

Monday, 9 November 2009

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

Dear Sir / Madam

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

Townsville Late Night Traders has considered the Issues Paper prepared and issued by the Committee, and is pleased to make a submission, which is attached.

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

Yours sincerely

**Mr. Greg Pellegrini**  
Townsville Late Night Traders President

**TOWNSVILLE LATE NIGHT TRADERS  
SUBMISSION TO THE  
LAW, JUSTICE AND SAFETY COMMITTEE  
INQUIRY INTO ALCOHOL-RELATED VIOLENCE**

# **TOWNSVILLE LATE NIGHT TRADERS SUBMISSION TO THE LAW, JUSTICE AND SAFETY COMMITTEE INQUIRY INTO ALCOHOL-RELATED VIOLENCE**

## **INTRODUCTION**

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

Townsville Late Night Traders contend that it is not only the amount of alcohol that is being consumed but also the heavy use of young people today taking drugs that contributes to the problem in the community that is fast becoming the cause of anti-social activity and the well branded "Alcohol Related Violence".

The majority of people consume alcohol responsibly and in moderation in a lot of very well managed, professional licensed venues within Townsville and in Queensland. Townsville Late Night Traders suggest that the Inquiry should also examine and focus on the sector of the community that is committing the violence and anti-social activity and recommend targeted solutions to address this demographic group.

## **THE PROBLEM**

There is a growing perception in the public that all anti-social behaviour and violent activity is solely alcohol-related in Queensland. This is simply untrue and incorrect.

It is widely known that the young people of today aren't only drinking alcohol but also taking illegal drugs to fuel their night outs. This mixture creates a person that is unpredictable, sometimes uncontrollable and very hard for a licensed venue to detect and manage.

Behaviour in entertainment precincts and licensed premises is generally reflective of the standards of behaviour that apply in the wider community. Issues like personal discipline, use of illegal drugs, inter-personal manners, respect for the law and authority, approach to over-consumption and undue intoxication, and the visitation of violence on other people is reflective of community standards at large.

It is quite apparent to even a casual observer of community trends that community standards have deteriorated significantly in recent decades and this is reflected in outcomes like higher rates of personal assault, murder, drugs use, road rage, school bullying, cyber-bullying, domestic violence and relationship breakdown. Entertainment, hospitality and licensed businesses are not remote or isolated from these trends but are more commonly the final destination, as their customers are of course, drawn from the general community.

Consequently, whilst specific measures have been and can be implemented in licensed businesses to deter, prevent and mitigate the effects of violence, the wider issue of cultural change around violence in the community must be addressed if a universal and enduring solution is to be found for this problem.

## **ESTABLISHING FACTS WITH EVIDENCE**

Much of the reporting around alcohol issues in our society, including the reporting of so-called 'alcohol fuelled violence' is sensationalist and inaccurate.

Yet, media reporting would lead the mythical little old lady to conclude that the nation is awash with alcohol, that there are violent and drugged people everywhere, and that our society is out of control when it comes to many aspects of the established social fabric. Therefore, the Committee must have as its first task, to separate fact from fiction and establish the true level of general and criminal violence in our community and then separate from that, the crimes and violence which is either only alcohol or alcohol and drug related.

The Law, Justice and Safety Committee Inquiry into Alcohol-Related Violence has NOT documented nor mentioned anywhere the effects of young people affected by alcohol with drugs. Even the Queensland Police Service cannot determine whether violence was caused solely by just alcohol, many officers in the service can clearly see in conjunction with many licensed operators that young people are affected by drugs on top of consuming alcohol and there isn't anything or any powers that the Queensland Police Service has to detect this and determine correctly the cause of local anti-social behaviour and violent activity.

Queensland Police Service only derive to the conclusion that since an incident has occurred on Flinders Street East that are allowed to sell alcohol legally then the obvious cause of the incident and/or altercation must be from alcohol and the licensed venues that sell alcohol. Drugs haven't even been factored into the equation and the young people entering licensed venues know this fact.

