

GOLD COAST CITY
OFFICE OF THE MAYOR



Gold Coast City Council

29 October 2009
#MS26645616

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Ms Barbara Stone MP
Chair
Law, Justice and Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Stone

SUBMISSION TO THE INQUIRY INTO ALCOHOL-RELATED VIOLENCE

Thank you for your invitation to make a submission to the Law, Justice and Safety Committee's Inquiry into alcohol-related violence and your approval of an extension until 30 October 2009.

Gold Coast City Council is extremely concerned about the increasing incidence of alcohol-related violence and resolved at its meeting on 26 October 2009 to forward the Committee the enclosed 14-page submission. The submission cites evidence of the existing alcohol-related harms in Gold Coast City and suggests a number of strategies to reduce these. Whilst licensed premises make a significant contribution to the economic vitality of our city, Council believes that all levels of government need to act immediately to redress the balance between the availability of alcohol and the need to protect community safety and amenity.

I would welcome any further opportunities to provide information to the Committee during the course of the Inquiry. I also look forward to discussing Council's concerns with members during a possible visit to local entertainment districts in early 2010.

To arrange a visit of our Surfers Paradise CCTV monitoring facility or for more information, please don't hesitate to contact I Director Community Services, on

I look forward to working with the Committee and the State Government to reduce alcohol-related harms and to improve our community's safety and amenity.

Yours sincerely

**RON CLARKE MBE
MAYOR**

Our Ref - N Sprake - CS431/310/16
Your Ref - 11.1.11c

Submission to the Law Justice and Safety Committee's Inquiry into Alcohol- Related Violence

Executive Summary

A number of data sources indicate that Gold Coast City experiences an unacceptably high level of alcohol related harms, including violence. Whilst licensed premises make a significant contribution to the economic vitality of the city, Council believes that governments need to balance the availability of alcohol against the need to protect community safety and amenity.

Gold Coast City Council is seeking the Law, Justice and Safety Committee's consideration of the following recommendations to prevent and reduce alcohol related violence:

Trading hours of licensed premises

- consistent application of the current 12-month moratorium on late night venues – with no exemptions for entertainment districts (eg Surfers Paradise and Broadbeach);
- enforcement of standard trading hours of 10 am to 12 midnight for licensed premises, particularly in residential areas and mixed use precincts;
- retention of the 3am lockout condition for “elevated risk” venues (trading until 5am);
- clarification of what constitutes “demonstrated community need” for trading prior to 10am (particularly for detached bottle shops);
- commencement of an urgent review into the new liquor licence fee structure and its potential impact on the number of premises applying to extend their hours.

Assessment of liquor licence applications

- greater integration between IPA development assessment (land use) and liquor licensing processes;
- consideration of the cumulative impact of licensed premises on a local area;
- definition of “saturation” levels for areas with a high concentration of licensed premises;
- provision of Community Impact Statement documents to Council and the local community for consideration during the assessment of new applications;
- reduction in the onus placed upon Council to gather a significant amount of evidence to support comments on licensing applications.

Issues for frontline staff

- consideration of increased police numbers for Gold Coast Police District;
- consideration of visitor numbers during the calculation of police ratios;
- consideration of an increase in the number of Gold Coast Liquor Licensing Compliance Division staff carrying out proactive inspections of licensed premises;
- provision of adequate resourcing, equipment and training for all workers affected by alcohol related violence, including local government staff.

Harm minimisation measures

- provision of a 'secure rank' facility in Coolangatta and increased late-night bus services throughout the City;
- commitment to long-term social marketing campaigns and community education programs, including those aimed at parents;
- increased focus on messages of individual responsibility and accountability.

Economic cost of alcohol related violence

- improvement of inter-government information sharing and local government access to police and ambulance data;
- creation of an inter-governmental local, state or national database to measure the costs of alcohol related violence;
- recognition of the economic impact of alcohol related violence on local government.

survey conducted in 2007, 23% of Surfers Paradise residents had been the victim of crime in the previous 12 months, compared to 16% in the whole of Gold Coast City, 16.2% in Queensland (Queensland Government, *Safe and Secure Survey*, 2005) and 17% throughout Australia (Australian Institute of Criminology, *International Crime Victimization Survey*, 2004).

Data obtained from Council's Safety Camera Network demonstrates a high incidence of alcohol related violence within the areas of Southport, Surfers Paradise, Broadbeach and Coolangatta (please see data tables included as Attachment 1). For the period 1/01/09 to 31/07/09, there were a total of 2078 incidents detected. Of these, 466 (22.5%) related to assaults and 398 (19.2%) related to liquor & alcohol offences. Whilst the reporting categories have changed slightly in 2009 compared to previous years, the 2078 incidents reported to date in 2009 represents a significant increase compared to the 2162 total incidents detected during 2008.

Of the total incidents detected to date in 2009, 63% were in Surfers Paradise. Despite there being a higher number of safety cameras within the Surfers Paradise precinct compared to the other areas, this figure reflects the high frequency of alcohol related harms including violence occurring in this precinct. It is not surprising that this correlates with the city's greatest concentration of licensed premises.

When compared with the 2007 and 2008 calendar years, there has been a significant increase in the number of incidents detected in Southport and Coolangatta this year, particularly in the categories of 'assaults/fights', 'disorderly conduct', 'alcohol related matter', and 'drunk and disorderly'. This is likely to be partially attributable to the growth in the night time economy of these areas.

Mostly occurring in licensed premises, "glassings" have become a frightening type of assault that appears to be more common in Gold Coast City than other areas of Queensland. In the past 18 months, there have been approximately 33 high profile glassings reported by the local media and confirmed by the Police. It is difficult to discern a trend in these attacks as they are often unprovoked and random, occurring at various times and days and at differing types of premises (suburban taverns, nightclubs etc).

In addition to alcohol related harms experienced in and around licensed premises, Council is concerned about the prevalence of alcohol related domestic and family violence. Research by Michael Livingstone has established a correlation between the availability of alcohol and rates of domestic violence. Gold Coast City experiences a high number of domestic violence protection orders, with Southport Court issuing the highest number of temporary protection orders and the equal highest number of protection orders in Queensland – see Table 2 for details. (It is anticipated that the numbers for the Gold Coast would also include a proportion of the cases from the Beenleigh Courthouse). Council does not have a formal role in responding to incidents of domestic violence however believes that it would be beneficial for the Inquiry to expand its focus to consider violence in the home, given that the root causes of alcohol related violence are likely to be the same or linked.

Table 2: Domestic and Family Violence Orders (December Quarter 2007)

Court	Temporary protection orders	Protection orders
Southport	229	208
Beenleigh	187	190
Brisbane	126	208
Townsville	106	168
Ipswich	104	174
Cairns	57	152
Caboolture	62	93
Maroochydore	75	74
Rockhampton	55	121

Source: QLD Department of Communities - Domestic and Family Violence Data, 2007.

Residents' tolerance of alcohol-related issues is declining and areas with a high concentration of licensed premises are increasingly perceived as being unsafe, particularly at night. In June 2007, a Council survey measured the perceived safety of selected local areas and found that in entertainment districts, people's sense of safety decreased significantly at night. For example, there was a significant difference between resident's perceptions of safety in Surfers Paradise at various times of the day, with 96% reporting that they feel safe during the day but only 54% at night time. Overall, 11% of Gold Coast residents reported that they had limited or changed their daily activities because of crime (including violence).

In response to concerns regarding alcohol and its impacts, Council established an interagency taskforce in 2005 to oversee a comprehensive consultation project to gauge the community's views of trading hours of licensed premises. Based upon feedback received from residents, Council adopted a position to support licensed premises trading until midnight in residential areas and to limit late-night trading (eg. 3am and 5am close) to the city's designated entertainment districts (Surfers Paradise, Broadbeach and Southport):

Council supports trading hours until midnight or in accordance with the relevant development approvals applying to a particular site for licensed premises situated in the Coolangatta area and areas outside of the designated entertainment precincts of Surfers Paradise, Broadbeach and Southport.

Council may consider exceptions where the proximity of licensed venues to residential areas or sensitive sites is not of concern. This is subject to applicants providing Council with a suitable management plan dealing with how the applicant will:

- (a) take reasonable steps to maintain the amenity, quiet, cleanliness and good order of the public area outside the entrance to the premises; and;*
- (b) reduce the amenity impacts of patrons leaving the area, for example, the provision of shuttle buses or a taxi service.*

Some flexibility should be maintained to allow for locality specific issues and to be able to address management practices of individual premises.

Council strongly believes that this policy continues to reflect the local community's expectations of liquor trading hours and locations. As such, this position is used to

inform Council's objection or support of liquor licence applications referred by the Office of Liquor, Gaming and Racing (OLGR). Despite the fact that it is based on comprehensive consultation with residents, OLGR has previously stated that it carries very little weight in determining the outcome of these requests. The issue of local government and community input into liquor licensing applications is discussed in greater detail in later sections of this submission.

Council is currently developing an Alcohol Management Plan to outline its role in managing alcohol and its impacts. This Plan will focus on a number of local government responsibilities including: land use and planning; licensing and regulation; facilitation and leadership; community development and engagement; and workforce development. It will have a particular focus on initiatives within Gold Coast City's key entertainment precincts (Surfers Paradise, Coolangatta, Broadbeach and Southport). It is hoped that the Plan will go some way towards reducing alcohol related harms in the city however given the limited scope of local government, successful harm minimisation will heavily depend upon other levels of government adopting complementary policies and programs. Areas of State Government responsibility including liquor licensing, policing, public health, education and regional planning have an even greater influence on and direct link to alcohol related harms. Mitigation strategies will be ineffectual unless the government uses its authority to tackle the root causes of alcohol related violence – particularly alcohol availability.

Best practice harm minimisation measures

What measures are there to reduce harm?

Council applauds the State Government for including harm minimisation as a key focus of the recent Liquor Act legislative reforms, and is in overall support of new measures introduced. These include ministerial banning power, mandatory Responsible Service of Alcohol (RSA) and Responsible Management of Licensed Venues (RMLV) training, standard trading hours of 10am – 12 midnight, Manager's Licence requirements, recognition of Liquor Accords, and increased fees based on the level of risk associated with the hours of trading.

In addition, Council supports recent government action to examine the problem of 'glassings' and is keen to see a holistic, evidence-based response, that may include consideration of the use of glass alternatives in high risk venues.

A number of Council programs and activities assist to reduce alcohol related harms:

- applying crime prevention through environmental design (CPTED) principles to the design and management of public spaces
- achieving positive safety outcomes through assessing and recommending conditions for private developments
- safety camera network (public area CCTV) operating in entertainment precincts
- support of the local licensee accord group - Liquor Industry Consultative Association (LICA), including joint public safety initiatives
- 3am lockout condition introduced in Gold Coast City as trial to address escalating levels of public intoxication and alcohol related violence, and then legislated state-wide
- advocacy for increased resources to assist in alcohol management
- community education and awareness campaigns, for example the 'Don't Get Smashed...Get Home Safely' pedestrian safety campaign aimed at improving the safety of pedestrians walking to/from key entertainment precincts.

- working with community organisations to deliver harm minimisation and early intervention programs
- submissions to reviews of legislation, including Queensland Liquor Act Review and Lockout Review
- community safety awards including category for best practice business (can be a licensed premises)
- provision of all ages events to encourage alcohol free alternatives such as the Active and Healthy program and Australia Day celebrations.

Other local initiatives also appear to have a positive impact in reducing alcohol related harms. These include:

Gold Coast Liquor Accord (LICA)

The Gold Coast Liquor Accord, "LICA" was launched in 2006 as a collaborative partnership between licensees, OLGR, Queensland Police Service and Gold Coast City Council, to promote best practice responsible service of alcohol and create safer drinking environments. LICA currently has approximately 150 active members and meets monthly to discuss local trends, issues, products and strategies. Members also share information via a website: www.lica.com.au

Chill Out Zone

This project involves a 'Chill Out Zone' outreach and support service for intoxicated persons, operating from a van in Surfers Paradise during peak intoxication periods on Thursday to Sunday nights. Funded by the Department of Communities' Management of Public Intoxication Project (MPIP), this unique service provides early intervention and assistance to people affected by drugs and/or alcohol or requiring first aid. Council supports the Chill Out Zone by allocating space within the Surfers Paradise mall and providing the vehicle used to tow the 'Chill Out' van. The service is linked via radio to Council's Safety Camera Network, which assists by directing staff to persons who need assistance and calling for immediate police assistance if required.

Secure Taxi Ranks and FlatFare Taxis

The provision of safe, convenient and accessible late night public transport has been identified as a successful way to reduce alcohol related harms in entertainment districts. In 2006, Council successfully lobbied the State Government for the introduction of 'secure' ranks and FlatFare services, to move people quickly from the precinct and reduce waiting time frustration. There are three existing 'secure' ranks (with a security guard and marshal) located in Gold Coast City – two in Surfers Paradise and one in Broadbeach. The Cavill Avenue rank is now the busiest secure rank in Queensland, servicing up to 25,000 patrons in an average month (please see Attachment 2 for statistics). Taxi drivers report that they are more willing to service the area and waiting times in peak periods have reduced. Council is advocating for a secure rank to be established in Coolangatta to cater for increasing demand and for increased late night bus services.

Surfers Paradise Inter-venue Radio Project

The Surfers Paradise Licensed Venues Association (SPLVA), with support from Queensland Police Service and Gold Coast City Council's Safety Camera Network, is currently trialling a new initiative linking 17 licensed premises in the central entertainment district via radio. Venue security staff use the radios to alert each other, CCTV monitoring officers and Chill Out Zone staff about people who are turned away or been involved in an incident within a venue. This facilitates early intervention by the Police or the Chill Out Zone and sends a clear message to potential troublemakers that their night will be over early if they misbehave.

How effective have those measures been?

As table 1 indicates, the number of applications for extended trading hours (beyond midnight) has increased since the Liquor Act was revised in 2008. This clearly undermines the Government's commitment to prioritise harm minimisation and introduce standard trading hours of 10am to 12 midnight. Council believes that the licensing fee structure and its set categories of 12 midnight to 3am, and 3am to 5am, may actually encourage premises who hold a licence to trade to 1am or 2am to extend until 3am, as the fee is based on this whole period (whether they trade until this time or not). Council supports an urgent review of the licensing fee structure, to ensure that it is achieving its intended goals.

In relation to detached bottle shops, Council supports the restriction of trading prior to 10am however believes that clarification is required regarding exemption based on "demonstrated community need". Given that a number of bottle shops in Gold Coast City appear to have already been granted application to trade from 9am, Council questions whether need is already being met and why further applications are being considered.

It is too early to determine whether other changes associated with the amendment of the Act have been effective at reducing alcohol related harms.

The impact of late opening hours

How have late opening hours impacted on the incidence of alcohol-related violence?

What changes, if any, should be made to opening hours, and alcohol service strategies within those hours, to reduce alcohol-related violence?

The causal link between violence and extended trading hours is very well established and is acknowledged by the State Government in its categorisation of late night licences as "high risk" and "elevated risk". Most violent incidents occur between midnight and 5am, as overall levels of intoxication increase. Police data and Gold Coast Safety Camera Network observations have identified that on nights when premises are required to close at midnight (eg Anzac Day and Good Friday), there is a significant decrease in all alcohol related crime.

The proliferation of late night trading venues is creating two key issues for Gold Coast City: a) 'saturation' and cumulative impacts of late night trading in entertainment districts; and b) the impact of late night trading on residential and mixed use precincts. Recent research by Michael Livingston in Melbourne has found that the three types of liquor outlets (hotel pubs, bars and packaged outlets) all positively correlated with assaults. Hotels and bars were the biggest drivers to inner city violence and packaged liquor outlets were more important to suburban areas.

Cumulative Impacts and Saturation Levels

In established entertainment precincts such as Surfers Paradise, Council believes that new or extended trading applications should trigger an assessment, not only of the venue itself, but the potential cumulative impact of increased availability of alcohol in the immediate precinct.

As a result of research into the link between outlet density and assaults in and around licensed premises, there has been a significant amount of work nationally and internationally on areas that have reached saturation point. In the *King's Cross Licensed Premises Research Report* for the City of Sydney (2006), Urbis defined 'Saturation' as *a concept used in relation to the density of licensed venues in night-time entertainment precincts and their potential cumulative impact. It relates to the concept that an area has a definable 'carrying capacity' after which limits should be placed on the increase in the number of licensed venues, their trading hours and/or operations, in response to this cumulative impact.* Once an area is determined to be reaching or have reached saturation, it is recognised that harm minimisation and community safety strategies will be unable to mitigate the impacts of the over-supply of alcohol and over-crowding of public spaces.

In the UK the Licensing Act 2003 makes it possible for licensing authorities to consider introducing 'saturation' policies. Local governments can deny a liquor licence on the basis of saturation point or the combined cumulative impact in a defined area. Similar legislation is being considered in Victoria and New South Wales.

Suggested benchmarks have been identified by the Victorian Government's Inner City Entertainments Taskforce for consideration in defining saturation points and measuring the potential cumulative impact of a new development. These include:

- existing and past trends in type and mix of licensed premises
- transport availability
- proximity of residential uses (actual and planned)
- public safety initiatives
- enforcement resources

The City of Sydney has identified a further benchmark:

- potential other high impact/sensitive land uses, including late night premises such as takeaway food venues.

In March 2009 Gold Coast City Council commissioned Urbis to undertake a Special Entertainment Precinct investigation study for the central area of Surfers Paradise. One of its key aims was to identify economic and social issues affecting the precinct. As part of the study, a range of stakeholders were interviewed and community surveys were undertaken. The report stated that the majority of land use conflicts are arising from the negative social and physical impacts of the night-time economy and in particular the clustering of licensed venues and the availability of alcohol. Feedback from stakeholders indicated that most believed that the area was already well-serviced by liquor outlets and provided support for the consideration of a 'cap' on the number of venues.

Gold Coast City Council strongly encourages the State Government to work with local governments to progress work on saturation levels and cumulative impacts.

Council believes that the current moratorium on late night trading applications is a timely opportunity to consider these issues and that no exemptions should be given whilst this work is being undertaken.

Late Night Trading in Residential Areas

As previously mentioned, Council has adopted a policy position to support late night trading in the city's key entertainment precincts only. Given the high number and density of venues in these areas, they are well placed to meet the City's demand for late night entertainment and these areas are better supported by transport, emergency services and intensified place management programs to mitigate the impacts of extended trading.

Council believes that the local community does not want or support late night trading in residential areas and that the service of alcohol should finish by 12 midnight. Approval of late night trading venues outside designated entertainment precincts, creates unreasonable safety and amenity impacts (noise, vandalism, assaults and traffic offences) and places further demands on stretched public safety resources (police and ambulance) and late-night transport services.

As there are no late night public transport services in many residential localities within Gold Coast City, patrons are likely to experience difficulties and lengthy delays when leaving the premise. They are heavily reliant upon taxi services, who report high demand and long waiting times between 3am and 6am on Friday and Saturday nights. Many frustrated patrons decide to walk home and research demonstrates there is a strong potential for intoxicated persons to cause additional negative social amenity impacts including excessive noise, vandalism, violence and anti-social behaviour. Lack of public transport is also linked to increases in drink driving offences.

If trading in residential areas is approved, Council recommends that OLGR consider strict conditions to mitigate as many risks as possible. These could include installation of CCTV at entrances and exits, higher ratios of security personnel and provision of free or low cost patron courtesy bus services.

Gold Coast City Council receives a significant number of complaints from residents impacted by noise, litter, antisocial behaviour and violence associated with living in close proximity to licensed premises. This conflict of land uses is already a significant problem in developed areas such as Surfers Paradise and is likely to be an issue for future mixed use precincts such as transit oriented developments (TODs). The Government needs to give consideration to restricting trading hours to 12 midnight or earlier in these high density areas to minimise future conflicts and ensure their economic success and vitality.

Late night trade by licensed premises also negatively impacts on the amenity of the City by creating conflict between intoxicated patrons and residents enjoying an early morning walk/jog. Extended trade also limits the amount of time Council and property managers have to undertake cleaning and maintenance to restore the street environment prior to the commencement of daytime business and tourism activities.

What has been the impact of the 3am lockout on the incidence of alcohol-related violence?

As previously discussed, Council has adopted a policy to support trading hours until 5am with the condition of a 3am "lockout" for licensed premises situated within the

designated entertainment precincts of Surfers Paradise, Broadbeach and Southport. The 3am lockout has been operating in Gold Coast City since 2004 and has proven to significantly reduce alcohol-related crime and injury and improve public safety and amenity.

Attached is a copy of Council's 2008 submission to the Government's review of the 3am lockout which includes evidence supporting its success as a harm minimisation tool (Attachment 3).

Flow-on issues for emergency service workers, police and front-line health workers

What is the impact of alcohol-related violence on police and other emergency service workers and health workers?

Alcohol related violence places a significant burden on already stretched front-line staff including emergency services and puts them at risk of assault and/or injury.

The Gold Coast Police District is under-resourced in terms of the number of Police Officers per capita. According to the Queensland Police Service 2007/08 Statistical Review and Estimate Resident Population as at 30 June 2008, there is only one Police Officer for every 628 persons in the City. This ratio is significantly lower than the Queensland average of one Police Officer for every 435 persons. The Gold Coast District's allocation also compares unfavourably with Brisbane Central (1/158), South Brisbane (1/591) and Logan (1/588). Council is aware that shift allocation restrictions, sick leave and high staff turnover further compound police resourcing problems.

Council believes it would be advantageous if police staffing and resourcing formulas could take into account visitor numbers, rather than just rely on permanent residential populations. In the case of Gold Coast City, this would increase the allocations by approximately one-fifth (with 80,000 visitors per day).

For the broader community, the regular reporting of violent, alcohol-related incidents often increases their level of fear and it is very likely that a greater police presence in the city would assist to reassure residents of their safety. A higher level of police presence is also likely to act as a deterrent to crime, and would increase opportunities for development of proactive government and community partnerships on local crime prevention initiatives.

Council's own regulatory staff (including Local Law Officers and parking inspectors) and maintenance personnel are frequently subjected to violence, intimidation and verbal harassment as a result of dealing with alcohol affected individuals whilst carrying out their work. This can lead to lost-time, workers compensation costs and high staff turnover for Council and cause long-term physical and/or psychological impacts on affected workers.

How can negative impacts on these workers be reduced?

Adequate resourcing, equipment and training is essential for all workers affected by alcohol related violence however prevention of harms would be preferable to managing their impact.

Education campaigns and their role in cultivating effective social change in terms of community attitudes to alcohol consumption

How do we change the drinking culture and create a culture of individual responsibility?

Social marketing campaigns and community education programs can be effective at generating long-term behavioural change if they are part of a multi-faceted response to alcohol related violence. Targeted campaigns in response to localised issues appear to be more successful than mass 'shock' tactic marketing, potentially due to their relevance to the individual.

Feedback from licensees indicates some believe that the issue of personal accountability and responsibility needs to be given greater attention. Whilst recent legislation has focussed on the responsible service of alcohol and improved management practices, this needs to be balanced by messages of personal accountability and self-regulation.

The role of parents in influencing attitudes towards alcohol consumption

How can parents be assisted in instilling responsible attitudes to drinking?

Council believes that social marketing campaigns and targeted community education programs, including those aimed at parents and young people, are an important component of a holistic harm minimisation strategy. These should be funded and supported by the State and Federal Governments. Research in South East Queensland by DrinkWise Australia found that local parents are very receptive to receiving information that would assist them to positively influence their child's drinking behaviour. The surveys and focus groups conducted in Brisbane City and Gold Coast City during December 2008 and January 2009, revealed important findings about parental attitudes towards drinking and their preferences for how information should be delivered to parents and young people. Summaries of the research findings are attached to this submission (Attachment 4). More information can be obtained directly from the Chief Executive of DrinkWise Australia, Mr Chris Watters.

The economic cost of alcohol-related violence

What is the economic cost of alcohol-related violence to the Queensland community?

The National Alcohol Strategy estimated that a sizeable portion of the \$240 million spent by Queensland local governments on cleaning public space was attributed to alcohol-related litter, body fluid spills and other alcohol by-products

Although Gold Coast City Council at present does not collect data relating to the costs of alcohol management it is estimated that direct and indirect costs are incurred for the following services:

- CCTV surveillance - \$1.2 million per annum
- City cleaning and waste management
- Enforcement of local laws
- Provision of private security patrols of Council facilities and public spaces
- Damage to Council property (vandalism)

- Lost labour and productivity from workers affected by alcohol related violence
- Responding to liquor licensing referrals
- Event management
- Community safety programs and initiatives

It should be noted that whilst local governments incur significant costs associated with alcohol related violence, they do not receive any portion of revenue collected through liquor licence fees.

Private property owners and tenants also suffer similar losses as a result of alcohol related violence.

Whilst it is difficult to quantify the exact cost of alcohol related violence on tourism, economic prosperity, property values and community and individual well-being (quality of life), it is acknowledged that these are all negatively impacted by poor perceptions of safety.

How could this cost be reduced?

Council believes that in order to reduce alcohol related violence costs, these need to be more accurately quantified and measured. The National Local Government Drug and Alcohol Advisory Committee (Chaired by the Chief Executive Officer of Brisbane City Council, Ms Jude Munro) is currently developing a dataset to measure the impacts of alcohol on local communities. Inclusion of State Government data including police statistics, ambulance call-out data, liquor licensing figures and hospital admissions would allow all levels of government to assess current costs and establish benchmarks to measure progress. Council is currently unable to collect much of this data due to access restrictions.

Additional Information

Role of local government in liquor licence applications

Gold Coast City Council believes local governments are well positioned to assist the State Government to more effectively assess the social and community impacts associated with liquor approvals. More meaningful and genuine assessment of new licensing requests could occur if there was greater information sharing and/or concurrence of assessment between the two levels of government.

Currently, OLGR requires evidence of town planning approval from Council prior to issuing of a new liquor licence. Due to the inconsistencies between local government planning scheme land uses and the State Government's liquor licensing categories, it is possible that liquor related uses were not considered at the original town planning approval stage. For example, a 'bottle shop' liquor outlet may have been approved by Council as a 'retail' shop facility.

Once an application for a new or extended trading hours licence is submitted to OLGR, it is referred to Council for comment. The onus remains on objectors (including Council) to demonstrate that the applicant's proposal will directly and negatively impact the community, rather than on the applicant to demonstrate the benefits of their application. This process is costly, onerous and does not allow local governments to object on the basis of the cumulative impact of the proliferation of alcohol outlets or trading hours on a local community. Whilst OLGR states that

feedback from local governments will be given considerable weight, it is evident that under the current Liquor Act it is rare that an application is refused on this basis.

OLGR recently released draft “A Guide for Local Government Authorities in the Preparation of Comments on Liquor Licensing Application Relating to the Liquor Act 1992” – a copy of this document is attached as Attachment 5. Whilst clarification of the objection process is good, the draft contains an exhaustive list of evidence that Councils should supply to support their comments (page 14 of 24). The cost of gathering this evidence for each of Gold Coast City’s 1200 existing licensed premises and approximately 50 proposed new venues annually would be extremely high and is completely unsustainable. Council strongly believes that it is not local government’s role to collect this type of information, rather, it should be routinely gathered as part of OLGR’s monitoring of licensed premises for compliance. If this is not occurring it is suggested that rather than shift the cost to Councils, the State Government needs to urgently review OLGR’s level of resourcing for compliance-related activities. The current staffing level of the Gold Coast Liquor Licensing Compliance Division of five officers is considered highly inadequate.

Additionally, the draft Guidelines suggest that Council provide crime offence data, ambulance call out data, tape recordings to communications and triple zero calls. This information from State Government agencies is not accessible to Councils, making it impossible for local government to provide the sufficient weight of evidence required to support an objection. For example, Council is unable to obtain detailed crime data relating to a specific licensed premises from Queensland Police Service. Council believes it is therefore unreasonable to discount objections and comments provided by local governments on the basis that this evidence is not able to be obtained.

Currently, applicants applying for new or changed liquor licences (other than a “community club” or “community other”), are required to submit a Community Impact Statement (CIS). The purpose of a CIS is to detail potential health and social impacts associated with the proposal including extensive community consultation. Council strongly believes that a copy of the CIS should be provided to local governments to facilitate informed responses to requests for comment – rather than Councils being expected to independently obtain this information within the 28 day period allocated for responses. The CIS would also be of great benefit if provided to local governments when assessing land use applications. In NSW, copies of liquor licence applications, including CIS documents, are made available online for public comment and scrutiny. It is recommended that the State Government consider a similar process in Queensland.

Greater integration between the Integrated Planning Act, Council Planning Schemes and the liquor licensing process would streamline the assessment of liquor developments and provide greater opportunities for more effective community consultation, consideration of community and social impacts (including cumulative impacts), and inclusion of consistent harm mitigation conditions. This would limit the need for compliance activity following approval and hopefully improve community safety and amenity.

List of Attachments:

1. *Gold Coast Safety Camera Network Statistical Reports 2004-2009.* (August 2009). Gold Coast City Council.
2. *Secure Taxi and FlatFare Patron Statistics Gold Coast Region.* (July 2009). Queensland Transport, Queensland Government.
3. *Submission to the 3am Lockout Review.* (14 January 2008). Gold Coast City Council.
4. *Parents of Tweens and Alcohol – Topline Report into Qualitative and Quantative Research.* (January 2009). Prepared by Quantum Market Research for DrinkWise Australia.
5. *A Guide for Local Government Authorities in the Preparation of Comments on Liquor Licensing Applications Relating to the Liquor Act 1992.* (Draft – released July 2009). Department of Employment, Economic Development and Innovation, Queensland Government.
6. Various recent media articles demonstrating the level of community concern at alcohol related violence.
7. DVD containing footage of typical alcohol related violence and traffic incidents taken from the Gold Coast Safety Camera Network.

Attachment 1

Gold Coast Safety Camera Network Statistical Reports 2004-2009. (August 2009).
Gold Coast City Council.



