

LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON SOCIAL POLICY

PUBLIC BEHAVIOUR INQUIRY

REPORT

FEBRUARY 1990

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PREFACE

Our personal safety and that of those close to us is, understandably, a matter of great importance. We must be able confidently to exercise our right to move freely, but sensibly, around our city.

By any standard Canberra is a safe city. The Committee accepts this view which was clearly expressed to it.

That is not to deny that there is a measure of violence in Canberra and the Committee acknowledges that the community must take every measure to prevent violent and unacceptable behaviours and the conditions which contribute to them.

Almost universally, where there are problems, they can be attributed to the consequences of the abuse of alcohol. Accordingly, the Committee's attention has substantially focussed on the role that alcohol plays in promoting undesirable behaviours and means by which the problem may be diminished.

There are, also, many more serious problems caused by alcohol abuse beyond those examined by the Committee.

While we have proposed some measures, we recognise how difficult it is to make any impact on deeply rooted traditions in Australia that excessive use of alcohol and the consequences of that use are acceptable.

The recommendations we have made are practical steps which may play a role in diminishing the problems we have considered.

The Committee appreciates the outstanding work of its secretariat, Dr Ann Scott and Ms Chris Windsor, in support of its activities.

Bill Wood
Chairperson

1 ESTABLISHMENT OF PUBLIC BEHAVIOUR INQUIRY

The Standing Committee on Social Policy was created by the ACT Legislative Assembly on 23 May 1989. Members of the Committee are:

Chairperson	Mr B Wood
Deputy Chairperson	Mrs R Nolan
Members	Dr H Kinloch
	Ms C Maher
	Mr D Stevenson
Secretariat	Dr A Scott
	Ms C Windsor

On 28 June 1989, Mr Bill Stefaniak, MLA, presented a private member's bill, the Police Offences (Amendment) Bill 1989, to the ACT Legislative Assembly.

The Bill, as presented, would give members of the Australian Federal Police (AFP), ACT Region, the power to "move-on" persons in a public place under certain circumstances.

The Legislative Assembly established a Select Committee which received submissions and recommended amendments to the Bill. The Bill was passed in the Assembly on 25 July 1989.

The Bill raised concerns about public behaviour in the ACT. The Social Policy Committee was therefore asked by the Assembly to examine the extent to which public behaviour was a problem in the ACT.

On 5 July 1989 the Legislative Assembly referred the inquiry into public behaviour to the Social Policy Committee, with the following terms of reference:

- (1) Whether there are problems (significant or otherwise) of public behaviour in the ACT and in particular:
 - (a) public behaviour in and around shopping centres, bus interchanges and areas used for public entertainment;
 - (b) the nature, extent and seriousness of any problems of public behaviour; and
 - (c) the need or otherwise for remedial action that could be taken to deal with problems of public behaviour.
- (2) The Committee to consider all relevant methods by which such action could be taken, including, but not limited to, legal, social, economic, environmental design, deployment of Australian Federal Police and ACT Public Service personnel and the provision of services by Government and/or private agencies.

2 METHOD OF INQUIRY

2.1 Submissions

The Committee placed an advertisement in the Canberra Times on 26 August 1989 calling for submissions from interested persons and organisations.

In addition invitations to make a submission to the Committee were sent to eighty-six organisations, including Student Representative Councils of all colleges in the ACT, youth centres and refuges, relevant ACT Government agencies, nightclubs, businesses and religious and welfare organisations.

The Committee received twenty-four submissions from organisations and six from individuals. The list of those who made submissions is attached as Appendix 1.

2.2 Public hearings

Public hearings were held at the Legislative Assembly premises on 13 November and 20 November 1989. A total of fifteen people appeared before the Committee. Their names and the organisations they represented are attached as Appendix 2.

2.3 Other assistance

A number of organisations and individuals have assisted the Social Policy Committee by providing research material and other assistance. In particular, the Australian Institute of Criminology provided research and library support. The Committee is most grateful for all the assistance which it received.

The Committee was also addressed by Mr J Taylor, Youth Leader with the Belconnen Community Church, and Mr J Sonnemann, Director of the Australian Federation for the Family.