Therefore Queensland Police without any proof from drug testing the person only automatically assume that the incident is alcohol related and in turn no proof to say otherwise because they themselves have no powers, equipment and/or evidence to prove otherwise.

### **PATRON OBLIGATIONS AND RESPONSIBILITY**

There has been a marked deterioration on community standards in recent decades and this is clearly seen by licensed operators and managers. This is reflected in outcomes like higher rates of personal assault, murder, drugs use, road rage, school bullying, cyber-bullying, domestic violence and relationship breakdown.

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

- A 16 year old girl severely bashing a female school rival in a schoolyard attack, an assault which was captured on mobile phone camera and posted on *MySpace*;
- Police officers requested to routinely attend and monitor junior sporting competitions in the Brisbane area to deter on-field violence amongst young players, and to prevent parents bullying players and match officials;
- The fatal shooting of two men in the Burleigh Heads area over the last seven months, the most recent on 15 August 2009, unrelated to liquor;
- Public acknowledgement by Police Commissioner Atkinson on 1 September 2009 that the practice of young people carrying concealed knives was widespread and increasing in Queensland. Mr Atkinson said "*we think this is an increasing trend and it's one we're very, very concerned about*" following the stabbing of a youth in a North Brisbane suburb, unrelated to liquor;
- A wild, all-in brawl at a schoolgirl rugby league carnival between under-18 teams from Caboolture and Woodridge State High Schools at Nundah in August 2009;
- The publication of research by insurer AAMI which has found that 83% of Queensland drivers believe that yelling, swearing and gesturing rudely are justifiable responses to traffic indiscretions by other road users;
- The publication of research by Education Queensland showing that bullying was a "pervasive problem in schools" with three children in every class *bullied daily* or almost daily;
- The violent death of Mullumbimby Year 9 student Jai Morcom on 28 August as a direct result of a schoolyard brawl triggered by conflict over lunch-time seating places;
- Release of a Police statistical report showing that 667 males aged 16 to 19 had been charged with weapons offences in Queensland in the 2008 reporting year, up by 21% from two years earlier;
- 10 August 2009 – Sai Callow, 17, strangled to death in Stanthorpe, unrelated to liquor;
- 13 August 2009 – Dylan Scattergood, 19, stabbed to death at Boyne Island, unrelated to liquor;
- 13 August 2009 – Linjin Cui, 35, decapitated and murdered in Springfield lakes, unrelated to liquor;
- 15 August 2009 – Richard Doherty shot dead outside McDonalds at Burleigh Heads, unrelated to liquor;
- 17 August 2009 – Fred Mabb, 82, murdered by home invaders in Mt Isa, no known connection to liquor;
- 19 August 2009 – Brian Bathgate, 55, murdered at Mt Warren caravan park, unrelated to liquor;
- 20 August 2009 – Mark Dimmack, 39, murdered in Townsville, involvement of liquor unknown;
- 23 August 2009 – Nathan Grant, 21, stabbed to death at Berrinba, unrelated to liquor.
- The list goes on, and on, and on...

These recent examples are listed to show that violence and deteriorating standards of adherence to, and respect for, the law are widespread in modern Queensland society.

Not surprisingly, these lower personal standards do not just exist in suburbia, or in isolation, and have migrated with members of the public into recreational and entertainment activities and venues. Members of the public do not fundamentally change their attitudes or basic behaviour when they visit licensed venues, and it is unreasonable to expect licensed business operators and their staff to somehow, as a collective group, impose higher standards of behaviour and accountability on members of the public than are evident and accepted in the community as a whole – therein lies the problem.

This is particularly the case when the mass media, industry regulators, and the police service are intent on simplistically advising the community and Government that the phenomenon of violence in and around licensed precincts and businesses is a direct result of the misuse of alcohol, rather than a logical extension of the general violent behaviour of some members of the general population and an increased rise in drug use of younger people.

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

This trend towards increased violence and disrespect for the law, and its attendant decrease in accountability of individual and group perpetrators, is society-wide and it follows that the solution is also a whole-of-society challenge.