SUMMARY OF TOTALS BY AREA - period 01/01/09 to 31/07/09

INCIDENTS OF NOTE	SURFERS PARADISE	BROADBEACH	COOLANGATTA	SOUTHPORT	TOTAL
ASSAULTS AND VIOLENCE					
Assault - Common	312	67	36	27	442
Assault - Serious	5	3	0	0	8
Assault - Grievous	4	2	2	0	8
Assault - Sexual	0	0	1	0	1
Assault involving Security Staff	5	1	1	0	7
Homicide	0	0	0	0	0
Weapons related matter	26	8	1	4	39
SUB TOTAL	352	81	41	31	505
DRUG RELATED MATTERS					
Drug Dealing	16	3	1	6	26
Drug Use	34	7	1	7	49
SUB TOTAL	50	10	2	13	75
LIQUOR AND ALCOHOL					
Liquor - consume or possession	113	28	20	18	179
Liquor - drunk and disorderly	146	42	17	14	219
SUB TOTAL	259	70	37	32	398
SEARCHES					
Search - for lost persons	17	1	1	2	21
Search - for offender	25	0	1	3	29
Search - for vehicle	12	0	1	0	13
SUB TOTAL	54	1	3	5	63
VEHICLE RELATED MATTERS					
Vehicle - pursuit	4	1	1	0	6
Vehicle - traffic incident	75	18	5	11	109
Vehicle - unlawful use	22	5	2	3	32
SUB TOTAL	101	24	8	14	147
MISCELLANEOUS					
Arson	4	0	1	1	6
Busking	46	2	13	2	63
Miscellaneous	28	12	7	2	49
Prostitution	2	0	1	0	3
Public Nuisance	225	54	85	45	409
Robbery	8	2	3	6	19
Theft from beach	13	0	2	0	15
Theft general	28	7	9	7	51
Touting	21	0	3	0	24
Trespassing	1	0	0	0	1
Vagrancy	30	4	13	1	48
Vandalism	32	14	13	6	65
Vandalism - graffiti	1	0	0	0	1
Injury - including slip and fall	38	21	20	10	89
Intell request	32	4	9	2	47
SUB TOTAL	509	120	179	82	890
TOTAL INCIDENTS	1325	306	270	177	2078
Arrests Observed					
Arrests Observed	894	129	109	56	1188
Requests for Video Evidence					
Requests for Video Evidence	222	39	34	12	307
Operator Attend Court					
Operator Attend Court	11	0	0	0	11
Calls from QPS					
Calls from QPS	639	86	77	89	891

**GOLD COAST SAFETY CAMERA NETWORK
COOLANGATTA**

MATTERS OF NOTE	2008 (01/01/08 - 31/12/08)	2007 (01/01/07 - 31/12/07)	2006 (01/01/06 - 31/12/06)	2005 (01/01/05 - 31/12/05)	2004 (01/01/04 - 31/12/04)	TOTAL
Serious Assault	1	0	3	3	1	8
Assault/Fights	86	33	45	32	36	232
Disorderly Conduct	59	48	67	46	52	272
Drunk and Disorderly	40	29	37	11	18	135
Lost Persons	0	1	0	0	1	2
Traffic Incident	1	1	2	2	3	9
Theft	1	0	2	0	1	4
Theft from Beach	0	0	0	0	0	0
Vandalism	10	9	4	3	3	29
Alcohol Related Matter	32	22	13	14	18	99
Drug Related Matter	3	6	4	2	0	15
Robberies	0	0	0	1	0	1
Graffiti	0	0	0	0	0	0
Miscellaneous	16	11	26	16	20	89
TOTAL	249	160	203	130	153	895

**GOLD COAST SAFETY CAMERA NETWORK
BROADBEACH**

MATTERS OF NOTE	2008 (01/01/08 - 31/12/08)	2007 (01/01/07 - 31/12/07)	2006 (01/01/06 - 31/12/06)	2005 (01/01/05 - 31/12/05)	2004 (01/01/04 - 31/12/04)	TOTAL
Serious Assault	6	2	1	0	1	10
Assault/Fights	87	61	20	15	15	198
Disorderly Conduct	65	97	40	18	22	242
Drunk and Disorderly	34	41	24	3	10	112
Lost Persons	1	0	0	0	0	1
Traffic Incident	2	2	1	0	0	5
Theft	0	6	4	0	0	10
Theft from Beach	0	0	0	0	0	0
Vandalism	21	14	8	2	4	49
Alcohol Related Matter	55	63	29	11	11	169
Drug Related Matter	19	17	3	1	0	40
Robberies	0	0	0	2	0	2
Graffiti	0	4	0	0	0	4
Miscellaneous	40	26	18	8	15	107
TOTAL	330	333	148	60	78	949

**GOLD COAST SAFETY CAMERA NETWORK
SURFERS PARADISE**

MATTERS OF NOTE	2008 (01/01/08 - 31/12/08)	2007 (01/01/07 - 31/12/07)	2006 (01/01/06 - 31/12/06)	2005 (01/01/05 - 31/12/05)	2004 (01/01/04 - 31/12/04)	TOTAL
Serious Assault	15	16	2	11	12	56
Assault/Fights	477	525	410	418	460	2290
Disorderly Conduct	193	282	232	327	389	1423
Drunk and Disorderly	249	331	238	215	217	1250
Lost Persons	4	6	8	16	19	53
Traffic Incident	25	18	28	35	89	195
Theft	17	18	25	8	25	93
Theft from Beach	4	4	1	1	3	13
Vandalism	34	44	38	20	39	175
Alcohol Related Matter	218	231	209	219	316	1193
Drug Related Matter	67	42	38	23	37	207
Robberies	8	7	1	1	2	19
Graffiti	4	1	2	2	2	11
Miscellaneous	147	134	134	157	212	784
TOTAL	1462	1659	1366	1453	1822	7762

**GOLD COAST SAFETY CAMERA NETWORK
SOUTHPORT**

MATTERS OF NOTE	2008 (01/01/08 - 31/5/08)	2007 (01/01/07 - 31/12/07)	2006 (01/01/06 - 31/12/06)	2005 (01/01/05 - 31/12/05)	2004 (01/01/04 - 31/12/04)	TOTAL
Serious Assault	0	1	0	0	1	2
Assault/Fights	17	4	8	5	7	41
Disorderly Conduct	36	16	11	22	42	127
Drunk and Disorderly	13	3	4	3	19	42
Lost Persons	0	0	0	0	0	0
Traffic Incident	2	2	2	0	4	10
Theft	1	4	0	0	2	7
Theft from Beach	0	0	0	0	0	0
Vandalism	14	7	3	0	1	25
Alcohol Related Matter	19	5	11	8	17	60
Drug Related Matter	2	4	3	3	7	19
Robberies	1	0	0	0	0	1
Graffiti	1	0	0	0	3	4
Miscellaneous	15	18	20	20	24	97
TOTAL	121	64	62	61	127	435

GOLD COAST SAFETY CAMERA NETWORK

TOTALS BY YEAR

MATTERS OF NOTE	2003	2004	2005	2006	2007	2008	TOTAL
SERIOUS ASSAULT	44	15	14	6	19	22	120
ASSAULT/FIGHTS	504	518	470	483	623	667	3265
DISORDERLY CONDUCT	471	505	413	350	443	353	2535
DRUNK AND DISORDERLY	217	264	232	303	404	336	1756
LOST PERSONS	51	20	16	8	7	5	107
TRAFFIC INCIDENT	143	96	37	33	23	30	362
THEFT	31	28	8	31	28	19	145
THEFT FROM BEACH	10	3	1	1	4	4	23
VANDALISM	38	47	25	53	74	79	316
ALCOHOL RELATED MATTER	259	362	252	262	321	324	1780
DRUG RELATED MATTER	69	44	29	48	69	91	350
ROBBERIES	3	2	4	1	7	9	26
GRAFFITI	5	5	2	2	5	5	24
MISCELLANEOUS	130	271	201	198	189	218	1207
TOTAL	1975	2180	1704	1779	2216	2162	12016

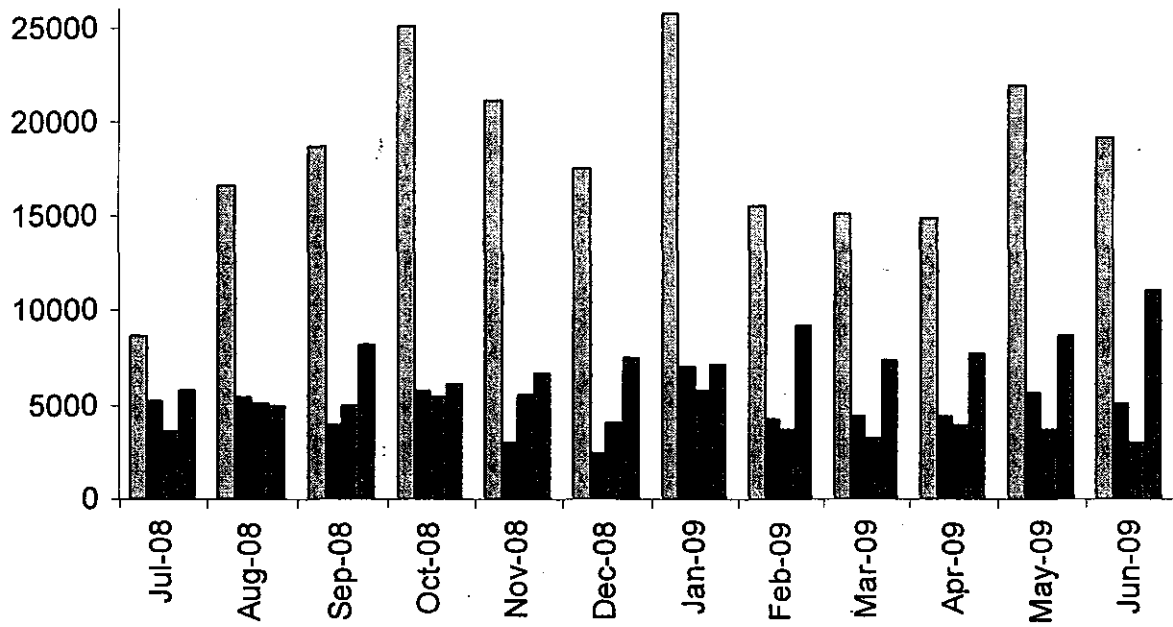
Requests for Video Evidence by QPS	269	310	331	330	468	438	2146
Arrests noted (not confirmed by QPS)	763	833	808	784	1222	1328	5738

Attachment 2

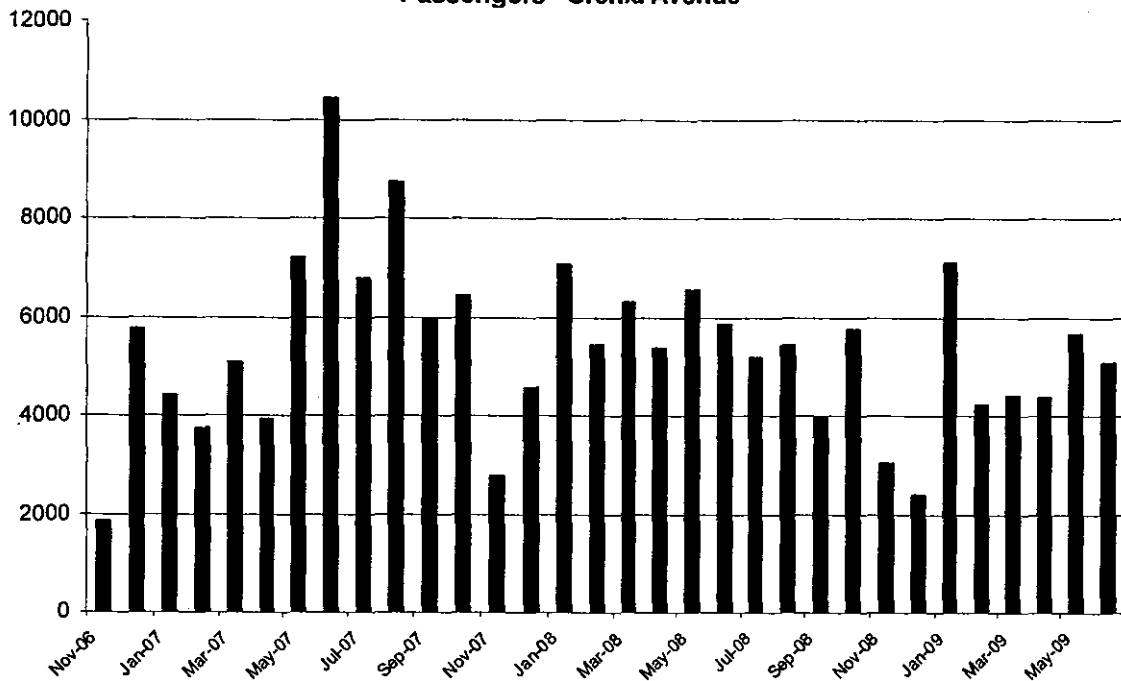
Secure Taxi and FlatFare Patron Statistics Gold Coast Region. (July 2009).
Queensland Transport, Queensland Government.

Passengers from Gold Coast

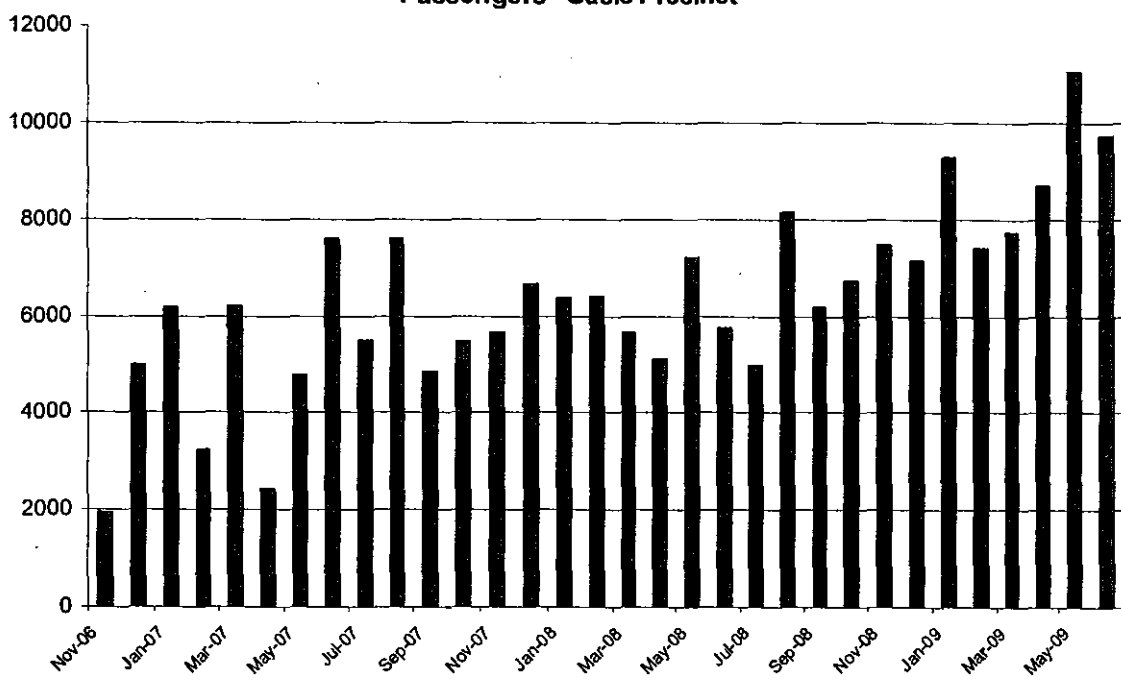
■ Cavill Ave ■ Orchid Ave ■ Cavill FlatFare ■ Oasis



Passengers - Orchid Avenue



Passengers - Oasis Precinct



Attachment 3

Submission to the 3am Lockout Review. (14 January 2008). Gold Coast City Council.

Date: 14 January 2008
Contact: Brooke Denholder
Location: Surfers Paradise
Telephone: [REDACTED]
Your reference: [REDACTED]
Our reference: [REDACTED]

PD330/144/01

PO Box 5042 Gold Coast MC
Qld 9729 Australia
Email: gcccmil@goldcoast.qld.gov.au
Web: goldcoastcity.com.au
Administration Centres
Ph: +61 7 5582 8211
135 Bundall Road Surfers Paradise
Fax: +61 7 5581 6346
833 Southport Nerang Road Nerang
Fax: +61 7 5596 3653

The Lockout Review Project
Liquor Licensing Division
PO Box 1141
BRISBANE QLD 4002

SUBMISSION SUPPORTING THE 3AM LOCKOUT

Thank you for providing an opportunity to inform the review of the state-wide 3am lockout for late trading licensed premises.

The 3am lockout has been operating in Gold Coast City since 2004 and has proven to significantly reduce alcohol-related crime and injury and improve public safety and amenity. Please find attached a summary of supporting evidence for your consideration.

Based on this local success, I urge you to continue to apply the 3am lockout as a permanent, mandatory and consistent condition of all liquor licences in Gold Coast City.

Please contact Coordinator Social Planning and Development Branch, [REDACTED] on telephone [REDACTED] to discuss this submission further.

Yours faithfully

Colette McCool
DIRECTOR COMMUNITY SERVICES
For the Chief Executive Officer

Enc 2

GOLD COAST CITY COUNCIL - SUBMISSION TO THE 3AM LOCKOUT REVIEW

Gold Coast City has the highest concentration of licensed premises in Queensland, with approximately 28 licensed late-trading venues that are subject to the 3am lockout, and that attract up to 30,000 patrons on a regular Friday and Saturday night. Crime and safety issues will always exist in this type of environment therefore proactive strategies to influence patron behaviour, such as the lockout, are critical.

The evidence included in this submission is primarily based on statistics from the first two years following the introduction of the lockout (to demonstrate the difference before and after) however more recent data is also included to show its continuing positive impacts on crime and violence and the need for its mandatory continuance.

Summary

The 3am lockout was introduced in Gold Coast City in 2004, in response to concerns about escalating levels of public intoxication and alcohol-related violence. Data from key service providers demonstrates the lockout has been successful in reducing crime and injury, particularly within Surfers Paradise.

Police statistics demonstrate a significant reduction in a range of offence categories since the introduction of the lockout, including a decrease in incidents of assault (bodily harm). There has also been a reduction in calls for Queensland Ambulance Service assistance between 3am and 6am. Transport (Road Safety) has also seen a reduction in alcohol related incidents and a decreasing road toll trend. Data from Council's Safety Camera Network reflects this overall reduction in violence, aggression, public intoxication and general street disturbance.

The lockout provides a balance between meeting demands for late-night entertainment and enhancing safety for patrons, without sacrificing profitability of licensed venues. Community consultation has demonstrated an overall positive response to the lockout.

The lockout needs to be applied consistently and throughout the entire city due to the close proximity of the entertainment precincts and to avoid confusion by patrons. This includes retaining the lockout during the Lexmark Indy Carnival ('Indy').

The lockout is not a cure-all and needs to be complemented by other community safety strategies, for example, good management practices, visible regulatory response, effective transport services, and good urban design. The safety issues evident in the entertainment precincts are still significant enough to warrant continuation of the lockout – it would be a backward step to remove it.

Details about the overall demonstrated benefit of the lockout condition and its continued need are discussed below.

Please also find attached an extract from Council's submission to the Liquor Licensing Division in March 2006, including a summary of evidence and community statements supporting the 3am lockout – for reference. This was Council's last submission prior to the lockout being applied as a mandatory condition state-wide.

Demonstrated Benefits

Improved Community Perceptions of Safety

In 2005, Council conducted extensive community consultation to measure the impact of trading hours of licensed premises on residents and other stakeholders. Focus groups, displays, online polls and information sessions identified the following main benefits of the lockout:

- patrons are still able to stay out late enough and have an enjoyable night, and safety is increased
- decrease in crime levels and less vandalism
- a safer environment and in particular fewer fights
- reduced level of street disturbance and violence
- decreased drunken behaviour and noise in early hours of the morning
- marked increase in early morning users, eg joggers, families, tourists
- reduced number of disorderly people on the streets

Local nightclub patrons also provided feedback, commenting on the increase in safety, decrease in violence and aggression, decrease in patrons milling around clubs, and Surfers Paradise being a more enjoyable place to go out in.

The Gold Coast, in particular Surfers Paradise, caters for a wide range of users including, residents, workers, families, tourists and party goers. This poses a significant risk of conflict between day and night time users. For example, prior to the lockout early morning walkers would regularly be confronted by intoxicated people passed out on the beach and experience aggressive interaction within the precinct. Statements from early morning users (attached) illustrate that the lockout has had a positive impact on amenity and the perception of safety in the early hours of the morning.

Reduced Crime and Violence

Council believes that one of the greatest benefits of the lockout policy has been the reduction in violence that previously resulted from highly intoxicated people interacting in public areas whilst between venues. Prior to 2004, patrons were observed to consume drinks inside venues but then leave to congregate and socialise in the streets while 'club hopping'. This created a highly-volatile environment that was conducive to assault, sexual assault, disorderly conduct (e.g. public urination), vandalism and littering. The environment also attracted underage drinkers who were unable to enter licensed premises but who could gather in adjacent public spaces to experience an adult drinking culture. These young people were at even greater risk of significant harms associated with high levels of public intoxication.

Police Crime Statistics

Information from previous submissions by Police to the Liquor Licensing Division, an independent evaluation, and direct consultation indicate the lockout has overwhelming reduced crime and violence and assisted policing responses.

"...alcohol-related disturbances and sexual offences were significantly reduced in the Gold Coast policing areas... In addition, anecdotally police personally believe that there is less violence on the streets and that it is much quieter and safer following the introduction of the lockout policy." (Palk, 2007)

Queensland Police Service believes the lockout condition restricts the movement of patrons between nightclubs between 3am and 5am and provides for a more gradual flow of patrons out of the area. The lockout period is a time when many patrons are highly intoxicated after many hours consuming alcohol and the interaction of these persons in public spaces, as they go from nightclub to nightclub, can impinge on personal safety and property security. The lockout does not deny patrons the ability to continue to enjoy themselves at their chosen nightclub, and does not remove the ability of the nightclubs to meet the demand for the licensed late-night entertainment.

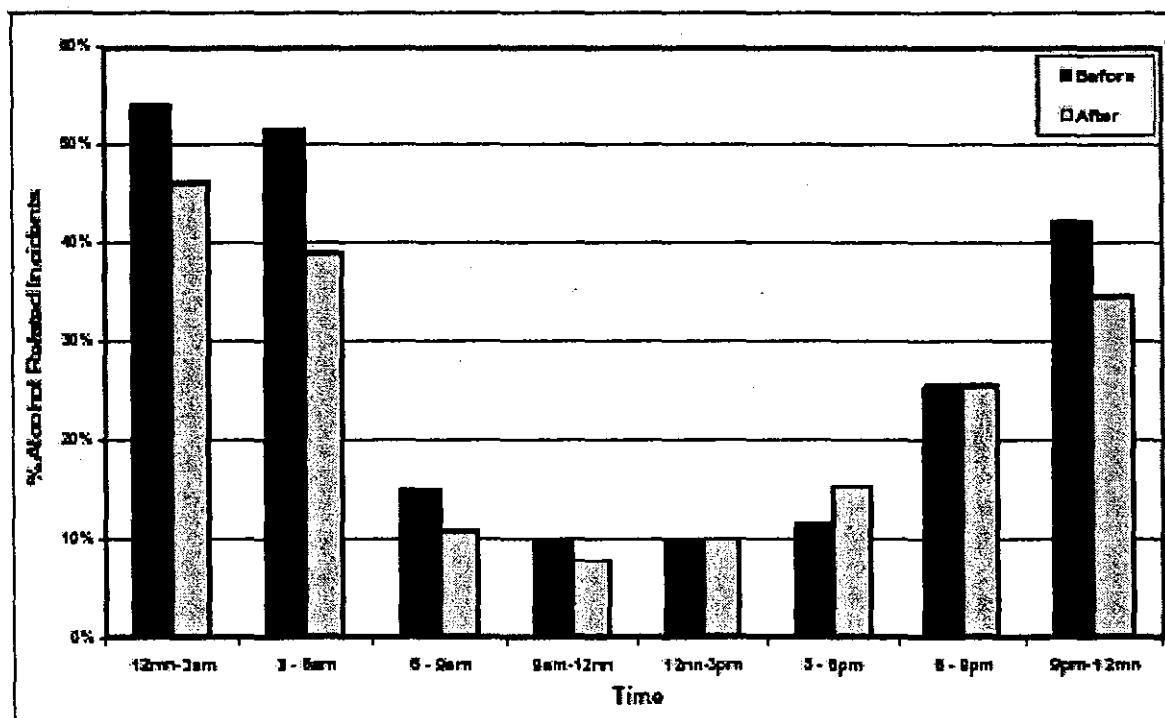
Gold Coast Police conducted an evaluation of the liquor licensing enforcement activity, including the new lockout condition, for the four months following the introduction of the lockout. From a Police perspective the imposition of the lockout condition has significantly reduced alcohol related crime, violence and anti-social behaviour across the Gold Coast District. Key results included:

- Total assaults down 2%, serious assaults down 18%
- Decrease between 2-14% for non-police related assaults between 3am-6am
- In the Surfers Paradise Division alone, calls for police assistance at street disturbances reduced 12.9% between 3am-6am and total calls for assistance due to public drunkenness reduced 14%

The Queensland Police Service supports the maintenance of the lockout condition in terms of its capacity to improve the personal safety and property security of residents and visitors to the Gold Coast.

In a presentation of their research to the 14th International Police Executive Symposium in Dubai, Palk, Davey and Freeman also reported the overall reduction in alcohol related incidents as a result of the lockout had been significant. Their findings are represented in Figure 1 below.

Figure 1: Percentage of alcohol-related incidents before and after the introduction of the lockout condition by time of day (Palk, Davey and Freeman, 2007)



Safety Camera Network Incident Data

Council's Safety Camera Network consists of 86 cameras situated in Southport, Surfers Paradise, Broadbeach and Coolangatta. The cameras are monitored 24 hours a day, 7 days a week and in 2007 recorded approximately 2100 matters of note – 2/3 are alcohol-related.

Since the introduction of the lockout, the camera network has observed a significant decrease in the number of incidents and arrests between the hours of 3am and 5am, particularly in Orchid Avenue, Surfers Paradise (key nightclub strip). For example, the total number of incidents detected between 3am and 5am reduced by 45% from 2003 to 2004 (lockout introduced April 2004).

Monitoring staff have personally observed a significant decrease in violence, police arrests and general disturbance and intoxicated persons in the Surfers Paradise entertainment precinct between 3am and 5am. Operators have commented there appears to be less aggression, aggravation and less distress all around. The difference is unbelievable and in fact they have been surprised at what a positive impact the lockout condition appears to have made. They believe that this is largely due to the fact that there is a gradual flow of people out of the area and less people loitering around after 3am.

The lockout has also reduced the concentration of people in public spaces during the peak intoxication period of 3am to 5am, improving the natural surveillance capacities of police, security and CCTV monitoring staff. This has improved their ability to detect and respond quickly to incidents (which may also account for increases in some reported offences). This in turn improves the safety of all patrons within the precinct as support systems are better able to function.

Please refer to the attached summary of the types and number of incidents detected by the camera network.

Local Law Patrols

Council's Local Law Officers conduct regular patrols of the entertainment precincts as part of their core duties. During these patrols, Officers observed a marked improvement since the introduction of the lockout - safer/more pleasant environment with less intoxicated people milling around, less associated anti-social behaviour and generally more order within the precinct.

Please refer to attached statements from Local Law Officers.

Reduced Accidents and Injuries

When consulted, Queensland Ambulance Service indicated, in their opinion, the most appropriate option would be for licensed premises to stop serving alcohol and close at 3am. If this is not achievable then it would be in favour of a 3am lockout and subsequent closing of premises at 5am.

The ambulance service attends numerous alcohol and violence related cases within the early hours of the morning, particularly within the Surfers Paradise area. These types of cases increase on Friday and Saturday nights. Therefore, from a community safety perspective, any strategy that could lower the numbers of these types of incidents from occurring is essential.

Ambulance call outs between 3am and 6am were **down 66%** and total calls were down 55.12% for the four months after the lockout was introduced in April 2004 compared with the same period in 2003 (Queensland Police Service 2004, p.6). Queensland Transport (Road Safety) also advised that alcohol related incidents were increasing until the period coinciding with the introduction of the lockout as well as a decreasing road toll trend.

The Management of Public Intoxication Project (Chill Out Zone, Surfers Paradise) provides immediate response care for intoxicated people in the Surfers Paradise entertainment precinct. The Chill Out Zone did not initially experience a change in the numbers or levels of alcohol and drug intoxication following the lockout however it did adjust its operating hours to close an hour earlier. Gold Coast City is the only city in the world with a Chill Out Zone, demonstrating its advanced response. Only a small percentage of nightclub patrons visit the Chill Out Zone.

Improved City Image and Amenity

Given Gold Coast City is a premier tourist destination, city cleaning and maintenance (and city image/amenity) are paramount for Council and Surfers Paradise is a high priority due to the volume of visitors.

In 2006, the combined annual cleaning and maintenance costs for Surfers Paradise exceeded \$1.6 million, with Orchid Avenue alone conservatively costing approximately \$80,000 per year. Security are required to support cleaning crews – the reduced number of intoxicated people milling around allows crews to clean more easily to prepare the precinct for the day.

It is impossible to identify the exact proportion of cost of vandalism caused by late trading and the cleaning regime has increased over time to improve standards during the night in Surfers Paradise. The cleaning costs remain the same as the same number of cycles are completed regardless of the level of rubbish. However, anecdotal observations from staff indicate the level of rubbish/glass bottles/vandalism/public urination etc has improved since the lockout.

Benefits to Licensees

The hospitality and tourism industries are essential for the ongoing economic prosperity of Gold Coast City. The lockout provides a balance of meeting demands for late-night entertainment while increasing safety of patrons. Safe and popular venues could view the condition as a 'lock in' as patrons merge to chosen venues for up to the last two hours of their night.

Appeals by licensed premises to the Commercial and Consumer Tribunal have not evidenced financial hardship due to the lockout and the independent evaluation by Palk further reflects this, as follows;

"The qualitative analysis revealed that while hotel and nightclub owners/operators were initially opposed to the lockout policy they now acknowledge the benefits. Some of these benefits include improvement in the ability to manage intoxicated patrons and the development of better business strategies to increase patron numbers. Overall, there appeared to be little negative impact on profit and patron numbers." (Palk, 2007)

The findings of the study provide supportive evidence that lockout initiatives can be beneficial for both late night liquor trading premises and public safety.

Complementary Safety Initiatives

It is widely acknowledged that the lockout is not a 'cure-all' and is most effective when supported by complementary safety approaches. It is difficult to disentangle and measure the influence of each initiative but together they appear to be effectively improving public safety.

Council works closely with other stakeholders on a wide range of initiatives designed to improve actual and perceived safety and minimise the risks of alcohol-related harm/s. Council conducts regular safety audits, applying crime prevention through environmental design (CPTED) principles to the design and management of public spaces. Private developers are also encouraged to consider CPTED when making applications under the Gold Coast Planning Scheme.

The Gold Coast Safety Camera Network (CCTV) is a powerful public safety tool that works alongside the lockout to enhance the safety of entertainment precincts within Gold Coast City. Research by Bond University (Wells, Allard and Wilson, 2006) found that the GCSCN:

- Enhances the perceptions of safety of precinct users.
- Deters minor property offences and other opportunistic crimes (through increased risk of detection).
- Facilitates a rapid emergency services response to incidents (e.g. directing ambulance officers to people with injuries).
- Prevents the escalation of harms through the provision of early intervention for people deemed to be at risk of assault or injury (e.g. liaison with the Chill Out Zone outreach service).
- Is a powerful evidentiary tool resulting in the more efficient detection and prosecution of offenders.
- Assists authorities to monitor, and manage crowds during event periods (e.g. to determine when to close roads to traffic etc).

Council spends approximately \$1 million per annum on the operation of 86 cameras in Surfers Paradise, Coolangatta, Southport and Broadbeach (where the concentration of licensed venues is greatest).

In 2005, Council worked with the Liquor Licensing Division to establish a Gold Coast accord group, LICA (Liquor Industry Consultative Association) to promote the responsible service of alcohol. Council currently allocates \$5,000 per annum to conduct joint public safety initiatives with LICA. To date, successful projects include the Schoolies confiscated ID card for venue operators and the community education campaign, "Who are you buying for? Will they be safe?" targeting the secondary supply of alcohol to minors.

Reliable, efficient and convenient public transport is essential to night-time safety in busy entertainment precincts. Within Surfers Paradise, a significant amount of violence and disorder (e.g. public urination) occurs when people are unable to quickly leave the area at the end of their night. Together with Police, LICA and others, Council successfully lobbied the State Government to implement secure taxi ranks and shared taxis (Flat Fare Service) in 2006 and 2007, respectively. Other improvements included additional night bus services along the Gold Coast Highway and security guards or CCTV on key routes.

Lockout during Indy

Council supports the consistent application of the lockout and recommends the existing relaxation of the 3am lockout condition during the Indy Carnival be abolished.

The four-day exemption during Indy exposes the Gold Coast community to greater alcohol-related harms and sends a confusing message about the safety merits of the lockout arrangement. The wider community expects that the need for the lockout would increase in peak event periods, when alcohol-related risks are greatest. They are therefore understandably confused as to why it would lapse during one of the busiest times of the year. Also, major events such as Indy require a significant policing and emergency services presence. Given its documented effectiveness at other times of the year, it is anticipated that the lockout's reinstatement during Indy would greatly assist personnel to manage crowd behaviour and would also serve to reduce their own risk of injury.

Community Education

There has been a significant investment to educate residents and visitors about the lockout condition and similar conditions are in place in other states and internationally. Patrons are now familiar with its existence and operation. It would be a backward step, from a community expectation perspective, to remove/change the lockout arrangements. Similar arrangements in other well-known entertainment areas internationally (eg. City of Sydney, Albury/Wodonga, Wellington) also mean the lockout does not negatively impact on the city's image and competitiveness as a vibrant tourist destination. Plus, public safety is essential to be able to promote an area as an attractive tourist destination.

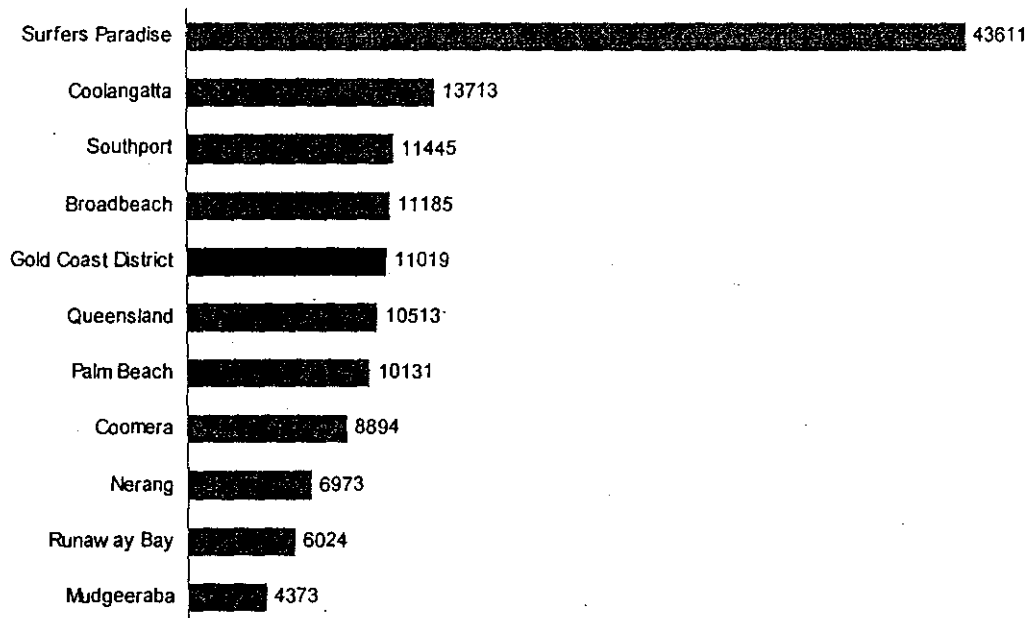
Consultation has also identified that the lockout has generated broader positive impacts by introducing some rules and structure to the entertainment precincts. Whereby previously the image of Surfers Paradise was 'anything goes', the lockout established expectations about acceptable conduct within the precinct.