3 DEFINING "PUBLIC BEHAVIOUR"

The Committee understood its terms of reference to encompass forms of public behaviour by individuals or groups which cause annoyance or distress to other individuals or groups in public places.

However, while recognising that serious crimes take place in the ACT, the Committee has not considered these in its report, nor has it addressed the growing problem of graffiti. The report focusses on particular events or locations identified in its terms of reference, in submissions or in evidence to it, where public behaviour has appeared to be either a potential or current problem.

It was pointed out to the Committee that such public behaviour involved the concept of liberty: balancing the freedom to congregate in the streets of a free society against the freedom of other people not to be harassed.

In the course of its inquiry the Committee came to the view that most public behaviour which causes annoyance or distress in the ACT is alcohol related. This view was reflected in both evidence and submissions to the inquiry.

There was, however, an underlying assumption in several submissions, and in evidence, that the principal public behaviour problems were caused by young people. The Committee was concerned at the implication that, because young people frequently tend to socialise in groups, and in public, their behaviour is somehow unacceptable. Witnesses to the inquiry drew the Committee's attention to the fact that some people "do" all or most of their behaviour in public. These include both the homeless and, to a lesser extent, young people.

One expert witness to the Committee argued that non-criminal or marginal criminal behaviour should not be trivialised as a problem, because on occasions it does become a matter of harassment, particularly for older people and women, and does inhibit the freedom to walk on the streets. Life has its public and private arenas and the behaviour which is tolerated in one can be quite unacceptable in another.

4 DIFFERING PERCEPTIONS OF PUBLIC BEHAVIOUR

The most striking feature of submissions and evidence to the Committee was the different perceptions of what constituted tolerable or intolerable public behaviour.

Dr John Braithwaite, a criminologist from the Australian National University, reported that visiting criminologists from the United States suffered "culture shock" in Australia when they were neither accosted in the street by people begging nor saw "bag ladies" and other destitute people harassing the public.

Dr Satyanshu Mukherjee, criminologist from the Australian Institute of Criminology, who has undertaken comparisons between Canberra and cities overseas, reported that Canberra was one of the safest cities in the western world. He also reported that following an investigation he undertook in 1988 of cities in the United States and the United Kingdom he could find no city which had a lower crime rate.

It was also pointed out to the Committee that comparisons are hard to draw because of the differences both in crime definition and reporting between states and between countries.

The view that Canberra is a comparatively safe city, was endorsed by the Australian Federal Police (AFP). However, in their evidence to the Committee the AFP indicated that, despite this, Canberra is changing and the level of crime is increasing. In their submission to the Committee, the AFP, in common with a wide range of witnesses, drew attention to the fact that most of the unsatisfactory public behaviour resulted from the consumption of alcohol.

There is unquestionably a level of serious crime, sometimes violent and fatal, which must never be tolerated. Every effort must be made by police and public to prevent it and to ensure that residents can live and move around in safety.

Understandably, the Victims of Crime Assistance League (VOCAL) were the most critical of public behaviour in the ACT. VOCAL expressed their "deepest concern at the proliferation in public places in the Canberra area of extreme unacceptable social behaviour by persons who with apparent impunity harass and affront law-abiding citizens". As witnesses from VOCAL pointed out to the Committee:

We at VOCAL are left to pick up the pieces after the tragedies our members have experienced. ... VOCAL sees the people in our community who have been the recipients of violent or antisocial behaviour patterns.

On the other hand, another submission argued that there was a community perception that there are problems of public behaviour and this perception was fostered because it was easier and cheaper to deal with the problem as one of irresponsible behaviour by a minority of people rather than seeing it as the public face of poverty and the marginalisation of people who cannot compete in an increasingly divided society.

The ACT Workers with Youth Network informed the Committee that the majority of organisations they consulted while formulating their submission did not believe that there was a problem with the public behaviour of young people. A few commented that there was a perceived problem, but this, they argued, reflected community attitudes more than the actual behaviour of young people. Concern was expressed about the impact of underage drinking. However, it was argued strongly that when public behaviour was identified as a problem it was not limited to young people.