Entertainment, hospitality and licensed businesses are not remote or isolated from this trend, as their customers are of course, drawn from the general community. Consequently, whilst specific measures have been and can be implemented in licensed businesses to deter, prevent and mitigate the direct effects of violence, the wider issue of cultural change around violence in the community must be addressed if a universal and enduring solution is to be found for this problem.

**There needs to be a re-connection between cause and effect, such that individuals are once again held responsible for their own actions, behaviour, and poor decisions!**

Crimes are crimes – they should not be glossed over in the interests of 'diversionary police strategies' aimed at keeping people out of jail. What is needed and what Townsville Late Night Traders are demanding is the introduction and re-establishment of suitable punishments for violent offences such that it serves as a clear peer-driven deterrent to violent and anti-social acts.

Any normal person today certainly knows the consequences before he/she stabs or shoots someone, they know 100% they may go to jail and have their lives effected forever whilst young people of today who consume alcohol and are also effected by drugs also know that there is 0% consequence for anti-social behaviour and violent activity.

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

Whilst violence does occur in and near licensed premises and as a consequence of the misuse of alcohol, the widespread violence in the general community, related or unrelated to liquor and illegal drugs, means that violence in and around licensed activities cannot be assessed independently of the society in which it

operates. It must also be re-stated that more than 70% of alcohol consumption takes place at other than a licensed premises

The global solution to this problem therefore lies in global and targeted measures, aimed at improving the overall standard of public behaviour, responsibility and accountability, and in enforcing higher standards on those who continue to re-offend through deterrence and sanction. In the night and entertainment economy, the vast majority of patrons are well behaved and law-abiding.

However, as with any large concentration of people, there will be a small percentage of people who are out to do no good, or to get their kicks at the expense of other people. This can be by stealing, by simply being loud-mouth and assertive, or can be more sinister such as venting their transient or ingrained frustration and dissatisfaction with their lot through violence towards others. People such as this normally take comfort in small group bonding, and seek to conduct anti-social or illegal activity anonymously, taking cover within the large and generally faceless mass of night-time revellers, whether that be at an event, a public gathering, in a licensed venue, or in public facilities such as trains and railway stations. Darkness, large crowds and anonymity are the friends of these people.

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

#### **INCREASE DETERRENCE FOR VIOLENT OFFENDERS?**

There needs to be done a re-assessment of the penalties and associated sanctions which apply to violent offenders. Townsville Late Night Traders and associated licensed venues seek an increased focus on accountability of violent offenders, including an increase in the types of penalties for violent and repeat offences such that they serve as a deterrent to re-offences involving violence.

Currently, the only sanction available to individual licensees is the temporary or permanent 'banning' of offenders from individual premises. Whilst this can bring satisfaction to the licensee, it does not solve the problem of the violent offender continuing to escape the consequences of his actions by simply moving to another licensed venue. We request that the Inquiry consider supporting the development of a suitable scale of penalties, large fines and proactive suggestions for specific offences involving violence associated with the consumption of liquor and/or illegal drugs.

The following might form a basis for consideration;

- Establishing a specific entertainment precinct in Townsville – Build Flinders Street East as the entertainment precinct, create a controlled environment in conjunction with local government, Police and Liquor Licensing. Hotels, restaurants, bars, etc outside this "entertainment precinct" should all be midnight to close allowing the traditional concept of safety fitted cabaret/nightclub/entertainment venues to trade late. Flinders Street East 5am traders wear the brunt of public safety initiatives. In the event of restricted trade it needs to be a level playing field for all involved.
- Systemic exclusion from licensed businesses and entertainment precinct – exclusion from a geographic group of licensed premises by order, similar to arrangements for Apprehended Violence Orders (AVOs) issued by the court. Over time, a sophisticated offenders database could be linked between premises and/or licensing offices to ensure effectiveness of the bans;
- Permanent exclusion from licensed businesses – as above, but permanent, lifetime exclusion, also linked by database; and
- Mandatory sentencing for violent offences – a standard, severe and escalating set of mandatory penalties and sentences for serious and repeat offences (truth in sentencing).
- Wider use of on-the-spot fines for anti-social offences in licensed areas and Flinders Street East entertainment precinct – young people today are increasingly responsive to the 'hip pocket nerve' and,

consequently, increased use of the so-called 'Seaton's' and summary offences penalties against targeted list of summary offences, with higher and fixed rates of penalty, should be considered as a first step;