Evidence of ongoing need for mandatory lockout condition

The introduction of the lockout has not solved all of the issues arising from the concentration of licensed venues and subsequently high levels of public intoxication however it has become an important management tool. The graph below (Figure 2) demonstrates the significant number of offences that still occur with Surfers Paradise and other similar entertainment precincts (Broadbeach, Coolangatta and Southport). Council's Safety Camera Network also indicates that alcohol-related offences and anti-social behaviour are still evident. We can not afford to become complacent – the current level of incidents warrants the retention of the lockout and other continued efforts to manage patron behaviour and enhance community safety.

The rate of development in Gold Coast City is increasing the residential population in Surfers Paradise and encouraging mixed use in other areas. This will further increase the potential conflict between users, and test the levels of community tolerance.

Figure 2: Total Offences as rate per 100,000 persons for Queensland Police Service Areas for period 2005-2006



Council believes that a more stringent legislative framework is required to further strengthen the effectiveness of the lockout policy. In its response to the Liquor Act Review, Council supported the Government's emphasis on harm minimisation and highlighted the need for an increased regulatory presence and reinstatement of standard trading hours of 10am to midnight. A copy of Council's full submission is attached.

Whilst crime statistics demonstrate the significant positive impacts of the mandatory 3am lockout condition, the findings of a community survey measuring feelings of safety support the need for its continuation. In Surfers Paradise, (the area that is most affected by the lockout), there is a significant difference between residents' perceptions of safety at various times of the day, with 96% reporting that they feel safe during the day but only 54% who feel safe at night time. This was the greatest difference between day and night-time perceived levels of safety of all areas surveyed.

Survey respondents in Surfers Paradise also reported that their neighbourhood experiences a higher proportion of the following problems (compared with the City as a whole): people drunk or high on drugs; too much noise; young people loitering and getting into trouble; rubbish and litter; inconsiderate or disruptive neighbours; drugs; and vandalism and graffiti. In addition, 16% said that they have limited or changed their daily activities because of (a fear of) crime (compared with an average of 11% across Gold Coast City).

These findings suggest that there is something inherent to the night-time environment and its users that generates fear and reduced quality of life. Council believes that the level of public intoxication is the major influencing factor and reducing its level and impact must be a continuing priority of all levels of government.

Prior to the lockout being applied as a mandatory condition, all parties (Police, Council and applicants) invested significant resources to measure and prepare submissions to Liquor Licensing demonstrating the impacts of the lockout.

Maintaining the mandatory status allows a better use of public resources on other safety strategies.

References

- Palk, G. (2007). *Perspectives on the effectiveness of late night trading lockout legislative provisions*. Conference paper presented to the 4th Australasian Drug Strategy Conference, October 22-25, 2007. Gold Coast: Australia.
- Palk, G; Davey, J; and Freeman, J. (2007). "Policing and preventing alcohol-related violence in and around licensed premises" in *Proceedings 14th International Police Executive Symposium*. Dubai.
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- Wells, H., Allard, T. and Wilson, P. (2006). *Crime and CCTV in Australia: Understanding the Relationship*. Centre for Applied Psychology and Criminology: Bond University, Australia. http://epublications.bond.edu.au/hss_pubs70

Attachment 4

Parents of Tweens and Alcohol – Topline Report into Qualitative and Quantative Research. (January 2009). Prepared by Quantum Market Research for DrinkWise Australia.



Level 10 Como Tower
644 Chapel Street
PO Box 181
South Yarra VIC 3141 Australia
t : 61 3 9289 9599
f : 61 3 9289 9595
e : research@qmr.com.au
w : www.qmr.com.au

Quantum Market Research DrinkWise

Parents of Tweens Territory and Communication Assessment Research

Qualitative Research Topline Report

What we did

Four focus group discussions were conducted with parents of 'tweens' (9-14 year olds) to assess their understanding of, and reaction to, the proposition of delaying the onset of drinking amongst their adolescent children.

The groups were conducted in both Brisbane and the Gold Coast on the 24th November 2008 and moderated by John Scott and Matthew Bond.

Overall findings

Overall, the findings of this research suggest that parents of 'tweens' are looking for assistance to communicate their apprehensions around their teenager's initiation to alcohol at too young an age. Whilst most acknowledge that their teenagers are likely to drink (and largely mirror their own introduction to alcohol) many parents are alarmed at the rise in alcohol related harm amongst young people – from violence, vehicle and personal accidents and sexual assault.

Whilst most place substantial store in their own parenting ability to guide their children through ages 14-17, there is an undercurrent of uncertainty and apprehension in this assessment. Many parents are less sure of how influential they are in influencing and guiding their children's decisions and as such, are looking for advice (and solutions) in how they should introduce alcohol to their children. They want to be responsible in this regard but recognise that a prohibitive approach is unlikely to deter their children in experimenting.

Information about a delayed introduction to alcohol – as a means to offset future problems and optimise physical development is welcomed – although most find the concept at odds with current risk-taking behaviour amongst young people and most are unsure at how they could practically address this with their kids.



Level 10 Como Tower
644 Chapel Street
PO Box 181
South Yarra VIC 3141 Australia
t 61 3 9289 9599
f 61 3 9289 9595
e research@qmr.com.au
w www.qmr.com.au

In this vein, many consider the way forward to be considered in the context of assisting parents (to be better parents). Whilst most consider the role of schools, police and other institutions such as sporting clubs as partners in this effort, most believe that it is the collective experience of parents that is considered the most productive route forward.

Here, an emphasis on helping parents to take a consistent approach to alcohol and their kids is considered most appropriate. Most are looking for advice about how to better communicate with their children – particularly as their children enter a more 'resistant phase' of testing boundaries and defining their personalities.

Importantly most agree that there isn't one channel or approach required here but rather a wider community partnership that is needed to support parents in their efforts. Primarily, parents are looking for information that they can, in turn, discuss with their children (and fellow parents). This information can take a range of forms and suggested approaches included documentaries on television and DVD (that allow a third party perspective of the issues), parent forums at schools (to discuss shared concerns and approaches), websites and magazine articles (to reinforce information and approaches) et al.

At the secondary level, parents want support from key institutions such as schools, police and sporting clubs to reinforce their approach. In particular drug and alcohol education that reinforced the key messages from parents was considered vital. Also noted was a need to remove many of the inconsistencies parents saw around alcohol. Alcohol at sports clubs and school fetes were considered to provide mixed messages to young people - and many parents saw this as undermining their parenting approach.

Changing drinking patterns evident

Parents indicate that their consumption of alcohol has moderated since the advent of children - partly due to age, increased expense and an inability to function the next day...

"I'm drinking less now that I don't go out as much"

"I sometimes have a big night out...but not often"

"I go out every second weekend"

"I find I'm not bouncing back as well as I used to"



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In this regard their drinking has now been greatly moderated both by greater responsibilities in life (including kids) but also through commitment to work and family more generally.

Do kids play a role in changed consumption habits? Absolutely, and it was clear that kids have dramatically influenced drinking behaviours...

"We got pissed every weekend up until we had kids"

"I don't want to drink around kids"

"I usually wait until the kids are asleep and then have a drink"

"It's now a nice little treat for myself when cooking dinner...but I don't get blotto"

This change in consumption is partly due to perceived (and real) life responsibilities...

"You can't be hung-over the next morning if you have to drive them somewhere"

...and partly due to a greater sense of how their children pick up on drinking behaviours...

"Children perceive what you do very differently. I had a few drinks and then she's running around yelling 'Mum you drink scotch!'...she gave me grief for days"

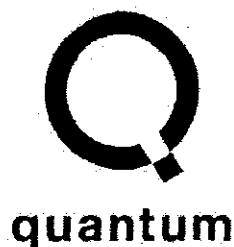
"Children at that age they take everything in"

"If I'm drinking, I'll stay at a friends house because otherwise I'd come home and she'll say 'you've got a hangover' and that makes me feel worse"

"My daughter comes to me and says Uncle Tim is drunk... or Mummy, dad was spewing last night because he drank too much"

"I tend to leave a party with the kids when he's (husband) drunk...we get a cab. I don't like them seeing him drunk"

"I'm not comfortable going to a function where all the parents are drinking and there are kids there"



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In this regard, parents were increasingly self-conscious about how they (and their peers) drank around children – and aware that they were, in effect, being watched and monitored.

Showing kids how to drink responsibly is considered best route

Most indicated that their own 'regular' weekend drinking – (beyond sips at Christmas) had commenced when they were between 16 and 18 years and when asked if their children (currently aged 9-14 would drink in the future) response was unanimous...

"I can't see why they won't"

"She'll start at 15 or 16"

"16 or 17...she's very impressionable"

"You're not going to stop them drinking...so it's more about controlling it"

"My 12 year old has figured out that he'll be 18 when he goes to schoolies"

...Although for some, the idea of underage drinking sits uncomfortably...

"Drinking at 16 is just unproductive. Alcohol really shouldn't be part of their lives when they are making some big life choices"

The overwhelming sentiment amongst parents is that introduction to drinking in Australia is strongly associated with a rite of passage. As per their own initiation to adulthood, alcohol was the social lubricant necessary to 'find one's way' both socially and sexually.

Of note, our parents are concerned to ensure that alcohol becomes a 'normalised' part of socialisation rather than the focus of socialisation...

"I want to teach them about the consequences of drinking... you need to be one step ahead"

"I think the more you hide it, the more intriguing it gets"

"I took my daughter for a drive one night around the streets of Brisbane to show her the drunks coming out of clubs"



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"I find it useful to talk to them about some of the ads

"I'm not so worried about drinking per se but rather drinking to excess...or where there is violence"

This final quote underscores a key sentiment amongst many parents as it highlights that whilst the majority of parents were resigned to their children drinking alcohol before they turned 18, most were far more worried about the consequences of other people's behaviour...

"I'm really worried about kids getting bashed"

"Or kids getting in a car with someone who's been drinking"

"Sexual assault"

Clearly it is the sometimes devastating consequences of intoxication that parents are most concerned about and for many, they believe (or hope) that the relationship they have established with their children will stand them in good stead when they have to lay down ground rules....

"I think the home situation has a lot to do with it...if you don't get on top of it now...you'll lose them"

"I think I just have to educate him and let him know what the consequences will be if he comes home drunk"

"I've put a poster in their bedroom that says...OWN YOUR BEHAVIOUR"

"They've got to learn the boundaries"

IN THIS REGARD MANY PARENTS SEE THE RESPONSIBILITY FOR THE INTRODUCTION TO ALCOHOL AS SQUARELY ON THEMSELVES TO ADDRESS, HOWEVER OTHERS ARE LESS CONVINCED OF THEIR ABILITY TO DO THIS...

"They don't listen to us...in their eyes we're dags"

"I'll bribe her...I've said I'll take her on a cruise rather than her going to schoolies"

"I've tried to scare my daughter and said if she wants a good job she can't drink"



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"You don't get a manual when you become a parent"

WHILST OTHERS BELIEVE THEIR EFFORTS WILL BE UNDERMINED...

"What do you do when other parents are irresponsible?"

In response, it was evident that some parents are looking for a more authoritarian / legalistic solution...

"Firstly I think we've got to realise its breaking the law...we've got to confront the reality that drinking under 18 is illegal"

And subsequently many are looking for solutions the removes their children from exposure to alcohol altogether...

"We've spoken to a lot of other parents of older kids and ask them what they've done. And they tend to do things like ensure that their kids only go to alcohol free parties."

Other institutions - helping or hindering us?

A high degree of uncertainty is evident amongst parents in their ability to address the introduction of alcohol with their children. Many acknowledge a wide range of influences and pressures impacting on young people's decisions. To some degree other institutions such as...

- Schools; and
- Sporting clubs

...are expected to play a role although there were differing levels of engagement with schools...

"I've just found mainstream schooling to be very non-supportive. They are closed off and teachers are too busy and they are dealing with too many problem kids"

"I'm not sure the schools drug education is very good...they'll get a cop in to give a talk... but it doesn't seem very effective"



quantum

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f 61 3 9289 9595
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w www.qmr.com.au

"I just can't believe that at the school fete there is a beer tent...I mean, what message does that give to kids"

Whereas other parents experience was very positive....

"We've found our school to be very supportive"

"At our school the parents have seminars on issues to do with raising their kids. It's an opportunity to discuss issues. They really encourage us to talk about problems with our kids...it's very useful"

There was generally thought to be less support exhibited by sporting clubs to be 'leading the charge' in terms of responsible introduction to alcohol...

"You know that these clubs generate their revenue through the bar...you won't change that"

"The kids are training and the seniors are opening up the bar...it's not great"

In this regard many parents believed they were fighting a losing battle between their own wishes for their child to not commence drinking at too early an age and wider societal pressures.

Muted reaction to delayed drinking proposition reinforces difficulties of parenting

When appraised with information about delaying the introduction of alcohol to children from both a medical / brain development perspective, as well as from the perspective of longer term alcohol related problems, reaction was generally encouraging but it's practical application of this information was less able to be visualised...

"How can you do it (stop them) if they are drinking behind your back"

"Education about this wouldn't be bad...but ultimately they'll make their own decision"

Although many were encouraging of what this might mean in an educative sense...

"If I knew this information I'd be letting her know"



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"If you had something where they can think about it for themselves...that's better than me telling them"

"It wouldn't work in the classroom but one on one - maybe"

When asked to identify what they considered the main barriers were in communicating this message to their children, most reflected on both wider societal pressures as well as (other) parents inability (or reluctance) to pass on information to their kids. In this vein there is a strong expectation that parents needed to provide a consistent approach to boundaries around when drinking will commence...

"You can't constantly rely on the government...it's ultimately up to parents"

"As parents you've got to be a good role model"

"Parents are the greatest role model"

The general sentiment conveyed was that many (other) parents were either not concerned, or found it too difficult to educate their kids...

"It's the parents that don't educate their kids"

"Nobody knows what to do"

"Help us to be better parents"

A way forward...

Based on these discussions, it is evident that parents are looking for assistance in how they can be better parents. Whilst they acknowledge a high likelihood of experimentation and use of alcohol by their kids before they turn 18, most are fearful of the negative consequences of excessive drinking.

Information about delayed introduction to drinking provides an avenue for parents to reinforce their personal preference for their kids to limit alcohol consumption before 18 – but many are concerned at the lack of a consistent approach by parents. Coupled with mixed messages their children receive from other parents as well as other institutions in the community – many maintain a hope that their personal parenting style (and relationship they have developed with their kids) will get them through.



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Information about a delayed drinking approach (and associated benefits) will need to be disseminated in a range of forms and via multiple channels. There isn't one approach likely to meet the needs of all parents.

Importantly, the message underpinning this approach needs to be simple, clear, consistent and definitive – and not open to interpretation. For parents this is vital if they are to adopt and utilise this information.

It is clear that schools have a strong role to play in reinforcing this message - and can act at both the drug education level (for students) as well as allowing a forum for parents to discuss shared concerns and discuss the implications for parents of a delayed introduction to drinking...

"You want a combination of both (parenting and education by schools) as some parents don't care"

Other channels likely to reinforce the message and provide cut-through for parents will include a definitive website, magazine articles, on-line forums/discussions (i.e. parenting sites) and more traditional advertising approaches.

SE Queensland

Topline Results

Q.1. Which ONE of these areas do you live in?

Base : All respondents	505
	%
Metropolitan Brisbane.....	77
Gold Coast suburbs (including hinterland).....	23

Q.2. ASK: Just to confirm, are you currently a parent of a child aged 9-14 years and have no other children aged above 14 years?

Base : All respondents	505
	%
Yes.....	100
No	0

Q.3. How many son(s) / daughter(s) in your household are aged 9-14 [Write in how many]

Base : All respondents	505	505
	%	%
	Sons	Daughters
9 years old.....	18	13
10 years old.....	13	11
11 years old.....	13	13
12 years old.....	11	11
13 years old.....	10	12
14 years old.....	9	9

Q.4. Are you?

Base : All respondents	505
	%
Male	31
Female.....	69

Q.5. How often do you have an alcoholic drink?

Base : All respondents	505
	%
Every day	8
5-6 days a week	7
3-4 days a week	15
1-2 days a week	25
2-3 days a month.....	14
About one day a month	10
Less often.....	18
Have never drunk alcohol.....	4

Q.6. To your way of thinking, how strong are the following influences likely to be in your son / daughters commencement of drinking?

Base : All respondents **505**

	Very influential %	Somewhat Influential %	Not at all influential %
My son or daughters friends (peers)	42	45	13
The image of alcohol and getting drunk in the media	25	52	22
The role of online social networks	14	46	39
The role and influence of celebrities and their use of alcohol	18	50	31
The behaviour of parents when they are drinking	57	33	10
The drinking behaviour of other family members - including siblings	51	36	12

Q.7. Which parent in your household is (or will be) most responsible for educating your son or daughter about alcohol?

Base : All respondents	505
	%
Both parents take (or will take) equal responsibility	72
I take more responsibility for this type of issue	16
My partner takes more responsibility	2
I take sole responsibility as I am a single parent.....	10

Q.8. Have you, or do you plan to discuss the issue of your children's introduction to alcohol with other parents?

Base : All respondents	505
	%
Very likely to do so	34
Somewhat likely	43
Unlikely	18
Not at all likely to discuss this issue with other parents.....	6

Q.9. If unlikely, why is that?

Base : Respondents saying 'unlikely' / 'not at all likely' in Q.8	118
	%
None of their business / private matter / family issue / only discuss within family.....	25
Parents responsibility / teach my own values	24
No need / not necessary.....	17
Don't talk to other parents	14
Other parents have different ideas / values	12
None of my business / don't want to interfere	8
Child and I have a close relationship / already discussed it	4
Have older children / already been through this.....	4
Only if other parents raise the issue	2
We are separated / child lives with other parents.....	2
Other	9
Nothing / No particular reason.....	3
Don't know / not sure / hadn't thought about it.....	5

Recent medical research has indicated that a developing adolescent's brain is particularly sensitive to alcohol and it is suggested that delaying the age that alcohol is first consumed by adolescents is critical in ensuring a reduction in alcohol related problems in later life.

Q.11. Were you aware of the information that a developing adolescent's brain is particularly sensitive to alcohol before today?

Base : All respondents	505
	%
Yes.....	72
No.....	21
Don't Know /Can't Say.....	6

Q.12. Were you aware of the information that delaying the age alcohol is first consumed by adolescents is critical in ensuring a reduction in alcohol related problems later in life before today?

Base : All respondents	505
	%
Yes.....	66
No.....	26
Don't Know /Can't Say.....	8

Q.13. As a parent, how important is this information?

Base : All respondents	505
	%
Very important	85
Somewhat important	14
Unimportant.....	0
Not at all important	0

Q.14. If you wanted to obtain more information about this issue, where would you most prefer to access this information? [Tick all that apply]

Base : All respondents	505
	%
Via Schools – delivered to my children in their curriculum	55
Via Federal Government department or agency (via written materials or online information)...	54
Via Schools – delivered to me – the parent	54
Via Community health organisations	46
Via State Government department or agency (via written materials or online information).....	45
Via Local councils (via written materials or online information)	27
Via Community organisations (such as sporting clubs).....	26
Website / Internet	4
Doctors.....	1
Own experience / common sense.....	1
TV documentaries	1
Friends and family	0
Don't know	1
Other.....	1

Q.15. If you received this information, how likely would it prompt you to do any of the following...

Base : All respondents **505**

	Very likely %	Somewhat likely %	Unlikely %	Not at all likely %
Discuss the information with my partner	68	21	4	7
Discuss the information with my own children aged 9-14 – with a view to generating agreed rules, expectations and boundaries towards their future drinking behaviour	79	18	3	0
Discuss the information with other parents at social gatherings	35	49	13	4
Discuss the information with other parents at my child's sporting events	24	42	27	8
Discuss the information with other parents at my work	28	44	18	9
Discuss the information with other parents – with a view to promoting shared rules /expectations and boundaries around children's consumption of alcohol	40	43	14	4

Q.16. How interested would you be in also receiving information about the following issues?

Base : All respondents

505

	Very interested %	Somewhat interested %	Not at all interested %
When to discuss issues of alcohol with your child – how to approach the subject and set boundaries around your children's future actions	63	28	9
Practical strategies to discourage your child experimenting with alcohol	65	27	8
Approaches and strategies to communicate with your child more effectively	66	26	8
How to approach other parents about alcohol and setting shared boundaries and expectations	47	38	16
Advice on how to conduct an alcohol free party	54	30	16
How to discourage other parents from holding underage parties where alcohol is to be present	58	30	12

Q.17. What would be the best means of delivering that information?

Base : All respondents who are 'very interested' in items from Q.15

	When to discuss issues of alcohol with your child – how to approach the subject and set boundaries around your children's future actions	Practical strategies to discourage your child experimenting with alcohol	Approaches and strategies to communicate with your child more effectively	How to approach other parents about alcohol and setting shared boundaries and expectations	Advice on how to conduct an alcohol free party	How to discourage other parents from holding underage parties where alcohol is to be present
Base	316 %	326 %	332 %	235 %	273 %	292 %
Seminar or discussion forum with health experts at your child's school	41	42	39	44	41	43
Seminar or discussion forum with health experts at a local community or health centre	16	15	18	23	21	22
Brochures / leaflets / written guides sent to me at home	77	76	76	73	78	74
Via a dedicated website on this issue	60	60	62	62	67	63
DVD or television documentary	53	56	55	51	53	54
Written information provided by sporting clubs	16	17	17	18	16	17
Information available from human resources at my workplace	6	7	7	9	8	9
Parent forums organised in my local community	22	20	20	27	21	29
Via community forums with prominent people (sports stars etc)	23	21	20	21	21	23

DEMOGRAPHICS

Q.18. Which ONE of the following age groups do you belong to?

Base : All respondents	505
	%
20-34.....	22
35-44.....	50
45-54.....	23
55-64.....	4

Q.19. Marital and household status: Which of the following best describes your marital and household status?

Base : All respondents	505
	%
Married (registered or de facto) and children living at home	77
Never married and children living at home with me	7
Separated or Divorced and children living with one parent	14
Widowed and children living with me	1
Other.....	0

Q.20. Work status: Are you....

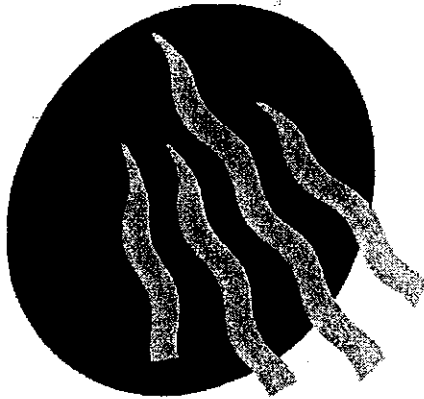
Base : All respondents	505
	%
Self-employed	8
Employed full-time	34
Employed part-time	22
Engaged mainly in home duties.....	18
On a pension.....	8
A self-funded retiree	1
A student.....	3
Not employed at the moment.....	6

Q.21. And lastly, which of the following levels of education is the highest you have achieved to date?

Base : All respondents	505
	%
Year 10 at secondary school <u>or less</u>	18
Year 11 at secondary school.....	5
Year 12 at secondary school (Higher School Certificate).....	23
Diploma / trade qualification.....	30
A university degree.....	16
Post graduate degree.....	8

Attachment 5

A Guide for Local Government Authorities in the Preparation of Comments on Liquor Licensing Applications Relating to the Liquor Act 1992. (Draft – released July 2009).
Department of Employment, Economic Development and Innovation, Queensland Government.



Queensland Government

Department of Employment, Economic Development
and Innovation

**A GUIDE FOR LOCAL GOVERNMENT AUTHORITIES IN THE
PREPARATION OF COMMENTS ON LIQUOR LICENSING
APPLICATIONS RELATING TO THE LIQUOR ACT 1992**

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DRAFT

Executive Summary

1. Introduction

It is common ground that alcohol abuse and misuse in Queensland society currently contributes to personal injury, property damage and violent, antisocial behaviour. To minimise such harm, the Office of Liquor and Gaming Regulation (OLGR) is required under the provisions of the *Liquor Act 1992* (the Act) to seek comment from local government authorities (Council) on certain applications for licences or permits made under the Act, which may have the potential to adversely affect local communities if they are granted. Comments provided by Council may include:

- favourable advice, indicating positive support of Council for the application
- no objection to the application
- no comment, indicating a neutral view on the application
- a statement of concern, where it might be suspected that adverse matters might arise, but there is insufficient evidence to warrant full refusal or the imposition of conditions
- recommendation that the application only be favourably considered by OLGR, if nominated conditions are imposed on the licence or permit, mitigating perceived impacts
- a recommendation to refuse the application

These comments carry considerable weight, as liquor licensing law and practice recognises the expertise of Council officers in identifying crucial law and order issues in the community. Council comment receives prominent attention, both by the Chief Executive when a decision is made and by the Commercial and Consumer Tribunal (CCT), if a decision is subsequently subject to appeal.

The purpose of this Guide is to provide information to assist Council officers in making comments which are valid at law, supported by adequate evidence and will effectively discharge Council obligations under the Act.

2. Application types and timeframes

Council have different timeframes prescribed in the Act to make comment on various applications. These are listed in Chapter 2, along with a flow chart on the typical 'comment' process.

3. Addressing community concerns

The Act seeks to give voice to community concerns raised by members of the public through a formal objection process. The grounds for public objection and the types of concerns commonly expressed by members of the public in the objection process are listed in this Guide in Chapter 3. Concerns range from matters that are able to be proven (such as crimes, public drunkenness, noise and disturbance incidents in the locality), to less obvious issues that could lead to adverse impacts if an application is granted (such as inadequate lighting in nearby parkland or the presence of undesirable persons). These concerns, both real and perceived, all require due consideration by the Chief Executive. Information in the Council submission on such issues as vandalism, resident complaints and public disturbance incidents on nearby streets to a proposed licensed premises, are useful in validating public concerns. Statistical information, such as City Safe data compiled by Council officers, is particularly relevant.

4. Evidence

Comment on applications which vary an existing venue's trading hours or conditions, should ideally contain documentary evidence on the specific trading history of the premises within the last 12 month period and include incidents **directly linked** to the operation of the premises. However, comment on applications for new licences which have no history of trading, are more challenging.

Council officers are then encouraged to base their comment on anecdotal evidence, particularly in relation to the reasonable requirements of the public. General information about the local community profile in terms of resident complaint statistics and the existence of vulnerable sub-communities derived from local knowledge and trends, is extremely valuable.

5. Extended hours trading

Standard trading hours for liquor licences as from 1 January 2009 are 10am to 12midnight – Monday to Sunday. There are limited exemptions for pre-10am trading and generally OLGR does not anticipate a substantial risk with extended hours prior to 10am. However, the majority of complaints received by OLGR, which relate to noise, disturbance and disorderly patron behaviour, commonly involve premises which trade after midnight. The Act prescribes two notional trading periods after midnight, the first between 12midnight and 3am and a higher risk period between 3am and 5am, after which time all sale of liquor must cease.

Extended hours trading are considered high risk by OLGR. Therefore, when making comment on extended hours on either a temporary or permanent basis for existing premises, Council are encouraged to provide evidence of rate payer complaints or Council officer reports which relate to specific premises and the locality generally on or around the time for which the extension is sought. For new applications, comments should be made on the likely impact of the additional hours on the locality or any known alcohol related problems in the area.

6. Commercial Hotel licences

Commercial Hotel licences are the new licence description for what were previously called "General", "Hotel", "Tavern" or "Bar" licences where the principal activity is sale of liquor for consumption on the licensed premises, or on and off the premises. (See sections 59, 60, 61 and 62 of the Act). These licences sell liquor on the premises and off the premises, in the form of take away liquor. Each Commercial Hotel licence can have 3 Detached Bottle Shops. Commonly, Commercial Hotels will seek extended hours trading between 12midnight to 5am and often combined with the provision of amplified entertainment.

As a result, Commercial Hotel licences, particularly those trading past 12midnight, are considered high risk by OLGR. Therefore, when making comment on Commercial Hotel licences, Council are encouraged to carefully assess the likely impacts to the community.

7. Commercial Other (Subsidiary On-Premises) licence

Commercial Other (Subsidiary On-Premises) licences are the new licence description for a range of previous licence type, including cabarets, restaurants, residential accommodation, transport and limited licences, where the sale of liquor is a subsidiary aspect. This guide will not examine each one in detail, as a majority trade for standard hours only and are considered medium to low risk. However, two particular styles of Commercial Other (Subsidiary On-Premises) licence deserve special emphasis. These are:

- Commercial Other (Subsidiary On-Premises) licence where the principal activity is the provision of entertainment (See section 67AA of the Act). This licence type will incorporate all previous cabarets. Cabarets technically have liquor as a subsidiary aspect and 'entertainment' as a principal activity. But in reality, cabarets sell a considerable amount of liquor and routinely trade after 12midnight and often to 5am. Because of this emphasis on liquor, propensity for late night trading and attractiveness to the 18 to 30 patron demographic, there have historically been substantial issues in and around cabarets. As a result, a Commercial Other (Subsidiary On-Premises) licence, where the principal activity is the provision of entertainment, are considered high risk by OLGR.

- Commercial Other Bar Licence (See section 70 & 70A of the Act). This licence type is new and describes a small bar, where there is a capacity to seat not more than 60 patrons at any one time. Although OLGR has no experience with such premises, it is envisaged that Bar licences will have a principal activity of the sale of liquor on the premises and seek extended trading hours past 12midnight to 5am in some cases. As a result, Commercial Other Bar Licences are considered high risk by OLGR.

Accordingly, when making comment on such premises, Council are encouraged to carefully assess the likely impacts to the community.

8. Conditions

In some cases, liquor licensing law and practice may dictate there may be insufficient documented evidence to support an objection to the grant of an application, despite genuine concerns that may be held by Council. This situation often occurs for new applications, where no adverse trading history has been detected because the premises has not traded at all or has not traded in the altered way, the subject of the application.

In these circumstances, OLGR may impose conditions on the grant of the licence, permit, variation or extended trading hours, to specifically address these concerns. The Guide provides examples of common conditions and Council officers are encouraged to recommend conditions which are relevant to the Act and will likely lead to practical solutions to anticipated issues.

9. Council report formats

A report format for objecting to an application is included in the Guide in Chapter 9, which summarises the type of evidence that could be submitted by Council, to substantiate a recommendation to refuse the application or impose mitigating conditions.

10. Conclusion

This Guide provides a structured framework for Council to provide relevant information and comment on Liquor Licensing applications. Use of the Guide will ensure that Council:

- fully articulates the Council position in relation to an application
- provide relevant and defensible input on new licences and permits
- is pro-active within the community in preventing incidents in and around licensed premises
- maximise the use of available resources
- reduce alcohol based harm in the community.

The provision of comment on applications should be viewed as a significant opportunity for Council to be proactively involved in a process, which seeks to minimising harm associated with the consumption of liquor on licensed premises specifically and in the wider community generally.

Council **positive comment** will reward an applicant who has demonstrated that the granting of the application will have no adverse impact on the local community. Alternatively, Council **negative comment** will minimise harm caused by alcohol abuse and misuse, through highlighting the poor record of the applicant or other factors that are likely to cause concern.

1. Introduction

The Office of Liquor and Gaming Regulation (OLGR) is required under the provisions of the *Liquor Act 1992* (the Act) to seek comment from the local government authority (Council) on certain applications for licences or permits made under the Act, which may have the potential to adversely affect local communities if they are granted. Comments provided by Council may include:

- favourable advice, indicating positive support of Council for the application
- no objection to the application
- no comment, indicating a neutral view on the application
- a statement of concern, where it might be suspected that adverse matters might arise, but there is insufficient evidence to warrant full refusal or the imposition of conditions
- recommendation that the application only be favourably considered by OLGR, if nominated conditions are imposed on the licence or permit, mitigating perceived impacts
- a recommendation to refuse the application

A decision of the Chief Executive of OLGR is an administrative decision and accordingly, may involve an assessment of available evidence on the civil standard of proof, namely the 'balance of probabilities'. This is distinct from criminal matters, requiring proving a case beyond a reasonable doubt. The balance of probabilities standard of proof simply means that the case is proved when it is shown that what is alleged is more probable or more likely than another outcome. Council comment on liquor applications is therefore under a lesser standard.

However caution must still be taken in providing comment, as any decision is subject to the right of appeal to the Commercial and Consumer Tribunal (CCT), a quasi-judicial body that places a high importance on cogent evidence.

