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# **RULES OF ENGAGEMENT: POLICING ANTI-SOCIAL BEHAVIOUR AND ALCOHOL-RELATED VIOLENCE IN AND AROUND LICENSED PREMISES**

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2008

Published by the NSW Bureau of Crime Statistics and Research

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ISBN 978-1-921306-67-9

This report is available in pdf format on our website and may be provided in alternative formats.  
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## ACKNOWLEDGEMENTS

This report was funded by the New South Wales Bureau of Crime Statistics Research. The report required extensive consultation with police officers, liquor licensing authorities, public sector agency heads, politicians and other key stakeholders from all Australian states and territories. The author is grateful for the time afforded to her during the research period and the generous contributions provided by individuals and all jurisdictions. I would also like to acknowledge colleagues who have provided input and read the drafts – special thanks to Peter Grabosky, Don Weatherburn, Rod Rhodes, Jackie Hallam, Rob Hall and Roberta Julian.



# CONTENTS

ACKNOWLEDGEMENTS.....	iii
EXECUTIVE SUMMARY.....	vii
1. INTRODUCTION .....	1
1.1 Background.....	2
1.2 Methodology .....	3
1.3 What Existing Research Tells Us .....	5
1.4 Enforcement.....	6
1.5 Shifting Back to the Centre.....	7
2. STRATEGIES .....	9
2.1 Front-line Strategies .....	9
2.1.2 <i>The patron</i> .....	9
2.1.3 <i>The premise</i> .....	10
3. MONITORING AND REGULATION .....	13
3.1 ‘Walk throughs’ .....	13
3.2 Intelligence-based Activity.....	14
3.3 Task Forces or the “Grog Squads” .....	16
4. IN PURSUIT OF PARTNERSHIP.....	19
4.1 Interagency Partnerships .....	20
4.2 Task and Coordination Group .....	21
4.3 Accords .....	22
4.4 Alcohol Management Plans .....	25
4.5 Police and Liquor Licensing Authorities.....	26
5. LIMITS OF THE POSSIBLE .....	29
5.1 The State of Play.....	29
5.2 ‘Wicked problems’ .....	29
5.3 National Competition Policy .....	30
5.4 Political Short-termism .....	31
6. CIRCUMVENTING THE LIMITS OF THE POSSIBLE .....	33
6.1 The Front-line .....	33
6.2 Monitoring and Regulation .....	33
6.3 The Importance of Partnerships.....	34

7. WHERE TO FROM HERE – AN AGENDA? .....	37
7.1 Centralisation.....	37
7.2 Partnerships .....	37
7.3 Research and Evaluation .....	39
7.4 Resources .....	40
8. CONCLUSION.....	41
REFERENCES.....	43
NOTES .....	49

## EXECUTIVE SUMMARY

Alcohol-related violence and anti-social behaviour in public spaces is a complex policy problem for Australian governments, which seek a balance between acknowledging the significant contribution made by the liquor industry to Australia's economy and the harms and costs that are associated with alcohol consumption. The 'alcohol problem' is one that goes beyond the capacity of any one organisation to address. This report sees it as a 'wicked problem'. A 'wicked problem' spans a number of policy arenas, is difficult to resolve, and the responsibility for which stretches across several stakeholders with different perspectives on how such a problem should be addressed.

This report provides an overview of the ways in which Australian police services are adapting their systems and developing strategies to prevent and manage alcohol-related violence in and around licensed premises. The report acknowledges the diverse nature of policing across Australian states and territories. It does not attempt to compare and contrast administration or strategy across the various jurisdictions. The report is not an exhaustive study of police activity, rather a first step in identifying the strategies adopted, the boundaries within which police operate and the 'limits to the possible'. The report demonstrates that the police develop and adapt their strategies in the context of these limits.

The regulation and policing of the liquor industry and the effects of alcohol consumption in and around licensed premises was, until the 1990s, the responsibility of Australia's police organisations. The police focus at that time was largely concerned with the patrons, that is, the consumers of alcohol, and their behaviour in and around licensed premises. The licensed premise was largely left to its own devices with, in most cases, only procedural breaches of the law being subject to police attention. Changes in the 1990s saw a more decentralised approach to the enforcement of liquor licensing laws. While police retained the role of enforcing legislation and ensuring public safety, it was the newly established liquor licensing authorities that now administered and monitored the licensed premises.

This report demonstrates that in recent years there has been a move back to the centre, with police establishing specialist divisions or units to focus their licensing activity. This has resulted in the centralisation of strategy and intelligence, better training opportunities for police officers and more effective communications with licensing establishments, liquor licensing authorities and other relevant agencies. These units are focusing less on the patron and more on the premise. It is too early to say whether or not this new, sharply defined focus has resulted in more effective law enforcement.

The report identifies three strategies employed by Australian police organisations in policing alcohol-related activity in and around licensed premises: front-line strategies; monitoring and regulation strategies; and partnership strategies. It has also identified three related trends: the shift in enforcement from patron to premise; the shift in monitoring and regulation away from a decentralised approach and a return to a more centralised approach; and a more formal shift to working with, and through partner organisations.

Front-line strategies are defined as those strategies that are used when police are seeking to control and manage adverse behaviour in a highly charged environment. Discretion is a significant tool in these situations. These strategies are driven by two factors – the

importance of keeping a visible police presence on the streets and public safety. The extent to which officers can employ front-line strategies is dependent on resources and other organisational imperatives.

There is considerable overlap between police and liquor licensing authorities in the monitoring and regulation of licensed premises. Police use a range of enforcement options to fulfil their regulatory obligations, including: walk-throughs; intelligence-based activity; and task forces or “grog squads”.

Partnership work between police, communities and other agencies has improved significantly and shows promising signs of effectively addressing this ‘wicked’ policy problem. There is a perceptible move towards collaboration, particularly in rural and remote areas. Partnerships take many forms and include: task and coordination groups; Accords and Alcohol Management Plans (AMPs). These partnerships are broader than previously documented collaborative efforts and some of them are now being formally evaluated. While there are some ‘successful’ partnerships between police and liquor licensing authorities, many such associations remain to be strengthened and improved.

There are limits to the possible. These limits are identified in this report as ‘wicked problems’, National Competition Policy and political short-termism.

The issue of alcohol use in Australia is a ‘wicked problem’. The multiple stake-holders ensure that the problem is complex and impossible to resolve. The complexities of the problem are compounded by self-interested perspectives (whereby the particular perspective will determine the nature of the solution); different jurisdictional imperatives and community concerns reflected in media coverage.

National Competition Policy (NCP) impacts on the regulation of the alcohol industry in Australia. The NCP is committed to liberalising the restrictions on the sale and availability of alcohol and promoting competition in the industry. This, despite the increasing availability of research that suggests that the harms associated with alcohol use are likely to rise with increased availability and the lower costs resulting from competition.

Most complex policy problems require long-term strategies and solutions. While alcohol and its misuse is a feature of national broadsheets and regarded by communities as a high profile social problem, police must be seen to be responding quickly and effectively. Politicians and the public require reassurance. Front-line strategies fulfil this need in the short-term but as the police are aware, they are not a long-term solution. In many ways police and other stakeholders have circumvented these ‘limits to the possible’. However, these limits cannot be formally changed by police. State and federal legislators are those who are in a position to change the ‘rules of engagement’ in this policy area.

The diversity of policing in Australia is acknowledged. However, this research makes three recommendations that may be applied across all jurisdictions.

The move to centralise intelligence and resources in specialised liquor enforcement and/or regulation units is a promising strategy. The development and continued resourcing of these units is recommended.

This research has shown that partnership strategies are promising strategies in policing liquor licensing problems. There are a number of challenges involved in partnership work. Far from being the ‘easy option’, partnerships can be costly in terms of resources,

take time to develop and difficult to manage effectively. Organisational support and continued funding is crucial to the successful implementation of partnerships if they are to be successfully embedded in police practice. Government assistance can take the form of legislative and policy support as a way of overcoming some of the problems associated with collaborative work across public sector agencies and information exchange. The report recommends the use of partnerships in all its forms, but suggests that the police and other public sector agencies need more formal support from senior management and governments if they are to reap the potential benefits of partnership work.

There have been difficulties in identifying 'best practice' and recommending strategies in this complex policy area. This is partly because of the paucity of research and evaluation that has been completed around strategies employed by police and other relevant parties in regulating liquor related activity. This report recommends that research and evaluation become a priority for those with a vested interest in making these strategies work. Evaluation is a learning tool and provides valuable information for future law enforcement training and activity. Along with research, formal evaluation allows for more efficient and effective resource allocation and is crucial for a broader understanding of what works in policing alcohol related violence and anti-social behaviour in and around licensed premises.



# 1. INTRODUCTION

Alcohol-related crime, violence and anti-social behaviour is a significant problem for Australian communities and police. The increasing financial, health and social costs associated with the misuse of alcohol is also of growing concern to governments who seek to find the balance between acknowledging the significant contribution made by the liquor industry to Australia's economy and the harms and costs that have been associated with alcohol consumption. As the various stakeholders seek to develop innovative practices and regulatory strategies to address the complexities of this policy area, it is becoming increasingly obvious that governments cannot resolve all the issues arising from the abuse of alcohol. Nor can police be expected to single-handedly 'fix the problem'. Issues relating to alcohol-related crime and violence need to be addressed on the basis of broad public policy. Responsibility lies equally with the public and private sectors, the liquor industry and the communities they service.

In recent months, and under significant pressure from the media and the public, Australian governments have sought to address the increasingly poor images of 'binge drinking', anti-social behaviour in the street and the often violent behaviour of those under the influence of alcohol. Police in all Australian jurisdictions have sought to extend their knowledge of innovative programs to reduce such behaviour and how best to enforce liquor licensing laws. To date, apart from the Roche and Doherty monograph on liquor licensing and police best practice published in 2003, we have very little consolidated information about how police and others are working to address these complex issues, and what the challenges are in policing alcohol-related activity in and around licensed premises.

This report looks specifically at law enforcement strategies that seek to manage and regulate anti-social behaviour and violence in and around licensed premises in Australia. Licensed premises are defined here as clubs, hotels, taverns and nightclubs. It does not include restaurants or casinos. The report identifies three law enforcement strategies: front-line strategies; monitoring and regulation strategies and partnership strategies. Examples of these strategies are provided and barriers to their sustainability are discussed. The report identifies three related trends: a shift in enforcement focus from patron to premise, a return to a more centralised approach to regulation, and a more formal shift to working with, and through partner organisations. These shifts have delivered a number of benefits to key stakeholders. Despite the relative promise of these strategies, the report suggests there are limits to the possible. These limits are identified as 'wicked problems', national competition policy and political 'short-termism'. All strategies are conditioned by these limits even as they seek to deliver palatable solutions to multiple stakeholders. Issues of resourcing, research and evaluation and responsibility are discussed. It is argued that just as police are endeavouring to adapt to changing political, social and economic circumstances and to refocus their strategies accordingly, governments need to explore how they can reshape the limits to the possible that currently stand as obstacles for those who seek to regulate and manage alcohol abuse in public places.

Before discussing the methodology of the research, the first section of this report provides some contextual background to Australia's drinking culture and provides a potted history on how Australian governments in conjunction with police have

sought to address alcohol-related harm. The section considers existing alcohol research studies and what that research tells us about alcohol as a commodity, and how the risks associated with alcohol consumption may be alleviated by responsible self-regulation, law enforcement and government regulation. The issue of enforcement is also discussed.

## 1.1 BACKGROUND

The social role of alcohol has long been a feature of Australian cultural history. Australia inherited its system of liquor licensing law from Britain in the nineteenth century. Since that time the availability of alcohol has been controlled in a variety of ways. Temperance and restrictions were a feature of Australian life up until the mid-twentieth century when Australian state and territory governments began to liberalise liquor licensing laws with the enthusiastic support of their constituents. Over the ensuing decades, Australian governments (and a number of commissions of inquiry) supported the further relaxation of liquor law restrictions. Premises flourished and hours of trading increased (Lewis 1992 192-197). Over time, licensed premises have proliferated, with entertainment precincts, bars and clubs a common feature of most city centres. In recent years liquor licensing requirements have been further deregulated. This expansion of premises has been facilitated by the loosening of trade restrictions which prioritise competition and free trade imperatives over 'needs' and harm reduction principles. In an effort to free up competitive forces in the alcohol industry, liquor licensing authorities can no longer refuse licenses or the extension of trading hours requests on commercial grounds (the 'needs' basis) but only where it can be demonstrated that it is in the public interest (Babor et al 2003). As a result, 'there is a continued tension between free trade imperatives and the legal and social requirement to control the number, diversity and adverse practices of licensed venues' (Doherty and Roche 2003: 14).

In more recent times, unfettered competition in the liquor retail industry has arguably been instrumental in encouraging dubious practices across a small proportion of licensed premises. Public drunkenness, anti-social behaviour and violence have become serious concerns for governments, police and affected communities, as such, disorder has 'gone beyond the tipping point of public tolerance emerging as a major political issue' (Graham and Homel 2008: 169).

The Australian government's recognition of the harms associated with the abuse of alcohol was formalised in 1977 when the Senate Standing Committee on Social Welfare reported that alcohol problems in Australia were in epidemic proportions and that the damage associated with alcohol greatly exceeded that of illicit drugs. The federal government accepted the harm minimisation principles associated with the use of alcohol and drugs, and in 1989, harm minimisation became the overall objective of the Ministerial Council on Drug Strategy (MCDS 1990). Strategies associated with harm minimisation included comprehensive public education and health promotion programs, training, intervention and treatment and community action programs, many of them involving collaboration with local police (MCDS, 2007; APMC 2005).