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

### **RESTAURANTS TRADING AS BARS AND NIGHTCLUBS!**

The 1 January 2009 licensing reforms introduced a new type of liquor license aimed at making it relatively easy to obtain a liquor license for a 'small, boutique-style bar. The guidelines provide that such bars may accommodate a maximum of 60 patrons, need not have toilets, and may be established in non-traditional areas such as city lanes and non-commercial buildings.

The theory is that the advent of such eclectic, boutique, sophisticated bars will contribute to a more refined and civilized form of drinking, effectively removed from, and showing the way forward for, the mainstream licensed venues and industry. This theory represents the triumph of hope over common sense. There is simply no empirical or anecdotal evidence available in Australia that supports the theory. In Melbourne and Sydney where licensing deregulation has promoted the explosive growth of small bars, there has been a marked deterioration of public safety and amenity in entertainment precincts, and an attendant rise in alcohol-related violence and offences.

These small adapt nightclubs and/or very busy bars are only fueling young people more and allowing these young people to consume alcohol in an environment without regulations, laws, conditions, security costs, CCTV camera costs and compliance costs associated with being a nightclub.

The introduction of a small 60 person bar license will promote more anti-social behaviour and violent activity from more unrestricted areas in the community to consume alcohol and drugs. This will only result in more competition and assist in driving down the prices on drinks and the demand is spread out more.

Further, any experienced licensee in Queensland will attest to the fact that it is almost impossible to run a profitable licensed business in a high-rent, high compliance environment with a customer base of 60 patrons maximum. With such a small customer base, profitability can only be achieved by both breaking the law and habitually serving more than the permitted 60 patrons, or by cutting costs including training, compliance, service levels, entertainment, and venue amenity. This is a common sense issue not a competition issue. However, as an industry we fail to see how the principal objective shared by the government, the community and the liquor industry, that of improved harm minimization, can be served by further deregulating and softening the license application process in favour of small adapt nightclubs and/or very busy bars that are supposed to be restaurants.

The logic is simple; you don't solve liquor-related concerns by approving more bar outlets. More bars simply means more competition, downward pressure on prices, skilled labour spread thinner, more venues for the thugs to hop between, and increased momentum in the race to the bottom.

Queensland Liquor Licensing is responsible for allowing small restaurants basically trading as small adapt nightclubs and/or very busy bars when the primary purpose of a restaurant is to sell food predominately.

Either way, the law will be broken sooner rather than later. Of course, as we know from recent history of licensed restaurants trading as bars in Queensland, when such businesses fail, there is always some up-and-comer all too ready to step into the premises, and also go broke using the same formula. In the meantime, liquor compliance and safety come second to achieving profitability. Common sense dictates that community concern and public behaviour in and around licensed venues will not be improved by opening more bars.

## **ILLEGAL DRUGS AND PROTOCOL FOR ILLEGAL DRUGS**

The influence of illegal and illicit drugs on violence and other anti-social behaviour in the community and the night economy is now so widespread that it cannot be ignored in any consideration of violence in entertainment or social circumstances.

To focus the Inquiry's efforts solely on alcohol related violence without considering the influence of so-called recreational drugs is to ignore a significant contributor to the problem of societal violence. Such reluctance to consider the influence of illegal drugs on youth and general behaviour is not surprising, as it reflects a wider pattern of ignoring the pervasive and growing influence of illegal drugs, increasingly seen by particularly young people as a legitimate substitute for the 'second rate' high obtained by alcohol.