Comment must also include all supporting evidence, as the Act states that in normal circumstances the CCT will only hear evidence that was available to OLGR before a final decision was made on the application. This becomes difficult when Council are aware of incidents through their liaison with Police, where formal charges have been laid, but the matter has not been finalised through court. This does not prevent Council raising the matter to OLGR, but any subsequent ruling of the court may not be considered by the Chief Executive, if a decision is made in the interim.

It is essential therefore, that comments on applications be accompanied by sufficient documented and anecdotal evidence to ensure that a decision based on those comments can be adequately supported upon appeal.

One good factor about the lower standard of proof, Council may provide much more evidence than ordinarily permitted in a criminal proceeding, resulting in significant scope for the inclusion of anecdotal evidence and subjective comments by local Council officers.

This Guide will provide you with:

- information to assist in the recognition of community concerns relating to these applications
- examples of the type of evidence that you can use to ensure that your recommendations are given full weight during the application process
- examples of suitable conditions that may be placed on licences by the Chief Executive

2. Application types and timeframes

Timeframes for Council comment to be provided to OLGR are governed by the legislation and vary, depending on the type of application.

There are two (2) distinct areas where Council may be requested to provide comment. The two are often confused and so particular attention should be paid to the differences, as follows:

- a) A preliminary request by the licensee/proposed licensee (herein after referred to as the "Applicant") for Council to determine or provide evidence of existing zoning of the premises and other peripheral issues
- b) Formal comment sought either by the Applicant or OLGR for Council to provide objection or information on the application proper

(a) Request for zoning approval by the licensee/applicant

This category of request originates from a requirement under the Act to ensure the Chief Executive only considers applications that conform to local zoning requirements. It is contrary to sound decision making for OLGR to grant approval for a licence for a site, where there is no appropriate zoning nor development approval. Accordingly, s.105(1)(c) of the Act and s.4(1)(d) of the *Liquor Regulation 2002* combine to require the Applicant to provide satisfactory evidence that using the site is permitted under the relevant planning scheme of the local authority.

The intention of the provision is to vest ultimate power in Council, as to what licence Council wishes to operate on a particular site. As a result, part of the preparation by the Applicant for lodgement of an application to OLGR, is seeking a written statement from Council to reflect the zoning of the site. This is the responsibility of the Applicant alone. The Chief Executive will not officially request Council provide such information. Invariably, the enquiry from the Applicant will be in writing, lodged by solicitors or consultants acting for the Applicant and will be conducted prior to any application being lodged with OLGR.

In terms of timeframes, OLGR stipulates no specific timeframe for this requirement. An Applicant cannot lodge an application with OLGR unless accompanied by this vital information. As such, Council ought have regard to its own processes and assign a time frame consistent with operational convenience.

Of note, there are many other sundry matters relating to other Council requirements within the Chief Executive's consideration, that are not part of the formal comment process the subject of this Guide, for example:

- Building approval for any construction or refurbishment
- Footpath dining approvals, subject to an Applicant maintaining a separate Council permit
- Certificate of classification
- Health and hygiene certification

However, these are ancillary to the main application and are matters that the Chief Executive requests evidence of in preparation of the final granting process. Consequently, such matters are addressed right at the end of the process and are usually finalised between the Applicant and Council, then copies of such approvals forwarded to OLGR.

(b) Comment sought either by the Applicant or OLGR for Council to provide information (other than on zoning)

This second and primary category is comment that is separately sought by either the Applicant or OLGR, once the issue of zoning has been settled. In this way, Council may comment on a wide range of matters, other than zoning. The actual nature of the comment is discussed in Chapter 3 below. For now, there are two main groups of applications Council may be asked by either the Applicant or OLGR to provide comment on:

- **Temporary**
 - Short term or fixed duration approvals including permits, one-off events, temporary variations to increase licensed area or trading hours or restricted community authorities, all of which are for a specific duration, to expire after the prescribed period
- **Permanent**
 - licence approvals, including new licences and permanent variations to aspects such as trading hours, licensed area, conditions etc. that will remain indefinitely on the licence

Temporary Applications

These are applications for events that occur for a particular finite period. Council may comment on a range of matters and are usually receive an OLGR application form to endorse by the Applicant, as part of the documenting of the application process

Application type	Form	Act section	Comment sought from	How requested	Time frame for comment
Community Liquor Permit	7	103C	Local Council office	Applicant presents Form 7 across counter	Endorse as process and resources dictate
New Restricted Liquor Permit	8	103JA	Local Council office	Applicant presents Form 8 across counter	Endorse as process and resources dictate
Commercial Public Event Permit on 'one-off' basis	13	103	Local Council office	Applicant presents Form 9 across counter	Endorse as process and resources dictate
Commercial Public Event Permit on regular basis	14	103	Local Council office	Applicant presents Form 14 across counter	Endorse as process and resources dictate
Renewal of Restricted Liquor Permit	15	103JA	Local Council office	Applicant presents Form 15 across counter	Endorse as process and resources dictate
Temporary Change in Licensed Area	16	154	Local Council office	Applicant presents Form 16 across counter	Endorse as process and resources dictate [Note: Only required for an increase in area, where area is controlled by Council]
Temporary Authority under Section 125	28	125	Local Council office	Applicant presents Form 28 across counter	As soon as possible

Example of a temporary application - Commercial Public Event Permit

A typical instance of a temporary application is Council involvement with Commercial Public Event Permits under s. 101 of the Act. Commercial Public Event Permits may involve such public events as festivals, public balls, race meetings or a rock concert. Applicants must obtain the permit in order to sell liquor at a public event. Ordinarily, a hotel may apply to sell liquor at an area not on its own licensed area, where the occasion is not a "private event".

The Commercial Public Event Permit has a form that is required to be filled in by the Applicant and lodged with the Chief Executive no more than 28 days prior to the event. To achieve this, Applicants must lodge the form for endorsement with the local Council in sufficient time for Council to comment in the section specified. A sample extract of the Council Endorsement section contained in a Form 13, is illustrated below:

Sample extract from Form 13

Section 21 Council Endorsement	I,	of
	received this application on	<input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	<input type="checkbox"/> I object – Please send a written report outlining your reasons		
	<input type="checkbox"/> I do not object		
	to this application for a commercial public event permit		
Name.....	Position.....		
Signature.....	Date	<input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

If the Council Officer objects to the application or requires additional conditions imposed to allow a conditional approval, tick the "I object" box, provide details of the conditions (which if imposed would dispose of the objection), date and sign and then cause the form to be returned to the Applicant. Then, forward a report independently to OLGR.

If on the other hand the Council Officer does not object to the application, tick the "I do not object" box, date, sign and cause the form to be returned to the applicant.

This enables the Applicant to then lodge the Council endorsed form with OLGR.

Copies of the Liquor forms are available on: www.olgr.qld.gov.au/resources/Liquor/index.shtml

Applications would ordinarily be lodged at the local Council office and processed according to a standard procedure.

Once the endorsement of Council is obtained, the Applicant must lodge the completed form with OLGR at least 28 days prior to the event. Given human nature, Applicants will be tempted to present the form at Council and demand immediate service, to make the 28 day deadline. Neither OLGR nor Council can be held responsible for lack of planning by Applicants. Council are encouraged to have a policy whereby Applicants are required to follow an internal Council process, as Council resources and convenience permits. Council are expected to deal with any application on a case by case basis, using discretion where appropriate. OLGR will support any local Council, who have a reasonable timeframe to process an endorsement of an application.

Permanent Applications

These are applications once granted, will be in place permanently, until changed at a later stage.

Application type	Form	Act section	Comment sought from	How requested	Time frame for comment
New licence	1	105 117	The Chief Executive Officer (or delegate)	In writing from the Chief Executive OLGR	By close of objection date or otherwise 14 days after notice
Detached bottle shop (DBS)	20	60(1)(d)	The Chief Executive Officer (or delegate)	In writing from the Chief Executive OLGR	By close of objection date or otherwise 14 days after notice
Extended Trading Hours	9	85	The Chief Executive Officer (or delegate)	In writing from the Chief Executive OLGR	By close of objection date or otherwise 14 days after notice
Variation of Licence	19	111	The Chief Executive Officer (or delegate)	In writing from the Chief Executive OLGR	By close of objection date or otherwise 14 days after notice

Council assistance is sought in permanent applications, via formal comment on an application. This request is sent in writing to the Chief Executive Officer of the subject Council and is designed for Council to offer either: favourable advice, no objection, no comment, conditional approval or a recommendation to refuse the application. Council are encouraged to supply evidentiary material to support the comment. A sample copy of the written request is set out in Annexure B.

The timeframes are notionally on or before the last day for filing of the advertising period, usually twenty-eight (28) days. In any other case, for example where advertising is not conducted, the timeframe is fourteen (14) days from the receipt of the notice.

Importantly, if Council is late or for a variety of reasons cannot meet the deadline, the Chief Executive will still consider comment received after the prescribed date, up until the actual decision is made. The deadline means that an objector (including Council) may not then be considered a 'valid' objector under the Act for the purposes of appeal rights to the CCT. The material is still included in the file and attached appropriate weight by the Chief Executive. Under special circumstances, the Chief Executive may request further evidence supporting these comments in writing. In this instance, Council may provide further comment within 14 days.

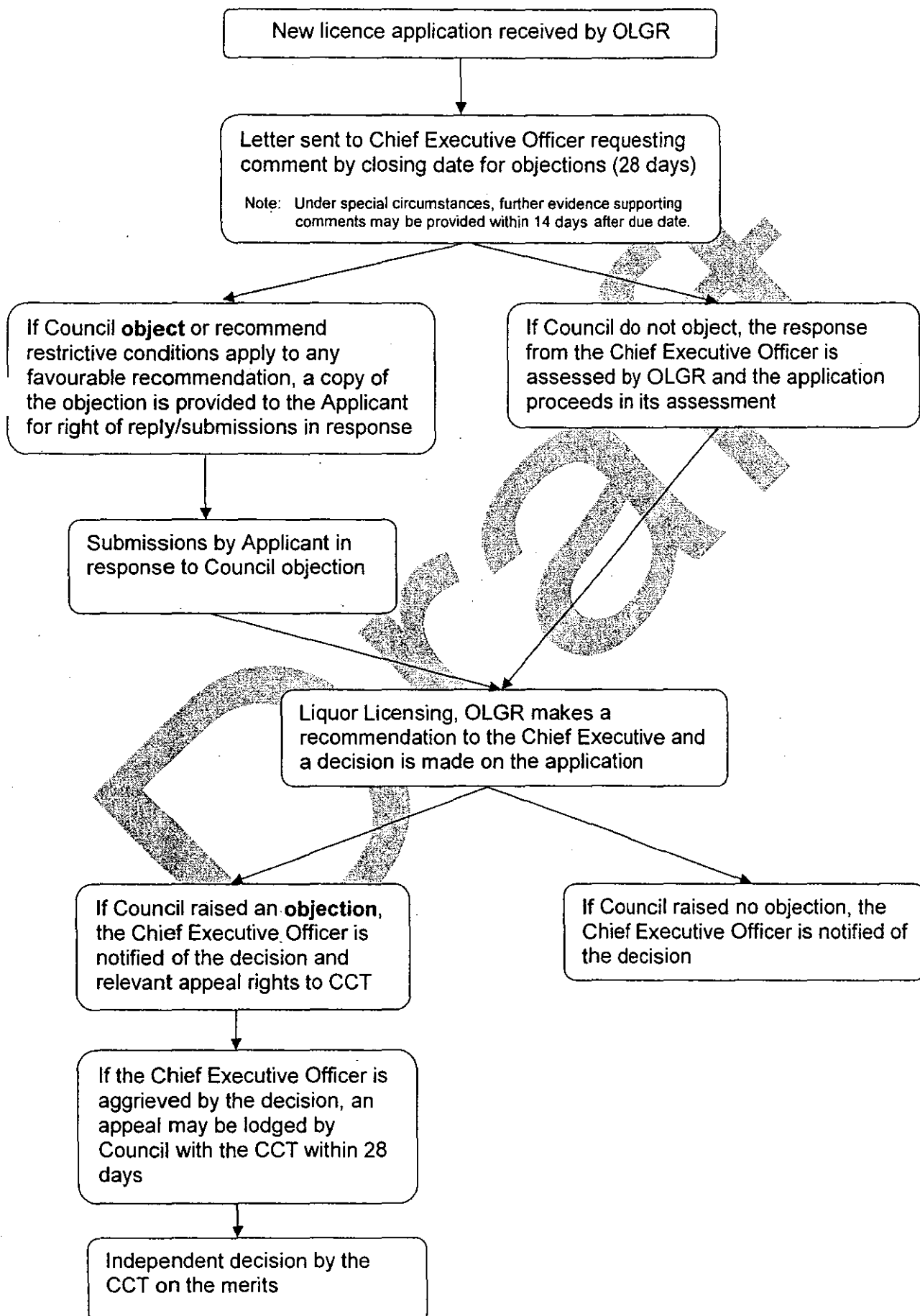
Example of a permanent application - Commercial Hotel Licence

An Applicant seeking a Commercial Hotel licence (hotel, tavern, bar) is required to lodge a Form 1 application and meet a range of administrative minimum requirements. Once satisfied the application is technically sound and matters such as zoning, tenure and procedural format are correct, the Chief Executive will authorise the conducting of public advertising. The Applicant receives written advice and proceeds to advertise.

At the same time, Police, Council and the local Member of Parliament are notified by the Chief Executive of the pending application, provided a copy of the advertising notice (Annexure C) and invited to comment. Contact details of the Applicant are provided, should Council wish to contact the Applicant with any further enquiries. Council then provides comment (See Chapter 3). If lodged within the 28 day advertising period, Council can then become a valid objector, with appeal rights to the CCT. However, if received after the 28 day period, Council comment is still added to the evidence file and duly considered in any decision. Details of any adverse comment are provided back to the Applicant for submissions in response, but unless special circumstances dictate, Council will not be contacted by OLGR again.

Flowchart

The following flow chart shows Council involvement in a typical new licence application:



3. Addressing community concerns

When Council receive a request to comment for either a **temporary** or **permanent** application, the Chief Executive does not presume to dictate to Council how such comment ought be provided. This is entirely at the discretion of Council.

However, the following discussion on community concerns is designed to provide Council with a little background on liquor licensing law and practice, to better enable Council to understand the process and provide more relevant, targeted comment.

Communities often voice concerns over applications for permits or licences under the Act and as an example of the significance attached to the provision of liquor in society by the public, on occasion OLGR can receive over 1000 objections against a single application.

As an illustration of legislative guidance to address community concerns, section 117 of the Act requires Council to be invited to:

"comment on the reasonable requirements of the public in the locality; or

object to the grant of the relevant application on the grounds that the amenity, quiet or good order of the locality would be lessened"

For permanent applications for new licences and those applications requiring public advertising under section 118(1), the Act prescribes a range of matters the public can object to in section 119(3) as follows:

"undue offence, annoyance, disturbance or inconvenience to persons who reside or work or do business in the locality concerned, or to persons in or travelling to or from an existing or proposed place of worship, hospital or school is likely to happen; or

the amenity, quiet or good order of the locality concerned would be lessened in some way"

Lastly, to show to Council what matters Council should address when making comment, section 121 details aspects that the Chief Executive may consider in making a decision on an application, which include:

"(f) the impact on the amenity of the community concerned; and

(g) for an application for an extended trading hours approval mentioned in section 86(1)—
(i) the previous conduct of the applicant in discharging any duties under this Act previously placed on the applicant, especially for the premises for which the extension is sought; and

(ii) the applicant's ability to control the noise and behaviour of the number of persons that could reasonably be expected to be on and in the vicinity of the premises if the extension were granted; and

(iii) the suitability of the premises and its facilities for the purpose for which the extension is sought."

The above matters can be summarised by the phrase "health, social and amenity" issues.

To expand on health, social and amenity issues, public concerns relating to an application can include (but are not limited to) the following:

Public disturbances

- public drunkenness
- antisocial behaviour, such as fights occurring inside/outside the premises
- patrons urinating or engaged in sexual acts in nearby public places when walking home
- patrons shouting and swearing at each other when walking past nearby premises
- motor vehicle noise and traffic congestion
- lights shining into bedroom windows
- littering of nearby streets, including broken glass
- existing nearby taxi ranks and bus stops located in close proximity to residential properties thereby increasing the likelihood of annoyance caused by patron noise
- patrons congregating near the premises for a long period after closing time due to inadequate public transport in the locality or to obtain food at a nearby takeaway food premises

Premises based issues

- excessive noise emanating from the premises generated by patrons, music or motors
- minors consuming liquor inside the premises and in public places near the premises
- previous unacceptable behaviour or offences
- inappropriate liquor promotions
- problem patrons not being banned
- ejected patrons being immediately admitted by other nearby licensed premises
- inadequate lighting of car parks
- poorly lit areas near the premises such as parkland
- crowd controllers failing to monitor patron behaviour outside the premises after closing time
- inadequate fencing of the property

Community based issues

- propensity for departing patrons to create drink driving issues
- impact on schools in close vicinity
- nearby public parks
- close proximity to community sensitive facilities such as refuges for persons affected by domestic violence
- delinquent juveniles attracted to congregate near the premises

Council comments on an application may take into account these possible concerns. All concerns expressed by the public should be given due consideration, irrespective of whether they may be real or just imagined. However, where the comments are subjective and not supported by cogent evidence, appropriate weight should be attached.

Statistical evidence provided to validate these concerns is a critical factor in the decision making process. The Chief Executive cannot rely too heavily on subjective, opinion based comments from Council, as to the appropriateness or otherwise of an application. Where possible, Council should provide relevant evidence of perceived health, social and amenity impacts and any factors relating to the ability of the licensed premises to comply with the Act. The evidence may be:

- documentary material, based on official data collected
- anecdotal accounts, based on individual statements of officers directly involved with premises

4. Evidence

Evidence can be in the form of documentary or anecdotal material. The following are examples of documentary evidence, which can be used to justify Council recommendations:

- Offences on the premises or related incidents in relation to the premises ie. data from City Safe or similar scheme (incidents over a year old have lesser evidentiary weight)
- Individual statements by Council officers who may be at the scene
- Video footage from hand held Council officer cameras, CCTV records from the premises or Council CCTV from fixed street cameras
- Evidence from mobile phones and/or cameras
- Council surveys of incidents which can be linked to patrons of the premises that may happen in the vicinity of the premises, such as disorderly behaviour, assaults or fights in neighbouring parks, on the adjacent streets or in the car park of the premises. The recording of an enquiry made of the alleged offender as to **where** they had their last drink provides critical nexus between the licensed premises and the adverse incident
- Vandalism in the vicinity that can be linked to patrons of the premises
- Substantiated complaints from ratepayers about the premises (unsubstantiated complaints may be listed as background information)
- Crime statistics for the locality obtained by Council from Police that show the overall impact of crime on the whole of the locality.
- Queensland Ambulance Service data
- Comparisons to other licensed premises
- Triple zero calls for service
- Tape recordings to communications
- Council resources – for example reports from sanitation and rubbish removal staff

In some ways, anecdotal evidence can be as important as documentary evidence, as it provides the background information that allows the Chief Executive to gain some idea of the nature of the premises, the locality and the real concerns of the local community.

A large percentage of applications are for new premises or for trading hours not previously permitted in the locality and in these circumstances, anecdotal evidence may be the only means of considering an application unfavourably or imposing restrictive conditions.

Anecdotal evidence relating to the locality could include the following:

- impressions by Councillors or local Council officers of the character of the area
- existing social problems
- general attitudes expressed by members of the community and key community advisers
- the perceived impact on vulnerable groups

5. Extended hours trading

The majority of complaints received by the Division, which relate to disorderly patron behaviour, noise and disturbance issues, are made against premises with extended hours trading.

Standard trading hours for liquor licences as from 1 January 2009 are 10am to 12midnight – Monday to Sunday. There are two types of extended hours trading. The first is extended trading hours **authority** application, a permanent extension outside of 10am to 12midnight. The second is an extended trading hours **permit**, a one-off application to temporarily increase trading hours for a specific date or dates.

Pre-10am trading is provided for in a limited number of situations and generally OLGR does not anticipate a substantial risk with extended hours immediately prior to 10am. After midnight, the Act also prescribes two notional trading periods, the first between 12midnight and 3am and a high risk period between 3am and 5am, after which time all sale of liquor must cease.

There are a range of factors that make extended hours trading after midnight of particular significance to liquor licensing law and practice. A combination of lower levels of human activity, consequent lower background noise levels and a traditional convention that a majority of the community go to sleep, create a perception in society that after 12 midnight is a special time. Trends in the liquor industry has led to the development of a 'late night trading' scene, especially in the 18 to 30 years of age party crowd. A large number of cabarets and hotels have geared for trading past 12 midnight. This pushes patrons out into the community early in the morning, commonly between 3am and 6am, thereby creating a potential for public disturbance.

As a result, the majority of complaints received by OLGR, which relate to noise, disturbance and disorderly patron behaviour, involve premises which trade after midnight. This has caused OLGR to categorize extended hours trading as high risk. Therefore, when making comment on extended hours on either a temporary or permanent basis for existing premises, Council are encouraged to provide evidence of complaints which **relate to specific premises in the locality on or around the time** for which the extension is sought.

Example 1:

Council comment is sought for an application to 5am, lodged by Premises A located in the Mall in Queen Street, Brisbane, which currently trades to 3am. Council obtain information from Police and letters of complaint from rate payers about a large disturbance in the Mall. The evidence indicates the disturbance was caused by patrons evicted from Premises A across the Mall. The fact Premises A was the last place the alleged offenders consumed liquor and arguably they reached their present condition as a result of poor RSA practices, is relevant in any comment Council wish to make. Of lesser relevance is that the fact the offence took place in the Mall in close proximity to Premises A, because Premises B, Premises C and Premises D also are in the same area, unless there is further evidence linking the disturbance to premises A.

Example 2:

Council comment is sought for an application to 5am, lodged by Premises X, which currently trades to 3am and is located in Orchid Avenue, Gold Coast. An incident involving poor patron behaviour occurred at the premises at 11:30pm recorded on City Safe CCTV cameras and Council wish to raise this in comment. The earlier incident is certainly relevant in the context of management at the premises and should be provided to OLGR. However, evidence of incidents on or around the premises between 2am and 4am in the proposed time slot have far greater evidentiary value.

Example 3:

Council comment is sought for an application to 5am, lodged by Premises Y, which currently trades to 3am and is located in Flinders Street East, Townsville. A major disturbance occurs at Premises Z 100 metres away, but technically still in the same 'entertainment precinct'. In this case, the disturbance cannot reasonably be advanced as evidence of a poor trading history of Premises Y and should not be included, unless there is further evidence linking the disturbance to premises Y.

To assist Council further in what sort of evidence is of value, section 121(g) of the Act states that in respect to applications for extended hours, OLGR must have give regard to the following:

- the previous conduct of the Applicant
- the Applicant's ability to control the noise and behaviour of persons that could reasonably be expected to be on or in the vicinity of the premises if the extension were granted
- the suitability of the premises and its facilities

For new applications where it is not possible to comment on previous conduct of the Applicant, comments should be made on the likely impact of the additional hours on the locality or any known alcohol related problems in the area.

6. Commercial Hotel licences

Commercial Hotel licences are the new licence description for what were previously called "General", "Hotel", "Tavern" or "Bar" licences, where the principal activity is sale of liquor for consumption on the licensed premises, or on and off the premises (See sections 59, 60, 61 and 62 of the Act). These premises sell liquor on the premises and off the premises, in the form of take away liquor. Each Commercial Hotel licence can have 3 Detached Bottle Shops. Commonly, Commercial Hotels will seek extended hours trading between 12midnight to 5am and the provision of amplified entertainment.

As a result, Commercial Hotel licences, particularly those trading past 12midnight, are considered high risk by OLGR. Therefore, when making comment on Commercial Hotel licences, Council are encouraged to carefully assess the likely impacts to the community.

However, there has been significant long term assessment of the Detached Bottle Shops (DBS) side of the operation of a Commercial Hotel licence, over the years that DBS have been in existence. In the experience of OLGR and following a large number of cases before the CCT, it is considered that DBS are no longer classified as high risk.

Factors in this appraisal include the fact that DBS are relatively small in size, engage in retail sale of liquor only, are located mostly in shopping centre precincts, do not allow on site consumption (apart from minor wine tasting) and generally have had few compliance issues. There still remains a perception in the public that any sale of liquor impacts on the community. Yet, little in the way of substantial evidence has been advanced to suggest that the mere presence of take away liquor is harmful. OLGR has refused DBS near indigenous hostels and in suburbs with chronic low socio-economic indicators. Each case should be assessed by Council on a case by case basis.

7. Commercial Other (Subsidiary On-Premises) licence

Commercial Other (Subsidiary On-Premises) licences are the new licence description for a range of previous licence types, including cabarets, restaurants, residential accommodation, transport and limited licences, where the sale of liquor is a subsidiary aspect. This guide will not examine each one in detail, as a majority trade standard hours and are considered medium to low risk. However, two particular styles of Commercial Other (Subsidiary On-Premises) licence deserve particular emphasis. These are:

- Commercial Other (Subsidiary On-Premises) licence where the principal activity is the provision of entertainment (See section 67AA of the Act). This licence type will incorporate all previous cabarets. Cabarets technically have liquor as a subsidiary aspect and 'entertainment' as a principal activity. But in reality, cabarets sell a substantial amount of liquor and routinely trade after 12midnight, often to 5am. Because of this emphasis on liquor, late

night trading propensity and attractiveness to the 18 to 30 patron demographic, there has historically been substantial issues in and around cabarets. As a result, Commercial Other (Subsidiary On-Premises) licence where the principal activity is the provision of entertainment, are considered high risk by OLGR.

- Commercial Other Bar licence (see section 70 & 70A of the Act). This licence type is new and describes a small bar where there is a capacity to seat not more than 60 patrons at any one time. Although OLGR has no experience with such premises, it is envisaged that Bar licences will have a principal activity of the sale of liquor on the premises and seek extended trading hours past 12midnight to 5am in some cases. As a result, Commercial Other Bar licences are considered high risk by OLGR.

Therefore, when making comment on such premises, Council are encouraged to carefully assess the likely impacts to the community.

8. Conditions

In looking at the range of comments that can be provided to the Chief Executive by Council, often there is insufficient evidence to refuse an application that is the subject of genuine concerns. In these circumstances, OLGR has the authority under the Act to impose conditions, which are designed to mitigate expressed concerns. Council may outline the problems so that OLGR can formulate appropriate conditions or Council may recommend certain conditions in comment.

If Council elect to recommend conditions, such conditions must:

- Be relevant to the Act
- Be targeted to address identified issues or potential concerns
- Be capable of practical application
- Be worded in a manner that would be easily understood by the licensee
- Permit enforcement of the condition by other Council and OLGR officers
- Not place an unreasonable burden on the applicant.

Generally, the Chief Executive of OLGR can only impose conditions that are relevant to the Act. The various provisions in the Act include provision for trading hours, management practices, security, noise limits, signage etc. Accordingly, only aspects specifically relating to the Act may be endorsed as conditions. Matters relevant to other legislation may not.

As an example, Council may validly recommend conditions about health and hygiene or footpath dining requirements. Council is regarded as a lead agency in such matters and OLGR has the authority to impose such conditions. However, Council ought not recommend that conditions be imposed in relation to workplace health and safety, such as all staff being provided with ear protection. Council also cannot recommend a certain security provider ratio for a subject premises. Such matters are properly the function of other agencies. As a last illustration, it is suggested that Council leave fire safety issues to the Queensland Fire and Rescue Service (QFRS). Council should not determine a particular patron capacity of a premises and recommend a condition based on the limit, without a specific assessment by QFRS.

Conditions must also target an identified deficiency in the premises. If there are no problems raised with the premises and there is no adverse history, imposing conditions without grounds to do so is arguably an unlawful exercise of the Chief Executive's authority.

All conditions recommended must be reasonable and capable of practical implementation. Conditions cannot be so complex that to follow them to the letter is not practical or in effect, prevents a premises from trading according to its principal activity. Plain language is essential, with a minimum of technical terms. Acronyms are also discouraged.

Conditions should be expressed in a way that will permit enforcement. For example, "*The premises must place bollards to protect patrons using the footpath dining area, as circumstances dictate*", is vague and unworkable. It allows the Licensee to exercise almost complete discretion. During an OLGR inspection, if asked why there may be no bollards at reasonable intervals surrounding the outdoor dining area, the Licensee can argue that in his opinion, circumstances did not dictate such a course. A more finite condition is "*The premises must place must bollards at intervals of not less than two metres apart to protect patrons using the footpath dining*".

Conditions must be suited to the particular dynamics of a licensed premises. Smaller establishments, premises outside of large population areas and premises where resources and staffing are not optimal, should not have conditions recommended that will create financial hardship or be otherwise burdensome.

Lastly, conditions recommended by Council, while of valuable assistance to OLGR and carefully considered in any comment received, are still only recommendations. The Chief Executive respectfully reserves the right to modify or not adopt such recommendations, in accordance with the Chief Executive's discretion and as required by law.

To further illustrate the style and content of conditions the Chief Executive commonly endorses, so that Council can provide more informed comment on request, included below is a set of proposed state wide Standard Conditions for premises trading from 3am to 5am.

- The licensee and approved manager/s must ensure crowd controllers licensed under the Security Providers Act 1993 are employed in the following ratios at all times from 11:00pm until one hour after the premises ceases to supply liquor:*
 - *1 to 100 patrons or part thereof – 1 crowd controller*
 - *More than 100 patrons but not more than 200 patrons – 2 crowd controllers*
 - *More than 200 patrons but not more than 300 patrons – 3 crowd controllers*
 - *More than 300 patrons but not more than 400 patrons – 4 crowd controllers*
 - *More than 400 patrons but not more than 500 patrons – 5 crowd controllers*
 - *Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.*

This condition does not apply on nights the premises do not sell or supply liquor beyond 12midnight

- The licensee and approved manager/s must ensure patron entry to the premises is restricted to maintain patron to crowd control ratio's required by the conditions of this license.*
- The licensee and approved manager/s must ensure a minimum of one (1) crowd controller licensed under the Security Providers Act 1993 maintains surveillance outside the premises for at least one hour after the premises closes for business or until all patrons have vacated the vicinity of the premises.*
- The licensee and approved manager/s must ensure crowd controllers are not engaged unless the crowd controller has given the licensee a copy of a current crowd controllers licence granted under the Security Providers Act 1993.*
- The licensee and approved manager/s must ensure crowd controllers are not engaged unless the crowd controller is uniformly dressed in a way that clearly distinguishes the crowd controller from patrons of the premises. Identification as prescribed by Section 19 of the Security Providers Regulation 1995 must be worn at all times.*

- The licensee and approved manager/s must ensure an incident register is maintained where written details of incidents that occur at the premises involving a patron being removed or a person being injured must be recorded and signed by all staff involved in the incident. For the purpose of this condition the details must include the date and time of the incident, where the incident occurred, full descriptions of persons involved (including names where obtainable) and reasons for their removal and any details of injuries incurred by any person;
- The licensee and approved manager/s must ensure closed-circuit television equipment is operating and clearly recording all patrons entering and leaving via each entrance and exit of the premises (including fire exits used for removing patrons at any time). CCTV footage must capture all interaction between the patrons and crowd controllers or staff of the premises at all times from 8:00pm until close of business and for at least one hour after all patrons have left the premises;
- The licensee and approved manager/s must ensure the premises stops selling or supplying liquor on the premises, and close the premises at 1:00am, if the closed-circuit television equipment required by the conditions of the Licence is not operational and recording at all times from 8:00pm;
- The licensee and approved manager/s must ensure closed-circuit television recordings required by the conditions of this Licence are kept in a secure place for a minimum period of 28 days, or where an incident occurs involving a patron being removed or a person being injured for a minimum period of 365 days, and must be produced immediately on request by an investigator appointed under the Liquor Act 1992;
- The licensee and approved manager/s must ensure signage is displayed at each entry to the premises in a way that is likely to make the patrons aware that closed circuit television equipment is installed.
- Competitions that involve contestants consuming liquor are prohibited on the premises.
- Light or mid strength alcoholic beverages and non-alcoholic beverages must be available for sale at all times while the premises are trading.
 - For the purposes of this condition, the term 'light or mid strength alcoholic beverages' means any beverage in which the alcohol content by volume, when in a temperature of 20°C, is less than 4%.
- The licensee and approved manager/s must ensure the maximum occupancy of the premises, as determined under the Fire and Rescue Service Act 1990, is not exceeded.
- The licensee and approved manager/s must ensure written evidence of the maximum occupancy of the premises is obtained from the Queensland Fire and Rescue Service and is produced on demand to an investigator approved under the Liquor Act 1992.
- The licensee and approved manager/s must ensure an accurate record of occupancy is kept at all times and must be produced on demand to an investigator approved under the Liquor Act 1992.

