

AMA Queensland Submission on the Safe Night Out Strategy

AMA Queensland is supportive of many of the measures in the Safe Night Out Strategy. We welcome the Premier's increased focus on the dangers of alcohol and alcohol and other drug related violence. However, we would also like to draw attention to the fact that dangers and risks associated with alcohol consumption do not end with alcohol fuelled violence, but excessive use of alcohol also contributes to a broad range of chronic illnesses and other social harms. This Safe Night Out Strategy should be viewed in this broader context as part of a directional push to assist Queenslanders to use alcohol safely and understand the risks associated with alcohol use.

AMA Queensland, as part of the Queensland Coalition for Action on Alcohol (QCAA), also urges the government to consider the QCAA five point plan as a gold standard for reducing the adverse health and other impacts of alcohol use on Queenslanders.

Please find our further comments on the individual measures in the strategy below:

Setting clear standards

1. Establish clear standards of behaviour for patrons, licensees and police when alcohol is consumed in public and indicate what actions licensees and police will take to stop alcohol and drug-related violence.

We will do this by:

a. Conducting an awareness campaign about clear standards of behaviour, including advertising, to ensure everyone understands the expected standards of behaviour and the actions that can be taken by licensees and police.

Response

AMA Queensland is aware that clear standards of behaviour for patrons, licensees and police are specified in the *Liquor Act 1992* ('the Act'). The Act outlines the legal obligations for patrons, licensees and police relating to the sale, supply and consumption of alcohol, and the penalties that may be incurred as a result of breaches to the Act.

AMA Queensland supports this new focus on ensuring that Queenslanders are aware of their rights and responsibilities under the Act.

Education

2. Make it compulsory for every student from year 7 to year 12 to undertake education every year about the culture, attitudes and social expectations of alcohol consumption, including the risks of binge drinking, illicit drug use and alcohol and drug-related violence.

We will do this by:

a. Implementing a suite of curriculum materials and teacher resources for use by all Queensland school sectors.

b. Developing a strategy for delivery that is flexible and has the capacity to be embedded into the curriculum aligned to the Australian Curriculum and school-based pastoral care programs.

Response

AMA Queensland supports alcohol education for young people. Education programs should be developed and implemented based on the evidence base of what is most effective. According to the evidence base, alcohol education programs are most effective when they:

- employ inclusive, interactive teaching strategies that actively engage students in the learning process;

- involve whole of school and community support for classroom alcohol education messages;
- are based on the experiences and interests of the students it is designed to influence; and
- are timed such that the intervention starts before alcohol experimentation begins and continues as young people mature.

Further to this, as underlined in *AMA's Position Statement on Alcohol Consumption and Alcohol Related Harms 2012*, alcohol marketing is increasingly sophisticated and multidimensional, integrating online and offline promotions with the sponsorship of music and sporting events, the distribution of branded merchandise, and the proliferation of new alcoholic brands and flavours. This proliferation of new and youth oriented marketing strategies dictates that any alcohol education to children and young people should include a strong focus on critical media literacy skills.

It is important to note that education should form only a small part of harm prevention strategies for young people, as education alone is effective in increasing knowledge about alcohol, but has limited or no effect in changing behaviours.ⁱ

Penalties

3. Introduce tougher penalties for those who are affected by alcohol or drugs and engage in anti-social and violent behaviour in and around licensed venues and in public.

We will do this by:

a. Introducing new offences and increasing penalties to make sure there are severe consequences for violent or anti-social behavior:

- *'Coward punch' deaths will be punishable through a new offence of 'Unlawful striking causing death', punishable by a maximum penalty of life imprisonment, with the offender required to serve 80 per cent of their sentence of imprisonment before being able to apply for parole.*
- *Maximum penalties for aggravated serious assaults on public officers, such as ambulance officers, will go up from 7 years to 14 years imprisonment.*
- *Penalties for using anabolic steroids will be strengthened to make sure they are similar to the heavy penalties that already apply to other dangerous drugs such as methamphetamine and ecstasy.*

b. Making sure there are strong and immediate consequences for violent or anti-social behaviour around licensed venues:

- *On-the-spot fines for causing a public nuisance will go up to \$660 or a maximum fine of \$2,750 or six months in prison.*
- *On-the-spot fines for refusing to leave licensed premises will go up to \$550 or a maximum fine of \$5,500.*
- *Penalties for obstructing police will go up to \$6,600 or 12 months in prison.*

c. Changing sentencing rules so that offenders are punished with tougher penalties by the courts:

- *Being intoxicated will not be able to be used as an excuse to lessen a person's sentence.*
- *Offenders convicted of certain serious violence offences committed while intoxicated in public will have to serve 80 per cent of their sentence of imprisonment before being able to apply for parole.*
- *Courts will be able to hand out life-time bans from licensed premises.*

d. Requiring offenders to perform community service work as part of their sentence, for example, cleaning up areas of a precinct, working in a rest and recovery service or, where appropriate, undergoing alcohol or drug counselling/rehabilitation or another relevant program.

Response

Appropriate penalties are required to enforce the laws in place to manage public order and mitigate harms. However tougher penalties have little or no influence on crime rates; increased policing acts as more of a deterrent for crime than the penalties themselves. An analysis of studies examining sentencing and its effect on crime rates stated that 'the very idea that tougher sentences will reduce crime by acting as a deterrent implies that the average would-be offender will contemplate the length of a potential sentence before committing a crime. Crime, however, is often impulsive and lacks such prudent foresight.'¹

AMA Queensland does believe there needs to be a greater focus on prevention to mitigate the risk of harms and on holding licensees accountable for irresponsible behaviour.

In addition, AMA Queensland supports the use of health education diversion programs for minor alcohol related offences, particularly with teenage and under-age drinkers, so that problems with alcohol can be dealt with before they escalate.

Policing

4. Ensure the Queensland Police Service (QPS) has the powers and resources to respond quickly and effectively to alcohol and drug-related violence and anti-social behaviour where needed.

We will do this by:

- a. Continuing existing powers for police to direct a person to leave an area and not return within 24 hours.*
- b. Empowering police to issue banning orders to immediately ban a person from being in and around licensed venues.*
- c. Ensuring high visibility and rapid response to control incidents involving alcohol and drug-related violence and anti-social behaviour in Safe Night Precincts.*
- d. Conducting drug operations including tactical covert and overt strategies and drug detection dogs where needed.*
- e. Linking police information with ID scanners in licensed venues to improve enforcement of banning orders.*
- f. Conducting high profile operations with other jurisdictions to target alcohol and drug-related violence and anti-social behaviour.*
- g. Developing and implementing innovative policing strategies and technologies to support police presence on the ground in policing alcohol and drug-related violence.*
- h. Empowering police to conduct mandatory drug and alcohol testing on people who have been charged with serious offences to assist in prosecution.*

Response

AMA Queensland believes that policies should be population-based, evidence-based and focused on prevention. The Association supports greater enforcement of the existing Act. The primary focus of these activities should be to ensure that licensees are complying with the Act.

Sobering up

5. Develop and implement ways to effectively deal with people who are drunk and disorderly in public places.

We will do this by:

¹ PANSW, Sentencing and its effect on crime rates,
[https://www.pansw.org.au/sites/default/files/public/Sentencing%20 Effects_on_Crime_Rates_ExecSummary.pdf](https://www.pansw.org.au/sites/default/files/public/Sentencing%20Effects_on_Crime_Rates_ExecSummary.pdf)

- a. Implementing a trial of 'sober safe centres' in the Brisbane CBD enabling police to detain a person for their own safety when they are unduly intoxicated, at risk of serious harm, and behaving in a potentially violent and/or anti-social manner.*
- b. Continuing existing non-government organisation rest and recovery services in Fortitude Valley, the Gold Coast and Townsville and funding other Safe Night Precincts that can determine the best way to provide these services in their areas.*
- c. Exploring other support service measure such as drug and alcohol counselling.*

Response

AMA Queensland supports the establishment of properly supervised sobering up centres. In order to realise the full benefits of these sobering up centres, they must also be used as to conduct opportunistic brief interventions with a high risk group of drinkers.