Captain Rose, of the Salvation Army, reported that in the five years in which he had worked in Canberra he had never found Civic, where young people used to congregate before a police shopfront was established, to be a place where offensive acts were committed.

Unfortunately older people often get an unbalanced view of the threat of crime through sensational media reporting when, objectively, there is not a serious crime problem. Crime surveys show that older people are less likely to be victims of crime than young people. A witness suggested that in some cases public relations units in police forces, by encouraging media coverage, might inadvertently generate the public perception that society was becoming more lawless.

A survey carried out in 1988 by the then ACT Community and Health Service showed that 90 percent of men and 60 percent of women said they felt safe or very safe when walking alone at night in their neighbourhood. Nonetheless, a significant proportion of older people, especially women, feel vulnerable. As a group, older women felt the most unsafe. About 43 percent of women aged 55 years and over felt unsafe or very unsafe. One in four men aged 65 years and over said they felt unsafe.¹

It was argued to the Committee that the fear of crime, the fear of being harassed, is a serious problem in itself, quite independent of the actual level of crime in the streets. It is important to the community that people feel safe walking in the streets.

A vital community street life, where harassment does not occur, was needed. The public policy goal should be to ensure everyone felt comfortable being out on the streets, not to get people off the streets. In addition, protection from crimes of vandalism and theft comes from the knowledge that people regularly go out on the street. An empty street is the most vulnerable. It is important that Canberrans feel safe on the city streets and use them, thus contributing towards keeping the city safe. A busy city is a safe city.

¹ ACT Community and Health Service, **Canberra Health Survey – 88**, AGPS, Canberra, 1989.

5 ANTISOCIAL PUBLIC BEHAVIOUR IN THE ACT

5.1 The role of alcohol

The majority of those who made submissions to the Committee felt that public behaviour was not a particular problem in the ACT. Many argued that where there was a problem this occurred as a result of alcohol abuse. The Committee was reminded that alcohol consumption and drunkenness were not of themselves illegal nor necessarily a public nuisance. However, the potential for antisocial public behaviour increased with the level of alcohol consumed.

The AFP, for example, held that much of the antisocial behaviour experienced in the ACT was associated with alcohol consumption. Most of this antisocial behaviour occurred between 2.00 am and 9.00 am on Fridays, Saturdays, Sundays and Mondays in the business areas of Civic, Woden and Belconnen and at the major special events. The AFP submission argued that most of this unacceptable behaviour would be contained if licensed premises were prohibited from remaining open at such late hours. The AFP gave evidence that in one recent incident police were called to a fight outside a licensed establishment at 8.30 am. Inside, 30 to 40 patrons were drunk. Police stated that occurrences such as this were by no means isolated.

The Gambling and Liquor Authority (GALA) indicated, in evidence to the Committee, that whilst licensees can trade for 24 hours a day, none actually do. Very few trade until 5 am or later. GALA informed the Committee that other State jurisdictions were increasing the number of trading hours. GALA also expressed the view that the problem was primarily one of education and administering the existing law, as opposed to changing it.

A submission from a young person argued that one of the effects of the liberal licensing laws in the ACT was to restrict the number of places such as unlicensed coffee bars, or similar places where people under 18 are legally allowed to socialise.

Another submission put a strong case against alcohol advertisements, arguing that alcohol created far greater problems for society than smoking, which tended principally to affect the individual who smoked.

5.2 Shopping centres

A number of locations where antisocial public behaviour took place were identified to the Committee, either in its terms of reference or in evidence presented to it. These included shopping centres, bus interchanges, areas used for public entertainment, and clubs and taverns.

Except in the case of shops close to all-night taverns whose patrons sometimes cause damage or fouling, little evidence was presented to the Committee to lead it to believe that antisocial behaviour around shopping centres was significant enough to warrant comment. The Committee noted that the AFP is developing "shop fronts" in the major shopping centres. Generally the view appeared to be that shopping centre security was sufficient to avoid significant public behaviour problems.

One particular issue arose in relation to shopping centres, and that was the problem for elderly people when young people were skateboarding.