9. Council report format

When Council determine on the evidence there are valid grounds for objection, it is suggested that the following format be utilised as a template for a report to OLGR:

Heading	Suggested possible considerations
Description of the site and surrounding area	Proximity to residential dwellings, sensitive facilities, taxi ranks, bus stops, parks and local traffic conditions.
Physical characteristics of the applicant premises	Lack of air-conditioning. Outdoor consumption areas in close proximity to dwellings. Dwellings abutting the car park.
Nature of the locality	Existing problems in the locality not related to licensed premises. Local demographics and character of the area. Is this a high risk community, with significant social problems such as high unemployment?
Problems associated with existing licensed premises in the locality (including the applicant premises, if it is already existing)	Number and type of public complaints directed at Council from residents. Issues concerning 'precinct wide' impacts on the local community Demeanour and attitude of managers and staff. Include adverse patron behaviour outside the premises, such as disorderly conduct occurring in the locality. State which particular premises the behaviour can be linked to, if possible. Alternatively, the offenders could be linked to multiple premises in the same locality. Is it likely that the granting of this application will exacerbate existing problems?
Adverse impact on the locality	Use relevant information to provide a summary of concerns. Use the list of possible community concerns on page 13 of this guide to quantify issues.
Comments made by members of the public and key community advisers	Obtain comments from these persons and include them in the report, regardless of whether they support the comments or otherwise. This will ensure that the comments are properly viewed as being objective and unbiased.
Mitigating conditions	State whether it would be possible to mitigate Council concerns by the imposition of conditions. If this is possible, provide a list of concerns or recommended conditions and the reasoning for imposing them.
Objection	If recommending the refusal of the application, state the overriding reason for such a recommendation, for example: <i>"Based on the evidence listed in this report, I object to the granting of this application on the grounds that the amenity, quiet or good order of the locality will be lessened and there are no suitable conditions that can be imposed to nullify these grounds".</i> If recommending the imposition of conditions, state the overriding reason for such a recommendation, for example: <i>"Based on the evidence listed in this report, I object to the granting of this application on the grounds that the amenity, quiet or good order of the locality will be lessened if the above conditions are not imposed to nullify these grounds".</i>
Attachments	Any data considered by Council to be supporting evidence

10. Conclusion

The intention of this Guide is **not** to encourage Council to object to applications. Instead, the Guide provides a framework for Council receiving a request to provide comment to the Chief Executive, to assist in the provision of such comments.

By using this framework, Council will ensure that:

- The requirements of the Act are satisfied
- The Chief Executive Officer of Council discharges its responsibilities under the Act to the utmost
- OLGR will be able to give due consideration to comments received
- Council expertise and experience is available to assist the Chief Executive in making the best possible decision
- New licences and permits do not adversely impact on the peace and good order of the local community
- Evidence that is placed on the application file, that may be produced at a subsequent appeal hearing, will be based on a solid foundation of documented facts and relevant anecdotal information
- If and when the application is granted, future Council resources are not expended unnecessarily addressing peace and good order issues associated with the granting of applications.

The provision of comment on applications should be viewed as a significant opportunity for Council to be proactively involved in a process, which seeks to minimise harm associated with the consumption of liquor on licensed premises.

Annexures

- A. **New licence and permit schedule**
- B. **Sample letter from OLGR to the Chief Executive Officer, Council**
- C. **Sample advertising notice**
- D. **Relevant application forms requiring Council endorsement**

Guide to licence and permit changes as of 1 January 2009

Old Licence or Permit type	New Licence or Permit type	Notes and examples
General	Commercial Hotel	ie. Hotel, pub, tavern, bar, detached bottle shop, liquor barn
	Bar licence	Small bar with seating for not exceeding 60 persons (limit of 60 patrons all up)
Special Facility	Commercial Special Facility	ie. theme-park, resort golf course, stadium, Southbank, Sanctuary Cove
On-premises (meals)	Commercial Other	Subsidiary On-premises licence with principal activity of provision of meals, ie. restaurant, diner, café, bistro, coffee shop
On-premises (cabaret)		Subsidiary On-premises licence with principal activity of entertainment ie. cabaret, nite club, disco
On-premises (tourist)		Subsidiary On-premises licence with principal activity of tourist facility
On-premises (presentations)		Subsidiary On-premises licence with principal activity of presentations, shows and displays
On-premises (function)		Subsidiary On-premises licence with principal activity of conducting functions
On-premises (transport)		Subsidiary On-premises licence with principal activity of providing transport
On-premises (training)		Subsidiary On-premises licence with principal activity of training
On-premises (other activity)		Subsidiary On-premises licence with principal activity of an activity, manner or service where sale of liquor on premises is a subsidiary aspect
Residential		Subsidiary On-premises licence with principal activity of residential accommodation ie. motel, hostel, holiday units
Limited		Subsidiary Off-premises licence with principal activity of an activity, manner or service where sale of liquor off premises is a subsidiary aspect ie. caterer, gift baskets, florist, exotic liquor, commemorative wine/port, liqueur coffee
Producer/wholesaler	Producer/wholesaler	Production and wholesale sale on premises or wholesale sale on premises for consumption on or off the premises ie. brewery, distillery, wholesaler
	Industrial Canteen	Sale of liquor on premises to a distinct group of patrons working at a remote industrial locality, with no alternative provision of liquor
Club	Community Club	Standard club licence
Annual Restricted Club Permit	Community Other Licence	Permanent licence for small clubs trading 25 hours a week or less
Non-annual Restricted Club permit	Restricted Liquor Permit	3 or 6 month fixed term permit for small clubs trading 25 hours a week or less
General Purpose Permit	Community Liquor Permit	One-off event, ie. school fete, fund-raiser, major public event, concert, rodeo, show

Licensing Branch, Office of Liquor and Gaming Regulation
Contact Officer [REDACTED]
Telephone [REDACTED]
Our File Ref 12345/LAB05

9 June 2010

Chief Executive Officer
Howzat Regional Council
PO Box 1234
HOWZAT QLD 4111

Dear Sir/Madam

**SINKABEER HOTEL, SINKABEER
APPLICATION FOR A DETACHED BOTTLE SHOP
REAL PROPERTY DESCRIPTION: LOT 666 ON SP 123456, COUNTY OF BOXTON, PARISH OF
WHOSYAFATHER
APPLICANT'S CONTACT DETAILS: Fred Snurd, Sinkabeer Hotel [REDACTED]**

Please find enclosed a copy of the advertising notice relating to an application lodged in respect of the abovenamed premises.

By law, the relevant Local Government Authority for the locality must be informed of the application and afforded the opportunity to:

1. comment on the reasonable requirements of the public in the locality, or
2. object to the grant of the application on the grounds that the amenity, quiet or good order of the locality would be lessened.

If you do not support the application, your comments or objection should include full particulars of:

- the grounds upon which the objection is made; and
- the facts, evidence or reasons upon which it is based.

The Chief Executive cannot rely on statements that merely indicate the Council does not support, or objects to the application.

Please note that any comments or objection provided may be referred to the applicant.

Compliance with technical Local Authority requirements such as Town Planning, Health and Building approvals is checked separately, although you are welcome to canvass these matters in your reply to this letter.

Please advise whether you have any comments on, or objections to, the grant of the application. Section 117(3) of the Liquor Act 1992 provides that your comments or objection should be received by 22 July 2009.

If you require clarification on any of these matters, please do not hesitate to contact the Customer Support Team on the telephone number noted above.

Yours sincerely

Maxwell Smart
Licensing Officer
Office of Liquor and Gaming Regulation

LIQUOR ACT 1992

**NOTICE OF APPLICATION FOR A VARIATION OF LICENCE
AND EXTENDED TRADING HOURS**

Applicant's Name: XYZ Pty Ltd
Premises: XYZ Tavern and Bar
Principal Activity: Commercial Hotel Licence: Sale of liquor for consumption on or off the premises
Trading Hours: FROM: 10:00am to 2:00am - Monday to Sunday
TO: 9:00am to 3:00am - Monday to Sunday

Proposed Variation of Licence: To allow the doors and/or windows to remain open.

OBJECTIONS TO THIS APPLICATION MAY BE FILED BY A MEMBER OF THE PUBLIC OVER THE AGE OF 18 WHO HAS A PROPER INTEREST IN THE LOCALITY CONCERNED AND IS LIKELY TO BE AFFECTED BY THE GRANT OF THE APPLICATION.

Grounds for Objection

1. Undue offence, annoyance, disturbance or inconvenience to persons who reside or work or do business in the locality concerned, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school is likely to happen; or
2. The amenity, quiet or good order of the locality concerned would be lessened in some way.

Format of Objections

Objections must be lodged in writing individually or in petition form and must state the grounds for objection. An objection in the form of a petition must be in a format stipulated in the Act and the principal contact person should discuss the proposed petition with the Licensing Officer listed below.

A MEMBER OF THE PUBLIC MAY MAKE A WRITTEN SUBMISSION TO THE CHIEF EXECUTIVE REGARDING whether the granting of this application is in the public interest particularly relating to matters which the Chief Executive must have regard under Section 116 of the *Liquor Act 1992*.

For further information on what is being proposed by the applicant, please contact John Doe [redacted] or email [redacted]

Closing Date for Objections or Submissions: 12 June 2010

Lodging Objections or Submissions:

Objections and/or Submissions should be lodged with:

Licensing Officer
Office of Liquor and Gaming Regulation
Department of Employment, Economic
Development and Innovation
Locked Bag 180
CITY EAST QLD 4002
Phone: [redacted]

Copies of any objections or submissions will be forwarded to the applicant and a conference may be held. All objectors will be notified in writing when a decision has been made on the application.

**Executive Director
Office of Liquor and Gaming Regulation**

Attachment 6

Various recent media articles demonstrating the level of community concern at alcohol related violence.

All-night grog under attack

by Kathleen Donaghey

RISING alcohol-fuelled violence on the Gold Coast has been linked to the State Government more than doubling the number of venues with 5am licences.

Since 2007, the number of late-trading pubs, clubs and hotels has grown from 16 to 38.

The number of drunken incidents in one party district this year is on track to double last year's total.

Gold Coast City Council data shows there were 2078 alcohol-related incidents in Surfers Paradise, Broadbeach, Coolangatta and Southport in the seven months to July this year.

That compares with 2162 for the whole of 2008.

Most were in Surfers and included 466 assaults and 398 liquor-related offences.

There were also 33 glassings in 18 months.

The numbers are contained in the council's 14-page submission to a State Government inquiry into alcohol-related violence.

At a community and cultural development committee meeting this week, councillors agreed to forward the report.

It called on the State Government to consider how saturating precincts like Surfers with late-opening venues led to more violence.

"Council believes that new or extended trading applications should



trigger an assessment, not only of the venue itself, but the potential cumulative impact of increased availability of alcohol in the immediate precinct," said the report.

If there were too many drinking venues in one area, it was impossible to prevent violence.

The report noted Surfers Paradise had the highest concentration of licensed premises in Queensland.

The city has 1200 such venues, including 28 that can stay open until 5am.

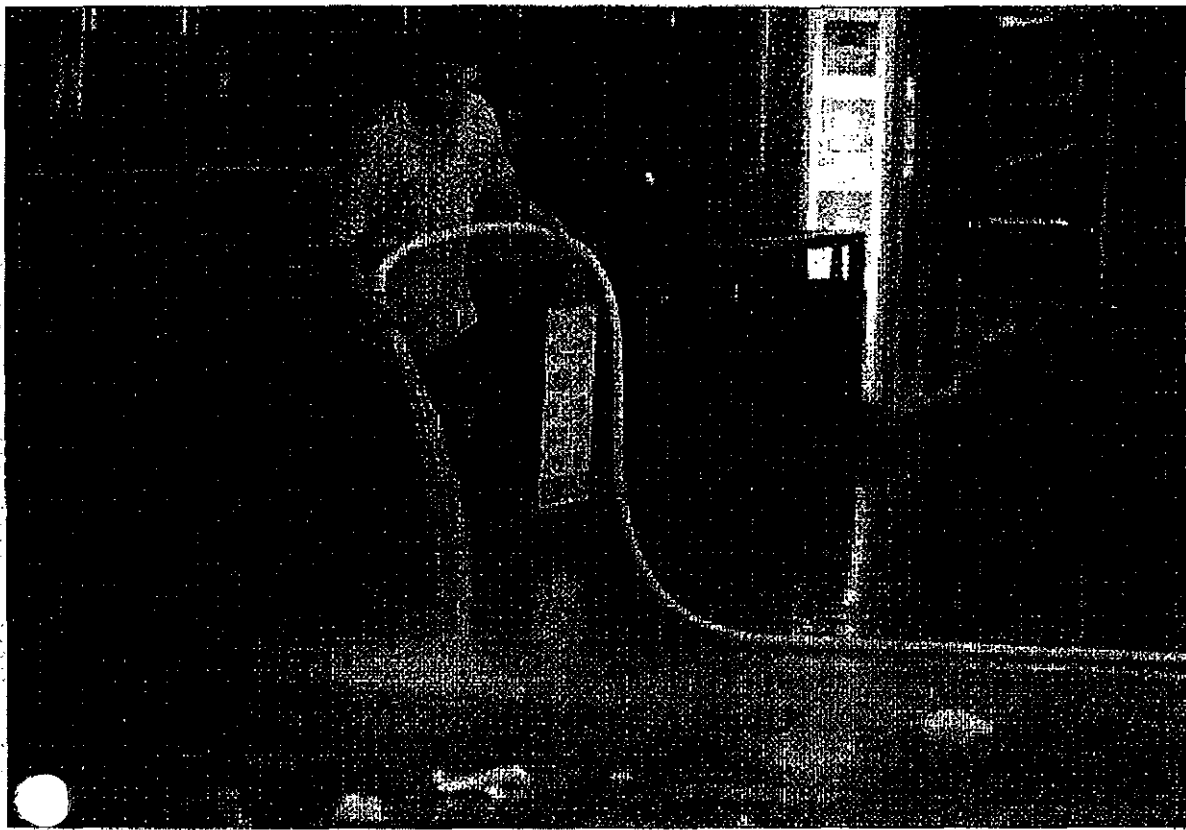
Committee chair Bob La Castra said a new concern was the number of suburban taverns and pubs seeking later opening hours.

This was detracting police resources from the entertainment precincts and creating new social and transport problems in outer areas.

Cr La Castra said the council wanted suburban licensed venues to close by midnight.

He also called for more police because the Gold Coast was 'hopelessly undermanned and understaffed'.

The council also wants the continuation of the 3am lock-out, a review of the licence fee structure and more Liquor Licensing staff on the Coast.



Even the street cleaners need protection from drunken hoons in the club district

Clean-up bill enough to make you sick

THE costs of excessive drinking are counted in more than just assault numbers.

Gold Coast City Council is forced to spend about \$1.2 million each year on CCTV surveillance to keep track of the violence, mostly around Surfers.

About \$100,000 a year also goes towards hiring security guards to protect street-sweeping trucks at Surfers Paradise, Coolangatta and Broadbeach from drunken revellers on Friday and Saturday nights.

Even when there is cleaning and

waste disposal, enforcing local laws, paying for security to monitor council buildings, repairing council property from vandalism and safety programs.

Queensland local governments spend about \$240 million cleaning alcohol-related rubbish, body fluids and other alcohol byproducts, according to the National Alcohol Strategy.

Southport councillor Dawn Crichlow, who chairs the engineering services committee, said it was 'sad' that drunken hoons forced so much expenditure.

The committee this week agreed to consider tenders for a three-year contract for security guards to protect street sweepers, costing about \$350,000.

Families and relationships also bear the social costs of alcohol.

Southport Courthouse issues more temporary protection orders than any other in Queensland.

Gold Coast City Council wants all data, such as police statistics, liquor licensing figures and hospital admissions to be available publicly to enable a proper costing of alcohol's wider impacts.

A walk along seedy side of the street

Dwayne Grant had never experienced Surfers Paradise after midnight until Saturday night. He paints a picture of what was indeed a memorable first time

APPROPRIATELY the night begins with a vomit and it's a pretty fair effort as far as omits go.

All week the spotlight has been on the seedy side of Surfers Paradise - the drunkenness, the fights, the filth - and now, before even setting foot in Cavill Avenue, comes a hint of what awaits around the corner.

A sizable spew has landed on the footpath only metres from McDonald's, the bright orange chunder acting as a welcome mat for the masses drawn to the thumping music and neon lights.

A departing reveller warns a friend to mind her step, much to the amusement of an intoxicated bloke leading the other way.

"How funny would that be?" he sighs. "She gets through the whole night without stepping in vomit and then plods in one on her way home."

He charges ahead before a thought inspires him to throw an observation back over his shoulder. "It looked like pumpkin soup," he says earnestly.

Such are the conversations you share with strangers after midnight in Surfers Paradise. It's a tick before I am on Sunday morning and society's normal conventions have been set aside for a few hours.

Anything goes in this part of the world at this hour, as shown by the two young women indulging in a spot of tongue wrestling in the middle of the mall.

Wearing the kind of short black dresses that can break a father's heart, they run their hands over each other as they share a furious and lengthy path in a blatant bid to play up to the lads passing by.

The only problem is the lads don't seem to give a rat's, the majority offering no more than a cursory glance - been there, seen that. Not to be denied, the girls give themselves a cheer when they eventually unlock lips.

Outside O'Malley's, a small crowd gathers as two police officers arrive on horseback to handcuff a troublemaker. While the cops



On the surface Surfers can easily dazzle with its show of gitz and glamour



It's time to ditch the heels



Left: Police officers lead an over-exuberant partygoer on 'the Orchid Avenue March'



Right: Police keep an eye on Nicole as she finds herself alone and vulnerable

● Pictures: Dwayne Grant

appear relaxed and to even joke with their quarry, it's a different story for the bouncer involved.

As the officers look away, the culprit rises from the bench he's seated on, only for the bouncer to grip his shoulder from behind and use a pressure point to slam him back down. He is clearly not happy and one of his colleagues is even less so when he sees a camera may have captured the incident.

"Hey, no filming," he shouts with a fiery point of the finger.

The troublemaker leaves in the

back of a paddy wagon and soon the only evidence he was even there is the mountain of horse poo deposited on the mall's pavers, a mess that is still there two-and-a-half hours later.

In Orchid Avenue, 25-year-old Nicole has also been talking to the boys in blue. A scuffle with a group of women has seen her female friend handcuffed and marched to the police beat, leaving her alone.

"This Maori girl just attacked my friend for no reason, but it's my mate who gets locked up," she says.

"The cop couldn't even tell me where she'll end up, maybe Southport, maybe here. He just said she'll be in there all night."

Nicole has clearly had a big drinking session. Her eyes are bloodshot. She looks tired.

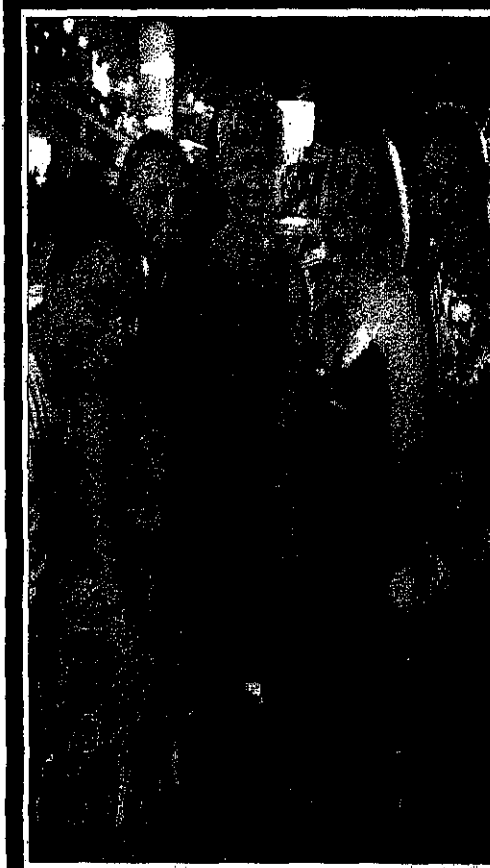
"It's not his job to worry about me but I'm now in the situation where I'm on my own. I'm going to have to walk home alone."

The attractive blonde lives at Miami, a lengthy hike at the best of times let alone at this hour and in that skirt. Shouldn't she think about

getting a taxi? "Yeah, I probably should," she admits before heading in the opposite direction to the taxi rank.

Within 10m she is accosted by a drunken guy but she swats him away like the bug she so obviously thinks he is. She walks on alone.

Runaway Bay housemates Kh and Kelly are hanging out at the tables outside Hungry Jack's. Bod 18, they are two of the more sober people in Surfers at 2.15am and immediately pour scorn on the part precinct.



Anne Jones and Michael Keagan, on right, had a close call in Surfers Paradise when a bottle thrown from a high rise smashed near them

"It's so seedy," says Khli who visits every second weekend. "But every town has got somewhere seedy like this. If you come here you know what you're letting yourself in for. If you want somewhere classy, go to Broadbeach. If you come here you expect the drunks."

She laughs warmly. "You certainly won't meet your life partner in Surfers but if you want to get laid it's the place to be."

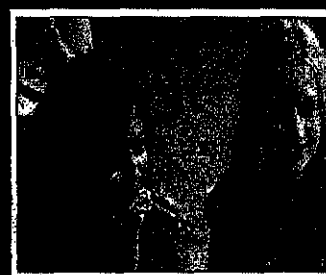
Kelly points out a woman staggering past, a vacant expression

escape her purple dress, high heels in her hand.

"I don't get that," she says. "I'd rather be in pain than walk around this place barefoot."

The longer the night goes on the larger the barefoot brigade becomes, dozens of young women who dedicated so much time to preening themselves for the night ahead finishing it by wandering barefoot among the staggering amount of rubbish that lines the streets.

Anne Jones has more than



Khi and Kelly enjoy a late-night hamburger



Officers put a reveller into a police van



Designated driver Hugh waits for his mates

Orchid Avenue, the Australian lawn bowls representative has narrowly avoided being wiped out by a bottle some genius has lobbed from a high rise, the shattering glass causing minor cuts to her lower left leg.

"It smashed on the road right beside her," says Michael Keagan as his friend is treated by the friendly faces manning the Chill Out Zone, a mobile van that provides water, comfort and first aid to the masses.

"They're just being dickheads but they don't realise they could kill

6 You certainly won't meet your partner in Surf but if you want to get laid it's the place to be

had been taken inside the station next door.

"It was unbelievable."

The Orchid Avenue Mall recurring scene through the night. One after another young men and several women escorted past Shooters and tails and Dreams with the in cuffs.

"I've only been sitting for an hour and I've already seen bikes marched past by the cops," says Hugh, a mount Kiwi sitting alone on a bench beside Hollywood Show at 3.30am. "It's the alcohol, not the alcohol fuels everything. The in such a hurry nowadays, I want to get smashed."

As his group's designated driver, Hugh 39, is patiently waiting for mates to call it a night. His eyes have shown him Surfers' nocturnal creators as he approached with caution.

"I'm always very, very wary I'm out nowadays. We always in a big group and make sure one comes home together.

"I've got mates in Auckland are moving here to keep their way from trouble and then up in a place like this. You can't be just out of the frying pan into the fire."

The 3am lookout has long yet scores of dishevelled people in the nightclub precinct.

Barefoot women slump shop fronts, their skirts forlorn north. Young men in kebabs with the same ferocity slammed down drinks early in the night. A BMW parked in a looks out of place in an unappealing picture, at least had some perspective being in front of it.

And back near McDonald's around the corner from Cavill Avenue, an orange vomit continues the footpath, albeit with a difference.

It now has a footprint in the thing at least one young man

Your SOS solutions

The Gold Coast Bulletin has had hundreds of responses since the Save Our Surfers campaign was launched last week. Readers have offered several solutions for cleaning up Surfers Paradise and returning it to the people.

SOS SAVE OUR SURFERS

I COME from Berlin and although our drinking age is 16 years there are never issues like the ones concerning Surfers. This is mainly because places are open late and there is many activities such as bars, shisha bars, markets, restaurants etc. Often it's hard to find a place here open after 9pm!

EVERY weekend for the next three months get the sniffer dogs out in the malls and the nightclubs like they did once in Broadbeach early this year.

WHY on earth do people choose to live on the beach at Surfers then complain about the nightclubs? It's the glitter strip and the clubs are what it's famous for. As a true local I love Surfers for what it is and think that those that don't like it should move to the suburbs or go back to Melbourne or Sydney.

CLOSE the clubs a couple of hours earlier or at least stop serving alcohol. What has happened to the responsible service of alcohol? - TT

THE world has become a different place now than when Schoolies first started. Time has come to stop it for good. Same goes for the nightclubs. The filth and scum have to be taken out of SP to make it family and tourism friendly again. - WT

MORE police and more security in the clubs and outside for that matter. People between 18 and 21 seem to be the worst at manners and not respecting their fellow club-goers. I have been a long-term patron of Surfers for work and socially. And now it's completely out of hand. I absolutely refuse to venture there at night from now on. It's disgusting! - Joel Young, Miami

WAKE up to yourself Bulletin. Surfers doesn't need saving. The way it is actually boosts tourism because people come for the parties. The scenes are the same as any pub district no matter which piss and town you go to. - Mosy, Cooly

SIMPLE lots more police on every corner. zero tolerance follow Honolulu.

ALCOHOL is the cause of all the trouble in Surfers (and everywhere else). Clubs must be made to stop serving alcohol to people already drunk. The suggestion of special security officers to assist police, like in Auckland, sounds like a good idea. There must be severe penalties for glassing. People who do this must spend a long time in jail! - JT

1 Better dress code

2 Plastic cups

3 Increase cover charge to clubs

4 Flight Rider bus

5 Better taxi rank security

6 More police after dark

7 Zero tolerance of drunks

8 Celebrate all that is good about Surfers

WHAT DO YOU THINK? SMS US ON 0416 905 148

YEP Surfers is rough, yep Surfers needs more police, but seriously everyone writing in it to old and don't go there anyway. There's many family places to go and enjoy, why ruin the youth of today's time to go out and enjoy themselves just because you are to old and need something to whinge about. Your kids should be in bed by the time the clubs open anyway, mine is. - The Mamba

IT'S great to blame everyone. We all love to have a great time. We all did it, in our day. Drugs weren't like they are today and bottle shops didn't exist. These kids are so spaced out prior to going out it's not funny. So let's not blame the clubs altogether. Imagine closing earlier. Can you imagine the house party problems. Then they would have something to complain about. More beat police, 24-hour lock-up, on-the-spot paperwork next day with up to \$500 fine or weekend detention or both, take their driving licence, hit them where it hurts. It's only a few. Don't put us all in the one basket. - John, Surfers

Internet readers speak out

THE root cause of any issue of drunken violence et al, be it SP or Hong Kong, is the attitude of each changing generation to social values and responsibilities. Fix that and you fix the anti-social behaviour the SP issue is attracting. Or perhaps the anti-social behaviour is the norm society has moved to. Change the physical infrastructure all you might but until

you change the mindset of all of the participants, business owners included, nothing will ever change. - Demac

BUILD a church, temple and a mosque on Orchid Ave. That should solve the issue.

THE answer is sooooooo simple, make the club precinct a light beer zone. They did it at sporting venues and it stopped the problems instantly! At sporting

venues, either people drink low (very low) alcohol or they are not admitted. Guess what, it works! Move the 'No Alcohol Zone' signs from the streets to inside the clubs and... wa la... no drunks, no glassings, no deaths, no king-hits! Oh, I forgot, no revenue for government or council. Sorry... Scrap that idea, back to the drawing board. - Leslie Braun

Your say

Wind back the drinking hours

I COMMEND The Gold Coast Bulletin on your stand to clean up Surfers Paradise.

You are so right in your stand and yet we have not heard any support from council, Government or law enforcement agencies.

Your editorial was so correct on Monday as it did cost Gary Baidon his mayoral position.

The clubbing hours should be wound back. No one wants to consider the cause. Consumption of alcohol after 1am becomes a huge cost to our society and is destroying the Gold Coast (if not destroyed).

The creators of this disgusting mess walk away without costing them a cent.

Stere Warner

Spotlight on club streets

WHAT you have to look at here is: are locals causing these problems? No!

It is the tourists who come to visit our lovely town and have no respect.

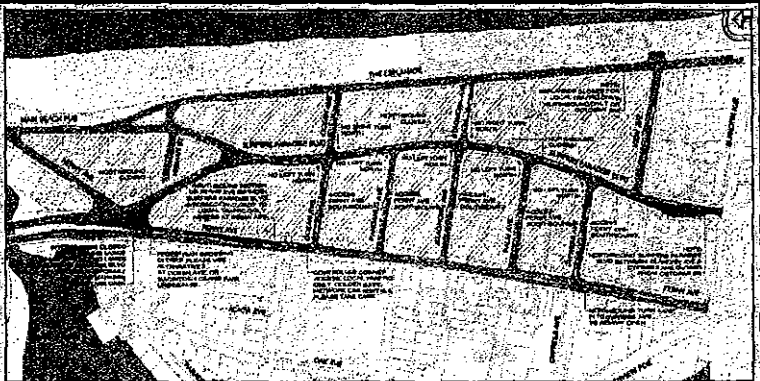
The council should spend money on floodlighting the club areas and the beachfront. (The footpath south of Surfers is a disgrace for lighting at night)

When you create dark areas this is where the rats tend to migrate to.

Andrew

Surfers

SUPERGP ROAD CLOSURES AND TRAFFIC RESTRICTIONS STAGE 2 - WEDNESDAY, 14 OCTOBER 2009



Gold Coast City Council and the Department of Transport and Main Roads wish to advise of traffic changes through Surfers Paradise in preparation for the Nikon SuperGP.

Legend:
 □ Roadways open to general traffic
 ■ Roadways closed to general traffic
 Colorwaylin vehicles only allowed in these areas

Traffic diversions will be in place before and after the main event for the installation and removal of track infrastructure.

On Wednesday, 14 October 2009, night works will be undertaken to implement stage 2 of the traffic plan.

Due to these traffic arrangements, delays can be expected. Please seek alternative routes or use public transport.

For traffic updates, log on to www.131940.qld.gov.au or phone 13 19 40.

For public transport information, log on to www.translink.com.au or phone 13 12 30.

For more information about Nikon SuperGP traffic diversions, log on to www.supergp.com or phone (07) 5588 6800.



Queensland Government

Second senseless bashing under the golden arch in a week

by Milena Stojceska

A FAMILY which last night witnessed a brutal bashing outside of Surfers Paradise's McDonald's - the second in less than a week - say the Glitter Strip has become too dangerous to visit.

Two young NSW men were last night in police custody after what witnesses said was an unprovoked attack on a 25-year-old bystander.

The victim was in hospital last night in a stable condition.

Police said security guards from the O'Malley's nightspot ejected the two men about 7.30pm.

Witnesses said the pair then decided to pick a fight with a bystander, who was taken to the Gold Coast Hospital after being repeatedly kicked and punched by the two men, both believed to be in their early 20s and on holiday on the Coast.

An Ipswich mother and father, who wanted to remain anonymous, said they had once considered Surfers Paradise a family-friendly suburb, but were now too scared to come back.

The mum - who was with her two-week-old baby when the attack happened in front of the family - said she was worried for her boyfriend who 'might have been the inno-

cent bystander' and her son 'growing up in such a dangerous generation'.

"It's not as family-friendly any more - back in the day you used to come down and spend the day here, but now it's just not safe," she said.

"It could have been him (the boyfriend) and my son who were just walking past."

The father said the unprovoked violence was becoming a concern in the area.

"It's not good to see as a dad. It's concerning because that victim might one day be my son," he said.

"The unprovoked violence is unnecessary."

Another witness said he was not shocked to see the bashing.

"It doesn't really surprise me happening in Surfers Paradise," he said.

It was almost exactly a week ago when a 25-year-old Victorian tourist was sent to hospital with bleeding on his brain after an attack in nearly the same location.

Police are investigating both incidents and have appealed for witnesses to call Crime Stoppers on 1800 333 000.



Police at the scene of last night's brutal bashing in Surfers Paradise ● Picture: Mike Batterham

THE Gold Coast BULLETIN - goldcoast.com.au - Monday, October 12, 2009 - 7

Your Say on the violence in Surfers Paradise

LC Posted At 11:08am today

Just put up a big cage around town and the GCCC can charge tourist's to sit behind the cage and watch the animals/selfish losers come out and play at night! Oh and they need to change the name to SUFFERERS Paradise!

Steve Posted At 11:08am today

As someone who has been out in Surfers many times in the past 5 years and even a stint busking at night in the mall, I can say with experience that this story is completely blown out of proportion. If you go out in Surfers any night and have some drinks with friends and behave yourself you won't have any problems. People don't get bashed in Cavill for keeping to themselves. Secondly, my feeling of safety is much greater here than in any capital city where serious gang violence is commonplace.

Russo Posted At 10:46am today

Simple, remove the night clubs and the violence with them will follow. Surfers is so let down, its old it smells bad walking through there on a Sunday and it has such a bad image. Revamp it with what will bring families in, good restaurants, entertainment etc. Broadbeach mall these days is so much better. Surfers is no longer what it used to be!

james Posted At 10:03am today

TOO many night clubs in the one vicinity. They need to be spaced out and dispersed. - preying on peoples thirst to get drunk out of their brains every week.