Public drunkenness in Australia is not a new social issue, perhaps just a more visible one than it was in earlier times. Indeed, public drunkenness was punishable by law until the late twentieth century and it is still on the statute books in the State of Victoria (Lewis 1992: 197; Grabosky 1977). Accessibility to media footage, newspaper photographs and 'ready to serve' statistics has demonstrated to governments and communities alike that Australia has 'a serious social problem that requires a serious

societal response' (Graham and Homel 2008: 239). The 'societal response' in recent years has seen a renewed interest from governments, business, police and affected communities on how to regulate and manage anti-social behaviour and violence in and around licensed premises.

In 2002, increasing numbers of assaults, domestic violence, accidents, injury, offensive behaviour and serious crime prompted governments to take a broader view of alcohol use, and through a variety of measures sought to address the problem. In 2002, New South Wales (NSW) Health developed an Adult Alcohol Action Plan to 'reduce adverse social, economic and health consequences of alcohol use for both the community and the individual' (NSW Department of Health 2003). In 2003, an Alcohol Abuse Summit was held in the NSW Parliament. Following the summit, the NSW government committed itself to a number of recommendations, including, changing 'the way the community uses and thinks about alcohol' and endorsed a number of initiatives that would assist in dealing with alcohol-related crime (NSW Parliament 2004). Similarly, in the same year, a parliamentary committee in Victoria initiated an inquiry into harmful alcohol consumption. The inquiry examined several issues including regulatory and law enforcement responses in public and private spaces (Parliament of Victoria 2006). Despite the extensive work and commitment around these inquiries and others, solutions were elusive and problems of violence and anti-social behaviour, particularly in and around licensed premises, continue to be a concern for governments at both the state and federal levels.

In the intervening period, states and territories have amended legislation to emphasise harm minimisation principles, to address under-age drinking, to enhance police enforcement powers and in some states to introduce mandatory training for prospective licensees (Roth 2007). At the time of writing, both Western Australia and more recently NSW, have introduced new legislation. Queensland is poised to introduce new liquor laws in 2009, the Australian Capital Territory (ACT) is mid-way through an extensive review of its liquor legislation and the Northern Territory's Liquor Act is also under review. Media outlets have reported on the raft of bans, curfews, lockdowns and reduced trading hours that various states and territories have imposed on patrons and licensed premises. Local government AMPs have been developed (WA 2008; Dibley 2007) and audits (NSW Audit Office 2008) and reviews (ACT 2008) have been initiated and reported on. In May 2008, the Police Commissioners of all states and territories formally voiced their concerns about the level of alcohol-related crime and anti-social behaviour in some of Australia's major cities (28 May 2008, *Herald Sun*). However, alcohol policy issues are not 'fixed' by such measures on their own. 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 strength of liquor licensing legislation. For the most part it is the police that bear the brunt of this responsibility and a significant amount of an organisation's resources go into this work (Donnelly et al 2007; Palk et al 2007). This work forms the basis of this report.

## 1.2 METHODOLOGY

The research for this project was conducted between March and June 2008 and entailed visits to capital cities in all Australian states and territories. Where time permitted, several cities were visited. So in Queensland for example, research was conducted in Brisbane, the Gold Coast and Cairns. In the Northern Territory, the author visited both

Alice Springs and Darwin. The research explored and reviewed the strategies employed by Australian police organisations in policing anti-social behaviour and alcohol-related violence in public places. The research did not address law enforcement practices in the context of alcohol-related domestic violence or abuse.

An extensive literature review was undertaken. This review included the perusal of publicly available documentation and internal documentation provided to the author by various participants. Eighty-six face-to-face semi-structured interviews were conducted with a view to identifying the perceptions of police officers, public sector agency heads, liquor licensing personnel and other key stakeholders from all Australian states and territories. Given the time frame for this research, most interviewees were from the major cities. In the time available for this research, it was only possible to speak to police officers who were directly involved in the policing of alcohol-related activity, that is, they were part of a taskforce, deployed to a drug and alcohol unit, were part of an enforcement command, or had direct experience working with licensees and/or licensing agreements<sup>2</sup>.

In almost all cases those who were interviewed were frank and candid in their views. Interviews were recorded and transcribed by the author. Telephone conversations were held with many participants to check and clarify information. The researcher attended formal state alcohol forums, Accord meetings and conferences during the research period. Where time and opportunity permitted, participant observation, which included 'ride-alongs' with police patrol vehicles was also part of the research process.

Licensees and industry generally were not formally interviewed for this project. It was not possible to include many general duties officers in discussions and interviews. As a result the police as represented in this report are knowledgeable about alcohol issues and are informed in their responses. Had general duty officers been included it is unlikely that the level of information (received by the researcher) would have been as detailed.

Accounts of police perceptions and experience of their tasks and activity are rare. Their role as participants in partnerships for example, while recognised in much of the literature, is not included as an integral part of exploratory research. This report uses a qualitative approach to understand how Australian police address the problem of alcohol-related violence and anti-social behaviour in and around licensed premises. It does not provide a cultural explanation for the various responses, although it is acknowledged that police culture may well inform the way they experience and negotiate their workplace. Yet, as I have argued elsewhere, it is important that we acknowledge police officers' accounts of their direct work experiences as they provide us with a perspective that is missing from more formal narratives. Police make sense of their work activities better than most researchers, and indeed, better than those who are unfamiliar with police practice. If we are to understand how police officers approach and negotiate complex problems, we must ask them. We should not underestimate the factors that they see as shaping that activity. Their perceptions greatly assist our knowledge about police practice. Their perceptions form the basis and focus of this report (Fleming 2006: 88-89; Fleming 2008; Weick 1995).

The report is not intended to be an exhaustive study of the topic – rather a first step in identifying how police are adapting their systems and responding to what is essentially a 'wicked problem'. Wicked problems are defined as those problems that span a number of policy arenas, are impossible to resolve, and the responsibility for which stretches

across several stakeholders; invariably, stakeholders with different perspectives on how such a problem should be addressed. The report acknowledges the diverse nature of policing in Australia and does not endeavour to compare and contrast administration or strategy across the various police organisations. Nor does the author seek to independently evaluate any of the strategies or practices outlined here.

To avoid the impulse to cherry-pick quotations, police quotes have only been used where at least three or more police officers have made similar comments or observations. Officers are identified by rank, but not by name or organisation by request. Other participants are also identified by their title rather than their organisation. Examples of specific programs or partnerships have been used in the report because in most cases they have been formally evaluated.

### **1.3 WHAT EXISTING RESEARCH TELLS US**

Alcohol is not an ordinary commodity; it is a regulated substance because of the recognition that its abuse creates significant economic, health and social problems (Babor et al 2003). Public disorder, aggression and violence in and around licensed premises is of growing concern to many communities in Australia, and elsewhere (Graham and Homel 2008; Lang and Rumbold 1997; Hadfield 2006; Haines and Graham 2005; Taft and Toomey 2005; Dingwall 2006; AERF 2008). Research tells us that licensed premises are a major site of alcohol-related violence and elevated levels of anti-social behaviour in Australia (Teece and Williams 2000; Homel and Clark 1994; Stevenson 1996; Briscoe and Donnelly 2001 a) and elsewhere (Murdoch et al 1990 cited in Graham and Homel 2008). Much of this behaviour goes unreported (Bryant and Williams 2000). There is significant evidence that restricting the availability of certain types of liquor (For example cask wine, full strength beer) will reduce levels of harm (Chikritzhs et al 2007). We know that extended trading hours in licensed premises increase the level of alcohol consumption (NDRI 2007) and subsequently the extent of anti-social behaviour and alcohol-related violence (Chikritzhs and Stockwell 2006; Loxley et al 2005). Alcohol-related violence and anti-social behaviour are particular issues for indigenous people, but programs, local initiatives and policies that target the drinking environment can reduce the incidence of harmful drinking (Gray and Chikritzhs 2000). There is some evidence that increasing the age at which an individual can purchase or legally drink alcohol can reduce the level of alcohol-related harm. There is also some evidence that policies raising taxes on alcohol will reduce consumption (Babor et al 2003, NDRI 2007). Evidence is also accumulating that points to the relationship between alcohol outlet density and assault (Chikritzhs et al 2007).

A number of risk factors have been identified that increase the potential for alcohol-related violence; for example, management practices, poor lighting and ventilation (Homel et al 2004), patron intoxication (Homel and Clark 1994), poor regulation of security staff (Prenzler and Sarre 1999) and a range of environmental variables associated with the physical aspects of the drinking establishment (Graham and Homel 2008). Many of these risks can be alleviated by responsible self-regulation, law enforcement and government regulation through liquor licensing authorities and other agencies (Rydon and Stockwell 1997). This research potentially provides police and other stakeholders with a starting point to develop preventative measures and effective strategies as part of their approach to policing alcohol-related activity in and around licensed premises. This starting point is assisted by the knowledge that only

a small proportion of licensed premises are directly associated with the vast majority of alcohol-related problems (Jochelson 1997; Briscoe and Donnelly 2003) and these premises are often grouped together geographically (Catalano and Stockwell 2002, cited in Nicholas 2004).

This impressive list of alcohol research studies is not exhaustive. What it does is suggest the range of research that is being conducted across Australia and elsewhere. Australian law enforcement studies that focus on policing activity in and around licensed premises are few and far between, although Homel and his colleagues' work has provided a continuing focus for this research. The author offers no explanation for this lack of research, but suggests that given the regulation and enforcement role of police in alcohol-related activity in public places, such research should be further encouraged. In Australia, both the Bureau of Crime and Statistics Research and the National Drug Law Enforcement Research Fund (NDLERF) have provided much of the research available to date<sup>3</sup>. The benchmark research for policing activity in and around licensed premises has been Doherty and Roche's 2003 monograph. This work documents best practice in the policing of licensed premises and provides a comprehensive guide to police strategies and the challenges they confront. This current research updates some of this work and provides an alternative interpretation for the reader.

## 1.4 ENFORCEMENT

Liquor licensing enforcement is a tricky business. As Findlay et al (2002: 85-86) have pointed out, enforcement invariably encroaches on legitimate business concerns and its responsibility lies with many players. However it is the police who carry the primary responsibility for enforcing policy, regulations and legislation. Enforcement is important and a central feature of best practice in policing licensed premises. Police enforce compliance in relation to drunkenness, violent and aggressive behaviour, intoxicated persons, disorderly conduct and public annoyance through liquor laws and other legislation outlining general enforcement powers that may relate to licensing premises (such as occupational health and safety for example). Police-specific legislation generally provides moving on powers and importantly provides for police discretion. This legislation and a range of local laws and regulations vary across jurisdictions and are the legal mechanisms used for reducing negative alcohol-related activity around licensed premises. Most licensees 'do the right thing' – that is, they promote responsible drinking and operate within liquor licensing frameworks and legislation (Donnelly and Briscoe 2001a). However, in a highly competitive environment it may be tempting for licensees to engage in practices (such as undercutting prices) to 'keep up' with their competitors if they feel unsupported by police and regulators generally. As Graham and Homel (2008: 57) note, the unacceptability of violence and aggression in licensed premises 'needs to be a consistent message given by licensing policies, legislation, enforcement and regulatory practices'. It is also a message that should be reflected by licensed premises themselves. Violence and aggression in drinking establishments is likely to be higher in premises that are known to tolerate such behaviour (Graham and Homel 2008: 90).

Enforcement is achieved in a number of ways, and many studies have been documented that demonstrate the effectiveness of enforcement (Graham and Homel 2008: 205-216). However, historically, police have been more likely to direct their enforcement activity towards individual patrons rather than licensed premises (Craze 1994; Briscoe and Donnelly 2003). This research suggests that a lack of knowledge of licensing laws has

led to an emphasis on the patron and the reduced likelihood of police enforcing licensee breaches (Findlay et al 2002). As this report suggests, however, there has in recent years, been a discernible shift in enforcement focus from the patron to the premise.

## 1.5 SHIFTING BACK TO THE CENTRE

The regulation and policing of the liquor industry and the adverse effects of consumption in public places has long been a subject of debate in Australia (Grabosky 1977; Lewis 1992). Prior to the 1990s, internal police liquor licensing branches were responsible for the regulation of licensed premises and were primarily concerned with procedural breaches of liquor law (Rydon 1994: 241) and the 'policing and punishment' of patrons drinking on licensed premises, rather than on licensees, management or staff (Craze 1994: 85). However, concerns about the narrow focus of such units (Ireland 1995: 162) and potential integrity and corruption issues, eventually led to a more decentralised approach (Rydon 1994: 239), where responsibility for the enforcement of liquor licensing laws was often vested in a senior officer, who in turn delegated the responsibility to local districts (Craze 1994: 89-100). While police retained the important role of enforcing relevant legislation and maintaining public safety, liquor licensing authorities were established to assist in the provision of the administration and monitoring requirements of liquor legislation<sup>4</sup>.