Brief interventions involve screening and assessing a person for risky alcohol use, and providing information and advice with the aim of reducing the person's risky consumption. Brief interventions are highly effective and target primarily non-dependent people who drink at risky levels (e.g. weekend binge drinkers). These brief interventions should be linked to longer-term interventions which can be taken up at a later date if necessary.

Responsible Service of Alcohol

6. Ensure that licensees comply with requirements under the Liquor Act 1992 to provide a safe environment for patrons and implement improved and consistent liquor licensing compliance arrangements.

We will do this by:

- a. Implementing new ways to ensure licensees are prohibited from encouraging rapid or excessive consumption of alcohol including:*
 - *Introducing a new power to prohibit licensees from engaging in specific promotional practices that encourage the irresponsible consumption of alcohol.*
 - *Testing alcohol service practices through 'mystery shopper' style tests with outcomes discussed with licensees to improve their compliance.*
- b. Introducing mandatory requirements to operate networkable ID scanners for venues trading after midnight in Safe Night Precincts. For other venues outside these areas, we will enable the Commissioner for Liquor and Gaming to require ID scanners to be used where this is appropriate to manage community safety.*
- c. Amending the definition of 'unduly intoxicated' to ensure successful action can be taken against licensees who serve alcohol to an intoxicated person, regardless of the cause of intoxication.*
- d. Increasing obligations on licensees to maintain a safe environment around their premises and make sure action can be taken against licensees that don't comply with these obligations.*
- e. Implementing strategies to enhance the responsible service of alcohol by licensees, including developing educational and promotional material about licensees' responsibilities and induction material for new licensees and licensees applying for trading after midnight.*

Response

AMA Queensland supports greater efforts to target the harmful discounting of alcohol as outlined in QCAA's Five Point Plan.

AMA Queensland supports strengthening the Act to prohibit the harmful discounting and promotion of alcohol products on both on and off-license venues and therefore supports the action within the Strategy that a 'new power to prohibit licensees from engaging

in specific promotional practices that encourage the irresponsible consumption of alcohol be introduced. The Association looks forward to seeing the legislation which outlines which promotional practices will be prohibited.

AMA Queensland also supports the increased enforcement of new and existing measures and looks forward to seeing transparent reporting on both the increase in enforcement and its impact on levels of alcohol use and related harms.

The Association supports the measures relating to the responsibilities of licensees to mitigate the risks of harms that result from alcohol in and around their venues.

7. Enhance enforcement and compliance measures and ensure that police and liquor compliance officers effectively coordinate and integrate their activities to reduce the regulatory burden on businesses, without compromising compliance.

We will do this by:

a. Increasing the ability of the Office of Liquor and Gaming Regulation (OLGR) to:

- *Undertake covert and overt compliance monitoring programs including additional late-night and weekend activities, and targeting identified premises and geographical areas of concern.*
- *Gather and analyse relevant data and information, using this to develop compliance programs specifically targeted to responsible service of alcohol and providing safe environments at licensed premises.*
- *Conduct statewide coordination of activities.*
- *Engage with the liquor industry, business and local communities on harm reduction strategies.*
- *Provide education and training to operational police and compliance officers.*

b. Requiring OLGR to place greater emphasis on enforcement action for serious non-compliance with the Liquor Act 1992.

c. Establishing a joint QPS/OLGR taskforce to ensure improved consistent compliance arrangements are implemented, including operating procedures and training for police and OLGR compliance officers, and developing strategies, concepts of operation, and ways to target resources.

d. Ensuring ongoing cooperative working arrangements where officers from QPS and OLGR work together to:

- *Ensure greater consistency in enforcement practices between QPS and OLGR.*
- *Reduce the regulatory burden on business, by better coordinating inspections and compliance activities across QPS and OLGR.*
- *Enable better sharing of information about investigation outcomes, compliance history and other relevant data between police and compliance officers.*

Response

AMA Queensland supports greater efforts to ensure that alcohol legislation and regulation is complied with as outlined in the QCAA's Five Point Plan, which includes the recommendation to 'Enforce responsible service of alcohol requirements'. More specifically, point four of QCAA's Five Point Plan specifies the need to introduce measures to better enforce responsible service of alcohol requirements in licensed venues throughout Queensland, including Compliance Officers visiting licensed venues outside of regular business hours.