Seano Posted At 9:51am today

Greek Islands, New York and Las Vegas all have something in common cocaine and ecstasy. There used to be lots of this around 5-10 years ago and guess what no trouble!!!! Then the police cracked down hard on it and we have trouble every night!!! Ever wondered why there can be 30,000 people at parklife and have no trouble??? Um its called drugs not beer!! Drugs make you hug - beer makes you punch!!!! The police have brought this upon themselves so now they have to deal with it!!!!!!

'Schoolies' Kid Posted At 9:48am today

Most of you are missing the point and blaming 'Schoolies', like Scott said below this happens for 3 weeks out of 49 weeks. What happens then? The event with fenced areas and a large amount of security is much better than 'roaming the streets causing havoc'. Apparently this is the last year for the actually 'Schoolies Beach Hub' so there will be more complaining next year, then we will see if 'demolishing' it was a good idea.

Sufferers Paradise Posted At 9:48am today

Teach RSA every year in 10, 11 & 12 at school. A wake-up call to schoolies they are coming out into the public and are no longer top of the food chain as they were in year 12. We need a state manager in a fixed position, not a politician who dishes out weak policies. For all the government taxes why is the police force so ill-equipped and station staff with such insufficient number? Building managers need to grow some balls too!

Leslie Braun Posted At 9:32am today

Scott, clubs don't get drunk - Idiots do! Also, the drunken population increases 10 fold during schoolies. The three binge-drinking weeks of schoolies is equivalent to 30 weeks. I say, driver licenses should be micro-chipped. EVERYONE should have their license scanned to get entry in to ANY drinking venue in Australia. Any anti-social act whatsoever could then be marked on their license as a LIFE BAN. No excuses, no second chances, no right of appeal!

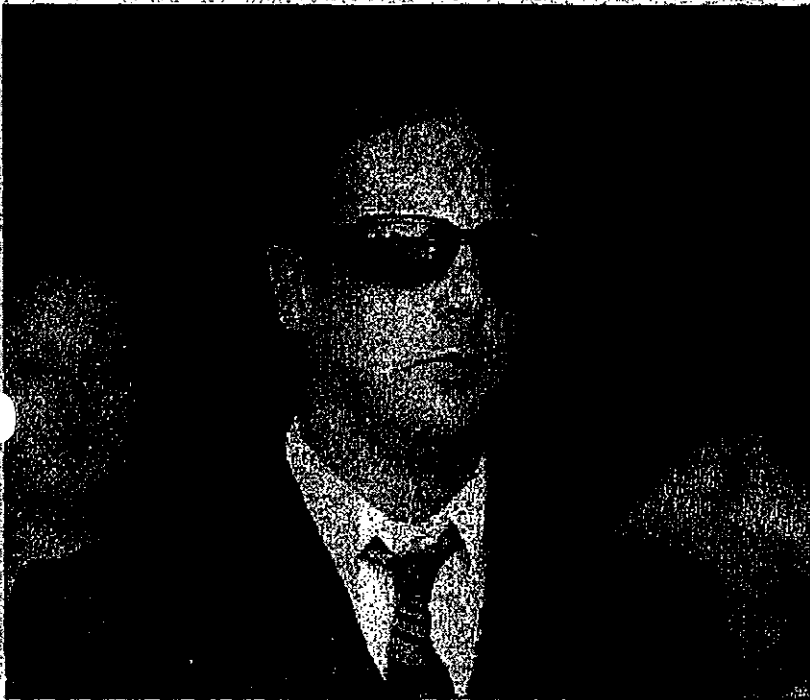
Penny Lane Posted At 9:31am today

In fairness, it's not just Surfer's Paradise, but a national problem. What ever happened to Responsible Service of Alcohol (RSA)? Perhaps it's time to review the liquor licensing laws and closing times. Saying we need more security, more police, more CCTV camera's, does not address the initial cause of the problem in the first place. Bob at 7:31am, I couldn't agree more.

Tessa Posted At 9:29am today

What needs to be addressed first is the Property Managers of some buildings who not only allow but encourage large groups of people and do not put any boundaries on their behaviour. They drink and party all day and then proceed to party all night at clubs and in the streets. No family tourists want to stay amongst that. This will never change while these Managers are allowed to keep operating, they should have their Licence taken away, So many complaints and they are out. We all know them!

Night in a daze



Luke John Bevan, accused of grievous bodily harm.

by Renee Redmond
court reporter

THE last clear memory Scott Stevenson has of his night out in Surfers Paradise is trying to get into a club with a free entry voucher, a court has been told.

The 24-year-old from Canberra spent the next two months of his life disoriented and confused in Gold Coast Hospital after suffering a fractured skull. He now has permanent brain damage.

Mr Stevenson hit his head on the concrete after allegedly being pushed by 28-year-old Luke John Bevan who had been walking through Surfers Paradise with his girlfriend on March 23.

It is alleged Mr Stevenson was ask-

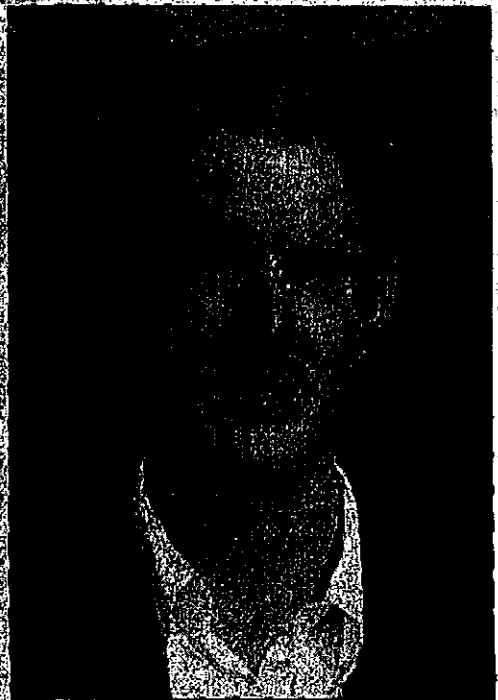
No memory of fight, court told

ing Mr Bevan for a light for a cigarette, which was already lit, and blowing smoke in his face when he was pushed.

Mr Bevan has been charged with grievous bodily harm and yesterday appeared in Southport Magistrates Court for a committal hearing.

Mr Stevenson told the court he had been staying at a backpacker hostel in Surfers and had gone out with friends.

Defence barrister Sarah Thompson asked him what his last memory of the night was to which he replied: "My last memory was going to another club with the staff from the backpackers and try-



Scott Stevenson

ing to get in with a free pass voucher."

He said he had no memory of a fight at a bus stop in Ferny Avenue and could not recall any other incidents after hitting his head, including leaving hospital while he was being treated.

Ms Thompson said according to hospital records Mr Stevenson went missing from the hospital ward about midday and was returned there by police at 8pm.

He was found at Australia Fair shopping centre.

Ms Thompson yesterday asked for the hearing to be adjourned so an important independent witness, now living in Canada, could be available to give phone evidence.

The hearing has been adjourned until October 16.

Drunk mum banned after blowing .348

by Renee Redmond
court reporter

A MOTHER was seven times the legal blood alcohol limit when she loaded her two-year-old son into the back of the car and forgot to put his seat belt on.

Lisa Sherlock, 41, of Reedy Creek, blew .348 per cent after witnesses saw her driving dangerously.

Yesterday, she pleaded guilty in Southport Magistrates Court to drink-driving.

Magistrate Kerry Magee sentenced her to two years' probation and disqualified her from driving for two years.

"I apologise for what I've done; I'm disgusted in myself and that's all I've got to say, thank you," said Sherlock outside the court.

Prosecutor Senior Constable Christine Philp said about 11.30am on September 3, police



Disgraced Reedy Creek mother Lisa Sherlock flees from the media after her conviction for drink-driving.

● Picture:
Adam Head

were called to a street at Reedy Creek after residents saw a woman driving dangerously and swerving all over the road.

"When police arrived they saw the car drive up on to the footpath and saw the small child in the car; he was not wearing a seat belt," said Sen-Constable Philp.

Sen-Constable Philp said Sherlock told police officers she had only drunk two stubbies of beer that morning.

However, police said she was

slurring her words and once back at the police station, recorded a blood alcohol reading of .348.

Sen-Constable Philp said it was not the first time Sherlock had been before the court for drink-driving.

Her most recent offence was in 1999 when she blew .237.

In 1988, Sherlock pleaded guilty to drink-driving with a reading of .14.

Yesterday, Sherlock, who represented herself, produced a

letter to the court from her psychologist but did not give any explanation or excuse for driving while under the influence.

Ms Magee said the woman obviously had a very severe problem.

"Do you understand just how dangerous your behaviour was to your child?" asked the magistrate.

Sherlock replied: "Yes."

Ms Magee said a person with such a high blood alcohol reading could not have any control over their behaviour.

"You need to appreciate the significant risk you pose to other road users and most importantly your child," she said.

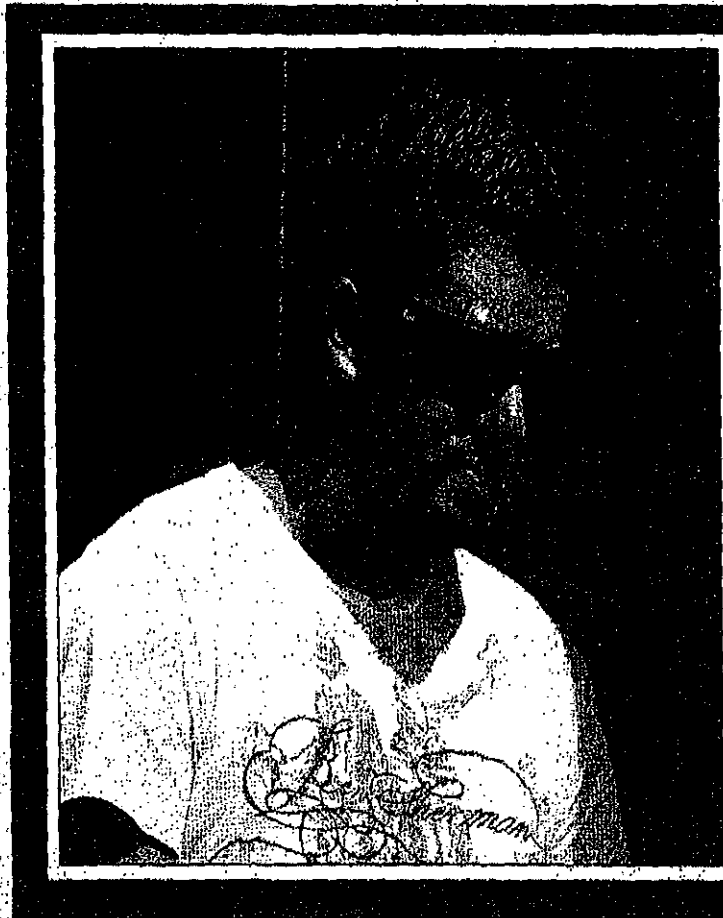
Ms Magee also ordered Sherlock to complete the Under the Limit drink-driving program, which costs \$900.

Sherlock agreed to the probation order, which included strict conditions such as orders to undertake counselling.

'Bang' as eye is hit

Court told of pain in blinding

by Renee Redmond
court reporter



Above: Finks bikie Jason Morrison

Left: Owen Fasavalu felt like his eyeball was on the ground

● Main picture: Brendan Radke

W...N Owen Fasavalu felt a sharp intense pain in his right eye, he knew it had not come from a fist.

"It wasn't a fist because the metal was cold," he told the Southport Magistrates Court.

"Once it hit the blood started (expletive) out, down my face and on my clothes and I hit the deck.

"I thought my eyeball was on the ground. I knew my eye was stuffed."

The 26-year-old said he did not remember any words exchanged at The Avenue nightclub in Surfers Paradise on April 17, nor did he remember being refused entry from the club or escorted out by security guards, but he remembered the pain.

"I just remember the end, that bang... that bang," said Mr Fasavalu.

When he was hit, he fell immediately to the ground and was unconscious, he said.

Mr Fasavalu lost his eye after being hit in the face with the metal leg of a bar stool, allegedly thrown by Finks Motorcycle Club member Jason Morrison.

Mr Fasavalu gave evidence yesterday at the committal hearing of Mr Morrison, 29, of Lower Beechmont.

Mr Morrison has been charged with grievous bodily harm against Mr Fasavalu and assault causing actual bodily harm to the man's younger brother.

Yesterday, Mr Fasavalu told the court one of his last memories was having a smoke outside the nightclub and returning to talk to his brother Jerome, who told him some men did not want to shake

hands with him and were 'staunching him out'.

Mr Fasavalu said he believed the term to mean they wanted a fight.

He said his last memory was being struck in the eye.

He said he was a little bit drunk. He had consumed about a dozen full-strength beers and agreed with defence solicitor Bill Potts that he was grossly affected by alcohol.

Mr Fasavalu was shown CCTV footage where he struggles with security guards and successfully pushes past

them to return to the club on three occasions before he is hit with the bar stool.

However, he said he did not believe he did anything to provoke the assault on him.

"I was basically nearly on my way out before this got nasty. I don't believe I provoked it or started anything. I was, you know, basically on my way outside," he said.

He said he had not assaulted anyone but he may have been a little bit aggressive.

The hearing continues today.

Drink dangers ignored

Jeremy Pierce
GOLD COAST BUREAU

COMMUNITY leaders fear warnings about the dangers of drunken violence aren't getting through after the death of a young man on the Gold Coast.

Murwillumbah 22-year-old Andrew Scott Houlahan was out with friends in Coolangatta on the weekend when he was allegedly punched twice in the head during a late-night clash with a group of strangers outside a burger joint.

The young carpenter lost consciousness, was admitted to hospital and his life support machine was turned off on Sunday night.

His alleged attacker, 21-year-old Mark Leslie Fitzgerald, of Elanora, sat head bowed and fighting back tears while his mother wept in the gallery during a bail hearing yesterday at Southport Magistrates Court.

Outside court, Fitzgerald's lawyer Bill Potts said the tragedy would stay with both families for years to come, while community leaders again called for an end to drunken violence.

Gold Coast Police Superintendent Jim Keogh said young men fuelled by alcohol, a pack mentality and peer group pressure were a danger to themselves and others. "There's little thought for the consequences of their actions," he said.



TRAGIC WASTE: Andrew Houlahan, 22, (left) who died on Sunday and his alleged killer Mark Fitzgerald, 21, (right).

Ken Marslew, who founded the Enough is Enough support group after his son was murdered in 1994, said alcohol-related violence remained one of society's biggest problems.

"You have all these factors and all of a sudden you have a cocktail for disaster and deadset anything can happen," he said.

"It's senseless, it really is." Friends of Mr Houlahan described him as easy-going and unlikely to start trouble.

"He didn't deserve this," said one friend. "He was just a great guy, really laid-back and friendly."

His distraught family declined to talk to the media.

The parents of Mr Houlahan's alleged killer also refused to talk to the media after their son was granted bail at Southport on one count of manslaughter.

Fitzgerald will have to stay

home after 7 o'clock each night and is not allowed to consume alcohol before his next court appearance on October 5.

Outside the court, Mr Potts said his client had made full admissions to police about the incident, but would be defending the charge of manslaughter.

"This is a very timely and timeless reminder that one punch can kill," he said in reference to the new anti-violence community campaign.

"It is one of the greatest frustrations for us as a society that young men, typically, don't seem to learn the lesson that alcohol and violence can quite often can end up in this kind of tragedy."

So much promise but nice guy claimed by culture of violence

by Ben Dillaway
Tweed bureau

AS a carpenter Andrew Houlahan was doing a fine job of constructing his own life.

The 23-year-old from Murwillumbah had just bought his first apartment at Pottsville, got his builder's licence and had some exciting projects in the pipeline.

However, all that potential was lost when he died following a brawl outside the Big Chief burger bar at Coolangatta on the weekend.

"His builder's licence had just come through," said best mate, local businessman Jake Barnett.

"He was looking to get out on his own two feet as a builder.

"You know those blokes you can tell are going to achieve great things? He was one of them."

Mr Barnett, who went to high school with Mr Houlahan at St Patrick College in Murwillumbah, said you couldn't meet a nicer guy.

"He was one of nature's gentlemen and a silent achiever, that's how I would describe him," he said.

The 24-year-old said he hoped to show his mate's death would be in vain as he would campaign to stop violence.

"It takes a tragedy like this to create any action," he said.

"People go out for a drink and need to come home in one piece.



Andrew Houlahan, described by his mate as one of nature's gentlemen and a silent achiever

We're all fathers, mothers, brothers and sisters.

"The buck has got to stop with someone.

"This bloke has been killed because there weren't any preventive measures in Coolangatta. I hate the place. I don't go out there because of that."

Mr Barnett said something was needed to stop the alcohol-fuelled violence at Coolangatta and throughout Australia.

"It has gone on too long and has to stop," he said.

"It's getting worse and worse and worse.

"What's the definition of insanity? Doing the same thing over and over again and expecting different results. Nothing has been done. I would welcome any ideas or anything at all because I can do something about it and I'm going to."

One of Mr Barnett's ideas was to make it mandatory for late night businesses to have security guards.

"Businesses that trade after hours need to be accountable ... if you continue to trade after hours when you have to deal with the alcohol violence there has got to be measures put in place," he said.

"The onus is on these fast food joints and the council for not putting in mandates or protocol to adopt.

"I will do everything I can to put these steps and procedures in place."

Another of Andrew's friends, who did not want to be named, said he would be greatly missed.

"He was such an easy-going guy, really laid-back," he said.

"He definitely didn't deserve something like this."

Gold Coast bars on the Dirty Thirty list which have made the change to serving drinks in plastic cups and those which have not

Bedroom Lounge Bar and Nightclub	NO
Burleigh Heads Hotel	YES
Cocktails and Dreams	YES
Coolangatta Sands	YES
Crazy Horse Nightclub	NO
East	YES
Elsewhere Bar	NO
Hollywood Showgirls	NO
Islander Resort Hotel	NO
Melbas on the Park	NO
Mermaid Beach Tavern	YES
MyBar	YES (partial)
Options Tavern	YES
Pacific Pines Tavern	NO
Palm Beach Hotel	YES
Paradise Lost Nightclub	NO
Parkwood Tavern	YES
Platinum Nightclub	YES
Players	NO
Runaway Bay Tavern	YES
Shooters Saloon Bar	NO
Sin City Nightclub	NO
Surfers Paradise Tavern	YES
Swell Tavern	YES
The Avenue	YES
The Broadbeach Tavern	YES
The Drink Nightclub	NO
The Grand Hotel	YES
The Temple Bar	YES
Twenty 1	NO

Venues that have 'proactively' made the change:

- Waxys
- Twin Towns Community Recreation Complex Limited
- Search & Rescue Services Club Inc.

* Information provided by Minister responsible for Liquor Licensing Peter Lawlor based on the fact these clubs and pubs which have changed, have informed Liquor Licensing of the change.

Dirty 30 cut down to 13

by Katrina Jones

THE State Government has released a list of 20 clubs and pubs on the Gold Coast which have stopped serving drinks in glass ahead of a total ban at 30 high-risk venues by the start of next year.

Of those which have made the switch, 17 are on its 'Dirty 30' list, while the three other venues that have 'proactively' made the change include Twin Towns, the SARS Club and Waxy's Irish Pub.

The minister responsible for liquor licensing Peter Lawlor said many venues were exchanging glasses for plastic without being ordered to.

His office said those clubs and pubs that had made the change before the statewide ban on glass comes into effect at the 30 locations from December 31, had notified Liquor Licensing.

"While we are aware of many venues that have proactively swapped over to shatterproof or plastic containers, there could be many more going through the process who have not notified Liquor Licensing yet," he said.

A spokesman for the SARS Club said it had made the change from serving drinks in glass after 9pm, about three months ago.

"We changed from glass to plastic



Peter Lawlor

when we turned into more of a club atmosphere," he said.

"We would have probably been one of the first to make the change in Surfers Paradise and have had no problems with it.

"It seems to be working really well."

The news comes after two glassing incidents in the city in the past month.

In the latest attack, a 20-year-old Brisbane man was charged with grievous bodily harm after he allegedly used a glass to strike a 25-year-old man over the head at The Bedroom nightclub.

The man received severe injuries to the back of his head and neck and was taken to Gold Coast Hospital for surgery.

Boot out scum from Burleigh

by Shannon Willoughby

BURLEIGH Heads residents – including my own family – are bitterly disappointed their suburb has again been tarnished by crime, this time a murder.

To be brutally frank, we want the scum out of our glorious beachside patch.

I lived in Burleigh Heads for nearly a decade. My Mum, Dad, stepdad, brother and grandparents still call the place home – and for good reason. It's God's country.

In the 1950s, my Granddad used to visit from Brisbane. Mum taught at the state school and Dad has owned property there since the late 1980s.

Developers have paid top-dollar for sought-after high-rise sites along The Esplanade and a house price with a 4220 postcode is well above the Gold Coast average.

But its quirky, village atmosphere – driven by a main street filled with licensee shops, yoga studios, a family run fruit store and several cafes – is having to defend its name as a safe place for people to visit.

Many of the locals, my family included, are at a loss to understand such a violent and senseless act.

Many are even trying to wipe their hands of it, saying the shooting happened in Miami.

It's close to the border, but the scene of the crime is in Burleigh Heads.

We want the criminals off the streets and feel that if something is not done, the family destination will be no more.

My family want action before an innocent bystander is hurt or killed.

On Saturday, Mum was walking along The Esplanade when eight police cars soared past on their way to the Fifth Avenue crime scene. Did the shooter drive past her minutes earlier?

What makes me feel worse is that it is the second shooting in the area in eight months.

Late on January 26, Omega Ruston was killed in the same spot as the weekend's crime scene.

It was just hours after I had met with friends in the park opposite the beach for our traditional Aussie barbecue.

We were joined by hundreds of other Gold Coasters who flocked to the beachside park armed with Eskies and cricket sets to celebrate the national day.

It was only hours before the early risers, like my Mum and Dad, woke for their dally jog, swim or walk with the dog.

The murder made the shame of the Australia Day riots along The Esplanade pale in comparison.

Burleigh Heads residents hung their heads when alcohol-fuelled gangs stormed through the seaside town this year, tarnishing the public holiday. A day later the shame mounted when news of the murder broke.

This year's outbreak of violence has been blamed on out-of-control youths, drugs, bikies and ring-ins.

The true Burleigh people – like my elderly grandparents, my little brother and my hard-working parents – want these violent ring-ins to leave. Now.

Glass ban too late for teenager

by Hayley Sultanle
police reporter

A TEENAGE girl glassed in the face at one of the Gold Coast's 'Dirty 30' watering holes may not be the last victim before the State Government's glass ban comes in.

The 19-year-old Pacific Pines woman was cut on her cheek and above her eye during an altercation with a man at Options Tavern in Helensvale on Saturday.

The venue is one of 30 flagged by the Government as high risk which will be forced to stop using glass. It is unclear when the ban will come in.

Francisco Flynn, 23, faced Southport Magistrates Court on Saturday charged with grievous bodily harm after the incident.

The court was told Mr Flynn had an argument with the woman on the dance floor before he walked away, only to come back later and pour a drink over her about 12.30am.

Police allege the woman swung her arms to keep Mr Flynn away but he pressed the glass into her face before it shattered.

Mr Flynn - an army avionics technician based at Oakey - was released on bail to re-appear on September 3.

Fair Trading Minister Peter Lawlor was yesterday unable to say when glass would stop being used in the flagged venues, but he denied it could take months.

"I imagine it will take a matter of weeks," said Mr Lawlor.

"Some of these venues are already talking with suppliers (of plastic drinkware). 'It's unfortunate that we have this culture and this is why we've taken a strong stance in relation to high-risk venues.'"

Mr Lawlor said the ban would



include glass bottles and more pubs and clubs could be forced to stop using glass if they are identified as problem venues.

The ban has received a mixed reaction from licensees, some of whom have already started using plastic in place of glass.

Surfers Paradise Licensed Venues Association president Lino Girardi said the ban should be for all pubs and clubs rather than in just a selection of venues.

"I don't think they should change the rules for 30 places and then wait for more glassings to change others," said Mr Girardi.

"It should be across the board."

Mr Girardi said there had been little direction from the Government so far in regards to the ban and no clarification whether bottles would be included.

"I think we are going to be contacted shortly - next week or so - but I think most clubs are looking into it now," he said.

"We're not going to wait to be told because we know it's coming in.

"It's just that we don't know what the rules are going to be, we don't know what the guidelines are just yet.

"Most venues are just going to change short and tall glasses to begin with."

Drunk held man as he was killed

by Emmaline Stigwood

A DEVOUT Muslim man out taking his evening walk was killed for his wallet and mobile phone by a violent attacker and his random drunk accomplice.

James Samuel Bond, 39, was yesterday sentenced to nine years in jail after pleading guilty to the manslaughter and violent robbery of Safik Mohammed at Inala.

Mr Mohammed's body was found in a park near his home early on January 5, 2006, with signs he had been dragged off a path and left to die in bushes the night before.

Bond was arrested months later after a coincidental DNA match led police to talk to him and he confessed to helping rob Mr Mohammed.

He told police he had been drunk and asleep on a train before getting off at Inala, in southwest Brisbane, where he agreed to help a teenager he did not know 'roll someone'.

Bond said when they came across an 'old fella' in the park, he restrained Mr Mohammed, 59, from behind while the younger man punched him and grabbed his throat before taking

off with his wallet and phone.

The Supreme Court in Brisbane was yesterday told Mr Mohammed died of strangulation, most likely from manual compression of his neck.

The younger attacker, Aaron Leslie Clancy, 19, of Crestmead was last year sentenced to 12 years' jail after pleading guilty to manslaughter and other charges.

The Crown yesterday accepted Bond's version of events putting him as the secondary attacker.

Justice Margaret White noted Bond, of Cherbourg, had worked in schools teaching Aboriginal dance and culture and had problems with alcohol and a difficult childhood.

She said Mr Mohammed had been an active member of his religion and community who was known to enjoy regular walks late at night and in the early morning.

"People should feel safe walking around in the evening, taking their constitutional, without (fearing) attack by violent drunks," she said.

Bond, who has been in custody since May, 2006, will be eligible for parole after serving half his sentence.

Pubs want harsher penalties for violence

Alison Sandy
Michael Crutcher

ANGRY pub and club owners say heavy drinkers must face harsher penalties and that the responsibility for alcohol-fuelled violence should spread beyond the city's nightspots.

The licensees believe they are already heavily regulated by the State Government and new measures, such as the banning of glass, will have little impact.

City licensee Phil Hogan said the State Government was quick to blame licensees but not

the culprits who "get off with a proverbial slap on the wrist".

"What will be next after plastic glasses - are they going to ban steak knives?" he said. "Anyone would reckon this was Mogadishu not Brisbane. I think the public's also grown tired of all the licensee-bashing and deserve much better."

Mr Hogan, who is part-owner of Eagle St Pier bar Jade Buddha, said licensees were targeted in the 17-point plan and the problems had become worse, not better.

Valley Liquor Accord, which

has 54 members, said there was always the risk of alcohol-fuelled violence.

"It could happen in any one of our clubs tonight - someone could be killed, someone could pull out a gun and shoot someone," chairman Les Pullos said.

"How are you going to stop this if it's a societal thing where people think it's normal to stab someone?"

Recently a man who smashed a glass into his former de facto's face on the Sunshine Coast was fined \$43,500.

Mr Pullos, who owns the

Royal George Hotel and The Bank, agreed the violence problems stemmed from society.

"By and large, the vast majority who come to this area come to have a nice time." Mr Pullos said smash-proof glassware already had been trialled at his establishments, but he was reluctant to introduce measures such as ID scanners unless all venues did.

"There's a perception there must be something wrong in the venue - a bit like sharp containers and blue lights in your toilet," he said.

"I'm half expecting there will be a bit of a trade-off somewhere where the government says you can trade to five, but only if you've got scanners on the door and they're linked with others."

Office of Liquor, Gaming and Racing executive director Mike Sarquis said the department was not in the business of stopping people from having a good time or withdrawing alcohol from the community.

"We're about ensuring alcohol is made available in a way that minimises risk and harm to

the community," he said. "If you have a poor compliance history, you pay more. If the type of venue you operate poses high risks, you pay more."

He said they were keen to work with the industry and get them to accept responsibility through things like identifying what's best practice.

Mr Sarquis applauded voluntary measures by licensees, who through liquor accords, had implemented tough strategies like banning problem patrons in cities such as Mackay and Hervey Bay.

15.07.09

Politicians need to walk the talk

Tuck Thompson

POLITICIANS talk tough about stopping alcohol-fuelled violence but there is often a disconnection between their rhetoric and the implementation of credible solutions, experts say.

Scott Wilson, chair of the Alcohol, Education and Rehabilitation Foundation, said governments paid lip service to the growing crisis, but "at the end of the day, it's always about generating money".

Mr Wilson said while most licensees were doing the right thing, some were profiting by serving drunk patrons and doing little to control violence on their premises.

Data showing where alcohol-fuelled violence specifically occurred was not available and the worst offenders were not named.

"If they had hard data, these places couldn't get away with it," Mr Wilson said.

Griffith University criminologist Ross Homel said alcohol-fuelled violence was a global problem.

"Just coming down heavy isn't going to work," he said. "It's not a simple problem. It's complex and requires sophisticated solutions."

Professor Homel said bar and security staff needed to be trained to detect factors that led to violence and police needed a targeted enforcement strategy linking perpetrators to drinking venues. Neighbourhood committees could be created to evaluate data on problem locations and send out warning letters to establishments doing the wrong thing.

He said there had been a disconnect between government rhetoric and willingness to take effective action.

"For many years, venues have been able to get away with a lot," Prof Homel said.

University of Queensland professor and physician John

Saunders said binge drinking contributed to violent behaviour in young men, and young women were often the victims.

Prof Saunders said the Government needed to do more to identify people with alcohol problems and conduct brief, early interventions at hospital emergency rooms.

He favoured naming and shaming establishments where data showed a violent trend.

"Clearly, some establishments have a particularly high level of violence in and around their particular areas," he said.

Mr Wilson said licensed premises should be required to perform free, mechanised breath tests for drunkenness.

He said it was rare for bar staff to be prosecuted for serving drunks and police were not doing enough to monitor staff.

However, Queensland Hotels Association chief executive Justin O'Connor said it was a myth that Australians were drinking more. Per capita alcohol consumption was down 20 per cent from 20 years ago.

"We don't have a crisis in alcohol consumption in this country," Mr O'Connor said.

Licensed venues were heavily regulated and it was counterproductive to crack down on businesses and drive drinkers into less-regulated environments. Mr O'Connor said most venues operated responsibly and state licensing laws were adequate.

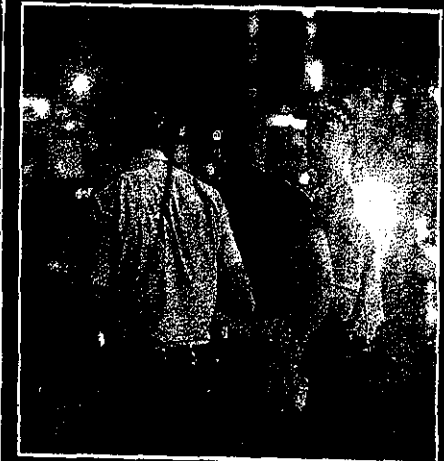
The Queensland Hotels Association opposed naming and shaming venues and was against mandatory breath-testing machines in hotels. But it had no problem with staff being trained to head off violence.

"In terms of education, we are moving in the right direction," Mr O'Connor said. "We are eight years ahead of where we were."

He said public education needed to focus on males in the 17 to 24 age bracket.



AS WE SEE IT: Queues at the bottle shop, arrests and vomiting. This is the view from the ground on the streets of Fortitude Valley at night. Pictures: Mark Calleja



Are these the solutions to alcohol-fuelled violence?

- Earlier closing hours for pubs and bars.
- Minimum price on alcohol.
- Better transportation options for people leaving pubs.
- Targeting promotions at discount liquor stores where most alcohol is bought.
- Earlier alcohol education and public health messages that drinkers will accept.
- Widespread alcohol intervention at hospital emergency rooms.
- Targeting problem venues using intelligence data collected by police.

- Community committees monitoring violence at or near problem venues.
- Tougher arrest and prosecution of troublemakers.
- Drinking bans on troublemakers.
- Naming and shaming pubs with a history of violence.
- Mandatory breath testing machines to help bar staff determine whether customers are over their limit.
- Thorough training of bar staff and bouncers on techniques to defuse violence.

Jaw broken first night

Visitor tells court he doesn't remember hitting ground after punch

by Renee Redmond
court reporter

A SYDNEY man who came to the Gold Coast for a holiday went home with a broken jaw after his first night out in Surfers Paradise, a court has been told.

