



**Submission to the Inquiry of the Law, Justice and Safety
Committee of the Queensland Parliament on
Alcohol-Related Violence in Queensland
on behalf of
The Queensland Police Union of Employees**

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Executive Summary

Alcohol-related violence remains a significant social problem with serious consequences for our community, despite recent amendments to the *Liquor Act 1992* (Queensland) aiming to minimise harm arising from the misuse and abuse of alcohol.

The Queensland Police Union of Employees (QPUE) appreciates this opportunity of providing comments on the Committee's terms of reference, in particular, addressing changes that should be made to opening hours. QPUE believes current trading hours are excessive and irresponsible. By way of summary the QPUE:

1. supports replacing glass with plastic or similar cups in 'high risk' venues by end of 2009

2. **seeks immediate change to trading hours**
 - Ordinary trading hours (10am to midnight) for all venues not operating in deemed 'entertainment precincts'.
 - Late trading hours (10am to 2am) for venues operating in declared 'entertainment precincts'
 - No trading permitted outside these hours, (other than 24 hour trading commercial special facility licenses)
 - Maintaining "special event permits' for not longer than 5 consecutive days (e.g. Indy Week, Anzac Day etc.)
 - Suburban clubs and hotels that are not deemed 'entertainment precincts' to operate under ordinary trading hours (10am to 12am) with the exception of New Year's Eve trading as of right to 2am.

3. seeks a consistent approach to enforcing liquor licensing laws to the full extent of the law by Office of Liquor Gaming and Racing (OLGR) and Queensland Police; including: regular OLGR licensee compliance checks, ensuring CCTV are installed (inside and outside premises), operational and recording to evidentiary standards.
4. seeks crowd controllers (security guards) be regulated by Queensland Police Service Commissioner and not Office of Fair Trading.
5. supports the use of scanned photo identification for entry

Police and/or ambulance officers provide the first official response to alcohol-related violence, whether the alcohol has been consumed at private or licensed premises throughout Queensland. Our police officer members face many challenges responding to alcohol-related violence, which can impact on their overall effectiveness and efficiency whilst carrying out their duties. Logically, these challenges can and often affect their personal lives. Reducing late trading hours will significantly reduce the negative impacts alcohol-related violence has on our emergency services workers, police and front line health workers, when late trading venues close and stop trading for the night, patrons will not be able to continue to purchase and consume alcohol on the premises, they will have no real option other than to travel home. In turn giving emergency, police and other health workers much needed respite.

The Queensland Police Service are better placed to address and provide current statistics and economic costs of alcohol-related violence. For this reason this submission focuses on the impact of late opening hours and the flow on issues for emergency service workers, using information our members have shared with us and puts forward their experiences, insights and recommendations to addressing issues of alcohol-related violence.

The Queensland Police Union of Employees (QPUE)

The Queensland Police Union of Employees (QPUE) is a registered Trade Union consisting of sworn persons who are Constables, Senior Constables, Sergeants, Senior Sergeants, Police Liaison Officers, sworn Recruits, Assistant Watchhouse Officers and Police Band members. Membership is voluntary, with approximately 9,800 members (98% membership).

Introduction

The Committee's reference is to inquire into and report on the impact of alcohol-related violence in Queensland; best practice harm minimisation measures, impact of late opening hours, flow-on issues for emergency service workers, education campaigns and the economic cost of alcohol-related violence. The particular issues around the impact of alcohol-related violence in Queensland include personal (i.e. physical and sexual assaults, domestic violence) and property damage, community safety, valuable police resources which equates to time and money that could be put to use in other areas of policing.

Research overseas suggests 50-70% of all police work is associated in some way with alcohol, for example, dealing with drink-fuelled disorder, criminal assaults; family violence, drink-driving collisions, to name a few. Studies point towards a particular connection between alcohol-related violence and inadequately-run licensed premises, and there is also an emergent consensus that the vast majority of alcohol-related problems arise from a relatively small number of pubs, clubs and taverns. Australian studies suggest that almost half of all alcohol is sold and approximately 30% consumed on licensed premises and that 60% of all alcohol-related incidents attended by police occur on or within sight of licensed premises (Wiggers 2007).