AMA Queensland commends the Safe Night Out Strategy for including these measures to better ensure that licensees are providing a responsible service to Queenslanders.

QCAA's Five Point Plan also specifies the need to introduce requirements for the Office of Liquor Gaming and Regulation (OLGR) and Queensland Police to publically report on compliance activities relating to the Act, the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified breaches of compliance. AMA Queensland recommends that these measures be added to the Safe Night Out Strategy.

8. Ensure we have a responsive, accountable and strengthened licensing system that takes into account community safety concerns and focuses on promoting responsible service of alcohol practices, instead of simply winding back trading hours.

We will do this by:

- a. Requiring that the Commissioner for Liquor and Gaming give greater weight to a recommendation made by the Commissioner for Police about public safety when deciding an application for extended trading hours or considering imposing conditions. The Commissioner for Liquor and Gaming will provide written reasons explaining how the recommendation of the Commissioner for Police relating to public safety will be addressed in the decision about the licence and/or conditions.*
- b. Enabling communities, through their local councils, to have a greater say on applications for extended liquor trading hours and adult entertainment permits.*
- c. Empowering the Commissioner for Liquor and Gaming to direct a licensee to amend its risk-assessed management plan to ensure the licensee's compliance with the Liquor Act 1992.*
- d. Using licensing conditions to require all venues in a particular precinct to prevent and manage alcohol and drug-related violence, e.g. lock-outs and responsible service of alcohol initiatives.*
- e. Introducing a new enhanced late-night trading licensing and compliance regime that will apply to clubs, pubs, hotels, nightclubs, and restaurants that trade after midnight.*
- f. Approving a final extension to the moratorium on decisions about late-night trading hours to 31 August 2014, which would lapse on the passage of the legislative measures proposed to address community concerns about late-night trading.*

Response

QCAA's Five Point Plan includes 'Wind back late trading hours and continue the moratorium on late night trading'.

More specifically point one specifies that the Queensland Government legislate to introduce a 12 month statewide trial of the reduction of trading hours based on the Newcastle alcohol restrictions, including:

- Introducing a closing time of no later than 3am for licensees with extended trading permits;
- introducing lockouts at all extended trading permits from 1.00am (currently it is 3am); and
- Continuing the moratorium on all late night trading across Queensland beyond the current expiry date of 31 August 2012.

AMA Queensland does not support ceasing the moratorium on late night trading and sees no measures in this Strategy which will address the harms arising from late trading, and that justify the removal of this moratorium.

AMA Queensland supports Queensland Police, Local Governments and local communities having a greater say on decisions being made relating to granting new liquor licenses and the making complaints about existing licenses.

Safe and supportive environments

9. Establish Safe Night Precincts for the safe and effective local management of these areas. Safe Night Precincts will be declared in key entertainment precincts across the state.

We will do this by:

a. Establishing a Safe Night Precinct local board as an incorporated association in each Safe Night Precinct, with membership of the association from all liquor licensees in the area, and other relevant representatives including from Chambers of Commerce, nominated community organisations, local government and Queensland Government agencies including police, transport and ambulance services.

b. Safe Night Precinct local boards will manage and plan for the precinct to address community safety issues including transport, lighting, public facilities and CCTV.

c. Providing funding for each Safe Night Precinct to provide rest and recovery sobering up services through non-government organisations.

d. Ensuring Safe Night Precinct local boards can raise private funds and apply for grants from local, state and federal governments to implement locally relevant and appropriate initiatives to effectively manage alcohol and drug-related violence in the precinct.