The ACT Council on the Ageing made the point that older people often feel extremely vulnerable due, quite often, to poor vision and hearing and a fear of falling or being knocked to the ground. This view was endorsed in another submission which argued that buskers, skateboarders and bicycles become hazards for older people, especially those with failing eyesight.

It was suggested to the Committee that the current law which makes it illegal to ride a bicycle within 10 metres of an open shop front could be amended by increasing the distance to 20 metres as well as extending the law to cover skateboards. This would prevent skateboarders from riding in large open air places such as Garema Place. It would, however, be necessary to identify other banned areas such as carparks, carpark ramps and bus interchanges.

It was also put to the Committee that because skateboard riders have less control than bicycle riders, cannot keep up with traffic flow and do not have mandatory lights for night riding, they should not be permitted on roads or median strips.

Recommendations

The Committee recommends that:

- **the ACT Government should prepare legislation to ban the riding of bicycles and skateboards within 20 metres of an open shop front;**
- **the ACT Government should identify areas such as roads, median strips, carparks, carpark ramps and bus interchanges in which the riding of skateboards is banned.**

The Committee recognises that skateboarding is a popular sport and that it is natural for skateboarders to seek the best environment for skating. It is clearly no passing phase and the needs of participants need to be met. One solution proposed was to provide specially designed skateboarding areas near the main town centres.

The Committee recognises that some skateboarding ramps have already been provided and wishes to encourage the provision of further ramps.

Recommendation

The Committee recommends that:

- **the ACT Government should give priority to providing additional skateboard ramps in its overall planning of recreation facilities in the ACT.**

5.3 Bus interchanges

The Committee was asked in its terms of reference to consider public behaviour at bus interchanges. There was considerable divergence of opinion as to whether this constituted a problem.

A number of reasons were given for people, especially young people, congregating at the interchanges at Belconnen and Woden.

Some people felt that there was cause for concern about behaviour at the interchanges, especially that at Woden. However, a number of people argued, either in submissions or in evidence, that while there are groups of youths who "hang around" shopping centres and bus interchanges, on closer examination these groups can be found to be socialising or waiting for buses and generally their behaviour is not a problem. A submission argued that the current concern by certain members of society about the nature and intentions of these groups was based on prejudice and misunderstanding.

Interchanges are not simply a "place to hang out" for most people although naturally they serve as meeting places because they are central. Colleges, primary and high schools tend to finish at the same time causing a "peak hour" of young people at the interchanges. Because there are so many young people there is a lot of noise and activity but this does not mean anyone is doing anything wrong. The ACT Workers with Youth Network argued that:

Young people do congregate in public places, including shopping centres and bus interchanges. We believe that this occurs because young people frequently have little or no money, no transport and they are too young to enter the clubs and pubs – "safe" places to congregate and socialise for those over 18. Consequently young people meet where it is free and legal for them to do so – in public places. This is often in bus interchanges and shopping malls, because many young people are dependent on buses for transport; the two locations are frequently co-located; and shopping centres provide light, warmth, access to what food and drink young people can afford and the centres are dynamic (i.e. there is movement, things to look at and participate in and so on).

One young person who made a submission to the inquiry wrote:

The police have moved us a few times, even when we were waiting for a bus. It meant we missed our bus. We would like ordinary unlicensed cafes or coffee bars where we could have a coffee and something to eat and sit and talk.

In evidence to the Committee, however, the AFP reported that the Woden interchange is currently generating less of a public behaviour problem than it did because of measures taken by the police. They did comment that the problem appeared to have moved. Other problems of public behaviour were now occurring at Weston, where some licensed premises remain open until 8 or 9 am and become the focus of people who have already been drinking at other premises which closed at 4 am.

The AFP also reported that the Belconnen interchange, perhaps because of its design, had never caused the problems which were associated with Woden.

The Salvation Army argued that older people socialise in hotels and this is not frowned upon. It is possible to view younger people who frequent bus interchanges as just socialising. They cannot afford to dress appropriately for a hotel and many are under the legal age limit.