It is hoped recent amendments to the *Liquor Act 1992* (Qld), which took effect 1 January 2009 such as the 'risk-based' license fee regime will have a positive impact on reducing

alcohol-related violence. However, “the effective management of anti-social behaviour and violence in and around licensed premises is dependent to a significant degree on continuing regulation and enforcement and the ‘actual’ strength of liquor licensing legislation. For the most part police bear the brunt of this responsibility and a significant amount of resources go into this work (Donnelly 2007; Palk 2007; Fleming 2008)”.

QPUE acknowledges and recognises the need for visible police presence in order to curb alcohol-related violence, at and around licensed venues to ensure action is taken against licensees, staff and patrons for breaches of liquor and other legislation. It must be noted, however, that it is not within the power of police alone to influence antecedent factors, and as such, understands that collaborative responses with various agency and industry groups are essential.

Terms of Reference

Please find QPUE’s response to the following specific terms of reference as set out in the Issues Paper.

A. BEST PRACTICE HARM MINIMISATION MEASURES

QPUE members recognise the important role they have in harm minimisation measures and the need for laws regulating behaviours of licensed venue operators and their staff, including crowd controllers in conjunction with laws regulating the behaviour of patrons who are on or who have recently left licensed premises. Such law enforcement is most valuable when accompanied by strategies that encourage responsible serve practices. Our police officers do not hold total responsibility for alcohol-related harm reduction associated with licensed venues.

(1) QPUE supports the Queensland government’s intention to work with the liquor industry and Queensland Police Service to identify high-risk venues and to replace glass with plastic or similar cups by the end of 2009.

QPUE supports restrictions on use of glass in licensed premises nightclubs and hotel venues (after 10pm) with late trading hours to help combat ‘glassing’ incidents. QPUE members commend Queensland hotels and clubs that have already taken it upon themselves to introduce plastic (e.g. Alexandra Hills Hotel, Royal George Hotel in Fortitude Valley, Victory Hotel, Hamilton Hotel, and others). It is understood and agreed that police will have the power to deem venues ‘high risk’ in order to revoke glass privileges.

However, it must be recognised that ‘glassing is just part of the problem of alcohol-related violence in Queensland. Alcohol-induced violence will still occur, albeit with different tools (e.g. fists, pre-mix spirit, wine bottles and bar-stools). Perpetrators intent on causing harm will continue to do so. **It is also important to understand that in many cases both the offender and the victim are intoxicated.**

We need to ensure our existing sentencing laws impose appropriate sentences for repeat offenders, who have a record of violence whilst intoxicated; tougher sentences imposed against offenders in glass attacks and the need to ensure penalties for breaching liquor licensing laws are commensurate with the offence and enforced to the full extent of the law.

B. IMPACT OF LATE OPENING HOURS

Trading hours of licensed premises impact on patterns of alcohol-related offences and late opening hours correlate with increased problems of alcohol-related violence. **QPUE believes the current trading hours are not only excessive, but also irresponsible. Late trading hours have produced ‘hot spots’ of trouble which has led to an increase in alcohol-related violence. Cabarets and nightclubs usually open after 10pm, many patrons arrive intoxicated.**

In August 2009, Police Assistant Commissioner Peter Martin announced that “police throughout Queensland will patrol inside pubs and nightclubs to clamp down on rising levels of alcohol-related violence”; that “police were determined to be more proactive, after new research showed that officers spent a vast amount of time responding to alcohol related incidents.” There is a need for visible police presence to deter patrons who misbehave.

Precincts with a high concentration of late opening hour venues are inclined to experience increased crime rates. Australian “studies reveal that alcohol-related assaults are most likely occur in inner city hotels, in the early hours of Saturday and Sunday mornings and mostly involve young adult males; ... with as many as 60% of all police attendances and 90% of late night calls involving alcohol. (Doherty & Roche 2003).