Response

AMA Queensland notes that there is no evidence to support the effectiveness of the Safe Night Precincts. The Queensland Auditor General's Report to Parliament on the Safe Night Precinct Trial found that 'more than two years after the DSP trial commenced, after a total investment of more than \$10 million and two evaluations, its proponents are no closer to establishing its efficacy'. Furthermore the Report found 'despite being an intended outcome of the trial, there has been no demonstrated improvement to public amenity in any of the three DSPs'.²

AMA Queensland supports the prevention of alcohol-related harms across Queensland using evidence-based population-wide measures and advocates that this program continue to be monitored for cost and effectiveness.

However, if the Safe Night Precincts are to be implemented, AMA Queensland supports the idea of community and professional input through the Safe Night Precinct Boards. However, care should be taken to ensure that community and professional input is given appropriate weight within the Boards and we look forward to seeing the terms of reference and operating rules of these committees to ensure that they give appropriate weight to health and community concerns. AMA Queensland also notes that the views of local hospitals and medical practitioners should be included at the Board level, as hospitals and medical practitioners often deal with the consequences of excessive alcohol consumption and alcohol related violence and injury.

10. To address concerns about safe and appropriate transport arrangements around late-night trading venues, better transport services will be provided.

We will do this by:

a. Conducting a communication campaign to promote the availability of transport (e.g. NightLink services) to encourage patrons to use this form of public transport.

b. Conducting a three year trial for an increased scope of services (e.g. NightLink buses) to provide five inbound/outbound Friday and Saturday night services on two additional routes (Fortitude Valley to Aspley and Brisbane CBD to Garden City).

² Queensland Audit Office (2013) *Drink Safe precincts trial: Report to Parliament 13: 2012-13*, <https://www.qao.qld.gov.au/files/file/RTP2012-13DrinkSafePrecincts.pdf>

c. Working closely with the Safe Night Precinct local boards to ensure public transport in the precincts is managed safely and effectively and continuing to monitor transport issues in each Safe Night Precinct around the state.

d. Continuing to provide funding assistance for the provision of secure taxi ranks in all Safe Night Precincts around the state.

Response

AMA Queensland supports improvements to public transport in and around areas where there are a large number of licensed venues. However public transport options cannot be seen as replacing the need to address the overall availability of alcohol through reducing the number of liquor outlets and trading hours for licensed venues.

11. Police will take effective action to combat alcohol and drug-related violence, targeting places known for alcohol and drug-related violent incidents using a range of options (including de-escalation) to quickly intervene to prevent potentially violent, offensive, disruptive or offensive behaviour.

Response

AMA Queensland supports the use of targeted policing measures to prevent and address alcohol-related violence. The Queensland Government should also introduce powers to allow Queensland Police and compliance officers to swiftly and consistently impose meaningful sanctions for venues who contravene the Act. These powers should include, where necessary:

- on the spot 24 hour closures;
- stricter management plans for venues; and
- revocation of extended trading authorisations.

Working together to build a diverse and vibrant nightlife

12. We will develop and implement new ways to regulate the liquor industry that value those businesses that effectively manage and prevent alcohol and drug-related violence in and around their venue. We will do this by investigating the viability of ratings and rewards systems to benefit those venues with management practices, policies and designs that promote safety.

13. We will facilitate Safe Night Precinct local boards' consideration of ways to empower local governments and local communities to grow areas with diverse economies, including exploring coordinated planning processes between state and local governments, and how to better facilitate local government, police and local community input on liquor licensing decisions.

Response

AMA Queensland does not support the adoption of a 'rewards system' for licensees who comply with the law. This is because compliance with laws should be an expectation of licensees, just as compliance with other laws in our society is an expectation of all citizens.

Local Governments, local communities and police should be supported to have greater access to processes relating to the establishment of new liquor licenses and to making complaints about existing licensed venues.

Getting the message across

14. We will implement a communication strategy to provide clear and targeted messages to Queenslanders about the need for everyone to support and be part of a responsible culture that does not tolerate alcohol and drug-related violence.