Many police believe that the decentralisation process allowed the policing of alcohol-related activity in and around licensed premises to lapse. As Police Commissioner Callaghan observed in the Western Australian context:

I don't believe the licensees are being brought to account ... licensing enforcement need[s] significant expertise and [is] not well handled by individual police districts, largely because officers have too many other pressures to deal with (*Sunday Times* [Perth] 5 August, 2007)

Such a view is not confined to Western Australia; police officers all over the country made similar observations and suggested that the policing of liquor licensing had largely become reactive and unfocused under the decentralised system:

What's happened is that we've let it get away from us ... over time the whole alcohol issue, especially in terms of violence and general disorder, has just got worse without us even realising it. We've allowed poor practice to flourish and industry to call the tune. Incrementally it's crept up on us and essentially we are unprepared and basically fighting a rear guard action (Senior Sergeant).

It hasn't been a major issue for us for years now – just part of general duty policing on the weekends really. Much of what we do is about how many people we've got on and what else is going on in town. It's never been a priority as far as I can remember. It is now though apparently (Sergeant).

Doherty and Roche (2003: 48) also noted the 'less than optimal level of attention' given to the policing of licensed premises. Very recently, police organisations have begun to shift their policing activity in and around licensed premises to a more focused approach. Specialised divisions or units (other than the jurisdictional alcohol and drug administrative units) such as Liquor Enforcement Divisions, Strategic Enforcement Branches, Liquor Enforcement Branches and Alcohol and Licensing Enforcement Commands are being established to coordinate and tackle alcohol-related crime and to support local police<sup>5</sup>.

As one Commissioner put it, 'we're effectively recapturing some sense of regulation and centralisation'. South Australia is considered by most police organisations as being at the forefront of this approach:

They are doing things very well over there – we’re actually planning an exchange with them shortly so a couple of our blokes can go and work in their Branch. We’ve also got one of their Sergeants coming to talk to us next week about some of their initiatives. We would say they are probably at the forefront of refocusing strategy and consolidating some of the information and knowledge (Superintendent).

Most of the specialised divisions have dual objectives

Our responsibility is to support general duty police and licensing authorities in their compliance activities particularly those that involve late night trading and licensed venues. We also see ourselves as a bit of an advisory unit. Helping licensees reduce risk through better understanding of what they can do and what they can’t. You’d be surprised at the level of ignorance out there (Inspector).

Many officers believe that the centralisation of intelligence and strategy has resulted in better communications with other agencies:

One of the problems we had before was that [liquor licensing] would go straight to the local stations and try and solve a problem that way. Now they know that there is a central unit, they are coming to us in the main and that has improved communications a lot and provided a more consistent approach (Chief Inspector).

One of the obvious benefits of bringing officers together in a common cause is the way in which potentially intelligence can be managed and acted upon. As one officer put it:

Under the competition policy<sup>6</sup> we can no longer object to licenses etc on the grounds of need so if we want to shut somewhere down or whatever, we have to appeal for that in terms of the public interest. So that means we have to have evidence, not just anecdotes but evidence ... video footage etc ... to support our claims. Since we’ve been in the Division we’ve had a really good win with [liquor licensing] and shut a very central venue down. Hopefully for good (Superintendent).

The increased use of intelligence by police to inform practice is discussed in more detail below.

## 2. STRATEGIES

### 2.1 FRONT-LINE STRATEGIES

#### 2.1.1 *The patron*

Front-line strategies may be defined as those strategies that are employed on the streets or in licensed premises when police are actively seeking to reduce risk and/or control and manage adverse behaviour. As noted above, traditional front-line strategies have targeted the patron rather than the premise, although nowadays, the importance of the venue itself as a site for law enforcement is acknowledged. Front-line strategies are driven by two factors – the importance of keeping a visible police presence on the streets and the community safety imperative. The strength of such strategies is driven in part by available resources and other organisational imperatives. Police enjoy a significant degree of mandated flexibility in the decisions they make in the course of their duty (Vinzant and Crothers 1998) and discretion is considered a significant police tool for dealing with people who are disorderly or drunk, but not a danger to themselves or others. As one senior officer noted:

We are reluctant to use the custody option – we would prefer diversion. Particularly where young people are concerned. You need to try and keep them out of the system if you can. We try and get their friends to take them home or ring their parents – in fact any strategy that gets them off the street. Why? Because we are interested in public safety, public safety and public safety. When you are drunk you run the risk of being either a victim or an offender (Acting Inspector).

On-the-spot fines in the form of liquor infringement notices (LINs) are used in most jurisdictions as an alternative to prosecuting offenders for minor street and liquor offences. In the ACT, recent legislation provides police with an option to issue infringement notices to individuals found consuming liquor within 50 metres of a bus interchange, a shop, licensed premises or a place prescribed by regulation.<sup>7</sup> Similarly, since July 2008, Victoria Police has been able to issue infringement notices for certain minor offences. These offences include refusal to leave licensed premises or engaging in offensive behaviour in a public place. As well as an infringement notice, offenders may be banned from a specific area, or all the licensed premises within that area, for up to 24 hours (*The Age*, 27 June 2008). New South Wales's new legislation (2008) also provides for on-the-spot fines. The advantage of using LINs is that they increase enforcement capacity for police and reduce resource implications for the justice system.

Most police officers deemed infringement notices to deal with drunken behaviour in and around licensed premises as more practical than taking individuals to the watch-house/sobering up centres or arresting them formally. These strategies are considered a last resort, especially in busy periods:

If we pick up a drunk off the pavement, put him in the van, take him back to the watch-house, process him and then come back to the street – we have lost at least 45 minutes. And that's if he hasn't thrown up or put up a fight on the way. That's two officers and a van off the street. The visible presence thing goes out the window. Unfortunately as you have seen tonight most of the people we pick up have passed out on the street with all their possessions at their feet. They are obviously going to be a victim of either robbery or assault if we don't take them away, and then of course it makes the front page news (Senior Constable).

Safety is a much talked about objective. Most police organisations have public safety as a central plank of their strategic plans and much police activity is driven by notions of safety – either in terms of reassuring patrons they are safe or ensuring patrons are safe:

Drunkenness is no longer a criminal offence here so it's not exactly an offence to be lying drunk in the street but you're better off spending four hours in the cell than you are lying unconscious in the street taking your chances with what ever else is going on around you (Superintendent).

These strategies may be considered 'reactive' where officers are dealing with incidents of offensive behaviour, violence or crime in public places on demand:

When we get a call from a member of the public we have to respond – we also have to attend when a licensee calls – that's our job. They call because they need an immediate response and they expect us to sort it out. At that time we are doing what we are paid to do – keep the peace and make sure everyone is safe. Sometimes there isn't a lot of time for strategy (Sergeant).

Yet front-line strategies can also be proactive. The importance of visible presence is acknowledged by police, the industry and patrons. Where resources allow, police organisations provide a proactive response – high police visibility in peak periods, managing their rosters to make visible presence a reality. This presence is particularly important around areas where intelligence (discussed below) has identified problematic premises or potentially volatile street areas.

### ***2.1.2 The premise***

Police use a range of enforcement options on the front-line to deal with recalcitrant licensees and licensing staff generally. Liquor infringement notices or penalty notices and cautions are all available strategies. Talking to officers across jurisdictions it is clear that the use of discretion in front-line enforcement results in inconsistent practices that may cause tension across licensed premises in a single area (see NSW Audit Office 2008: 41). While some officers took a zero tolerance approach to licensee breaches for example, others were more likely to issue warnings. In an attempt to avoid inconsistency, one jurisdiction is developing a template to achieve some standardisation of police procedure and process for addressing alcohol-related issues. Other jurisdictions have a system whereby warnings are followed by 'formal chats' at the station with senior police officers; following that, a three-way conversation that included senior staff from liquor licensing authorities:

The thing is if we are going to develop some type of relationship with these people we need to keep the doors open for communication purposes. No good me going in like a train – you've got nowhere else to go then have you? A warning will quite often do the trick, if it doesn't an invitation for tea at the station usually helps them along (Senior Constable).

Nowadays our strategy is to identify a licensee's problem, try to educate him about possible solutions, give him time to act upon that advice, audit the premises and then where that fails, start to enforce compliance (Commander).

Prosecution is considered a last option for most officers:

We've given up on the courts – while everyone is waiting for that process, the licensees are just carrying on business as usual. That doesn't help us at all (Sergeant).

A penalty notice is just a smack on the wrist really but it does the job in most cases. I haven't got time to prosecute everyone and what does it achieve anyway? They've forgotten what they are there for by the time it gets to court (Inspector).

Proactive raids or targeted operations are informed by intelligence. Such operations are determined by resource availability and are more regularly employed in the larger

cities. The 'short, sharp intervention' either in the street or inside licensed premises is considered by many officers as a way of 'pleasing the press, keeping governments off our backs and making the punters feel safer'. Perhaps the ultimate front-line strategy is the 'short, sharp shut down':

Under our legislation an Assistant Commissioner can be asked to authorise a shut down of a premise if things get out of hand. There aren't too many of us though who are going to get an Assistant Commissioner out of bed at 2.00 am in the morning for something like that! (Acting Inspector).

It is clear that the premise rather than the patron is becoming, at least in terms of intelligence and targeted activity, the focus of police efforts. It is not clear as yet to what extent this focus has translated into effective enforcement (and prosecution) of licensing regulations and legislation.



## 3. MONITORING AND REGULATION

The conduct and practices of licensees, their staff, liquor licensing authorities, police, local councils and business all contribute to the incidence of alcohol-related problems (Doherty and Roche 2003 39). Rydon and Stockwell (1997) argue that such problems are minimised by three regulatory approaches: responsible self-regulation by licensees; law enforcement, and liquor licensing authorities. The primary responsibility for changing or managing poor behaviour in and around licensed premises however is largely perceived to be vested in police. When things go wrong it is often the police that become the public scapegoats (see for example, *Sydney Morning Herald*, 23 April 2008). Since the disbandment of internal liquor squads in Australia in the 1990s, police organisations have co-shared the formal monitoring, regulation and enforcement responsibilities with liquor licensing authorities.

Liquor licensing authorities have primary responsibility for the administration of liquor laws, but there is considerable overlap with police in terms of regulatory responsibilities and powers. In essence they 'play a dual role in enforcing liquor laws' (NSW Audit Office 2008: 41). The level of monitoring and regulation by liquor licensing authorities differed across jurisdictions however. While some were very 'hands on' and proactive, others had low levels of regulatory activity and were more ad hoc in their approach. What was clear was that there was significant overlap between the roles and responsibilities of both police and liquor licensing authorities. The essential difference is, as one officer observed:

The thing is we're interested in public order and safety and they're interested in compliance issues around the license, noise and such like – we're both interested in the well being of the community but police are primarily focused on preventing crime and perceptions of safety – we both have different end games (Commander).

Other than the front-line strategies discussed above, police use a range of enforcement options to fulfil their obligations to monitor and regulate the areas in and around licensed premises. The monitoring and regulating activities of police take a number of forms.

### 3.1 'WALK THROUGHS'

The traditional 'walk through' of licensed premises is a feature of most police organisations' regular activities. The strategy here is to observe and collect information on the activities of the licensee and/or the staff. In recent years there has been a focus on the responsible serving of alcohol (RSA) particularly in relation to intoxicated persons and under-age drinking. Traditionally, RSA practices in Australia are generally lax, with few prosecutions for server-liability offences. Lack of management oversight and poor police enforcement have been cited as critical factors in explaining poor industry compliance in this area (Ryder et al 1996).

'Walk-throughs' may be conducted by uniformed officers from a specialised unit or task force or in conjunction with a licensing inspector from the liquor licensing authority. Although as one officer pointed out:

We don't really like walking through on busy nights – I know some of the guys like the social aspect of it all but for most of us there is a concern about our uniforms and guns provoking an already volatile environment ... in this area we walk through during the day to check out signs, chat with the manager or whatever – we leave the nights to the task force people (Senior Constable).

Only one jurisdiction regularly ‘walked through’ with a licensing inspector as ‘a joint operation’. For most jurisdictions there was a general skepticism about licensing inspectors and their ability to assist police in managing alcohol-related activity in licensed premises:

The ones we have here shout health and safety at me every time I ask them to come along at night. They don’t want to go in. There is a very low level of liquor licensing monitoring/enforcement here – we provide information about licensees and venues to [the Liquor Authority] in fact they rely on us to provide them with that information (Inspector).

‘Walk throughs’ provide an opportunity for police to monitor compliance with individual license conditions and liquor licensing legislation generally. Enforcement options available to police, range from liquor infringement notices to prosecutions (where court systems prevail) or reports to liquor licensing authorities for further investigation. Most jurisdictions agreed that ‘walk throughs’ were usually conducted by officers familiar with liquor laws and local regulations. A general duties officer would be unlikely to walk through a licensed premise on a regular basis:

The trouble is the legislation is so confusing and we have so many councils here and they all have their own by-laws and such like. It’s hard for us experienced officers to keep up, let alone the GDs [general duty officers]. You can’t expect them to go and look for breaches when they are not confident about the law – they just don’t do it (Inspector).

What we’ve got now is a lot of generalised police officers with very little knowledge of licensing laws or procedure ... the ‘let it be’ approach has led to an inconsistency of deployment across the state, no wonder everyone is getting away with everything (Superintendent).

Before, alcohol was just another thing to do – so we lost all that knowledge we had about liquor investigation. We weren’t being consistent in terms of service delivery or enforcement generally – we’re getting back to where we were ten years ago and it’s working on a number of levels (Inspector).