C. WHAT CHANGES, IF ANY, SHOULD BE MADE TO OPENING HOURS, AND ALCOHOL SERVICES STRATEGIES WITHIN THOSE HOURS, TO REDUCE ALCOHOL-RELATED VIOLENCE?

(2) Change to existing opening hours

Our members are adamant that there is a need to reduce late opening hours of hotels and nightclubs in our city and suburban centres. It is widely accepted that later trading hours can have a significant detrimental impact; with increased levels of alcohol consumption and increased violence. Like others, we believe in order to reduce alcohol-related violence (and alcohol-related crimes) trading hours need to be limited, as do the number of late-trading venues. Clearly reducing the time patrons are served alcohol would make significant inroads towards reducing incidents of alcohol-related violence in and around licensed venues. In turn, reducing the negative impact alcohol-related violence has on our emergency service workers, police and front line health workers.

QPUE and the majority of our members seek the following changes to trading hours:

- Ordinary trading hours (10am to midnight) for all venues not operating in deemed 'entertainment precincts'.
- Late trading hours (10am to 2am) for venues operating in declared 'entertainment precincts'
- No trading permitted outside these hours, (other than 24 hour trading commercial special facility licenses)
- Maintaining "special event permits" for not longer than 5 consecutive days (e.g. Indy Week, Anzac Day etc.)
- Suburban clubs and hotels that not deemed 'entertainment precincts' to operate under ordinary trading hours (10am to 12am) with the exception of New Year's Eve trading as of right to 2am.

QPUE propose that venues operating in deemed 'entertainment precincts' shall cease trading at 2am, with patrons dispersing at 2am. Late night public transport should be increased, enabling patrons to travel home safely. It is proposed that suburban clubs and hotels that are not deemed 'entertainment precincts' are to operate under ordinary trading hours (10am to midnight) with the exception New Years Eve trading as of right to 2am. Existing 'special event permits' for not longer than 5 consecutive days (e.g. Indy Week, Anzac Day etc) to be maintained.

Research supports QPUE views that extended trading hours should be discontinued, as there are significant increases in the number of assaults occurring in and around premises that trade late (Chikritzhs, Stockwell and Masters 2002).

(3) Enforcement of Liquor Laws

Police officers and the wider community are sick and tired of the effects of intoxication and violence and need to target areas and venues that have rising alcohol-related assault rates.

Police Strategies - QPUE largely agrees with Assistant Commissioner Peter Martin's recent response (August 2009) to community calls for visible police presence at and around venues and events where liquor is consumed:

“Until now police have largely stayed outside licensed premises, sticking to the streets, footpaths and malls. Officers will be trained in the best way to manage strife inside venues after losing traction in the early 1990s when liquor licensing squads were dismantled. We need to re-orientate the training agenda towards liquor licensing... More importantly we need to move systematically the barriers that prevent police from doing more of this type of work... Arrest is not a popular option in dealing with unlawful behaviour... Police reported using strategies such as tipping out alcohol in preference to prosecution, issuing liquor on-the –spot fines, releasing an affected person to their friends and taking people to hospital as effective strategies. **The least effective strategies police officers identified were permitting more self-regulation by owners.**”

Legislation - Queensland Office of Liquor Gaming and Racing (OLGR) introduced a new permit system for licensed venues trading between midnight and 5am, viewing extended operating hours as privilege based on record of good management (Amendments to Liquor Act came into force 1 January 2009). Non-compliant, violent and regularly infringed premises face removal of their extended trading permit. Additional license fees are levied according to the level of risk posed to community safety; with licensees' who focus on harm minimization paying lower licensing fees. Under the Liquor Act, licenses will be evaluated on licensee's previous year's compliance activities. Licensees receiving warning letters to management, infringement notices or prosecutions in one year, may be liable for up to \$20,000 extra in liquor license fees the following year. Since

liquor fees are increased in proportion of the risk of venue, it is surely reasonable to expect and see evidence of increased licensing enforcement within these premises in terms of more patrols and on the spot inspections.