We will do this by:

- a. Seeking to build partnerships with non-government organisations, businesses and the community to promote messages about and build a culture of responsible behaviour when enjoying a night out, through social media and other forms of communication.*
- b. Promoting the key actions under this Action Plan, public safety enforcement measures, and the need for everyone to work together to foster a responsible culture in Queensland that does not tolerate alcohol and drug-related violence.*

Response

AMA Queensland supports the development of a well-funded, sustained and evidence-based public education campaign. This campaign should have a clear target audience and message, should be delivered on a range of mediums and should learn from the strengths and weaknesses of previous campaigns.

Review of Action Plan

15. We will rigorously assess how the measures implemented through the Action Plan are working, through a review of the Action Plan after 12 months from its commencement.

Response

AMA Queensland supports an independent and robust evaluation of the Strategy. To effectively measure the progress of the Strategy, improvements are needed in the collection of alcohol-related data. The Queensland Government should be routinely collecting and reporting on alcohol-related harms such as police, hospitals and ambulance data, whether perceptions of safety have improved, as well as licensee compliance data pre and post intervention.

QCAA's Five Point Plan includes 'Collect data on alcohol sales, consumption and harms'. More specifically QCAA supports working 'collaboratively to improve processes for the collection and coding of alcohol harms data including data from police, ambulance services and hospitals'. This data is valuable in evaluating the impact of alcohol policy measures.

What is missing from the Safe Night Out Strategy?

The Strategy focuses heavily on personal responsibility and fails to acknowledge that in order to effectively change the drinking culture, it is important to modify the drinking environment through targeting the price, promotion and availability of alcohol.

The Government's Strategy currently includes some measures to address the harmful discounting and promotion of alcohol and enforcement of responsible service of alcohol. However the Strategy does not include any measures that target the availability of alcohol through the density and trading hours of licensed venues. In fact, the Strategy proposes that the moratorium of late night trading hours will be removed from 31 August 2014, which will result in more late night trading venues in Queensland.

As part of the QCAA, AMA Queensland endorses the QCAA's five point plan. The plan outlines evidence-based policies that target the availability, affordability and promotion of alcohol.

QCAA five point plan

1. Wind back late night trading hours and continue the moratorium on late night trading

- Introduce a 12 month statewide trial of the reduction of trading hours based on the Newcastle alcohol restrictions, including:
 - Retain the current standard trading times of 10am to midnight and transition back to a 3am closure
 - Introduce lockouts on all extended trading across Queensland.
- Continue the moratorium on all late night trading across Queensland.

2. Control the density of licensed premises

QCAA proposes that the Queensland Government:

- establish and enforces saturation zones in areas that are identified as already having large numbers of liquor licenses
- introduce cumulative impact and cluster control policies for the determination of new liquor licenses.

3. Prevent the harmful discounting and promotion of alcohol

QCAA proposes that the Queensland Government:

- strengthens the Liquor Act 1992 to prohibit the harmful discounting and promotion of alcohol products on both on and off-licensed premises
- ensure that these measures are enforced.

4. Enforce responsible service of alcohol requirements

QCAA proposes that the Queensland Government:

- introduce measures to better enforce Responsible Service of Alcohol (RSA) requirements in licensed venues throughout Queensland, including Compliance Officers visiting licensed premises outside of regular business hours
- introduce requirements for the Office of Liquor and Gaming Regulation (OLGR) and the Queensland Police to publically report on compliance activities relating to the Liquor Act 1992, the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified breaches of compliance
- prohibit the sale of shots, mixed drinks with more than 30ml of alcohol and ready mixed drinks stronger than five per cent alcohol by volume after 10.00pm
- prohibit the sale of alcohol mixed with energy drinks after midnight

5. Collect data on alcohol sales, consumption and harms

QCAA proposes that the Queensland Government:

- work collaboratively to improve processes for the collection and coding of alcohol harms data including data from police, ambulance services and hospitals
- continue the collection and publication of alcohol sales data in Queensland

ⁱ Babor et al. (2010). Alcohol: No ordinary commodity (2nd ed). Oxford: Oxford University Press.