It has been suggested that a lack of police knowledge, skills and training in liquor enforcement laws may have a detrimental effect on enforcement generally in this area (Smith et al 2001). Doherty and Roche identified a lack of officer knowledge in policing licensed drinking environments as a significant barrier to effective policing (2003: 55). In 2008, and in most jurisdictions, police agreed that apart from a smattering of liquor law instruction at the academy, few officers were very familiar with related legislation and regulations. Other than those officers who were involved specifically in liquor licensing enforcement, many officers did not feel confident about enforcing compliance on a licensed premise. However, the introduction of centralised units has gone some way to rectifying this problem particularly for those officers in the unit. Some jurisdictions are conducting liquor legislation training for general duties officers and most Drug and Alcohol Coordination units (or their equivalent) within police organisations are able to supply training material where required. The NSW Audit (2008: 30-31) of the role of policing and liquor licensing authorities in working with licensed premises, identified the training gap in NSW and recommended licensing training for all general duty officers ‘to ensure they have the licensing skills and knowledge to assist them to carry out their duties’.

### 3.2 INTELLIGENCE-BASED ACTIVITY

In recent years, there has been a strong emphasis on intelligence-based, proactive work which concentrates on targeting offenders (overtly or covertly); the management of crime and disorder ‘hotspots’; the investigation of crimes and incidents that

appear to be linked; and proactive, preventive measures that emphasis collaborative partnerships to reduce crime and disorder (Ratcliffe 2003: 2). In the licensing context, police apply this approach to target recalcitrant licensees/staff, to identify problematic premises with a view to focusing scarce resources and as we shall see, working with other organisations to address the issue of alcohol-related activity in and around licensed premises. One of the primary objectives of such an approach is to collect evidence that will support police in potential prosecutions, or in responding to applications to the licensing authority for extended trading hours or new license conditions generally:

Our database has proved invaluable in identifying those venues that have compliance problems. I don't know if it's a coincidence but where there's trouble there's invariably non-compliance of some sort. Nowadays we need this information to make our cases. It gets harder and harder to prove that shutting down a trouble spot is in the public interest (Sergeant).

Perhaps the oldest and most well known of the data collection programs is the Alcohol Linking Program in NSW. Simply, this program involves police systematically collecting and recording the alcohol consumption characteristics of those who are involved in a police-assisted incident. The information includes the name and address of the last place of alcohol consumption. This information is passed to the specific licensed premise cited in the report. Premises that are associated with such activity are subject to police audit and inspections. Results of the audit are also provided to the licensee (Internal document, NSW Police). Even allowing for the limitations of using agency-collected data, consistency of recording practices and the use of self-reporting data (Briscoe and Donnelly 2001b), this program has been positively evaluated. It is now a formal part of routine police practice in NSW and, indeed, in New Zealand (Wiggers et al 2004). The capture and recording of this information is pivotal to the ways in which strategy and regulation can be informed and crucial for building evidence against specific establishments and/or licensees. Such information forms part of the Alcohol-Related Crime Information Exchange (ARCIE) database.

The ARCIE database in NSW captures information on liquor-related infringements and offences, court proceedings and outcomes related to licensed premises and licensees. It enables the consolidation, exchange and sharing of accurate and timely data relating to alcohol-related crime. This centralised database enables NSW police and liquor licensing authorities to identify problematic premises and develop effective and strategic responses to target those small numbers of licensed premises responsible for a disproportionate amount of alcohol-related crime. Currently, liquor licensing authorities in NSW have to request crime data from police and police have no formal information on the compliance activities of the liquor licensing authorities. The NSW Audit (2008: 25) identified this lack of communication as a potential problem in terms of efficient practice and duplication of effort. The ARCIE database will rectify this anomaly, but at the time of writing there was a data interruption in relation to the information exchange between NSW Police and liquor licensing authorities which is being reviewed (email correspondence, NSW Police).

In Queensland, the Liquor Enforcement and Proactive Strategies (LEAPS) are designed to address systematically alcohol-related violence and disorder associated with, or occurring in and around licensed premises. The LEAPS utilise a computerised database to collect, collate, store and interpret a wide range of variables associated

with alcohol-related incidents. This database is used to generate intelligence reports for police, drawing on both general and incident-specific information, identifying 'hot spots' and other premises that are at risk of becoming problematic. In the past ten years, LEAPS has been rolled out across Queensland. It has been evaluated and is currently undergoing a longitudinal and economic analysis by Queensland researchers (Internal Document, Queensland Police Service).

Other jurisdictions in Australia are now recognising the potential of such databases and are beginning to incorporate features of these linking programs into their own practice. In November 2007, for example, South Australia began its Alcohol Information Reporting database. The Alcohol Information Reporting database currently captures last place of drink of the victim/and or offender and an assessment of either the victim or offender's level of intoxication at the time of police contact:

We see Alcohol Information Reporting data as a good starting point in identifying premises that are contributing to aspects of public safety and public order. We realise there are issues with what officers see as intoxicated etc ... but the data provides us with a benchmark at least. It also provides useful information and can rank premises according to the numbers of incidents and assessment of intoxication of persons with whom police have contact. When this data is overlayed with other police information sources, including police attendance data and intelligence, it provides a good picture of problematic venues. It's in its early stages but we are happy with the way it's going (Chief Inspector).

Victoria is currently trialling the Alcohol and Drug Recorded Intelligence for Tasking project (ADRIFT) and Western Australia is working towards a similar system with its Alcohol-Related Incident Form. In many jurisdictions there are problems with officers not wanting to 'fill out yet another form'. This reluctance is reflected in the figures over time as statistics move from one extreme to another. As one officer pointed out, 'large increases can usually be attributed to 'a bit of a push from the hierarchy!' The issue of how intoxication is defined and how officers formally identify 'degrees of intoxication' was 'an issue at times'. However, despite the perceived anomalies, the strategy was regarded by most as 'very useful' for intelligence purposes.

The collection of data and intelligence on liquor-related breaches, offences, prosecutions and court outcomes related to licensed premises and licensees is crucial for two reasons. Such data assists police in developing their strategies and programs addressing liquor licensing issues. The information and 'evidence' enable police to create portfolios of information of licensed premises and licensees that may be used when evidence (or indeed, opinion) is required either by police management, liquor licensing authorities, courts or other government institutions.

### **3.3 TASK FORCES OR THE "GROG SQUADS"**

As well as local police campaigns to address violence and anti-social behaviour,<sup>9</sup> police organisations are also establishing specialised teams or task forces to address public order issues generally and alcohol-related activity in and around licensed premises. While some of these tactical groups are funded for short-term periods, others are driven by business plan priorities and not necessarily linked to funding arrangements. Many of them are part of broader state plans that identify the reduction of anti-social behaviour and safer communities as primary objectives and key performance indicators. Most of them emphasise public order and are part of a broader concern with a safe environment and community perceptions of safety. Licensed premises are seen as an integral part of these initiatives.

Public Order Response Teams (PORTs) established in Tasmania in 2007 target areas prone to anti-social behaviour and public order incidents. The regular monitoring and enforcement activities in and around licensed premises is a central part of PORTs' responsibilities. Public Order Response Teams' role is essentially to monitor licensed venues through regular 'walk-throughs' to check on RSA practice, security, and general administrative requirements. The PORTs provide information to liquor licensing authorities about licensees and venues. They also contribute to discussions about potential licensees, objections to a change in license conditions or recommendations about disciplinary procedures. They are actively involved in front-line policing strategies. Although there has been no formal evaluation of this project, Tasmania Police are noting the statistics with care. In the last year (07-08), the PORTs have served approximately 1400 liquor infringement notices statewide under new legislation that prohibits individuals drinking in public places. Similarly in the last year, in the Southern District, there have been 400 public order arrests with the majority (337) alcohol-related<sup>10</sup>.

In response to deteriorating public order issues and an increase in assaults in and around licensed premises, Victoria Police established a SafeStreets public safety research team in October 2007 (ABC Online News 28 July 2008). The SafeStreets project is charged with identifying triggers and precursors to public safety-related crime and behaviour; establishing the effectiveness of existing and potential policing and regulatory strategies, and in identifying and engaging partners for an inter-government approach to public safety generally. The SafeStreets Taskforce currently operates every Friday and Saturday night with over 50 police personnel patrolling the streets of Melbourne. The concept is still in its early stages but it is envisaged that other agencies will be called upon over time to assist with safety initiatives<sup>11</sup>. In the same state, Taskforce Razon, an undercover force of 20 officers to crack down on licensing breaches and irresponsible practice, has also recently been established to 'crack down on pubs and clubs that continue to serve people when they are intoxicated'. Nick-named the "grog squad" by the media, the task force brings together regulation and enforcement and works covertly and overtly to identify poor practice and unlawful activity in licensed premises (*Herald Sun* 25 April 2008).

Tailored for the Darwin and Palmerston areas in the Northern Territory, the First Response Patrol (FRP) established in 2008 is a daytime patrol to tackle anti-social behaviour. The patrol of eight community engagement officers (non-sworn personnel) work with the Northern Territory Police and other organisations to patrol anti-social behaviour hotspots. Among its objectives, the FRP aims to patrol anti-social behaviour hotspots on a regular basis to gather intelligence and build relationships with the community and to intervene early on the ground to cut down the causes of anti-social behaviour. The FRP and a newly established Night Patrol both operate seven days a week. These patrols complement each other in dealing with issues that could potentially lead to anti-social behaviour in the community. Although there has been no formal evaluation of this project, some preliminary analysis of the relevant data suggests that there was a reduction of approximately 140 anti-social behaviour type jobs for the six weeks after FRP commenced (email correspondence, Commander).

Despite skepticism amongst some officers, there was a general enthusiasm around the establishment of the various task forces and specialised units. It was clear that resources that could be earmarked for specific proactive work, even in the short-term, were very welcome. An Inspector summed up the views of many of his state counterparts:

GD's [general duties officers] are just too busy to do this stuff – so it doesn't get done. Having a team that is completely committed to this and this only is a real bonus – especially now. I just hope we can show that it should be more of a long-term strategy (Inspector).

Others are more secure knowing that their team is funded under the broader umbrella of an organisation's strategic plan and/or business priority:

The contribution to licensed venues is an important part of public order and perceptions of safety. All local areas are tasked with making the environment safer as part of our core business. The task force will be reviewed regularly but it is not tied to a specific funding arrangement (Chief Inspector).

Another senior officer made the observation:

The policing of local areas is largely the responsibility of an Inspector. The type of priority it affords is demonstrated I think in the fact that 200 notices were issued last year and we have about 18,000 licensed premises. It makes it worse if I tell you that the top four stations in the state issued most of those notices over two weekends! It's not a criticism as such – liquor licensing stuff is only one of many things we do. We need these task forces if we are to keep on top of things (Inspector).

Other jurisdictions have introduced and implemented a variety of task forces. In South Australia for example, Streetsafe and in Queensland, SPOT (Special Public Order Team). None of these initiatives have been formally evaluated.

## 4. IN PURSUIT OF PARTNERSHIP

Partnerships and collaborations between police and the liquor industry have emerged slowly over the past 25 years, with a general move by key stakeholders towards being more collaborative, consultative and proactive in their dealings with each other, and with the complex issues associated with alcohol consumption. Consultative committees and joint coordination groups were the early precursors to the more extensive partnerships we are more familiar with today. Partnerships and collaboration generally is seen as one of the cornerstones of best practice in efforts to reduce alcohol-related harms (Doherty and Roche 2003) and is considered a crucial component of 'problem-orientated policing' (Goldstein 1990; Bullock et al 2006). In recent years there has been inter-state collaboration between police organisations<sup>12</sup>. As Bullock et al (2006: 143) note, 'the general aim of working in partnership in the field of crime reduction is to share and mobilise resources in order to target them to best effect and to avoid unnecessary confusion, duplication and contradiction'. Inter-state collaboration is a good example of such partnership work. Both Australia's National Drug Strategy and the National Alcohol Strategy continue to support effective working partnerships between governments, affected communities, business, industry and community-based organisations (Department of Health and Aging 2006; MCDS 2006; APMC 2005).

Despite the paucity of research in this area and the lack of rigorous evaluation of the various programs (Fleming 2006), there is some Australian research testifying to the effectiveness of partnerships as a strategy to reduce alcohol-related crime (see for example, Felson et al 1997; Trifonoff and Pfitzner 2005; Homel et al 1997; Douglas 1998; Gray et al 2000; Hauritz et al 1998; University of Ballarat Centre for Health Research and Practice 2004).

In Australia, there is no one department or organisation that is responsible for the regulation of licensed premises, or indeed, the monitoring and regulation of the public areas around licensed premises. There is however, a general recognition that police or any other agency cannot go it alone. Negotiated partnerships are seen as 'central to sustainable improvements in crime and justice' (Fitzgerald 2001: 202-208; 371). If a more holistic approach to the issue of regulating public order in and around licensed premises is to be established, then partnerships adopting problem-orientated strategies are clearly the most effective way to achieve this result (see Edwards and Benyon 2001; Liddle and Gelsthorpe 1994). Unlike the United Kingdom, in Australia there is no formal mandate for police to work through partnerships (Fleming 2006: 88), although increasingly police organisations are participating in collaborative and multi-agency work and allocating resources to do so.