Yesterday, 31-year-old Alex Grady told Southport District Court he remembered being punched in the back of the head by a security guard and falling but could not recall hitting the ground.

It is alleged Surfers Paradise security guard Keith Seymour Coomer, 32, escorted Mr Grady from the Circle on Cavill building, where he had an argument with



Keith
Coomer

cleaners who would not allow him to take a short cut to his hotel.

DPP Crown Prosecutor Scott Collins said independent witnesses would give evidence this week about seeing Mr Coomer strike the back of Mr Grady's head, stomp on his back and kick him in the head as he lay face-down on the pavement.

Mr Coomer is on trial in the Southport District Court, charged

with one count of grievous bodily harm to Mr Grady.

Yesterday, Mr Grady told the court he had received a split under his chin, lost a tooth and his jaw was wobbly and broken.

He said he recalled having chest, neck and back pain and was in the Gold Coast Hospital for four days.

"I had an operation on my jaw, three plates were put in my jaw and they wired my mouth together. I was unable to eat for a number of weeks," he said.

Mr Grady said he was still unable to open his mouth completely and could not chew steak or bite apples.

He said he had gone out with his friend in Surfers Paradise and was

heading back to his hotel about 5am on January 29, last year.

Mr Grady said he had an argument with a male cleaner who would not let him walk through Circle on Cavill and then decided to leave.

He said he remembered being chased down the escalators by a security guard and trying to run away before he was hit in the back of the head.

Mr Grady said he did not remember anything else.

Barrister Adrian Donaldson asked Mr Grady if he had reconstructed his memory of the incident, since police reports said: "The victim has no memory of the assault."

He asked Mr Grady if he recalled

speaking to a female cleaner, pulling off his shirt and puffing his chest up while stumbling around the foyer and spitting at the security guard.

Mr Grady said he did not recall.

Mr Donaldson suggested his client had tried to grab him on the shoulder but he missed and Mr Grady, who has a bad knee from a previous motorcycle accident, had tripped and hit his head.

"When you got to the lip of the footpath you simply tripped over," asked Mr Donaldson.

"I don't know if I've ever seen anyone trip over and break their jaw in three places and have the injuries I have," replied Mr Grady.

The trial continues today.

House party anger

by Geoff Chambers
council reporter

OUT-of-control 'party houses' across the Coast could be closed after the Gold Coast City Council last night moved to crack down on controversial short-term holiday rentals.

A specialised database will be set-up by the council to deal with more than 250 complaints about waterfront mansions that have been transformed into party addresses.

Interstate party groups, companies and families are booking large houses for buck's parties, functions and holidays.

Holiday rentals in legal firing line

The hotspots include Mermaid Waters, Burleigh Waters, Sovereign Island and Paradise Point.

Websites are advertising holiday homes which can house up to four families at prices ranging from \$3000 to \$5000 a week.

Councillors last night reported cases of drunken revellers playing water volleyball in canals at 2am.

Burleigh Heads councillor Greg Betts said the issue needed action.

He said the council needed to gather evidence, including information on hotspots across the city,

to take to the State Government and instigate legislation changes.

"We really need to tighten the laws and write into our planning scheme exactly what constitutes a tourist rental, short-term rental and long-term rental," he said.

The council's Complaints Investigation System will store in-depth information about noise, rubbish and other complaints.

Cr Betts said Sovereign Island mansions were being rented out for functions and packages were being offered including tinnies.

"They have a tinnie waiting out the back. Some blokes rent the house out for the weekend and then you see the tinnie screaming up and down canals," he said.

The council has attempted to crack down on party houses by issuing parking infringement notices and on-site inspections.

Broadbeach councillor Eddy Sarroff suggested the council should have a stricter licensing procedure.

He said the register should enforce tough laws.

"For repeat infringements, then

action should be taken and we should look at revoking licences," he said.

The city's senior legal officers have reported to councillors that there would be difficulties in enforcing tougher laws.

Cr Betts said police and the council usually re-directed complaints to each other.

"We need to put more defined conditions on rental approvals so we can go in and do something about compliance issues," he said.

Council environmental health officer Dean Isbel said it would be impractical for the city to draft new local laws alongside existing state and federal laws.

Courier Mail Ugly side to our culture of drinking

THE role of the news media is not just to report. It sometimes involves setting the agenda and bringing the punch can kill campaign following the tragic death of Mr Stanley's teenage son, Matt. Regrettably, that campaign was axed this year. We urge the State Government to reconsider and find another \$800,000 to keep the program afloat. But we're pleased full-strength alcohol will now be banned at music festivals, along with a prospective ban on glasses in pubs and clubs. Almost every Queenslanders can relate a story of enduring or witnessing an incident of drunken violence. Readers don't want to see, and we certainly don't want to report, yet another tragic story of how alcohol-fueled anger killed a young, innocent Queenslanders. Enough is enough.



BATTLE WEARY: Ambulance officers are called in to clean up the casualties after a night of alcohol-fueled violence.

Booze fuels brutality

Full-strength grog and glasses face axe in bid to curb violence

Allison Sandy

DRINKERS face an unprecedented crackdown, including bans on glass and full-strength beer, as Queensland struggles with a spiralling rate of alcohol-fueled violence and crime.

The State Government is set to ban full-strength alcohol at most major events and to force nightclubs to serve drinks in acrylic containers in an effort to limit damage.

A Courier-Mail investigation has found alcohol is responsible for one-quarter of all crime in Queensland.

The problem is soaring, despite the introduction of a much-vaunted 17-point action plan four years ago.

Other key findings include:

- Public hospital emergency departments under strain with about 300,000 presentations for alcohol-related issues in the past year.

- Police called out to attend 100,000 alcohol-related incidents last year.
- At least 300 glassing victims have sought treatment at the Royal Brisbane and Women's Hospital so far this year.

The Alcohol Education Rehabilitation Foundation says alcohol-fueled violence and abuse affects one in five people and costs the national economy about \$15 billion each year.

Liquor Licensing Minister Peter Lawlor said Queensland had the toughest laws across Australia but there could be improvements, including a potential blanket ban on glasses at late-night venues.

"There seems to be a rising incidence of glassings. That's got to be addressed," he said.

"Licensees have got to understand that if they don't make their place safe for patrons, Liquor Licensing will have no choice but to condition licences with things

'It has always been about us. We're not the enemy'
Club owner Sarosh Mehta

like plastic cups and other utensils that aren't able to be used in glassings.

"If they're not going to do it voluntarily, they will be made to do it."

Mr Lawlor said Liquor Licensing would also ensure major events underwent rigorous change, such as restrictions on minors and more crowd control.

"If it's a situation where they have a bad record, then those licences are conditioned accordingly," he said.

"For instance it could be only light and mid-strength beer and setting certain areas where alcohol can be served."

Music festivals such as Big Day Out, sporting events and major race days are among the events in line for alcohol restrictions.

The Mount Isa Rodeo has been held up as an example of the benefits of lower alcohol levels.

Last year, rodeo organisers could sell only mid-strength beer and spirits and had restrictions on wine sales.

Police said arrests plummeted to single figures under the new rules, and ambulance officers praised the changes.

Licensees have welcomed the prospect of mandatory rules to tackle alcohol-fueled violence, but insist responsibility should not be left with them alone.

"We're business people first, so any measure that will curtail violence, create a safer environment, I'm all in favour of," Caxton St Development Associ-

ation president and Casablanca owner Sarosh Mehta said.

"I'd like to see a shift in focus from the licensee to the patron. It's always been about us. We're not the enemy."

Reports from Royal Brisbane and Women's Hospital indicate that about a dozen glassing victims present every weekend, equating to more than 600 a year.

Gold Coast venues have recorded more than 40, but it's the only region which keeps a record.

Mr Lawlor said Liquor Licensing would start collecting firm, accurate data about the prevalence of glassings after officers admitted they relied mostly on police reports, which don't always specify glassings, and media reports, for figures.

"Certainly, to be able to compare them with previous years, there should be a proper statistical capture of the information," he said.

Editorial P22

The Punch Drunk series has been researched by Courier-Mail reporters Alison Sandy, Anna Cakwell, Jennifer Dudley-Nicholson, Ursula Heger and Josh Robertson and photographers Lisa Clarke, Mark Calleja, Jeff Camden and Marc Robertson

Alcohol-related crime				
Statewide	Alcohol Alcohol & only Drugs		Brisbane Central	
	2005	80,802	3322	6678
2006	89,010	2912	8311	261
2007	90,327	3003	7338	254
2008	95,192	3371	7506	309
Key findings				
• Alcohol-related crime has increased (20 per cent)				
• Public order offences increased 17 (from 19,875 to 32,726 (65 per cent))				

Drinking a catalyst for one-quarter of state's crime

ALCOHOL was a factor in a quarter of the state's crime last year, amounting to 100,000 incidents.

Booze-fueled crime has surged 20 per cent in the past four years despite the State Government's 17-point plan targeting the problem, introduced after two men died in inner-city entertainment precincts in 2005.

Queensland Police statistics show a third of incidents were good-order offences, which include indecent or obscene behaviour, public

nuisance, resisting arrest and obstructing police.

Good-order offences have soared from just under 20,000 to nearly 33,000 since 2005.

The Gold Coast, with its reputation as the state's glitzy party capital, was the worst place for alcohol-related offences, the figures show.

Almost 11,000 incidents were recorded on the Gold Coast, closely followed by another tourist destination, Cairns (almost 10,000).

More than 8,000 offences were recorded in Townsville,

about 7600 in Brisbane's inner city and in excess of 6000 on the Sunshine Coast.

Drugs and alcohol were considered factors in another 3300 offences reported by police, up from 2600 four years earlier.

Brisbane's inner city has a higher rate of alcohol-related crime than the state, with alcohol accounting for almost a third of its incidents.

Brisbane Central Superintendent Peter Savage said alcohol-fueled violence was "challenging for police"

because the precinct attracted 60,000 to 70,000 people on Friday and Saturday nights.

"I'd tend to think alcohol is a far greater contributing factor to this sort of violence," he said. "It's a priority for us to ensure we police effectively and maximise the numbers we have and enhance police visibility across the district."

"We do that by joint assault management strategies, effectively getting out early in the night and having positive interactions with patrons."

Allison Sandy

Man's head gashed in glassing at Southport leagues club

by Andrew MacDonald
police reporter

A 31-YEAR-OLD Labrador man is expected to appear in Southport Magistrates Court this morning over a glassing which left a 36-year-old man with severe cuts to his temple at the weekend.

Emergency crews were called to the fight in the grounds of Southport Tigers Leagues Club in Jackman Street about 5.40pm Saturday.

Police said the alleged assault was the result of an argument involv-

ing a woman during which the younger man picked up a glass and hit the 36-year-old on the side of the head, gashing his temple.

Paramedics were called and the victim was taken to Gold Coast Hospital.

The alleged attacker was arrested and charged with grievous bodily harm.

Bar staff at the leagues club yesterday refused to comment, but a source said she believed the men involved were not regular drinkers

at the club and had been 'blow-ins'.

She said players from the club had not been involved in the fight.

The glassing on Saturday is the latest in a series of similar violent assaults which have resulted in some licensed venues banning glassen, instead opting to serve drinks in plastic cups.

The incidents have also led to calls for tougher penalties for those found guilty.

British backpacker Benjamin

Tebbit was given a suspended prison sentence late last month, having pleaded guilty to assault causing grievous bodily harm.

He admitted smashing a spirit glass on the head of French tourist Jonathon Boccara at The Drink nightclub in May this year.

An 18-year-old man was charged with assault occasioning bodily harm while armed and with wilful damage after allegedly smashing a beer bottle in the face of promising soccer player Bryce

Balmain at the Griffith Uni Bar on June 24.

Mr Balmain's jaw was shattered in the incident. In earlier glassings on the Gold Coast this year, an upper Coomera man suffered a cut neck after allegedly being glassed during a dispute in the carpark of the Helensvale Tavern in February.

In January, a 22-year-old Mt Tamborine man was allegedly hit in the face with a glass by a 23-year-old Ranaway Bay man in an Orchid Avenue nightclub.

13.07.09

Boss of booze without a shout

FROM Gold Coast to Aurukun, liquor licensing will be a law unto itself in Queensland until the minister can intervene over neighbourhood grog trading hours.

The NSW Government is considering a 12-month suspension on new liquor licences in inner Sydney including Kings Cross.

It's a drastic move but not as drastic as the extent of grog mayhem and violence in the area which already was subject to 2am lockouts and other after-midnight trading restrictions. It's a different story in Queensland and not just with trading hours.

It may sound like a good idea to remove any suspicion of patronage from a ministerial office.

It avoids complaints of favouritism if saloon X scores a 5am licence, and saloon Y up the road misses out.

Unfortunately, cynicism and unpopular decisions are part of the price of government - look at the proposals to sell the coal railways and jack up the price of petrol.

Even alcohol-free indigenous communities in Cape York including Aurukun soon may see grog flowing again under the system of appeals available under Queensland's licensing rules.

Aurukun demonstrated lower crime and fewer alcohol problems soon after grog was turned off late last year.

The Bulletin detailed in May plans to extend trading hours at some Gold Coast hotels until 5am. There are 13 ALH Gold Coast hotels (Woolies) involved, including the Palm Beach pub which is over the back fence from the busy, drugheads' needle exchange. Police have worked hard to cut down crime around Palm Beach and believe their new booth in the Elanora shopping centre is paying law and order dividends.

Good; the Coast averages three reported saloon glassings a month. Gold Coast-based Liquor Licensing Minister Peter Lawlor admitted this week there was a 'groundswell of opposition' to grog trading until 5am. But unless the law changes he remains an observer to the quaint Queensland licensing process. *The Bulletin* also revealed in May rule loopholes allowed pubs to stay open until 3am without paying extra fees.

Predecessor Andrew Fraser introduced some minor liquor reforms including stricter staff training, abolition of early trading and



Police have their hands full controlling over-enthusiastic drinkers at the best of times

Schoolies Festival restrictions. But the real alcohol power rests with the Liquor Licensing Department's chief executive, Mike Sarquis.

The Bligh Government will not lose too many votes if it adopts a more aggressive liquor strategy and confines late or even 24-hour trading to small, recognised party precincts such as Broadbeach and Surfers Paradise. Give hard-pressed police a chance to blitz these areas and limit the assaults, brawls, binge-drinking, drink-spiking, stabbings and taxi-queue dramas.

Police rigorously mount strong cases against most applications for extended trading hours. But just because police and everyone

in your street is against the idea does not mean a licence or extended licence will be refused for your local pub. Even if it is, pub owners can appeal with a reasonable chance of success. The appeals systems is a lulu.

Queensland's Consumer and Commercial Tribunal has been handling liquor appeals since 2003.

The CCT is a 'one-size fits all' operation.

In addition to its powers to hold appeals under the Liquor Act 1992, the CCT is required to look after 21 other sections of Queensland legislation. Architects, builders and body corporates appear before them, ditto peddlers of porno computer games and movies. Guide

dogs get a guernsey and aggrieved lottery punters can hit the CCT with complaints. Don't forget customers of drainers, plumbers and pest controllers. Car salesman and real estate agents also can be required to front the CCT, so can vineyards.

In a normal world Peter Lawlor could join the queue and fill in his own liquor objection to the CCT but thanks to the legislation, only 'interested parties' may approach the CCT.

Good news is that the CCT will disappear on December 1 and be replaced by the Queensland Civil and Administrative Tribunal. Bad news is that the Liquor Licensing Minister still will not have any say.

09.07.09

Doohan's pub plan panned

By KATE HICKSON

A LUXURY tavern to be built by motorsport legend Mick Doohan at Palm Beach received 250 community objections to its original application.

The application for the pub at 1239 Gold Coast Highway was approved by Gold Coast City Council in December 2007, but has since received hundreds

of submissions, including one with 198 signatures condemning its construction.

It was approved on the condition the hours of operation were limited to 8am to 11pm Monday to Saturday and 8am to 10pm on Sunday.

Councillor Ted Shepherd said there was nothing in the council's records to indicate when the tavern might be built, which has led some locals to believe their objections may have stalled construction.

Burleigh MP Chrisune Smith said she objected to the pub being built until certain conditions were met regarding its opening hours.

"I have been keeping my eye on the site, but nothing appears to be happening," she said.

"I know a house next door has recently been demolished, but I don't believe that has anything to do with the tavern."

"As far as the State Government is concerned, I can only object when the applicant applies for a liquor licence or a gaming licence."

The applicant, Dredge and Bell Planning on behalf of Alterne Pty Ltd, did not want to comment.

A spokesman for Mick Doohan said he did not comment on his business ventures.

Councillors debate club trading hours

By JESSICA ELDER

A SPATE of applications for extended trading hours in pubs and clubs outside the city's entertainment precinct has Gold Coast councillors up in arms.

Many councillors believe late-night establishments should be confined to Surfers Paradise and Broadbeach, while others claim each application for extended hours should be judged on its own merit.

Burleigh councillor Greg Betts has led the call for all licensed premises outside the entertainment precinct of Surfers Paradise and Broadbeach to be closed no later than 1am.

Councillors Susie Douglas, Peter Young and Eddy Sarroff were among his supporters.

Cr Betts said Burleigh had become an unsafe place late at night when the Burleigh Heads Hotel and Swell Tavern closed and intoxicated patrons hit the streets.

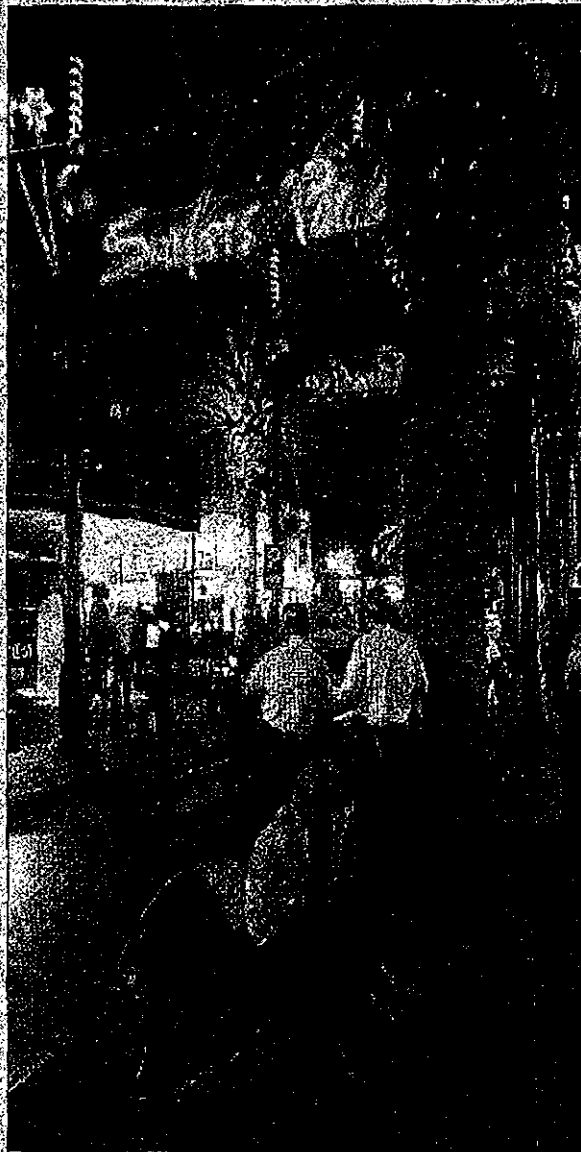
He said Swell Tavern owners had applied to the State Government Liquor Licensing Department to have their 3am closing time extended to 5am.

"We can't have establishments housing intoxicated youths in the quieter suburbs until 3am or 5am - there are no resources to cope with a large group of people being kicked out on the street when a tavern closes," he said.

"There are no sophisticated security cameras on the streets, no large taxi ranks and not a big enough police presence."

However, northern councillor Donna Giles said it would be disastrous to have taverns close at 1am in remote northern areas.

She said if licensed premises in her division were not able to stay open late on certain nights, there would be more deaths on the roads because intoxicated patrons who had not finished partying would hop in to a car and drive to Surfers Paradise.



UNRULY ... rowdy scenes in Surfers Paradise's nightclub precinct. Councillors have expressed opposition to applications for extended trading hours for clubs outside the Surfers and Broadbeach precincts.

"There is no public transport in my division to get people to an entertainment precinct," she said.

"Police say in remote areas it is better for premises to stay open later to prevent drink-driving and anti-social behaviour."

Councillors resolved to write

to the Tourism and Fair Trading Minister to express the council's opposition to the extension of trading hours for premises outside the local government-designated entertainment precinct.

Fair Trading Minister Peter Lawlor said the department

welcomed input from the council.

However, he said liquor licensing could not make decisions on trading hours based on a premises' locality.

"Each case will be assessed on its own merits under the Liquor Act 1992," he said.

21 look for later opening

FAIR Trading Minister Peter Lawlor has revealed 21 Gold Coast licensed establishments have applied for extended trading hours in 2009.

Mr Lawlor said each application was assessed case by case.

He said applicants were not only pubs and clubs but restaurants and take-away food places.

The recent applications include The Anglers Arms Hotel at Southport, Burleigh Heads Hotel, Dublin Docks Tavern at Harbour Town shopping centre, The Commercial Hotel at Nerang, the Benowa Tavern, Shogun Japanese at Bundall, Hinterland Hotel at Nerang, Vinnie's Pizza Pasta and Ribs, Palm Beach Hotel, The Oxenford Tavern, Cecil Hotel in Southport, the Varsity Lakes Tavern and the Parkwood Tavern.

Shattered dreams

Senseless attack on teenager

by Hayley Sultanie
police reporter

IT was not just Bryce Balmain's jaw that was shattered when he had a bottle smashed in his face by another teenager at a uni bar.

The 18-year-old had dreams of making it big in the soccer world and will now miss the chance to have a trial with Gold Coast United's under-21 team next month.

Bryce was enjoying a night out with friends at Griffith University's Uni Bar when he was hit in the face with a bottle following the State of Origin clash on Wednesday.

Bryce said he was leaving the bar after the game when another teenager yelled 'There he is', and ran at him, before smashing him in the face with a bottle.

While the bottle did not smash, it shattered the teenager's jaw and dislodged three of his teeth.

"It really didn't feel like anything," he said.

"I knew I'd been hit but it was mainly just shock. I don't even know the guy.

"Security chased after him and they called the police and arrested him on the spot."

Bryce said he had not had any contact with the other teenager throughout the night and had never met him before.

He said he thought it



Bryce Balmain looks at an X-ray of his shattered jaw caused by the bottle attack

● Picture: Kate Czerny

might have been a case of mistaken identity. Bryce was taken to the Gold Coast Hospital and had two metal plates inserted in his jaw.

He was allowed home only yesterday.

He will now be off the pitch for six to eight weeks and miss his grand final with Musgrave Mustangs and a trial date with United.

"I'm shattered," he said.

"I'm happy in the sense that they caught him but then

again I can't play football for six weeks and I miss out on a grand final and I can't train."

His mother, Vicki, said she was disgusted by the attack.

"We are still in a state of shock. It's such a violent, unnecessary assault on a young person," she said.

"He's been robbed of his innocence. How do you go back into society when something as horrible as this has happened?"

"They have to come

down a lot harder on these people. At the moment the laws aren't strong enough to stop this from re-occurring."

Superintendent Jim Keogh of Gold Coast police said glass-related incidents were on the rise.

He said it highlighted how punishments being handed down in courts were not deterring young people from using glasses and glass bottles as weapons.

"Our strike rate as far as

a clear-up with this is exceptionally high," he said.

"Most of the offenders are put before the courts.

"But the penalties don't seem to be a deterrent. They just continue to inflict grievous harm to the victims."

An 18-year-old Gold Coast man will appear in Southport Magistrates Court on July 8 charged with assault occasioning bodily harm while armed, and wilful damage.

Stab victim thought knife part of costume

by Renee Redmond

THE victim of a brutal stabbing thought his alleged attacker was carrying a fake knife as part of a costume for a fancy dress party at his neighbour's house.

Highland Park man Stephen Paviell ventured outside to ask his neighbours to keep the noise down because his child was sleeping when he was confronted with a man who ran towards him with a knife.

Mr Paviell told a committal hearing in Southport Magistrates Court he thought the knife was a fake until he was stabbed.

"I knew I was definitely in a lot of trouble. I was starting to blackout and it was hard to see. I let go of my side for a second and blood started spurting out," he said.

Mr Paviell alleges while he was on all fours, he heard another man running up to him – and then he was kicked in the head.

But barrister Simon Lewis questioned why Mr Paviell did not tell hospital staff of the blow to the head and only mentioned it to police two months later.

"You don't complain about being kicked in the head and no one else sees

you being kicked in the head," he said.

Mr Paviell said he did not remember much about the hospital visit.

"The mask was coming over the top and I was whistled into surgery," he said.

The 48-year-old man was rushed to hospital after losing a litre of blood from a punctured lung and stab wounds to his shoulder, face and cheek.

Jesse Mikaere Simmiss, 20, of Labrador, Jesse Gabriel O'Flynn, 20, of Mudgeeraba, and Andres David Cordero, 19, of Highland Park, have been

charged conjointly with grievous bodily harm, wilful damage, common assault and going armed to cause fear.

It is alleged the three men attempted to gatecrash a 21st party in Gumbeel Court at Highland Park in February and attacked Mr Paviell when he came to investigate.

Mr Cordero, who is allegedly the main offender, along with Mr O'Flynn have been committed to stand trial in the District Court in Southport on a date to be fixed.

Final submissions for Mr Simmiss will be heard today.

18.06.09

Footballer < gets life for head kick

A GOLD Coast AFL footballer has been sentenced to life for the murder of a man who was kicked in the head during a brawl outside a pub.

Geoffrey Wayne Freeman, 26, of Eagleby, pleaded not guilty to the murder of Daniel James Wade, 22, outside Beenleigh's Royal Hotel in 2006.

The Brisbane Supreme Court was told Freeman was part of a group from the Beenleigh Buffaloes Australian Football Club at the hotel on the evening of March 11, 2006.

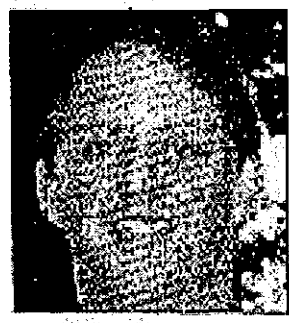
The Crown said Freeman kicked Mr Wade in the head while he was on the ground during the brawl, resulting in his death in hospital the following day.

Freeman was yesterday found guilty of murder and Justice John Byrne sentenced him to life with a non-parole period of 15 years.

"You took a life in alcohol-fuelled savagery," Justice Byrne told Freeman. "I sentence you to life imprisonment."

Outside the court, Daniel's parents Julie and Gary Wade said they could now move on with their lives after three years of seeking justice.

The family thanked prosecutor Glen Cash and detectives for 'uncovering the truth'.



Victim... Daniel Wade

"We've been here every day of the trial and every step of the process," said Mr Wade.

"It's not really a fair trade-off only spending time in jail for taking a life.

But it's the best we've got."

Mr Wade said his 'happy go lucky' son would live on in the minds and hearts of family and friends.

He also offered his sympathies to the Freeman family, saying it was unfortunate both families had to lose a son.

"We're not happy that Freeman is going to be spending a large portion of his life in jail," he said.

"But he's done the crime so he's got to do the time."

Mr Wade said he hoped his son's death would send a message to all young men involved in alcohol-fuelled fights.

"Violence is so prevalent today - the likelihood is you're going to experience tragedy if you're involved in violence."

Pash, bash and dash

Police hunt kissing couple after fight leaves visitor brain damaged

by Hayley Sultanie
police reporter

POLICE say that minutes after this passionate kiss, the man in the blue shirt became involved in a fight that left a Canberra visitor in hospital with brain damage.

Detectives are searching for the couple who were filmed by security cameras at the Cavill Mall McDonald's on March 23.

They ordered food, pausing to lock lips in the busy eatery.

Shortly afterwards, about 3.40am, a man was standing at a bus stop at the corner of Ferny Avenue and Beach Road when he became involved in a verbal argument with a man, who was accompanied by a woman.

The altercation quickly became physical and the suspect pushed the man hard in the chest, knocking him to the ground.

The attacker and his girlfriend then walked away, leaving the man lying motionless on the roadway.

The victim was taken to Gold Coast Hospital with serious head injuries, though the full extent of his condition was not known at the time.

Police have now revealed the man suffered brain damage and is still in Gold Coast Hospital, two months after the attack.

After little response from the public following the attack, police yesterday released new images of the suspect in the hope members of the public will be able to identify him.

"We're asking anybody who sees this footage and can identify these people to come forward," said Gold Coast district Superintendent Jim Keogh.

Supt Keogh said: "One punch, one push, when you're going to fall on hard surfaces like bitumen or concrete, it could be fatal.

"Fortunately he has made a recovery to some extent, however there has been some brain damage sustained by the victim."

Police are looking for a man in his mid-20s. He was wearing a blue shirt with a white motif on the front and blue jeans.

The man was with a blonde woman, also in her early to mid-20s, dressed in a zebra-print dress.

Anyone with information which could assist police is asked to contact Crime Stoppers on 1800 333 000.



The couple being sought by police kiss in the Cavill Mall McDonald's minutes before the fight



Checking the menu



Placing the order



Chatting while they wait

VIEW WTSI DUNWEIN
30.04.09

Hell for victim, jail for glasser

17-04.09

by Leah Fineran

JUSTIN Underwood will for ever remember his 24th birthday, for all the wrong reasons.

Instead of raising his glass in celebration, he had one smashed into his face in a Surfers Paradise glassing attack that left him clutching his lacerated eye and praying doctors could save his sight.

Two years later, the physical scars have almost healed, but memories will take much longer to fade.

Yesterday, his attacker faced court over the incident and was sentenced to three years jail, suspended after 12 months.

Andrew James Canfield, 24, of Elanora, pleaded guilty in the Southport District Court to causing grievous bodily harm to Mr Underwood on the night of June 23, 2007, at the Titanium Bar, Surfers Paradise.

Crown prosecutor Mark Whitbread told the court Mr Underwood, now 26, got into a verbal stoush with a friend of Canfield while they were waiting in line for drinks at the bar.

Defence barrister Peter Lancaster said a fight started and Canfield stepped in to back up his friend and threw a punch at Mr Underwood's head but 'forgot' he had a glass in his hand.

"He didn't think of the glass in his hand when he delivered the punch," said Mr Lancaster.

"He did not mean to cause grievous bodily harm ... he is very remorseful."

The court was told several people witnessed the punch and saw the glass shatter on Mr Underwood's head, including a security guard and a patron who called the police.

However, the smashed glass had been cleaned up before the police arrived and no security footage was available.

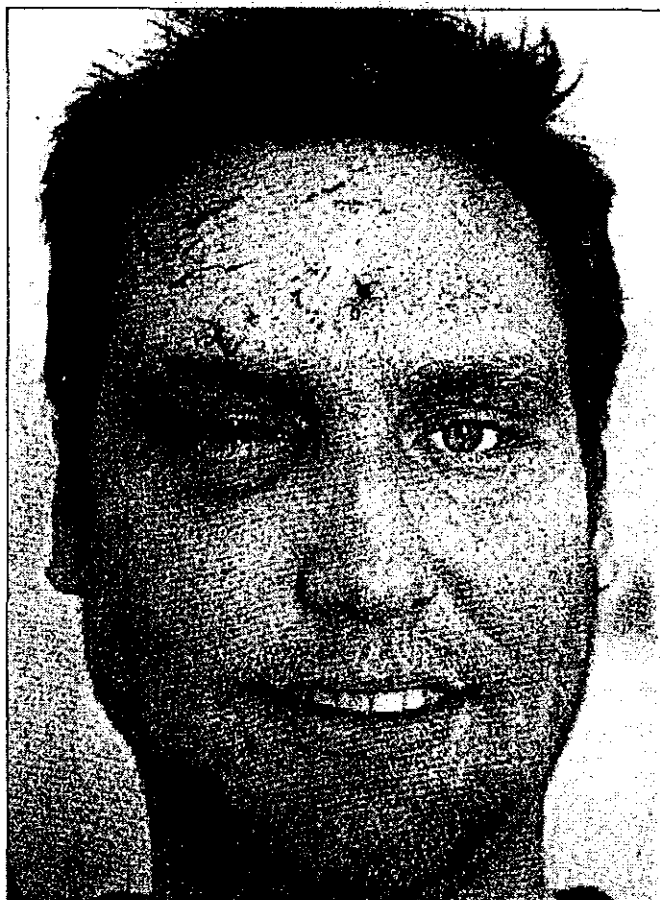
Mr Underwood's victim impact statement was read to the court and detailed how he suffered post-traumatic stress disorder after the incident, lost 6kg and required \$12,000 worth of medical attention and laser eye surgery to save his eye.

Judge Clive Wall, QC, condemned the Elanora welder's attack and said a tough sentence was required to stem the growing number of glassing attacks on the Gold Coast.