OLGR has also enacted mandatory training for licensed venue's bar, and security staff; including communication skills to diffuse conflict. **Whilst the QPUE certainly supports recent amendments, we remain adamant that trading hours need to be pulled back, with the liquor industry and in turn licensees being held more accountable for the actions of their consumers/patrons.** Police officers and the wider community are sick and tired of the effects of intoxication and violence and need to target areas and venues that have rising alcohol-related assault rates.

Members tell us liquor licensing prosecutions are few and far between, due to difficulties in enforcing liquor licensing and perceived difficulties in obtaining successful prosecutions. More often than not where a prosecution is successful minimum penalties are handed out rather than maximums. Breach for non-compliance; breach of statutory conditions may result in discipline or prosecution action. The maximum penalty for a breach of statutory conditions is \$10,000 for individuals or \$50,000 for corporations. Maximum penalties for the supply of liquor to a minor in a public place or on licensed premises have been doubled to \$6000. QPUE believes we need stronger deterrents. Our police officers need the ability to enforce compliance of liquor laws.

Unlike USA, civil law suits are rarely used against licensees in Australia, removing one of the major incentives for licensees to introduce responsible hospitality policies and practices (Hauritz, Homel, McIlwain, Burrows & Townsley 1998). "Responsible beverage service programs, which have as objectives both the prevention of intoxication and refusal of service to already intoxicated patrons, have proliferated in North America in recent years. This has occurred partly because of licensing requirements in some jurisdictions, but more

importantly because of licensees' desires to reduce their exposure to multimillion dollar lawsuits arising from vicarious liability over the actions of patrons served to intoxication..." (O'Malley & Sutton 1997). Accordingly, there needs to be serious enforcement of legislation prohibiting the sale of alcohol to intoxicated persons by OLGR and police and QPUE. Liquor laws need to be enforced.

Practice of licensees (management and staff) - Studies have shown that it is "not the type of licence that is the key predictor of levels of alcohol-related harm, but rather the amount of alcohol consumed on the premises and the extent to which obviously intoxicated patrons continue to be served with alcohol... it is like to be the way in which these licensed premises are managed (particularly regarding the continued serving of intoxicated patrons) ..." (Stockwell, Lang and Rydon 1993; Doherty and Roche 2003).

"The extent to which the managers of licensed premises have permissive attitudes towards patron behaviour was an important indicator of the likelihood of violence occurring on the premises... the link between permissiveness and violence makes a lot of intuitive sense, since if management has an 'anything goes' attitude it is not surprising that violence and aggression occurs." (Homel 2004)

With the introduction of mandatory training (RSA) it is hoped that service staff will be able to better identify intoxicated patrons and use learned strategies to refuse service. However, **all establishments** (not just 'high risk' establishments) **must be held to account by OLGR and the police; penalties must be substantial.** The Liquor Act must be enforced through the delivery of targeted and highly visible compliance operations. OLGR compliance officers need to be seen enforcing the liquor regulations.

Digital Security Footage – CCTV - It is imperative that licensed premises comply with current legislation regarding CCTV. Our members cannot stress

enough the need for digital security footage to be installed inside and outside licensed premises, quality must be suitable for evidentiary purposes. The use of CCTV assists our investigating officers, records behaviour of patrons and crowd controllers acting as deterrent to disorderly behaviour.

Transport - Many 'high risk' venues are located in areas, where patrons travel out of their local area. Availability of public transport is a key factor in safety and reducing alcohol-related offences (taxis, buses, trains to disperse patrons safely and efficiently); given the number of incidents in the streets and on taxi ranks that involve patrons attempting to get home in the early hours of the morning.

(4) Crowd controllers – security guards

Crowd controllers on licensed premises are in a very powerful position, they decide who enters (e.g. able to exclude and eject intoxicated patrons, underage patrons) playing a pivotal role in preventing and containing violence occurring in and around licensed premises. Currently, crowd controllers must be licensed under the *Security Providers Act 1993*, have completed the RSA training regardless of whether they are employed under contract. QPUE supports calls for greater levels of regulation and increased levels of training for crowd controllers. The QPUE also recognises and appreciates that crowd controllers have to deal with intoxicated, often abusive and violent perpetrators and victims before police arrive on the scene.