Much has been said about the benefits of police collaborative strategies. In the context of policing alcohol-related premises, Donnelly and Roche (2003: 98) suggest that:

Collaborative interventions in licensed premises appear to offer the most potential for reduction in interpersonal violence in public places. In the Australian context the importance of strategic direction, proactive policing, intelligence, collaboration and integration are considered the key organisational factors for best practice policing in licensed premises.

The authors document the following perceived benefits (2003: 74-81):

- allows participants to develop responses that meet the needs of all stakeholders
- allows the development of skills and abilities that enhance responses to alcohol-related harms
- provides opportunities for proactive activities
- reduces the amount of time dedicated to reactive strategies
- identifies the pre-service and in-service training needs of police officers
- allows specialist liquor licensing staff to operate as a resource to guide operational activities
- collaborative engagement is cost effective
- allows for the identification of local problems
- collaborative strategies are valuable as a guide for future police activity.

Notwithstanding the lack of empirical data and formal evaluations to support many of these observations (Fleming 2006), it would be churlish to deny the potential benefits of collaborative work. Just getting people around the table and acknowledging the importance of working together is a strategic achievement. However, research tells us that basic elements have to be present if partnerships are to succeed and be sustained on any level:

- adequate resources
- limited participant turnover
- legal and executive representation
- management and organisational commitment (Fleming 2006)
- shared values and norms (an appreciation of divergent organisational cultures) (Crawford 1997; Ryan et al 2001)
- trust and reciprocity between participants (Rhodes 1997)
- obvious participation benefits (Liddle and Gelsthorpe 1994)
- in some cases the political endorsement of such partnerships will be crucial (Bullock et al 2006).

Most of these issues were mentioned by police officers and other participants engaged in partnerships, not always positively. Nevertheless, it was noticeable how many police officers believed that regardless of the difficulties and problems associated with such strategies it was worthwhile to persevere. At the most basic, most organisations engage in formal collaborations with the local councils and licensing authorities. Where applicable, most licensing police are involved in Accords. In some jurisdictions the partnerships have gone beyond the 'usual suspects' to include a range of other agencies and community groups. The following section outlines some examples of collaborative strategies that Australian police organisations engage with in an attempt to address alcohol-related harms in and around licensed premises.

#### **4.1 INTERAGENCY PARTNERSHIPS**

Although there are many partnerships that regularly come together to discuss crime prevention issues, a distinction needs to be made between locally specific partnerships such as Accords and those that address a particular problem in a broader context. The Northern Territory's Living with Alcohol (LWA) program is a good example of the scope for a number of agencies to come together to tackle the broader issues

associated with alcohol and licensed drinking environments. The details of the program have been well documented and are held up as a successful example of a partnership approach (Stockwell et al 2001; D'Abbs 2004). However, funding was stopped in 1998 and the program was eventually discontinued. As identified by the Northern Territory Department of Justice (Internal Document, 2006) and others (see D'Abbs 2004), the declining impact of the program was largely due to changes in decision makers, a departure from specialised and strong program management, a loss of expertise and loss of corporate memory.

It was noted:

There was growing belief in some quarters of decision-making that the program had "done its job". However, that opinion overlooked the need for continual reinforcement of the changes made and it was certainly at odds with the initial assessment that a 20 year timeframe would be required for sustainable change to become embedded (Internal Document, 2006).

In 2006, the Northern Territory Department of Justice considered the possibility of approaching the federal government, whose Northern Territory intervention had suggested to them that there might be some scope for resurrecting the LWA program. The Department suggested that there were a number of factors that would need to be in place if a renewed partnership were to be successful. These factors included:

- a secure funding base
- dedicated human capital
- long-term strategic planning
- strong accountability mechanisms for all participants and
- a focus on research and evaluation (Internal Document, 2006).

Such factors reflect the essential elements required for the development and sustainability of strong partnerships anywhere. The proposal was not pursued and the LWA program is unlikely to be revived in the near future. However, again in the Northern Territory, a group of agencies have got together, not as a mechanism for a comprehensive public health strategy but as a police-led multi-agency response to the alcohol problem in the Territory.

## **4.2 TASK AND COORDINATION GROUP**

In 2007, the Northern Territory Police Force and partner agencies began a process to develop a multi-agency response to anti-social behaviour in each of the major regions of the Northern Territory. A problem-oriented approach to these issues was taken where a focus was placed on the underlying problems and root causes, rather than continuing to respond to the exhibited symptoms. The approach allows participants to tailor responses to identified issues, which will potentially result in measurable solutions being developed and implemented.

According to senior officers in Alice Springs, where the partnership was initially developed, the purpose of the model is to reduce the occurrence and impact of anti-social behaviour usually associated with alcohol consumption. The framework which underpins the model is the Tasking and Coordination Group (TCG). This collaborative model encourages strategic and tactical partnerships with the community, local government and other Northern Territory and federal government agencies to achieve greater results by combining and linking strategies and resources to reduce, prevent and manage anti-social behaviour.

The TCG comprises a group of senior managers from organisations such as Centrelink, Health, Housing, Police, Justice and Liquor Licensing who meet regularly to discuss and make decisions on initiatives to address anti-social behaviour. The meeting process is considered essential to turn information and intelligence into strategies and actions. The TCG make decisions between competing demands on resources and provide specific direction to operational staff. The process allows the TCG to prioritise which disorder problems should be dealt with within the limitations of the available resources. An opportunity identified by police officers that derives from the TCG process is the ability to direct efforts and resources where they are deemed most likely to yield benefits.

The TCG framework encompasses seven central principles:

- The TCG must be committed to the process and ensure agreed actions are acted upon.
- The role of the TCG is to identify and prioritise areas of strategic importance and nominate a person or lead agency to develop strategies and actions to deal with the issue identified in the terms of reference.
- Meetings must be attended by representatives from organisations forming the partnership.
- All attendees should have sufficient executive authority to make decisions and commit resources.
- All decisions made and actions authorised at any tasking and coordination group meeting must be recorded. These notes should include the rationale for the decisions made including where no action is taken.
- The TCG Chair should nominate one person responsible for the completion of each action that is authorised at the TCG meeting.
- The Chair will ensure that objectives are set for results analysis.

It is far too early to make any assessment of the TCG. Preliminary discussions with some of the participants suggest small teething problems. However, there is a genuine enthusiasm for the project and its possibilities. It is possible that if the central principles are adhered to, and all participant organisations fulfil their commitments, that such a strategy will yield positive results. The TCG framework is now operational in Darwin and planning continues for its introduction in Tennant Creek.

### **4.3 ACCORDS**

The basic principles of liquor Accords in Australia grew out of the West End agreement with King Street licensed premises in Melbourne in 1990 (Graham and Homel 2008: 184). Accords are voluntary-based partnerships comprising licensees, business, local government authorities and community representatives to develop practical solutions to liquor-related problems. The purpose of an Accord is to develop local agreements or arrangements that will establish harm minimisation practices associated with sale and consumption of alcohol on licensed premises and related areas (Considine et al 1998; Doherty and Roche 2003; Spooner and McPherson 2001). In many instances, police drive the Accords, although occasionally they are initiated by a licensee. Accords are potentially a pro-active means of bringing about safer neighbourhoods without the need to resort to regulation or enforcement. Both NSW and Victoria provide for Accords in their liquor legislation. In Queensland, the Liquor Licensing Division work with licensees and local communities to enhance and extend voluntary

participation in the development and management of liquor Accords. In NSW, where there are more than 140 liquor Accords across the state, liquor licensing authorities monitor Accords and conduct workshops for potential Accord members (NSW Audit Office 2008: 29) Both states have Liquor Accord Units and conduct Liquor Accord conferences that attract visitors from interstate and New Zealand. Police are an integral part of Accord arrangements.

Early Accords were established in Surfers Paradise, Geelong, Fremantle and Kings Cross. These examples were formally evaluated (Homel et al 1997; Lang and Rumbold 1997; Felson et al 1997; Hawks et al. 1999). The central weakness identified by these evaluations was their reliance on 'voluntary compliance with good management practices by licensees'. When 'market competition' became an issue among participants, most aspects of the Accord became ineffectual, and key components of the Accord were invariably eroded. Another potential weakness is that familiarity between regulators and industry may breed contempt. Cooperation may result in the regulator becoming 'captured' or 'unduly influenced' by those being regulated. Such a situation may mean that aims of reducing alcohol-related violence and other focused objectives may be watered down to an emphasis on process and compliance issues that in themselves will not result in improvements to licensed premises or the communities they reside in (Graham and Homel 2008: 217, 220-221; NDRI 2007).

This research suggested that Accords work well in relatively isolated communities and where there is strong ownership by the licensees, the local community and close cooperation between the police and the licensees. Accords are by definition cooperative agreements, and only as strong as the commitment of the signatories. Examples of successful Accord-type collaborations can be found in indigenous communities, where the local strategy can range from promotion of drinking rights to prevention of access to alcohol. Factors which defined a successful Accord included effective communication, common goals, participation by relevant licensing bodies, police preference for preventative measures, early evidence that proactive policing works, and community support for initiatives that targeted problem drinkers and trouble spots (Spooner and McPherson 2001; Wiggers et al. 2004). The obvious benefits of such collaboration are the enhanced communications between participants and the sense of 'local control' that local input implies.

Licensing restrictions are considered by some police officers as superior to Accords, because Accords are not enforceable at law and therefore vulnerable to commercial pressure (Gray and Sagers 2002; Reid Howie Associates Ltd 2003). This vulnerability is evident from a controlled evaluation of a Western Australia Police Licensee Accord which demonstrated that compared to a control community, there were no statistically significant differences between levels of assault in the intervention community. This disappointing result has been ascribed, amongst other factors, to a failure to refuse services to intoxicated patrons, or require age identification and contradictory instructions given to staff (Hawks et al. 1999). Pre and post-evaluation of a Victorian Accord in Geelong offered more optimistic outcomes on reduction of serious assault rates (Gant and Grabosky 2000). Doherty and Roche (2003: 182) attribute the lack of sustainability and potential failure of Accords to the absence of legislative support, the withdrawal of cooperation by one or more licensed venue operators, low levels of law enforcement and the lack of responsible engagement with the Accord by licensed premises staff. Such observations are borne out in part by comments from licensees and other industry stakeholders involved in Accords:

Our Accord is considered one of the better ones in the state but we still only have about 45 members attending regular meetings. That's out of a potential 145. Membership should be compulsory (Accord Chairman)

I'd like to see legislation that allows a consistent approach between the various departments. For example, the local licensing authority and town planning – some consistency on venue and public space requirements for example (Licensee Accord member)

What happens is everyone shows up when there is a problem but while everything is hunky dory it tends to be a bit deserted (Australian Hotels Association representative)

It would help if police and liquor licensing were on the same page – sometimes it's all a bit defensive around the table (Licensee Accord member)

#### Police had differing views about the success or otherwise of Accords:

I don't like them myself – if you can't enforce a situation like that it just doesn't work in the long run (Sergeant).

The Accord is the best thing I've been involved in – mind you I do all the work, newsletter, organisation etc ... but it's working so why wouldn't I? (Sergeant).

Accords and self-regulation doesn't work where there is money to be made I'm afraid (Inspector).

Yes, they're OK. I've been involved with a few but it's hard work keeping it all together – and it's always the same people who turn up (Senior Constable).

We have to do it in this organisation, but I'm happy with that – at the very least we can sit down and chat out the issues. I always double check those venues that never show up to the meetings (Senior Sergeant).

Barriers to best practice in Accords are related to sporadic attendance, poor staff training, inconsistencies in community expectations, local issues, competing priorities and the reactive nature of policing. Additionally, police-based barriers to success include shift work (which impacts on the officer's ability to attend meetings) and rotation of police through different roles which makes follow-through with long-term projects difficult. These latter factors also provide challenges for more formal inter-agency partnerships (Fleming 2006). As we have seen not everybody is committed to the Accord process. However, one best practice example comes from Western Australia.

The Newman Liquor Accord in Western Australia was established in 2007 following alcohol-related violence in the town and several assaults on hotel staff and police officers. The Accord comprises representatives from: police, local government; the Health Department and the Martu indigenous community. The Accord has five objectives all of which concentrate on the reduction of alcohol-related harm, the responsible serving of alcohol and the facilitation of knowledge, co-operation and understanding between stakeholders. A number of 'Agreement Strategies' between participants are in place which include responsible promotion and advertising of functions and events, a maximum of two 'traditional happy hours', mandatory training requirements for staff and the enforcement of crowd controller regulations. The Agreement is based on harm minimisation principles and licensed premises are required to have a House Management Policy and a Code of Conduct and Management Plan. All Accord members participate in an Annual Review and Strategic Planning Session to examine the effectiveness of the Accord. According to the Officer in Charge – the Accord works on a number of levels:

Everybody knows it's for real – there are acceptable and unacceptable practices – we have formal refusal of service letters and we can extend those refusals as a group. As we speak, 25 people are currently banned from all local licensed premises (Senior Sergeant).

But as this Senior Sergeant acknowledged – it's not just about having an Accord:

It's the whole package – Newman Police are committed to making the town work all round. I do newsletters every month that try to bring the community together and try and ensure they know what's going on and what [the police] are doing with others to promote good images of some of the good work being done around the town (Senior Sergeant).

Working with others is a major part of the town's commitment to reducing alcohol harm in the community:

We recently conducted an operation to address alcohol, anti-social behaviour and traffic offences in town. It was a great team effort between us and Corrective Services, the Martu people, Mental Health and others. But it's hard work – newsletters, keeping abreast of it all, being part of the community is a 24 hour job but I'm telling you this works (Senior Sergeant).