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

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

## **ILLEGAL DRUGS AS AN ECONOMIC ALTERNATIVE TO ALCOHOL**

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

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

In Queensland, the widespread use of so-called 'recreational' drugs by, particularly young people is a common and undeniable contributing factor to anti-social and violent behaviour in recreational environments. Common use illegal drugs include *ecstasy*, meta-amphetamines including 'ice' and, to a lesser extent, cannabis and marijuana. Increasingly, recreational drugs are seen by young people on fixed entertainment budgets as an economic alternative to alcohol in social environments.

For example, an \$80 daily entertainment budget will obtain almost two *ecstasy* tablets plus water plus taxi share, whilst the same budget will purchase about seven full-strength alcoholic drinks in the same setting - with the illegal drugs giving twice the 'buzz' with no hangover or calories, the drugs are often the preferred social stimulant.

There is also a tendency for society, the Government, the police and parents to put drugs in the too hard basket, with alcohol acting as the convenient 'catch all' culprit for all related anti-social activity. Without over-playing the issue, it is simply a fact that illegal drugs are nowadays seen as an economic alternative to alcohol and widespread consumption of illegal drugs in society and entertainment environments, especially



the use of amphetamines, is a significant contributor to the trend towards increasing violence and violent behaviour.

### **LIQUOR REFORM FATIGUE & CONSOLIDATION PERIOD REQUIRED**

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

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

The four year period from 2005 to mid 2009 has seen unprecedented change in Queensland's licensed industry, including its rules. A hospitality venue's profitability (and viability) has been significantly undermined by regulatory and commercial intervention. Smoking restrictions have now been joined by reduced trading hours, mandatory training regimes, safety action plans, large annual license fees, higher Federal excise rates and moratoriums on late-night trading applications, and more restrictive IR practices, as factors which will hurt hotel business profitability now, and well into the future.

In early 2005, the Queensland Government commenced a review of the *Liquor Act 1992*, a mature, effective and credible piece of cornerstone legislation that had served the community well. Following *more than three years* of deliberation, including a 12 month hiatus during which time there was a change of Premiers, the review gave rise to significant amendments to the *Liquor Act 1992* and supporting regulations.

The 2006 to 2008 review of the *Liquor Act 1992*, had as its primary objective the improvement of harm minimization measures around licensed trade in Queensland, and resulted in widespread reform measures which became effective from 1 January 2009. In relation to these recently-introduced reform measures, the following points are relevant:

- They represent substantial, recent, reform of Queensland licensing laws, and are still making their way through the industry with the consequence that many widespread potential benefits from these reforms are yet to be received;
- Licensees cooperated with and have supported the implementation of the reform measures, most of which have come at substantial direct cost to their businesses;
- The Queensland Government took the cynical opportunity to raise taxes and revenue as part of these reforms, with the introduction of numerous new taxes and charges, the most contentious of which was the introduction of an annual, indexed Liquor License Administration Fee which raised \$25 million in its first year, with no benefit to industry. This measure was and is seen simply as a State tax in disguise. The key point about charges and financial imposts such as these is that, in order to trade responsibly and to meet training, compliance and responsible practice requirements, licensed businesses must first be viable and profitable. It is only a profitable business that can afford to put in place the many regulatory and compliance requirements that bookend a responsible practice framework. Paradoxically, therefore, high levels of Government charges and taxes work in direct opposition to the development and extension of responsible practice.
- Mandatory and universal Responsible Service of Alcohol qualification was introduced for all retail sellers of alcohol, with an estimated annual cost to business of \$6 million. This measure was supported by industry as an important step towards cultural change around service obligations. At the same time, a more complex and individually expensive Responsible Management of Licensed Venue qualification was mandated for all managers of licensed businesses, and at annual cost of \$ 4 million.
- The reforms resulted in a banning of licensed and gaming trade prior to 10.00 am State-wide, even though the risk profile of this trade as advised by the Queensland Police Service and the OLGR was

close to zero. This measure reduced revenue, job opportunities and was based on no evidence that such trade contributed to social harm in any significant way.

