate predatory pricing but is not enforcing it against Coles and Woolworths. If for example these operators believe they can sell a product at a certain price (ie extremely cheap in one suburb then they should be selling it at this cheaper price all over the Country). Cheap retail liquor is not helping the situation. There has never been more newspaper, radio and TV advertising of retail liquor in the history of Australia now that Coles and Woolworths have entered the scene. I know we can't legislate against people buying into the industry but I believe the amount of advertising of retail liquor is contributing to the problem.

Solutions

It is not the glass that assaults someone and 99.9% of it is not the venues that are being negligent operators. We need to get tough with the individuals who are acting irresponsibly!

At present the Police don't really want to arrest offenders because they are under pressure not to do overtime and they are frustrated with "Red Tape" in getting the offender to Court and lastly they are tired of the lenient sentences handed down by Magistrates.

Magistrates are pressured from the Government not to send offenders to Jail because it costs the taxpayers money (and I don't believe Jail really turns out better individuals anyway).

The judicial system is bogged down and archaic and relatively easy to get off a charge if you try hard enough and have enough money, so this leads to further problems.

Wake up and see what is going on here!!!!

Get tough with the individual offenders and start understanding human psychology.

The more you tell someone they can't do something, the more they want to do it – Marketing 101 – just have a look at the success of the iPhone. One of the reasons for increased violence – individuals are sick of Governments bringing in more band aid laws and many in society are rebelling and are disrespecting authority. (We are in a downward spiral and I am amazed that so many educated people can't see what is going on here. The fix will take time but it is not impossible, however we are heading in the wrong direction and as a member of this Committee you have the chance to stand up and turn the downward spiral around.).

Ban individuals who “*play up*” on licensed premises from every licensed premise in Queensland. *Firstly*, this makes it a social stigma for the individual. This is the most powerful thing the Government could do. In terms of enforcing this, well it is a bit like losing your license for drink driving but there is a move in the industry towards linked ID scanners (many venues will implement these) however it needs to be an offence if you are found on any licensed premises while the ban is in place, punishable by an increased ban, fines and maybe loss of your drivers license for a second offence. *Secondly*, significantly increase the fines on the individuals and direct the Police Service to start issuing them. This will help with Government revenue raising. I am advocating fines of \$1,000 minimum for offences. A \$150 move on order is nothing to these anti-social types and most times the Police don't bother writing out the fine.

The Government has the power to implement these measures. They might find it unpalatable but at the end of the day the majority in the community are good law abiding citizens so I believe they will support these measures. Yes, this is more difficult than fining the venue and putting more regulation around the venues but this approach is not and will not ever work!!!

Maybe we really look at the impact of Entertainment precincts. This is really where the majority of the problems are. I know it can be argued it is best to keep all of the problems in one area but then the rest of the industry suffers as a result. Additionally, it is not quite that simple, by allowing special benefits in entertainment precincts other legitimate operators and areas suffer. For example, many in the industry would support a 2am or 3am closing time so long as this is for all licensees and all precincts in Queensland, otherwise businesses without these additional hours and precinct conditions will suffer adverse social and financial consequences.

There needs to be a series of "Focus Groups" or similar set up with members of the Department responsible for the Liquor Act, Senior Policy advisors to the Minister and representatives from industry and the Premier needs to keep her nose out of it or have the courtesy of sending along one of her Policy Advisors before she introduces legislation into the House.

I suggest, the issues being addressed by this Parliamentary Inquiry are more about how the "problem is framed". I suggest we do not have a drinking problem in the community so much as a problem with "self control" and "taking responsibility for our own actions". Once again, "the tail is wagging the dog" here.

There is a problem with:

- Obesity in our community.
- Overspending on credit cards.
- Overleveraging in debt to buy property, shares, etc (have a look at the impact of the GFC on many who overleveraged themselves.)
- Gambling.
- Drinking.

It is not the food, the credit cards, the debt, the gaming or the alcohol. It is the lack of skills and self control by individuals. Once again, in human nature and psychology terms "a person will do more to avoid pain than to gain pleasure".

I say again, 'wake up' and stop trying to legislate against everything. Start legislating to make individuals more responsible and stop blaming the corporations for everything or you will fail everytime. If we start putting the onus back on the individual and provide programs to assist them in developing the skills to deal with the pressures of life and these vices, then we will have much more success. Yes, it will take time and effort and we will need to start with educational classes introduced into our schools but unless you stand up and take this approach as opposed to the current "Band Aid" and "Tail wagging the dog" approach I will be 88 in 50 years and the problem will be worse than it is now.

I would be happy to be a speaker in schools. In fact, I am regularly invited to speak to University and High School groups on a range of matters and I always leave them with the message:

"I have owned hotels for the past 12 years and in that time I actually consume less liquor than I did before I got into the industry and this is despite the fact I could consume as much as I like.

You need to enjoy your alcohol but you need to do so responsibly because I have seen the best and the worst of people when it comes to alcohol. Your social standing does not determine your behaviour and your behaviour is not the Government's fault, your parents fault or the fault of the alcohol. You are the only person responsible for your behaviour."

I often receive some very interesting looks when making these comments and they are often expanded upon in question time.

Good luck and thanks for taking the time to read my submission.