#### **4.4 ALCOHOL MANAGEMENT PLANS**

Alcohol Management Plans (AMPs) are developed by community justice groups. An AMP contains recommendations about how to reduce alcohol-related crime and violence in a particular community. It differs in form from an Accord in that rather than concentrating on managing restrictions and related problems around licensed premises it adopts a more holistic approach. So while police and licensees are still the primary actors in the partnership and while it still may function in the same way as an Accord might, it also may include prevention and research activities as part of its remit and include a broader range of participants. The LWA program was an example of a successful AMP. Queensland and Western Australia provide two more recent examples.

In Queensland, the Valley Alcohol Management Partnership (VAMP) is seen by many as one of the most successful operational partnerships. The partnership is seven years old and considered one of the most enduring in the state.

The VAMP was formed as an initiative of local businesses and government in an ongoing bid to keep the Valley a safer place. Situated in Queensland's only legislated designated entertainment precinct, The VAMP has now been renamed to reflect its more extensive responsibilities. Its aim is to identify and prioritise major challenges to patron safety in the management of the Valley Entertainment Precinct. Participants include representatives from: Brisbane City Council; Queensland Police; Liquor Licensing Division; Queensland Health; Queensland Fire Service; Chamber of Commerce and licensees.

The VAMP process was evaluated by Queensland researchers in 2005 but the program has not been assessed as to its impact on anti-social behaviour and violence in the Valley area. Valley Accord participants are currently working with a consultant from Queensland Health who is supporting the establishment of new local community partnerships and the 'revitalisation of existing partnerships' through facilitating a strategic approach to the prevention of alcohol-related harms. The Central Area Health Service is providing support to existing and new partnerships by providing resources to coordinate the establishment of partnerships, revitalise existing partnerships, collect data to assist in the identification of local alcohol management issues and facilitate the development of a planned approach to alcohol management.

In Western Australia, the Fitzroy Valley Alcohol and other Drugs Management Partnership was established in 2007 to focus on excessive alcohol and drug abuse. Its establishment coincided with a six month restriction on take-away alcohol following

submissions by the Commissioner of Police and the Community to the Director of Liquor Licensing to assist in curbing the harmful effects of the excessive consumption of alcohol. Participants include: Police; Western Australia Country Health Services; Shire of Derby/West Kimberley; Department of Education and Training; Licensed Venue representatives; Drug and Alcohol Office (Coordinator); two youth members and local non-government organisations such as Nindilingarri Cultural Health Services, Marninwarntikura Women's Resource Centre and Kimberley Aboriginal Law and Cultural Committee. The AMP's central objective is to ensure that the implementation of programs and activities designed to address alcohol and other drug-related issues are done so in a strategic, integrated and coordinated manner to the greatest benefit of the community.

An emphasis on engaging in partnerships and sharing information across agencies are seen as key responsibilities of the Committee members. The project was formally evaluated by Notre Dame University<sup>13</sup> in March 2008 who noted for example, a 48 per cent reduction in the number of residents presenting at the emergency department with alcohol-related harm and injury (Internal documents, Western Australia Drug and Alcohol Office).

#### 4.5 POLICE AND LIQUOR LICENSING AUTHORITIES

Before ending this section on partnerships it is important to note the relevance of the partnership between liquor licensing authorities and police. The overlap of responsibilities between liquor licensing authorities and police has been noted. It is well documented that effective law enforcement and regulation by liquor licensing and other government authorities is pivotal to minimising alcohol-related problems and harms (Rydon and Stockwell 1997; Doherty and Roche 2003: 77). Traditionally, the relationship between liquor licensing and police has not been particularly productive and in the past has arguably hindered joint operations and collaborative approaches to the alcohol issue. In conducting this research, the author came across a number of successful joint operations between liquor licensing inspectors and police. This section of the report does not seek to suggest that such partnerships are not thriving in many pockets of the country. However, despite recent improvements, the general sense of participants from both organisations suggests that there is still much to be done. Both agencies expressed their frustration about the other:

Once we turned our attention to the liquor issue we realised just what a state everything was in. Their website was shocking – legislation wasn't up to date – information was factually incorrect. The RSA training was conducted by outside facilitators and some of the information that was being provided to the trainers was basically wrong (Commander).

Police are just better placed to investigate premises – we have the investigative skills and the experience, that's what we're trained for – licensing inspectors don't have that training and it shows (Inspector).

They don't seem to realise that for us looking after the pubs and clubs is just one part of our job – not the full focus if you know what I mean (Senior Sergeant).

There is a very low level of liquor licensing monitoring and enforcement from our licensing people – their inspectors do very little and won't come out at night for 'health and safety' reasons – I kid you not. We just get on with it without them (Inspector).

Police get very little say in some of these issues – the social impact statements that will be mandatory soon – it's not clear we will have any input but presumably we'll be expected to step in when it all goes to pot (Sergeant).

Liquor licensing personnel also expressed concerns about some of the working relationships with police:

In the past licensing police have been corrupt, low-calibre, not well-resourced at all. Nowadays there are too few of them, they have a low skill set, a narrow focus, no strategy, or at least not one that has been practised well and no leadership. The only thing they do well is exercise the legislation (Deputy Director, Liquor Licensing).

Look, police do their best, but their desire to get in and out of a place as quickly as possible makes it difficult to work with them in any systematic way (Director, Liquor Licensing).

I have no problem with them nowadays but in the past it's all been a bit hard. The trouble with ... is that the police always say no to a license application, it then goes up the ladder somewhere for approval and somewhere in between that process the information changes – they have no structure or process themselves and it makes life difficult (Director, Liquor Licensing).

Across the jurisdictions, it is clear that some licensing authorities are more hands on than others. Some of this activity is shaped by legislation (for example, the new legislation in NSW will give the licensing authority in that state significantly more powers than it has had before) and some of it is determined by good process and commitment by individuals and/or authorities.

One of the problems of having two agencies address the same issue from different standpoints is not only duplication of effort but inconsistency. Perceived levels of inconsistent approaches to licensing can be a significant barrier to consolidating positive relationships with licensees (see NSW Audit Office 2008).

One of the problems with police is that they often feel they have to come in hard where as ... [liquor licensing] will invariably take time to explain issues etc ... the trouble is you don't get to choose who comes a' knocking do you! (Accord, Chairman).

We are starting to standardise our responses at the venue level but obviously our responses are going to be different from theirs (Sergeant).

In other jurisdictions there have been perceived 'low level degrees of inspection and regulation'. The frustrations suggested here reflect the primary objectives of the two organisations – while they may have overlapping responsibilities they do not necessarily share the same meanings about how the various tasks should be conducted and what the primary objectives and outcomes should be.

What they don't understand is that we are obliged to follow 'natural justice' – give people an opportunity to provide explanations etc ... police always want things done yesterday and it's not always possible (Senior Management, Liquor Licensing).

Managing violence and keeping the peace is only one part of our job you know – not a constant priority (Senior Constable).

However, not all the comments from either side were negative. Personnel from both police and liquor licensing accepted that the others' job was not easy and that 'they did their best'. As one senior sergeant put it:

They're liaising with commercial interests and governments for the most part, but from our point of view they have been very responsive to us in recent times (Senior Sergeant).

Where personal relationships have developed between specific individuals it served to bring together the two organisations as a whole. Although liquor licensing personnel are more likely to remain in their jobs, police positions are more transient:

I've seen these people come and go and for the most part we get on – sometimes we more than get on, but just when you are starting to work out some sort of partnership they've gone somewhere else. You might ring them and they'll say that's not my department anymore you'll have to speak to so and so (Acting Director, Liquor Licensing).

Observations about police mobility and the difficulties that it presented for consolidating relationships were commonplace. More so in the larger states and cities. It was generally agreed that where there was some formal centralisation of regulatory activities in police organisations, it had served to strengthen the partnership and was cited by many officers as a positive step towards working together:

Yes it's definitely improved communications – they have to come to us now instead of pxxxxxg everyone else off at the stations – but seriously we've even done a few joint investigations together – a challenge but we did it (Inspector).

What was happening was that it was constables doing the liquor stuff, constables policing the hotels and constables talking to liquor licensing – with all due respect, the constables weren't speaking to the people that can make things happen at liquor licensing so in effect nothing was happening. Since we have centralised liquor regulation, it is our senior people talking to their senior people and things are happening (Superintendent).

Since we started the new department, our relationship has been a lot better. Before they used to use us as a private policing department just to enforce what they couldn't. This created a lot of issues for us – when we said no for whatever reason there was a lot of tension (Inspector).

Once we established the new Division we began to develop a relationship – we have fortnightly meetings now and are conducting joint ops together (Sergeant).

We've always had a reasonable relationship with them but the current climate and our attempts to address the problem have meant that we have been in more contact. They came on our 'City Night Tour' last week where we take interested stakeholders around the licensed premises and the streets and they get to watch the whole thing in action. It is an effective initiative so any person at any level can be exposed to the issues at the peak times. Bit of an eye-opener for some of them I can tell you! (Inspector).

Where centralised divisions and units have been formally established there has obviously been an effort on the part of police to form a closer working relationship with liquor licensing authorities to allow a coordinated approach to regulation and enforcement. However, despite some 'good news' stories there is clearly work to be done.

## 5. LIMITS OF THE POSSIBLE

### 5.1 THE STATE OF PLAY

How do we understand recent developments in police strategies addressing anti-social behaviour and alcohol-related violence in and around licensed premises? This section of the report considers this question and identifies the boundaries within which police operate. It suggests that the strategies employed by police are chosen from a suite of options that are conditioned by these boundaries.

Traditional front-line strategies aimed at individual licensees or patrons are still a central plank in a police organisation's armoury of weapons to address alcohol-related behaviour in and around licensed premises. However, recent developments in law enforcement strategy suggest that there has been a discernible shift of focus from patron to premise. There has been a shifting back from what police describe as the reactive and piecemeal strategies of the past to a more focused approach. The re-centralisation of specialised liquor divisions or units with specific budgets has been a significant strategy on the part of police to address alcohol-related issues in public places. The focus of these units has been intelligence-based proactive work with a view to developing databases and evidence that will assist police to target the premise rather than the patron. While collaborative partnerships have been an important aspect of police work in the past decade, in recent years there has been a concerted effort to broaden such partnerships to provide for a more nuanced and preventive approach to dealing with anti-social behaviour and negative alcohol-related behaviour in public places at the local level. If we are to understand these developments we need to consider why police have turned to these strategies and to appreciate the challenges and constraints that confront law enforcement.

The police work within a set of defined boundaries – there are limits to the possible. The strategies they employ are conditioned by these limits as they seek to deliver palatable solutions to multiple stakeholders. There are three key limits conditioning the choice of strategies adopted by police to manage alcohol abuse. They are discussed here under the following headings: wicked problems, national competition policy, political short-termism.

### 5.2 'WICKED PROBLEMS'

Thirty-five years ago, Rittel and Webber (1973) identified 'wicked problems' as socially complex problems that were difficult to define, impossible to solve and the responsibility for which stretched across several stakeholders. Such problems span policy arenas and institutional jurisdictions. The issue of alcohol use in society is a 'wicked problem' for Australian governments. There are multiple stakeholder interests and each stakeholder has a different understanding of what 'the issue' is. For practitioners in the alcohol and drug treatment sector, the issue of harm minimisation is paramount. They argue it is a state problem and should be addressed by reducing the availability of alcohol either through tax impositions or reduced trading hours (ADCA 2004). This perspective conflicts with the views of the liquor industry whose livelihood depends on being able to compete in the marketplace and provide a service, preferably with minimal regulation. From the police perspective, what they see as unfettered self-regulation of the liquor

industry, has led to poor industry practice and as a result there is a significant public order issue, primarily related to alcohol consumption. There are other perspectives. Such perspectives are guided by self-interest and 'attitudinal criteria' and the 'choice of explanation determines the nature of the problem's resolution'. The conflicting goals and objectives among stakeholders are unlikely to be resolved (Rittel and Webber 1973 166-167).

To compound the problem in Australia there are competing institutional jurisdictions each with a different legal mandate and able to employ different policy instruments. Each jurisdiction defends its turf whether it is federal versus state or police versus liquor licensing authorities. Indeed, as we have seen, the tensions between liquor licensing authorities and the police can be acute.

So, to 'improve some characteristics of the world where people live' (Rittel and Webber 1973: 167) these problems require coordinated and interrelated responses (APSC 2007: 11). The several jurisdictions need to resolve their boundary disputes. To achieve such objectives there needs to be adequate resources, realistic time frames and importantly, trust, so shared strategies can be developed and implemented.

Simply because these problems are 'highly resistant to resolution' (APSC 2007) they cannot be put in the 'too hard' basket by politicians. Community pressure and negative media coverage of the problem demands that governments address at least the most visible manifestations of 'wickedness' and with minimal delay. In so doing, the almost reflex response of governments, federal and state, is that the responsibility lies with the police. There may be many players in the game, but the police are in the spotlight. The brutal fact of the matter is that no one actor has ever been able to resolve such a problem, no matter how well-intentioned or resourced. Such issues demand a concerted response spanning policy areas and jurisdictions. So, the police seek partners.