These major changes to the licensing environment in Queensland have not yet had time to have an impact in relation to social, community and industry trends in and around liquor issues. Indeed, there has been no informal or formal evaluation of these measures.

The ink is not yet dry on the major reforms flowing from the 2008 Review of the Liquor Act and yet the Parliamentary Inquiry has been commissioned to consider aspects which were the subject of a formal, three-year long review by the bureaucracy. It is therefore difficult not to conclude that if there is a solution to the issues which are at the core of the Inquiry's considerations, then it must lie elsewhere other than with ongoing regulation and reform of the supply side of the industry.

In all of the considerations to date, the one factor that has not been the subject of any real consideration is the consumer – it follows therefore that it might be time to focus on the missing part of the equation – personal behaviour, personal responsibility and personal accountability.

### **3.00 AM LOCKOUT STATE-WIDE IN QUEENSLAND**

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

The effectiveness of the lock-out in terms of its objective of reducing trouble, petty crime and anti-social activity has never been appropriately assessed. In all forums which were convened to examine aspects of the lock-out, the Queensland Police Service simply held a consistent line that the lock-out was "effective" without ever providing, releasing or demonstrating statistical evidence to support this assertion. Such "we know that it must be working" is a common refuge of the Queensland Police Service and the Office of Liquor and Gaming Regulation, the statistical collection capacity of which is rudimentary at best.

Consistent requests to see evidence that the lock-out measures have had a positive effect on anti-social activity has simply been ignored. This is consistent with the wider pattern of licensing regulation in Australia where imposed measures and restrictions are never genuinely reviewed, lifted or evaluated – simply added to, with the result that we are left with an ever-rising level of complex compliance and reporting (red tape), which simply makes living within the rules more and more problematic for licensees.

The 3.00 am lock-out has had no impact on the existence of anti-social behaviour and violent activity from young people consuming alcohol whilst affected by drugs; therefore the effect of the lock-out is unfortunately, a wasted effort.

### **GLASS SERVING CONTAINERS**

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

- Personal assault of any kind is against the law. First and foremost, it is the obligation of every citizen to obey the law, and this extends to behavior in social settings and on licensed premises. Assaulting other people, including acts of 'glassing', is a crime. Glassing is a particularly serious crime as it sometimes involves mutilation and disfigurement. Such assaults should be heavily punished.
- Incidents where glass beverage containers are used to assault other patrons on licensed premises are relatively few in number. The recent Report provided to Government by Professor Paul Mazerolle of

Griffith University characterized assaults with glass as being 'quite rare' and concluded that these assaults represented an extension of the inexorable drift to violence in Queensland and Australian society – this observation is consistent with the QHA's position. Some of the statistical collection by the health authorities relates to glass injuries which occur in domestic locations, and in places other than on licensed premises. When it is considered that there are literally millions of incident-free glass cycles in Queensland hotels, clubs and restaurants every week, it is apparent that the potential risk associated with the use of glass containers is being well managed in a vast majority of licensed venues.

- In response to assaults using glass on the Gold Coast, in February 2009, this same report into the causes, triggers and remedies of such assaults to "inform a government and community response", but its findings seem to have been completely ignored by the Government! Amongst its key findings are that
  - Glassing assaults are rare
  - Glassing assaults are very difficult to predict
  - Glassing assaults are the result of multiple factors acting together including alcohol mixed with drugs
  - A 'glasser' could belong to any demographic category
- Risk assessment: responsible licensees routinely assess the patron and inherent risks associated with their business and, in some cases, are obliged to do so by law. As a consequence, any licensee can, and some do, substitute alternative types of drinking containers for glass where there is assessed to be an undue risk of glass injury. Obvious examples of the 'workability' of this approach are community festivals such as the former 'Indy' carnival, where plastic containers, including plastic bottles, are the norm.
- Glass is also more cost-effective (re-usable), durable, more hygienic, more environmentally responsible, and is the overwhelming preference of our patrons.
- The 'bottom line' is that, despite the political attraction of a superficial 'fix' to this problem, we should not universally change a fundamentally sensible and rational industry practice of serving drinks in glass because a small number of idiots choose to break the law and assault others with glass containers.