"This is an extremely serious offence," he said.

"Mr Canfield is very lucky that only minimal scarring has occurred to the complainant.

"There is no option in this case but to impose a sentence."



This is how his attacker left Justin Underwood



Mr Underwood two years on and is calling for a switch to plastic from glass containers in bars • Picture: Kit de Guymar

Canfield was led from the courtroom in handcuffs and will serve 12 months of his three-year sentence.

Yesterday's decision closed the case on the glassing attack but the result brought only minor relief to Mr Underwood.

"It's good they are knuckling down on these kinds of attack but I can only hope the severity of

the sentence will make people think twice before they consider inflicting this pain on someone," he said.

"What I went through was hell and I fully support bars switching from glassware to plastic cups.

"But my biggest hope is that people will look at this story and decide to leave the violence behind when they go out."

Thugs on the prowl rob two in street

by Bridie Jabour

A GANG roaming the streets of the southern Gold Coast on Tuesday night attacked two people, punching them in the head and demanding their belongings.

Police hope to catch them quickly after one of the attacks was captured on a security camera.

During that incident, a 16-year-old boy was sitting at a bus stop with another male in Golden Four Drive in Tugun.

Footage of the attack, about 10.55pm, shows a group of three men aged in their early 20s approaching the teenager. One asks him the time and when he looks down the man punches him in the head and demands his phone and wallet.

The victim fled to a nearby BP service station and the gang moved on, but not before the main attacker stared directly at the security camera.

In a later incident, a 31-year-old Japanese tourist was waiting at bus stop in Tecmangum Street in Currumbin when a group of men approached him about 11.30pm and also asked him for the time.

When he looked down to check his watch he was

punched to the ground and then kicked before the thugs took off with his iPod and bag.

Both victims received swelling and bruising.

The police district's Superintendent Jim Keogh said police were looking at stepping up patrols in light of the robberies.

"We're certainly concerned and looking at patrols late at night," he said.

"Each robbery is unique and they are all different."

It was the tenth robbery on the Gold Coast in a week and the first in which weapons were not used.

Supt Keogh said thieves were hitting 'soft targets' such as convenience stores, petrol stations and individuals.

"They are going for softer targets because banks and financial institutions are hard to rob," he said.

"People's homes are also getting more security such as sensor lights and security doors.

"Offenders are somewhat desperate and looking for other ways to go about getting money.

"Some (robberies) are drug related and some are just desperate to steal."

Anyone with information which could help police is asked to call Crime Stoppers on 1800 333 000.



Above, the 16-year-old boy is attacked by the wanted man, right, who looks straight at the security camera



Above: The bandit tries to jump over the counter of the IFS in Tallebudgera Creek Road



Left: Police want to speak with Gareth Lewis in connection with the IFS robbery





Justin Robert Schisas is released

● Picture: Kate Czerny

Accused of spitting blood

by Melanie Pilling
court reporter

A MAN accused of spitting blood at three police officers at Surfers Paradise has been granted bail.

Police were trying to break up a fight involving Justin Robert Schisas, 26, when he turned on them, Southport Magistrates Court was told yesterday.

It is alleged he spat blood on the face and neck of three officers.

He was arrested and charged with three counts of serious assault, three counts of obstructing police and public nuisance.

Police opposed bail because of the seriousness of the charges.

Magistrate Michael Hogan agreed it was a serious matter and said: "To be blunt he is probably looking at a jail sentence (if found guilty)."

Duty solicitor Jess Horne told the court Mr Schisas, of Molendinar, did not have any criminal history and some of the police evidence would be disputed.

She said Mr Schisas was intoxicated at the time and was badly hurt in the fight, as his face was covered in blood.

Mr Hogan granted bail on the condition Mr Schisas report to police once a week.

He will reappear for committal hearing on August 12.

Have you seen these cabbie bashers?

POLICE have released security camera images of three people believed to have been involved in an incident in which a cabbie was punched and a paver was thrown through his window.

The taxi driver picked up two men and a woman in Cavill Avenue about 1am on Wednesday. He then took them to Broad Street at Labrador.

Police said the passengers and the cabbie had a dispute over a \$21.90 fare before a man in the back seat punched the driver in the head.

"The driver then drove down Broad Street, did a U-turn and came back when he was approached again by one of the suspects who threw a paver through the windscreen of the cab," said Detective Act-



ing Senior Sergeant Peter Gray.

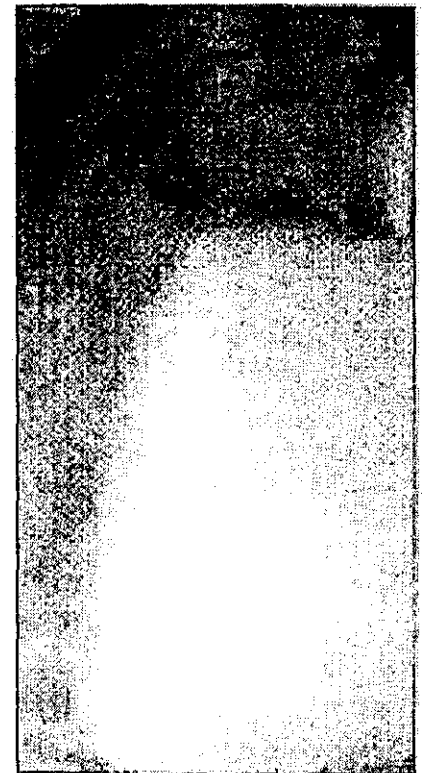
"The cab driver stopped and the male then approached the cab driver and told him to leave immediately otherwise he would shoot him.

"He then said he had



his weapon under his shirt but a weapon was not seen."

Anybody who recognises the people captured on the taxi's cameras should contact Crime Stoppers on 1800 333 000.



Police have released these pictures of the suspects, taken by the taxi's security cameras early on Wednesday

04 04 09
CIVIL DIVISION

Father recovers from hammer hits after bottle shop raid

Police hunt 'lowest of low'

by Andrew MacDonald
police reporter

A FATHER of four hopes to be back at work within a week despite being bashed in the face with a hammer during an 'abhorrent' armed robbery that netted just a few bottles of spirits and spare change from a charity box.

Stephen Clancy, 56, was working the night shift at the City Liquor store at a shopping complex in Reserve Road, Upper Coomera, when two tattooed men armed with a hammer, entered the store 8.40pm on Monday.

A crime police yesterday described as the 'lowest of the low', Upper Coomera resident Mr Clancy, who has worked in bottle shops for most of his life, was brutally struck in the face with the hammer as he approached the two men.

He was then pushed into a bottle display. Security footage of the incident released by police yesterday then shows the thieves taking six bottles of spirits from the shelves before one of the men grabs a Guide Dogs Australia charity collection box from the front counter on his way out.

Mr Clancy's facial injuries required six stitches in his nose and treatment for a badly bruised cheek. Having had several hours to reflect on his violent ordeal during a stay in hospital, Mr Clancy yesterday told *The Gold Coast Bulletin* he actually considered himself lucky.

"If he had hit me in the head around the temple or something I would have been in a lot worse trouble," said Mr Clancy, who has lived on the Gold Coast for four years.

"I'm actually thanking my lucky stars."

An experienced bottle shop attendant, Mr Clancy said Monday's sudden attack took him completely off-guard.

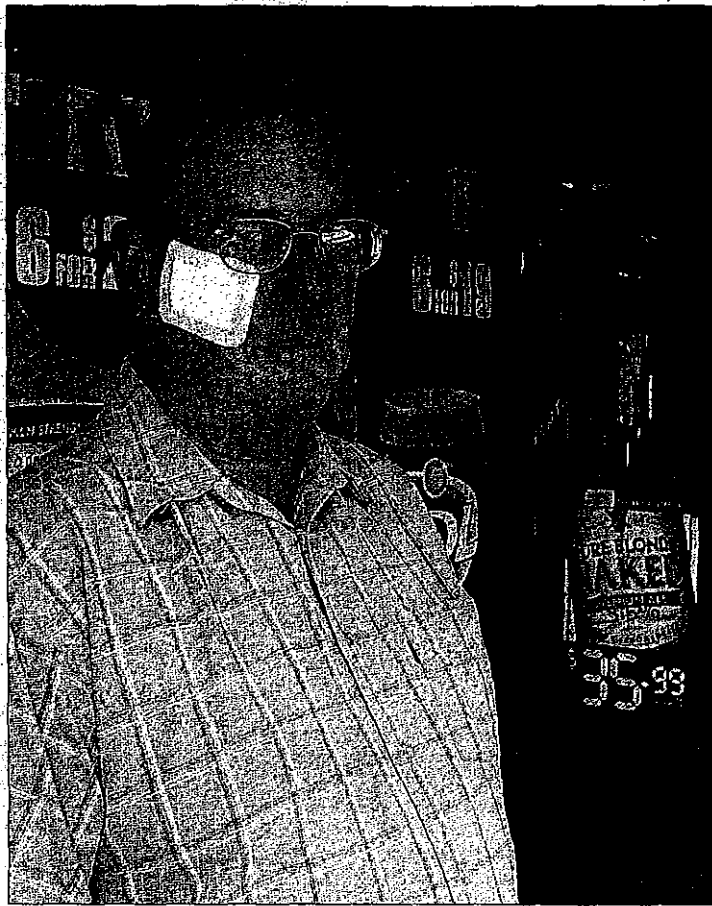
"I was on the other side of the shelf to them and I heard the buzzer go off but I didn't see them at first because I was on the ground restocking another shelf," he said.

"When I stood up I was around to where they saw the hammer and just hit me. It was all pretty quick."

"I didn't fall to the ground at first but then he shoved me and I remember falling into some bottles, and the sound of glass (breaking)."

"There was quite a lot of blood. It was a pretty big hammer."

Despite his brush with



Attack victim Stephen Clancy outside the store yesterday

Picture: Brendan Radtke

VIDEO
See the CC-TV footage of attack



Police issued these closed-circuit TV security images of the attacker hitting Mr Clancy with the hammer and pushing him during the vicious attack

violent bandits, Mr Clancy said he hoped to be back at work as soon as Monday.

"I've got to work," he said.

"It will be interesting to see how I go the first time I'm back on my own at night but I'm sure it won't take too long before I settle in again."

As Mr Clancy continued his recovery yesterday, police stepped up efforts to find the men who put him in hospital.

Detective Senior Sergeant Nev Huth said the crime was shocking.

"The offenders appear to have shown no regard for this attendant, having struck him in the face with a hammer," he said.

"I think we would all agree it shows a level of desperate action - we're talking here some bottles of liquor which are not of extremely high monetary value."

Det Sen Sgt Huth said the fact the thieves had also targeted a charity collection box was distressing.

"From my perspective, it's the lowest of the low," he said.

"To take a donation tin going to an organisation which provides an excellent service in the community, it's quite abhorrent."

The two men were last seen leaving the shopping

centre car park in a late model silver Holden Commodore ute.

As they fled, they dropped a bottle of spirits which police have examined for fingerprints.

The two men are described as being caucasian, aged in their mid-20s with cropped hair and tattoos.

Anybody with information is asked to contact Crime Stoppers on 1800 333 000.

Diggers injured in bomb attack

TWO Australian soldiers and an explosive detection dog have been wounded in a roadside bomb attack in southern Afghanistan.

None received life-threatening injuries.

The soldiers were conducting a security patrol last Friday morning when an improvised explosive device detonated near their armoured vehicle.

Both soldiers had received wounds to their lower body and were in a stable condition, said a Defence spokesman yesterday.

One soldier was to be evacuated to Germany for specialist treatment while the other will continue to receive medical treatment in Afghanistan. He is expected to return to duty, as will the injured dog.

The soldiers and dog were serving with the Mentoring and Reconstruction Task Force (MRTF-1) based at Tarin Kowt in Afghanistan's dangerous Oruzgan Province.

After the incident, the soldiers and dog were evacuated by helicopter to an International Security Assistance Force medical centre for treatment.

Families of the wounded soldiers have been informed. Defence said no personal details would be released.

The bomb blast damaged the Bushmaster vehicle.

"The protection provided by the Bushmaster again contributed to saving the lives of Australian soldiers," said the defence department.

Taliban insurgents have been using improvised explosive devices in indiscriminate attacks on civilian and military targets.

Eight Australian soldiers have died in Afghanistan since 2002. The most recent was on January 4.

Three explosive detection dogs have been killed in Afghanistan. Two of them, Merlin and Razz, were blown up by improvised explosive devices and the third, Andy, was run over by a vehicle.

The dogs are the most effective explosive detectors and have saved many troops.

Golf buggy drink-driver a headache for police

by Melanie Pilling
court reporter

A DRUNKEN man was sprung by police driving his golf buggy to a pharmacy to get a cure for a 'splitting headache' after having a few too many.

Jason Michael Ramsay, 30, thought it was a better idea to get behind the wheel of his buggy and not his car, after drinking heavily at his Hope Island home on January 16.

Suffering a headache, he drove to a nearby chemist where the police spotted him crossing Santa Barbara Road.

They pulled him over and Ramsay recorded a blood alcohol reading of .136 per cent.

Solicitor Andrew Moloney, for Ramsay, told the Southport Magistrates Court yesterday the golf buggy was registered and the lights were on while his client was driving.

Mr Moloney said the buggy was low powered and not able to get up to great speed.

"He was more a danger to himself than anyone else," he said.

Mr Moloney said Ramsay worked as a delivery driver with the family business and any dis-

qualification would greatly affect his work. He said he had enrolled in the Gold Coast traffic offenders' program to curb his offending.

Magistrate Brian Kilmartin was concerned Ramsay had been convicted of drink-driving in February last year, when he was fined for driving with a reading of .09 per cent.

"If you don't have an alcohol problem, you are on the way to getting one," said Mr Kilmartin.

Ramsay was fined \$800 and disqualified from driving for eight months.



Jason Michael Ramsay leaves court yesterday

Mum on baby charge

A MOTHER from Miami is facing up to three years in jail after her baby was allegedly found unaccompanied in a car at Palm Beach.

The 34-year-old woman became the first person on the Gold Coast charged with leaving a child under the age of 12 unattended, after police found her in shops near the intersection of the Gold Coast Highway and Sixth Avenue on Monday.

She allegedly parked

the car nearby and left her seven-week-old son inside with the windows rolled down about 6cm and the car keys on the front seat.

He spent the night in hospital under observation but was not reunited with his mother as the Department of Child Safety was assessing the situation.

The law was enacted in December.

The woman is due to face court on February 23.

Violent attacks scar two for life

by Ben Dillaway

TWO Gold Coasters have been seriously injured and scarred for life after a bloody and violent weekend in the city.

A 30-year-old Broadbeach Waters woman is in a stable condition in the Gold Coast Hospital after she was assaulted in her home yesterday, while a 22-year-old Mt Tamborine man was glossed during a fight in Surfers Paradise on Saturday.

An 18-year-old man was also assaulted in the Surfers Paradise nightclub precinct yesterday morning, however police said he did not want to press charges.

Police said the 30-year-old woman was sleeping in her T. E. Peters Drive home when a man broke in about 3am and attacked her.

"A male person has entered the dwelling, once in the dwelling he has seriously assaulted the female occupant, causing her significant head trauma," said Detective Senior Sergeant Terry Goldsworthy of surferia Heads CIB.

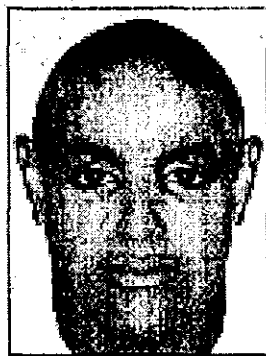
"At this stage we are still conducting medical examinations to determine if she was also sexually assaulted."

Det Sen-Sgt Goldsworthy said the intruder was confronted by a witness before fleeing the scene.

Forensic police spent hours searching the house and will continue today.

"We are examining the house scientifically due to the nature of the injuries and the incident itself," said Det Sen-Sgt Goldsworthy yesterday.

Early on Saturday, a 22-year-old Mt Tamborine man had an argument with a 23-year-old Runaway Bay



A police composite picture of a man sought over the assault

man in an Orchid Avenue nightclub, police said.

Police allege the 23-year-old grabbed a glass and hit the victim on the side of the face, cutting him.

The victim was taken to the Gold Coast Hospital for the treatment of injuries listed as 'non-life threatening', while the 23-year-old was charged with unlawful wounding and assault occasioning bodily harm.

He is due to appear at the Southport Magistrates Court on February 16.

With parks and beaches across the Coast expected to be filled with Australia Day revellers today, Regional police district officer Acting Inspector Geoff Palmer urged people to party responsibly.

"Have fun and enjoy the day but do it safely and don't over-indulge," he said.

Southport police officer-in-charge Acting Senior Sergeant Scott Bolitho said officers would be active in parks, public places and licensed premises.

"We want people to enjoy themselves but we're not going to tolerate anti-social behaviour," he said.

Gold Coast assault victims treble

by Hayley Sultanie

THE number of assault victims being treated at the Gold Coast Hospital has tripled in the past two years according to a leading surgeon, and alcohol has played a huge part in the frightening spike.

Maxillofacial surgeon Dr John Cosson said the number of people glassed had also increased.

For many victims, it was not the first time they had needed treatment after an assault, he said.

"Probably one in every 20 people had been assaulted before," said Dr Cosson.

"They get on the turps and they get hit again, so obviously it's an issue with their behaviour too.

"A lot of people who get glassed are just standing there as innocent bystanders, and when you ask what happened, they often can't remember the details because there is usually alcohol involved."

At the end of July, the Gold Coast's Liquor Industry Consultative Association said there had been 21 glassing incidents since Christmas.

In the most recent incident, an 18-year-old man's ear was partially severed and had to be re-attached after he was hit with a beer bottle in Surfers Paradise early last Saturday morning.

An 18-year-old Merrimac man has been charged with grievous bodily harm over the incident.

In July, 18-year-old Ben Felgate was the victim of a savage attack which left him with severe facial lacerations requiring 24 stitches, while in January 17-year-old Greer Frith received a 6cm gash when she was glassed at the Parkwood Tavern.

The mother of a glassing victim, who asked not to be named, said she had noticed changes in her son since the horrific incident.

"He no longer wants to go to Surfers Paradise, so his whole social dynamic has shifted," she said.

"Whereas before he was happy to go out and have a good time, now he really thinks twice. He's coping really, really well, but it does have a long-term effect on them."

Dr Cosson said facial injuries and scarring could lead to psychological damage for glassing victims.

Liquor Industry Consultative Association chairman and general manager of The Grand Hotel at Labrador, Wayne Thompson, said glassings were a real problem for licensed venues.

He said the problem was complicated on the Gold Coast by the fact there are only four liquor licensing inspec-

Shattered: three times more lives



Victim of a glassing at a Nerang tavern



Ben Felgate

Recent incidents

- September 27: An 18-year-old man is hit with a beer bottle in Surfers Paradise, partly severing his ear.
- August 24: Cronulla Sharks star Greg Bird allegedly glassed his girlfriend Katie Milligan at their Cronulla home.
- July 18: A 20-year-old man is glassed in the throat during a wake at the Lawrence Drive Tavern, Nerang.
- July 27: 18-year-old Ben Felgate needs 24 stitches after being hit in the face with a glass at Cocktalls and Dreams nightclub in Surfers Paradise.
- January 25: 17-year-old Greer Frith receives a 6cm gash to her face when a woman smashes a glass into it at Parkwood Tavern.

tors for the region.

"They've just been given responsibility to take over Toowoomba as well," he said.

"So we've got the highest concentration of licensees - 1200 including bottle shops - and they are now responsible for the Toowoomba region. It's certainly a big job and they've been battling this for years."

Mr Thompson said in 34 years in the industry, he had noticed people had become more difficult to deal with.

"There was one time when you could just go along to someone and pat them on the back and say 'you've got to go home', and you'd put them in a cab and they'd come back the next day and be your best mate," said Mr Thompson.

"Now everyone is defensive and when you say 'you've got to leave' they say 'don't touch me, you can't do this'."

"People are just getting harder and harder to deal with."

Mr Thompson said some venues had tried to do the right thing by introducing plastic and toughened glasses, but people needed to take responsibility for their actions.

"For licensees on the Gold Coast, this is our bread and butter and we want people to come and enjoy themselves," he said.

"These things happen and we take the initiative to introduce plastic cups, but with all the stops licensees take, some people have to be responsible for their own actions."

Several hotels and clubs have introduced toughened glass, including Burleigh Bears and The Grand Hotel.

Another glassing . . . and another victim scarred

Vicious coward did this to Ben

Sarah Vogler
crime reporter

Ben Felgate will have to wait 12 months to find out whether or not his badly cut face will heal.

But for now the good-looking 18-year-old is just focusing on getting well enough to return to work after a vicious glassing attack left him with 24 stitches in his face.

Ben was attacked trying to defend his girlfriend Stevie during an altercation at Cocktails and Dreams nightclub about 4am on Sunday.

His attacker - described as being of middle-eastern appearance, about 170cm tall, and wearing a rainbow-coloured jumper - slung a glass in his face.

The glass went straight through Ben's skin and into his mouth and missed his eye by a matter of millimetres.

"It just felt like he hit me," said the tiler labourer.

"I didn't realise it was a glass. I looked down and there was all this blood on my hands and on my shoes and on the ground.

"I just went dizzy. I saw him run off.

"When Stevie looked at my face and screamed I knew it was bad.

"One of my friends grabbed my shirt and just covered my face to try to stop it from bleeding."

An ambulance was called and shards of glass had to be picked out of his wounds.

Police are now working to track down his attacker. Ben is not the only Gold Coaster to

have his world rocked by such a cruel act.

The Gold Coast's Liquor Industry Consultative Association (LICA) says there have been about 21 glassing incidents since Christmas.

It says it's a problem that is getting worse.

"Glassing is certainly becoming a lot more prevalent on the Gold Coast," said LICA treasurer, Ian Amos.

Ben's mother Sue Pieroz said she was devastated by the attack.

"I don't think words can explain how I feel. It's just very traumatic," she said.

"I feel a deep disappointment in the system. It takes so many people to be glassed or a death for things to be changed.

"I don't see why they can't have plastic cups."

Mr Amos said venues were trying to do something to improve patron safety, including using toughened glass.

He said it was harder to break and when it did, it shattered, rendering it useless as a weapon.

So far Burleigh Bears, the Grand Hotel and several other pubs and clubs are using the toughened glass.

It is available only for spirit, soft drink and wine glasses but Mr Amos said pot and schooner glasses were expected to be in stock by mid-August.

An Office of Liquor, Gaming and Racing spokesman said glassing was an issue the office took seriously.

"At a recent forum held at the Gold Coast City Council chambers, some 18 glassing assaults were reviewed in detail and a special task-force involving police,



Ben Felgate with his devastated mother Sue Pieroz

Picture: Richard Gosling

Just millimetres from severed nerve

A DOCTOR who treats glassing victims has called for licensed venues to switch to plastic cups.

Maxillofacial surgeon Dr John Cosson treats about two patients a week for facial injuries received in assaults and while he said glassing was not as common as ordinary assault, the damage it could do was horrific.

"Facial scarring can have long-term psychological affects," said Dr Cosson.

"The main problem is that if it

goes just below the surface of the skin it can sever the facial nerve."

The glass needed to penetrate only 4-5mm into the skin to reach the nerve and such an injury would leave victims looking as if they had had stroke.

Dr Cosson said he would support moves for licensed venues to switch to plastic cups instead of glass, particularly after 1pm when glassings and assaults were most likely to happen.

Australian Medical

Association Queensland emergency medicine spokeswoman Dr Alex Markwell said while plastic cups were a good alternative, venues and society needed to look at the issue of responsible consumption of alcohol.

"(Removing glass) is not going to stop someone being hit over the head with a bar stool," she said. "There's no doubt alcohol intoxication and trauma go hand in hand."

council, liquor licensing and local licensees is presently working on a range of strategies to prevent and address glassing assaults," said the spokesman.

"The fist, however, is still the most dangerous weapon used in alcohol-related violence. The

most serious damage caused to patrons is caused by punches to the head and face and consequently the victim's head hitting the ground.

"The Office of Liquor, Gaming and Racing has already moved to ban glass

containers from all large-scale events, including festivals, sporting events, concerts and race days.

"But our focus will remain on improving responsible service of alcohol and educating patrons about responsible consumption to

diminish alcohol-fuelled violence in and around licensed premises."

Police are urging anyone with information on Sunday morning's glass attack to contact Crime Stoppers on 1800 333 000.

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Another black eye for tourist strip

Greg Stolz
GOLD COAST BUREAU CHIEF

A KING hit, a man slumps to the pavement and his attacker casually strolls away, arm in arm with his partner ... it's just another night in Surfers Paradise.

Less than a week after *The Courier-Mail's* *Qweekend* magazine exposed Surfers' dark underbelly, sparking a heated public debate about the tourist mecca's image, police have released security camera footage of the latest violence.

Gold Coast tradesman Carl Somers, 26, needed facial surgery after being punched in the head in Cavill Mall in the early hours of last Friday morning after an apparent altercation with a couple.

Police yesterday released footage of the incident and appealed for public help to find the attacker.

Surfers Paradise CIB chief Nev Huth said Mr Somers, who had been drinking in Surfers, had a "chance meeting" with the couple.

"There appears to have been an exchange between (Mr Somers) and the man and the woman and as a result, he is punched and knocked to the ground," Acting Inspector Huth said.

"He has received facial injuries which are of concern to us, and required surgery."

Security footage shows the attacker and the woman calmly walking away after the assault, leaving Mr Somers slumped on the pavement. Passers-by ignore him lying there.

The couple, believed to be aged in their late teens to mid 20s, walked down Cavill Avenue towards the popular Melba's nightclub, before turning back and catching a taxi in Orchid Avenue.

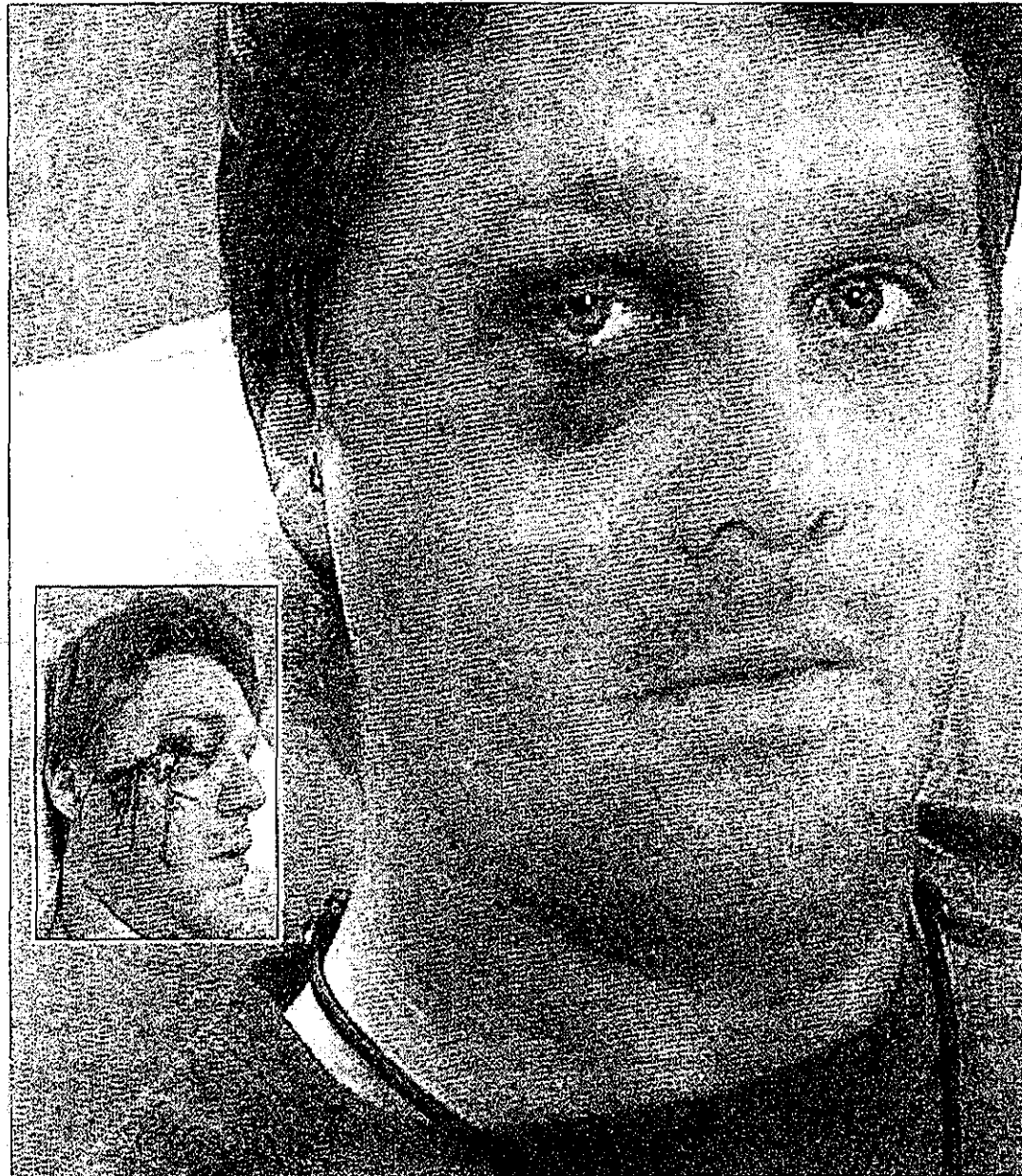
Insp Huth said police had been unable to identify the taxi driver and appealed for him to come forward. He said it was unclear whether Mr Somers had provoked the assault, but the violent response was uncalled for.

The incident highlighted the dangers of street violence which had prompted the State Government's "One Punch Can Kill" campaign, Insp Huth said. "In this case, there was only one punch thrown and this gentleman has ended up in hospital," he said.

Insp Huth said the man wanted by police had been wearing dark clothing and a distinctive red tie, while his partner was wearing a white dress.

Anyone with information is asked to contact Crime Stoppers on 1800 333 000.

To see security footage of the incident go online » couriermail.com.au/links



ATTACK victim ... Carl Somers, 26, main picture and inset, nurses facial injuries after the violent incident in Surfers Paradise. Police have appealed for public help to find the attacker. Pictures: Channel 9

Accused 'spirited out of country'

12.06.08
UNIVERSITY

Stomach 'sliced open'

Student tells of fight after bus journey

by Melanie Pilling
court reporter

A FRENCH student allegedly stabbed after an argument with a man on a bus has told a court that after the attack she looked down to see the insides of her stomach and her pants wet with her own blood.

Sabrina Krim-Altea cried in the witness box in Southport Magistrates Court yesterday as she recounted the alleged attack in Southport on December 15 last year that left her with a 22cm slice across her stomach.

Ms Krim-Altea arrived and left the court on a motor scooter, donated to her by Griffith University's English Language Institute, where she is a student.

She said in an earlier interview that the attack left her terrified of travelling on the bus. The institute provided her with the scooter so that she would not have to use public transport.

"I saw this opening on my stomach. I could see inside (my stomach) and then I realised I was maybe going to die," she told the court yesterday.

"I was really thinking I was going to die when I saw the blood.



"It hurt so much. I did not feel the knife, I just knew it because my pants were wet. Then the pain started."

Ms Krim-Altea had been out drinking with friends before she boarded a Surfside bus bound for Southport about 3.30am.

She met Gordon Misura, 25,

while she was on the bus. The pair started arguing and swearing at each other, the court was told.

The argument continued when they got off the bus, along with Ms Krim-Altea's two friends and Mr Misura's friend Shannon Calvert, near Southport Police Station.

Ms Krim-Altea and Mr Misura

then started wrestling and throwing punches at each other.

Ms Krim-Altea said one of her punches sent Mr Misura falling to the ground.

She said she was also fighting off Mr Calvert.

When asked by defence barrister Guy Andrews, for Mr Misura, how

Sabrina Krim-Altea prepares to leave court on a scooter, donated to her by Griffith University's English Language Institute so that she doesn't have to take a bus

● Picture: Kate Czerny

she managed to fend off them both, she flexed her muscles and said: "Because I've got muscles, I'm quite strong."

Ms Krim-Altea told the court she did not see Mr Misura carrying a knife, but she remembered him pointing at her and yelling: "I'm going to shoot you."

Mr Misura is charged with acts intended to maim, causing grievous bodily harm.

Mr Calvert, 25, pleaded guilty to assault occasioning bodily harm in company in April.

He was fined \$1500 and ordered to pay \$750 compensation.

Yesterday Mr Calvert gave evidence against Mr Misura.

He told the court they had been drinking in Surfers Paradise where Mr Misura had shown him a silver pocket knife about 10cm long, which he was keeping in his pocket.

Mr Calvert said he had tried to break up the fight between Mr Misura and Ms Krim-Altea but couldn't. He said he did not know what they were arguing about.

After a two-day committal hearing Mr Misura was yesterday committed to the District Court and will stand trial on a date to be fixed.

Attachment 7