### 5.3 NATIONAL COMPETITION POLICY

The second limit to the possible is the National Competition Policy. This policy is a reflection of the liberalisation of international trade agreements that seek to promote the free passage of goods, services, investments and labour and by reducing constraints to trade and competition (Babor et al 2003 231-243). In these agreements, alcohol is treated as just another commodity regardless of the research that tells us unequivocally that it is potentially harmful to health and/or associated with crime, anti-social behaviour and violence (ADCA 2004).

In 1995, the Council of Australian Governments (COAG) established the National Competition Council (NCC) to oversee the progress of Australian state and territories in implementing the pro-competition reforms under COAG's National Competition Policy (NCP). Clause 5 of the Competition Principles Agreement established as a guiding principle, 'that legislation should not restrict competition unless it can be demonstrated that the benefits to the community outweigh the costs and that the policy objective of the legislation can only be achieved by restricting competition' (COAG 2006). Liquor licensing legislation is subject to such considerations.

In some cases, and following the NCC's recommendations, the federal government reduced annual competition payments to states and territories that did not meet the NCC's reform requirements. For example, in 2003-2004 the federal government withheld 12.7 million dollars from NSW for incomplete reform of liquor licensing legislation (cited in Nicholas 2008: 12). In the following year, the NCC determined

that Queensland, South Australia, Western Australia and the Northern Territory had demonstrated discriminatory selling arrangements for liquor, that in the Council's opinion were not related to harm minimisation objectives. These 'discriminatory selling arrangements' included discrimination between hotels and liquor store outlets and their trading hours. All jurisdictions lost five per cent of their annual payment (NCC Assessment 2005). In 2005, the NCC identified a number of anomalies still outstanding in NSW. However, the state's change proposals, legislative reform and commitment to 'setting potential social harm as the crucial licensing criterion' rather than a 'consideration of the impact of a new license on the profits of incumbent license holders', satisfied the NCC that the NSW government was meeting its obligations in relation to liquor licensing, albeit slowly (NCC 2005).

The NCC was also concerned about restrictions on trading hours and licenses being withheld on a 'needs' basis (the "needs test" is the term used to define that part of the liquor legislation that allows objections to a new license application on the basis that the need of the community in the neighbourhood is already being satisfied by existing licensed outlets) rather than the public interest exemption clause. Over time, all state and territories have enacted reviews and legislative amendments to replace the needs requirement with a public interest statement that focuses on 'the social, health and community impacts of a license application rather than the competitive impact on existing licenses' (NCC 2005).

The consequences for police strategies are simple. They can no longer rely on local councils or licensing authorities to reject licensing applications on the basis of need. They have to obtain evidence supporting a claim that a license (or proposed changes to a license) is not in the public interest. To obtain this evidence they have returned to centralised units that can better collect and collate data to support such claims.

#### **5.4 POLITICAL SHORT-TERMISM**

Liberal democracies have regular elections that concentrate the minds of our political leaders on the concerns of the electorate. So, politicians focus (whether they want to or not), on short-term goals and immediate payoffs rather than planning for the future (Garri 2007). Such political short-termism becomes exaggerated when an issue becomes the focus of much media and community comment. The consumption of alcohol in public places is currently defined by Australia's federal government as 'a social problem'. Working on the principle that governments and politicians need to be seen to be addressing the issues (Cauthen and Jasper 1994: 496), the newly elected Labor government has committed itself to 'targeting alcohol misuse in the wider community' through the provision of financial support and public education campaigns particularly aimed at younger members of the community<sup>14</sup>. Various debates around the efficacy of such strategies continue.

The key point for the police is that in such an environment, they also must be seen to respond quickly and effectively. Understandably, politicians are looking for the 'short, sharp intervention' that will give them a win-win headline and a respite from the increasingly loud lobby groups. Governments look primarily, at least in the first instance, to their police organisations. In response, police employ known, tried and trusted methods – high visibility patrols, short sharp interventions and saturation policing of known trouble spots. All these strategies provide reassurance policing (to politicians and the public) and good live media footage, but, as the police accept, none offer a long-term solution.



## 6. CIRCUMVENTING THE LIMITS OF THE POSSIBLE

### 6.1 THE FRONT-LINE

The strategies used and developed by the police must be seen in their context. There are clear limits to the possible and these limits cannot be changed by police. That task lies with state and federal legislators. However, within these limits, most police forces were happy with the direction of their strategies and the results they were achieving:

We are doing the best we can with what we have. Yes we would like to shut more people down, yes we would like to get rid of some of the shysters that are just in it to make money and leave town and yes we would like to prosecute more of them – but overall we are doing well in the circumstances (Superintendent).

We're better off than we were that's for sure – we have much more support from management now (Sergeant).

The 'short, sharp intervention' that sees task forces or other tactical groups target a specific location for inspection or enforcement is favoured by politicians and senior police management. This proactive front-line strategy works well in terms of 'a result' and also in terms of public relations. The 'success' of such strategies ensures maximum publicity and as many officers suggested, 'a bit of respite from the press':

When the media pick up on a success story especially round a high profile venue – the bosses are happy and so we are too. Happy bosses are more likely to support our operations (Senior Sergeant).

High visibility is considered by most officers as an important strategy in maintaining public order:

The public want to see us in the street – that's what they want – just being there is a strategy in itself I can assure you – we are managing perceptions (Commander).

Giving out the penalty notices, or even wagging the finger are not really very good, or even smart strategies, but they keep us on the street and that's important (Sergeant).

Overall front-line strategies were considered useful and viable although a few officers questioned the value of it in certain circumstances:

It can be a 'war zone' out there sometimes – having police in numbers can be like a red rag to a bull believe me (Acting Inspector).

Numbers or not, when the groups line up either side of the street we quite often just let them get on with it – why are you going to put yourself between that lot – there is never enough of us (Senior Constable).

The 'short, sharp intervention' is a favoured front-line strategy amongst police officers. They see it as an effective 'short-term' strategy. It provides visible and documented evidence that the 'police are doing something'. This reassurance is as important for the public as it is for police and politicians.

### 6.2 MONITORING AND REGULATION

Monitoring and regulation is now a central plank of Australian law enforcement strategies in and around licensed premises. The centralised units, as this report has shown, have proved beneficial in improving communications between liquor licensing authorities and police, collecting intelligence and data and developing training and expertise in liquor licensing matters. The centralised units are also a way of

containing information and building evidence bases that may contribute to successful prosecutions and law enforcement strategies. Even where jurisdictions did not have a formalised unit dedicated to regulatory matters, police officers committed to, and responsible for, public order and licensing activities were adamant that collecting data was an important way of 'keeping ahead of the game':

I get a lot of ribbing about my coloured maps and charts but I can tell you in an instant where the trouble spots are. I develop a file on each and every venue and in the end it pays off (Inspector).

Collecting the data may be a bit hit and miss, officers don't always remember to tick the box, but it provides a base data that is useful for discussions with [liquor licensing] and pretty useful sometimes for performance data generally (Sergeant).

Perhaps the most important factor for police though is the need to provide data to the relevant authorities when required:

It's not only the competition people that are interested in whether there is a public interest angle, it's the [licensing] authorities as well – they want chapter and verse on 'why not' and we must be in a position to give it to them else we're wasting our time. You don't see any law enforcement representative on any of the Boards do you? So we have to do it in other ways (Inspector).

### 6.3 THE IMPORTANCE OF PARTNERSHIPS

A defining characteristic of wicked problems is collaboration and the difficulties of reconciling differences across organisations, jurisdictions and key stakeholders. In this context, collaboration and partnerships are seen as providing a forum where mutually defined problems can be aired. Partnership arrangements increase the possibility that a solution may be identified, developed and ultimately implemented. However, working across agencies and with organisations outside government can be challenging and many such arrangements fall at the first hurdle. Lack of trust, poor communications, cultural differences, privacy issues, staff turnover, accountability issues and lack of authority to make decisions are all factors that can impact negatively on partnership arrangements (Fleming 2006). The collaborative approach is not new to police. Yet what we are seeing now is a stronger commitment to such arrangements and a sense that there is institutional and government resource support for such partnerships:

Look, we are in the early stages of this. So far we are getting on alright and we've had some minor wins – time will tell but it's been interesting just talking to some of these people (Superintendent).

The local partnerships, though smaller in scale were discussed much more enthusiastically by police officers in most jurisdictions. This enthusiasm was reflected particularly in rural and regional communities:

I see the Accord ... as a good example of community people coming together to foster some understanding about the drinking culture around here ... the safety of the community and the individual is paramount, and that is our shared vision if you like (Senior Sergeant).

We have a signed agreement. Everyone that signs, acknowledge and agree to the Accord's objectives, responsibilities and agreement strategies. Everyone is included, local government, health, indigenous representatives, and of course police (Sergeant).

Traditionally police organisations have not been able to rely on organisational structures and management practices to support partnership arrangements in the long-term (Fleming 2006). It is true that hierarchical structured organisations are not the best mechanism to facilitate collaborative inter-organisational work, but as the public sector has recognised,

such an approach can go a long way to fostering understandings of causes and solutions to particular problems even where participants agree to disagree on the fundamental issues (APSC 2007). Police management are now much more committed to the collaborative strategy and seemingly governments are willing to support their agencies in seeking solutions to these problems via partnership arrangements. This support has meant more flexibility with roster arrangements, more short-term funding for identified projects and a stronger commitment from senior police officers to attend and participate in a meaningful way. If partnerships are to thrive, this support needs to continue.

While the multi-agency initiatives look promising, positive partnerships between police and liquor licensing are still to be consolidated. Given the overlap in responsibilities it is pivotal to the successful regulation of licensed premises that police and licensing authorities come together, not just temporarily, and in response to a specific issue, but permanently, as a joint force committed to the same objectives and outcomes.

The relative lack of evaluation around Accords and broader multi-agency partnerships means that we cannot, with any certainty, suggest that such arrangements are 'best practice'. Even where there are successful evaluations on collaborative partnerships, the sustainability of these programs is always questionable. As Graham and Homel (2008: 195) have recently commented, it 'still needs to be demonstrated that these partnerships can actually reduce violence, and do so more effectively than agencies working alone'.

Despite the lack of formal evaluation, the idea of partnership is still the most promising long-term strategy to address 'wicked problems'. What they do is get people around the table, acknowledging the issues, sharing skills and knowledge and coming together to identify the problem and work towards solutions. In the context of policing liquor licensing activity this communication is a good start.



## 7. WHERE TO FROM HERE – AN AGENDA?

So what's working and what looks promising and what can we do to encourage such strategies? In a country with eight separate police jurisdictions serving the diverse needs of urban cities, regional centres, rural and remote bush communities, indigenous communities and vast geographical areas, it is difficult to be prescriptive about what a single jurisdiction might do to address and alleviate its particular issues. What looks promising in Newman, Western Australia may not be a viable option in Melbourne's CBD. The mix of strategies that police employ on the Gold Coast in Queensland would be frankly inappropriate for policing a two-hotel town in the Northern Territory. Best practice in Hobart may not translate as successfully to Canberra. However, there are some strategies that look promising and hold across all jurisdictions. A commitment to these may significantly enhance strategy and police practice in and around licensed premises.

### 7.1 CENTRALISATION

Perhaps the most significant change in police practice in the past five years has been the move to centralise intelligence and resources in policing liquor-related activity in public places. The centralisation of specialised liquor enforcement units looks promising in many jurisdictions. Police themselves have argued that one of the central benefits of such units is that it has meant a much stronger and productive relationship between liquor licensing authorities and themselves. Communication channels have been narrowed and there has been some development towards joint approaches to licensing activity. Other relevant public sector agencies have also been the beneficiaries of a more streamlined approach.

Another apparently significant benefit of centralising resources and expertise is the centralisation of information and knowledge. This has been particularly important in the shift of focus from patron to premise. Databases are being established which allow for a more concentrated source of information – information that can be shared and developed over time. While it is true that all police officers have responsibility for enforcing the law and regulating and monitoring liquor licensing and public space activity, it is nonetheless the view of many senior officers, that specialisation in this area can be an asset. Many of the issues relating to policing liquor licensing laws and regulations is a lack of officers' legislative knowledge. Confronted with potentially thorny legal issues about by-laws and legislation, officers may be tempted to avoid policing such a situation rather than dealing with it. This might explain the paucity of liquor infringement notices handed down in many jurisdictions. Centralised units allow for training on the job and allow this knowledge to be disseminated across regions and officers via workshops and training sessions. Many officers commented positively on the assistance they were getting from the 'centre', especially in the development of Accords. The development and continued resourcing of these units is recommended.

### 7.2 PARTNERSHIPS

'Working together', partnerships and multi-agency approaches have almost become a cliché for public sector agencies in search of solutions and effective service delivery

options. Nevertheless, partnerships acknowledge the multi-faceted nature of 'wicked problems' and that agencies must work together if they are to tackle them adequately. This research has shown that forms of partnership, such as Accords, AMPs and Task and Coordination Groups are promising strategies in policing liquor licensing problems. They are not 'the answer' necessarily, but they are an intrinsic piece of the jigsaw and especially where they are formally administered (for example in Queensland and New South Wales) they are showing promising results. Such strategies should be encouraged in states such as Tasmania for example, where Accords are a relatively new addition to the armoury of strategies employed to address liquor licensing problems.