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

On 5 October 2009, the Premier of Queensland held a Media Conference where she announced that the Government would introduce amendments to the *Liquor Act* for urgent consideration, in respect of assaults using glass. The result of this process is that amended legislation was rushed through the Parliament such that venues which had the misfortune to 'host' an assault where glass caused injury in the preceding twelve month period, could be assessed as 'high risk', with the consequence that those businesses could be conditioned such that no regular glass container could be used on part or all of the premises.

The OLGR subsequently followed through with letters to 41 named premises requiring the businesses to show cause why their operations should not be categorized as 'high risk' and required to transition to a no regular glass regime. This episode is a classic and clear example of a political fix to obtain media coverage and for the political leadership to be seen to be doing something, and which de-stabilized and worked against a process of remedy that was already in train.

This episode has resulted in the Government effectively supporting a small number of violent offenders to set the legal agenda for the whole of Queensland's licensed, entertainment and tourism industries, and impose additional, avoidable costs of several millions of dollars, all because it is not prepared to enforce the laws that currently exist in relation to violent assault in our community.

## **POLICE OPERATIONS AND INTERVENTION**

It is reality that the police force is the principal enforcement arm of the community. In licensing operations, there is a long history of cooperation between licensees and their local police officers aimed at preventative and intervention action to enforce licensing and wider law, and to intervene against law breakers. It is again the reality that many police call-outs to licensed venues result from licensees doing the right thing and request police support to enforce the law.

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

In such times of peak trading it is often difficult to get a timely or any response from the Queensland Police Service as this is also 'peak general crime time', and licensing response to request patrons to 'move on' or similar are seen as a low priority for over-tasked police officers.

This situation raises a number of issues for the Committee's consideration including:

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

What role does the Queensland Police Service see itself in addressing the increasing general violence in our community?

## **CONCLUSION**

Townsville Late Night Traders supports any measures aimed at reducing anti-social behaviour and violent activity in our community. Townsville Late Night Traders also contend that the time is right to focus much greater attention on the matter of individual behaviour, responsibility and accountability.

Townsville Late Night Traders argue that whilst specific measures have been and can be implemented in licensed businesses to deter, prevent and mitigate the direct effects of violence, the wider issue of cultural change around anti-social behaviour and violent activity in the community with drug use specifically must be addressed if a universal and enduring solution is to be found for this problem.

Townsville Late Night Traders argue also that the continuing focus upon tighter and tighter on-premise compliance conditions, and more expensive 'solutions' for licensed premises, including the imposition of large annual license fees, simply contributes to these businesses becoming more expensive to run, to drink at, more competitive, and more confronting for patrons. This in turn is accelerating the trend towards greater consumption of liquor away from licensed premises, with a consequent reduction in supervision, safety, access to services, and responsible practice, in short, higher risk drinking. Remember, less than 30% of liquor is consumed on-premise.

Therein lies a major dysfunction in licensing regulation in Queensland, tighter and tighter and more costly regulation and restriction of licensed venues is directly contributing to young people drinking in less supervised, higher risk, and more violent environments.

The total absence of any reference in the Committee's Terms of Reference or the Issues paper to the use of illicit and illegal drugs illustrates the concerns of many stakeholders in the liquor industry that any negative impacts which emanate from illegal drug use in the late-night economy are simply and conveniently sheeted home to the use of liquor.

Townsville Late Night Traders are committed and contend that it is not only the amount of alcohol that is being consumed but also the heavy use of young people today taking drugs that contributes to the problem in the community that is fast becoming the cause of anti-social behaviour and violent activity in our community.

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

Townsville Late Night Traders and its members look forward to continuing to contribute to the ongoing development of a more responsible drinking culture in Townsville and Queensland, where the rights and responsibilities of licensed businesses and their patrons are in appropriate balance.