QUPE is strongly of the view that regulation of crowd controllers should not be the Office of Fair Trading, but rather the Queensland Police Service Commissioner, due to the role crowd controllers have in the prevention, management (and sometimes even the initiation) of violence in and around licensed premises.

(5) Scanned Photo ID

Our members report that licensed venues that use 'scanned photo id' have lower rates of alcohol-related violence than those that don't.

D. FLOW-ON ISSUES FOR EMERGENCY SERVICES WORKERS, POLICE, AND FRONTLINE HEALTH WORKERS

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

Dealing with intoxicated persons can be dangerous and officers are at constant risk of danger. **Police officers called in to deal with an incident are often assaulted, verbally and/or physically, for example as they break up fights between groups they become targets themselves. Anecdotal evidence indicates officers do fear for their safety when dealing with alcohol-related incidents. Furthermore, dealing with non-violent intoxicated offenders and victims, takes up a large proportion of police time. More often than not, both the offender(s) and the victim(s) are intoxicated to some degree.**

During such incidents officers need to "assess the physical or mental requirements of a person affected by alcohol, to predict the sometimes illogical behaviour of such a person, and to determine whether the person is going to become violent." (Davey Obst and Sheehan, M, 2000)

Officers dealing with alcohol-affected people on a regular basis, and in particular **the threat of violence** associated with such incidents are frustrated, tired and stressed. Injuries and stress suffered as a result affect work and personal life.

Members are sick and tired of dealing with alcohol-related incidents, more often than not occurring in the early hours of the morning; tying up valuable police time and associated crime costs. As stated by Assistant Police Commissioner Martin

(August 2009) –“A recent survey of 254 officers indicates that police are hampered by a lack of resources or fear for their own safety. Lack of time and competing interests, safety for police officers and organisation support for policing licensed premises generally have been identified as the most significant barriers or factors.”

HOW CAN NEGATIVE IMPACTS ON THESE WORKERS BE REDUCED?

Reduce alcohol-related violence by changing trading hours, ordinary trading hours to be 10am to midnight for all venues not operating in deemed ‘entertainment precincts’ late trading hours (10am to 2am) (exception New Years Eve trading to 2 am) for venues operating in declared ‘entertainment precincts’ as detailed above, freeing up police time for other areas. Deterrent factors, such as strict compliance - enforcing penalties are essential. The negative impact alcohol-related violence has on emergency workers, police and health workers, will necessarily reduce if licensed venues’ trading hours are restricted to midnight and 2pm as detailed above. At closing time, the venue closes; patrons are unable to make any further liquor purchases and must leave the premises, with no real option other than to travel home. By having deemed ‘entertainment precincts’ areas – late night trading will be confined to certain localities enabling policing and enforcement to be carried out more efficiently.

THE ECONOMIC COST OF ALCOHOL-RELATED VIOLENCE

Direct cost to police resources - attending alcohol-related incidents of violence requires police attendance and investigation, obviously using police resources in this way precludes the use of police resources in other areas.

“Recurrent expenditure on police services (sworn officers, exercising police powers, e.g. arrest, summons, caution, detain, fingerprint and search) per head of adult population in Queensland in 2006-2007 \$500) (Australian Crime Facts & Figures pg 106 Figure 94)

Other costs; such as, preventative expenditures, advertising campaigns, victims compensation, property damage (not inclusive).

License Fee Revenue

It is imperative that the liquor license fee revenue is used to address alcohol related harms. In Queensland revenue from license fees may be used towards alcohol related research and programs, however, these funds may also be used to fund the administration of Queensland’s liquor licensing scheme. In other words the administration costs may eat into license fee revenue. A better approach would be to make it clear in the legislation that a percentage of the moneys raised by liquor licensing fees must be dedicated to address alcohol consumption and harm related research.

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