Yet, such partnerships must include both representatives from police and the liquor licensing authority in the network. This does not always happen and highlights perhaps one of the most challenging aspects of liquor licensing enforcement – the partnership between police and liquor licensing authorities. A NSW Auditor-General's Report (2008) recently identified inconsistencies and a lack of collaboration between police in that state and the licensing authority and called for a joint approach to enforcing liquor laws, and a clarification of roles and responsibilities for both police and liquor licensing officers. This report has highlighted the relevance of the relationship between police and liquor licensing and suggested that despite some progress in this area, particularly where police organisations have begun to centralise their liquor licensing activities, there is still work to be done. But how to do it?

The NSW Audit report recommended a joint working party, joint operations, a sharing of information, guidelines on how to work with licensees, collaborative reviews of operations and the joint delivery of state wide patron education campaigns. These are all good, solid recommendations that will, if implemented, provide a solid base from which such a partnership can develop. But it would be naive to assume that such partnerships can just happen because we want them to, and because there are a set of guidelines in place to drive collaboration. While the benefits of collaboration are obvious, the challenges need to be acknowledged, and it is here that much of the work has to be done if partnerships are to be formed and sustained over time.

Such challenges include, a lack of trust, respect and reciprocity, under-resourcing, a reluctance to share information, a lack of appreciation about the work that needs to be put into a partnership, staff mobility (particularly on the police side) and a perceived imbalance of power between partners. As well, decision-making rights, cultural differences, different lines of accountability and performance review can all blur areas of responsibility (Fleming 2006; Wildridge et al, 2004).

All these barriers to successful partnerships can result in organisations 'spending more time on the mechanisms of partnership working than on achieving outcomes' (Wildridge et al, 2004: 9). Many of these challenges can be addressed and resolved through training and hard work on the part of the agencies. There needs to be a realisation that partnerships are not a 'soft option', but require a lot of effort, and that partnerships take time to develop and need to be based on what can realistically be achieved.

Many of the challenges however, need to be addressed by agency heads. Issues of staff mobility, resourcing, performance management issues and decision-making potential can all be addressed by senior management. An organisational commitment to partnerships can assist greatly in the sustainability of collaborative effort. Just being aware of the issues involved in forging partnerships between agencies is important. There needs to be an acknowledgement that creating successful partnerships is a skill in itself. A skill that can be learned and passed on; developed and improved on. Just as legislative review and

knowledge development are essential aspects of the work of police and liquor licensing authorities, perhaps both agencies need to consider a more formal training component for partnership work.

Governments can also assist in this process. They can, as they have done in the United Kingdom, promote and support inter-agency responses and provide a legislative base for partnerships and data exchange between agencies (Fleming 2006: 87). Also in the United Kingdom, specific agencies have been targeted to encourage collaboration. So, for example, the poor collaborative efforts of health and social care agencies were discussed in a formal, government discussion document that identified three levels of partnership working in both agencies. These levels were eventually incorporated into the 1999 Health Act. It is in effect now a mandatory requirement that these agencies seek to work together under specifically outlined integrative practices (Wildridge et al, 2004: 11-12).

In the limited research into partnerships, we know that they are a potentially positive way of dealing with complex problems. The issue of liquor licensing is a complex issue and in addressing this issue, partnership work, looks promising. A more formal commitment to working in partnership by senior management and governments will be crucial if we are to develop some of the promising strategies outlined in this report for addressing anti-social behaviour and violence in, and around licensed premises.

Centralisation and partnerships then are two strategies that look promising for the long-term management of alcohol-related activity in public spaces. Yet, these strategies, and others, require organisational support in a number of ways if they are to become successfully embedded in police practice. This support will mean a commitment to research and evaluation and a guarantee of adequate resourcing over the long-term.

### **7.3 RESEARCH AND EVALUATION**

It is early days for some of the strategies discussed in this report, and from a police perspective many of them look promising. However, more research into the various strategies, and the extent to which these strategies are hampered by internal or external factors must be a priority. National Competition Policy constrains policy makers from adapting some of the research discussed earlier in this report to inform practice in this sensitive policy area. So, for example, while we know that extended trading hours in licensed premises will increase the level of alcohol consumption and subsequently the extent of anti-social behaviour and alcohol-related violence (NDRI 2007; Chikritzhs and Stockwell 2006), a substantial and permanent reduction in trading hours is unlikely to happen in the near future. However, despite this, there is still a lot of research that can be conducted and used to inform practice, particularly in the context of current strategy. So, for example, do cautions and the use of discretion act as deterrents? To what extent do partnerships, in any guise, assist in the productive policing of anti-social behaviour in and around licensed premises? Additionally, research into the capacity of organisations to manage the complexity of policing the alcohol issue is required. For example, what organisational mechanisms would enhance police officers' ability to develop their intelligence systems? How can existing research inform current police practice? Can we develop performance indicators that encompass the complexities of policing anti-social behaviour in public places? Generally, research into the efficacy of enforcement strategies, focusing not just on how the programs work and produce results, but how they can be sustained, would contribute significantly to policing efforts.

Yet if police organisations are going to embrace research it is equally important that the concept of evaluation is realised more fully. One of the difficulties of identifying ‘best practice’, and recommending strategy is that so little evaluation is done in relation to specific strategies employed by police and other relevant parties in regulating liquor-related activity. We need to know for example, whether the shift of focus from patron to premise is having an impact on licensee behaviour. Is centralisation having a positive impact on police practice? To what extent do task forces free up officers on the street for other police work? Evaluation in the first instance is always a learning tool. Systematic evaluations of all strategies would provide valuable learning material for the future development of law enforcement strategy. Agreed guidelines for these evaluations will allow information to be shared across jurisdictions more effectively.

The other advantage of research and evaluation practice is that they provide a mechanism whereby resource allocation decisions can be made more confidently. If organisations can demonstrate ‘what works’, they are significantly better placed to plan strategically, both at the basic level in terms of rosters and personnel deployment, and at the budget level, where resources can be applied in a long-term, proactive way that would arguably promote and develop police strategies in this area. If police organisations are serious about managing the alcohol problem on the streets, research and evaluation of strategies will be crucial for a broader understanding of not only what works, but how they can enhance strategy and practice.

## 7.4 RESOURCES

Currently, few stakeholders are complaining about a lack of resources to deal with the ‘liquor problem’ (with the possible exception of the political opposition and various police unions). Indeed, most participants in this research were mildly surprised by the organisational support afforded to them for specific initiatives and were grateful for funding, however short-term. Hopefully, the organisational support and commitment for these initiatives will continue. Alcohol management should be explicitly (and indeed in some jurisdictions it is the case), part of an organisation’s strategic framework. We have seen that centralised intelligence units and partnerships are potentially effective strategies in the policing of anti-social behaviour and violence in and around licensed premises. The centralised units are still in their infancy, but we can see that more officers and more administrative resources would assist in the units’ efforts to regulate and monitor licensed premises. Training and development opportunities in terms of the policing of licensed premises needs to be extended to all police officers rather than just those involved in specialised squads. Resources will be required for this.

Local partnerships are clearly working effectively on a number of levels. Continuity of funding and support for such initiatives will be pivotal to their long-term success. The broader partnerships discussed in this report are in their early stages. The only way we are going to know whether or not they can be an effective strategy in preventing alcohol-related harm is if we let them develop overtime, resource them adequately and evaluate them systematically.

## 8. CONCLUSION

This report has identified three police strategies developed to address the problem of alcohol-related violence and anti-social behaviour in, and around licensed premises in Australia: front-line strategies; monitoring and regulation strategies and partnership strategies. It has also identified three related trends: the shift in enforcement from patron to premise, the shift in monitoring and regulation away from a decentralised approach and a return to a more centralised approach; and a more formal shift to working with, and through partner organisations.

This research has suggested that from a police perspective, the move to centralise monitoring and regulation has had several benefits and should be encouraged. Interviewees overwhelmingly testified to the fact that the new units had improved communications between liquor licensing authorities and police and at least in these early days, fostered better relationships between the two agencies. In addition, it was perceived that the centralised units facilitate more efficient data collection and intelligence, nurture a better skills base and allow for a much sharper focus on regulation and enforcement generally. Even in those jurisdictions not yet committed to a fully centralised approach, intelligence-led policing is becoming a standard feature of policing alcohol-related activity. The implementation of public order and safety task forces with a specific emphasis on licensing venues is a promising innovation. Most of these tactical groups have short-term funding and it remains to be seen whether or not they will remain part of the regulatory process.

The several strategies developed by the police to address alcohol problems in public places are not of course mutually exclusive. Each has its place. There are no either/or choices. So the police pursue centralised and decentralised strategies simultaneously. As participants in this research have stressed, the front-line strategy is important and, in the short-term, effective. So too is the development of AMPs and local Accords in urban and remote areas. Centralised, specialised units are not incompatible with decentralised local partnerships and short, sharp street level interventions. All of these strategies are in place simultaneously and deployed by the police when they are seen to be the most relevant and effective response.

Partnerships addressing public alcohol problems have improved significantly. While there are partnerships addressing single issues and licensing-specific Accords, particularly in the suburbs and in regional and remote areas, there is a discernible move towards collaboration, that encompasses broader concerns about anti-social behaviour, health and community safety and brings together agencies, community groups and business. Nevertheless, although there are some encouraging signs and documented successes, purposeful collaboration between police and liquor licensing authorities remains to be strengthened and improved.

The regulation of licensed premises is not just the responsibility of one individual or group. Police are but the visible response. It may be true that police have 'primary carriage' of dealing with alcohol-related social harms and are 'well placed to intervene in many of these harms' (Nicholas 2008: 37) but their efforts cannot be relied on in isolation. Maybe 'there are no value-free, true-false answers to any of the wicked problems governments must deal with' (Ritter and Webber 1973, 169) but others still have a role to play and a responsibility to contribute to the overall picture.

Governments for example, can better clarify the jurisdictions of the several partners, thus alleviating some of the existing tension between liquor licensing authorities and police and the tasks they seek to accomplish. Governments are in a position to establish the 'rules of engagement' and change the rules of the game where they do not meet principles of harm minimisation. They can, legislate for more formal partnership work as they have done in the United Kingdom. Governments can grasp the thorny nettle of national competition policy and perhaps, for example, lay down specific criteria for a public interest test that acknowledges the robust research that confirms the social harms associated with excessive alcohol consumption.

The strategies and recommendations advanced here may well extend and enhance these efforts. Yet as this report has suggested, there are limits to the possible – wicked problems, national competition policy and political 'short-termism' all combine to constrain strategies, even as they seek to deliver palatable solutions to multiple stakeholders. Moreover, research and evaluation issues are still to be addressed and resolved. A commitment to guaranteed funding for all strategies will be crucial for any long-term success. In the final analysis, it remains important to share the responsibility for this problem. Just as police are endeavouring to reshape their strategies to accommodate a changing political and economic landscape, state and federal legislators need to make good their commitments to act in this policy area, and explore how they can reshape the limits to the possible that currently encumber those who seek to contain and manage alcohol abuse.

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## NOTES

- 1 Jenny Fleming is the Professorial Research Fellow at the Tasmanian Institute of Law Enforcement Studies at the University of Tasmania.
- 2 Referred to here as Accords.
- 3 For a comprehensive list of BOCSAR and NDLERF publications relating to police research in this area see <<http://www.ndlerf.gov.au/pub.php?type=mono>> and <[http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/pages/bocsar\\_publication](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_publication)> (Accessed 30 June 2008).
- 4 In this report liquor licensing authorities is the term used to cover all forms of liquor licensing authority variously referred to across Australian jurisdictions.
- 5 Some of these new units are also responsible for other forms of regulation such as gaming and racing
- 6 The Superintendent is referring to the National Competition Policy which discourages anti-competitive practices. The National Competition Council may fine those states whose legislation is not in line with promoting competitive practice (Babor et al 2003)
- 7 *Crimes Amendment Act 2008* (ACT); *Magistrates Court (Crimes Infringement Notices) Regulation 2008* (ACT) and the *Magistrates Court (Liquor Infringement Notices) Regulation 2008* (ACT)
- 8 Political response to the NSW Audit Office's report into how police and liquor licensing authorities in that state were managing alcohol-related crime.
- 9 For example, Operation Nightlife in Geelong, Victoria, Geelong Advertiser, 20 Jan 2007; Operation Rolling Thunder, Queensland, 30 May 2008, <<http://www.abc.net.au/news/stories/2008/05/30/2260009.htm>>; (Accessed 27 July 2008); Operation Cobalt, ACT, Internal Documents, ACT Policing.
- 10 Interview with Tasmania Police Inspector, OIC Licensing Unit.
- 11 Interview with SafeStreets Project leader, Victoria.
- 12 For example, in November 2006, ACT Police joined forces with NSW Police, South Australia Police and Victoria Police in a multi-jurisdictional police traffic campaign: Operation RAID (Remove All Impaired Drivers). Police combined their efforts to primarily reduce drink driving offences, deaths and injury.
- 13 Fitzroy Valley liquor restriction report: An evaluation of the effects of a six month restriction on take-away alcohol relating to measurable health and social benefits and community perceptions and behaviours Henderson-Yates and others / The University of Notre Dame Australia and The Drug and Alcohol Office, Western Australia (2008). <<http://www.dao.health.wa.gov.au/Publications/tabid/99/DMXModule/427/Default.aspx?EntryID=1016&Command=Core.Download>> (Accessed 20 October 2008).
- 14 Australian Labor Party, <<http://www.labor.com.au/media/0308/mspm100.php>> (Accessed 28 July 2008).