The Committee recognises that, by their nature, bus interchanges are places where people will tend to congregate. The Committee also accepts the evidence that antisocial public behaviour at the interchanges is currently not causing undue problems. However, it believes that in the light of previous problems, especially at the Woden interchange, the police should continue closely to monitor public behaviour at the interchanges.

5.4 Areas used for public entertainment

The three annual public events in the ACT which give rise to some anxiety over public behaviour are the Canberra Festival Food and Wine Frolic, the Street Car Nationals and the Australia Day celebrations.

The AFP reported to the Committee that while the issue of fee for service is still new for the Canberra police it is now a requirement, so the AFP is negotiating with relevant people and organisations conducting events to establish the level of policing which satisfies both their requirements and those of the police.

The Committee concluded that in all of the three events, alcohol presented the greatest public behaviour problem. Chapter 8 of this report is devoted to the question of liquor licensing and alcohol consumption.

The way in which the events were policed was also a question common to all. The role of the police is considered in Chapter 7 of this report.

(a) The Canberra Festival Food and Wine Frolic

The Canberra Festival presents ten days of free outdoor events, activities and entertainments each March. The festival won its category in the 1989 National Tourism awards. One of these events, organised by the Canberra Festival Committee, is the Food and Wine Frolic. Estimates of attendance at this family-oriented function range between 80,000 and 150,000 people.

However, it has received some criticism as a result of inconsiderate and rowdy behaviour on the part of a small percentage of the crowd. Other problems arise due to the size of the crowd and lengthy queues.

The AFP reported that from approximately 4.00 pm until the next morning large numbers of people are affected by alcohol and fights begin, foul and indecent language is used, members of the public are harassed and picnickers are assaulted.

In the opinion of the AFP, what was meant to be a family day in the park has ceased to be so. The AFP was anxious to avoid being caught in a situation of having to police the Food and Wine Frolic and end up policing a hostile public where people saw nothing wrong with their behaviour.

In evidence, the AFP reported that there was a correlation between the amount of alcohol consumed and the behaviour of the crowd. As the day wears on and more alcohol has been consumed the behaviour of some elements of the crowd deteriorates to a stage where it interferes with the rights of families to enjoy themselves. They argued that a substantial number of people are charged on these days and the event stretched the AFP's operational capacity.

The Festival Committee, however, was of the view that police arrests have been relatively insignificant and that the disruptive element of the festival was overstated in some press reporting. It also argued that if patrolling police were not changed during the day, and officers were allowed to "grow with the crowd", confrontation appeared to decline.

Clearly there was some difference between police perception of the unruliness of the behaviour and that of the festival organisers. This divergence is not surprising, of course, since it is the role of the police to focus on those people who are behaving in an unruly way.

The Social Policy Committee is reassured that each year considerable thought is given to ways of minimising unruly behaviour at the Frolic. The Committee recognises that the open access to the Frolic means that it is not possible to regulate what may or may not be brought in to the area, for example in insulated containers. This makes it hard to control people from bringing in glass, which creates a potentially hazardous environment.

The Committee is of the opinion that, so long as the organisation of the Frolic recognises the potential problems and continues to evaluate each Frolic with the aim of minimising unruly public behaviour in future, the Frolic should continue to function as it is clearly a significant and well run event.

(b) Street Car Nationals

The Street Car Nationals are conducted at the National Exhibition Centre (NATEX) in late December.

The AFP submission argued that the majority of participants (approximately 80,000) were law abiding and caused no problems. However, some problems arose due to enthusiasm displayed by entrants, the consumption of alcohol by the followers and considerable noise generated both inside and outside NATEX.

The event culminates in a street procession on the last evening of the Nationals, when participants drive their cars from NATEX to Civic and return. The AFP considered that on each

occasion the conduct of the crowd on Northbourne Avenue had been alarming, with instances of bottles, cans, rubbish, rocks and debris being thrown at police patrolling the area.

The AFP expressed concern at the quantity of liquor sold at NATEX during the Nationals, but believed that a percentage of the alcohol consumed was purchased off the site.

Considerable concern was expressed from a number of quarters about the number of people who camped for the three days of the Nationals on Northbourne Avenue, rather than paying to camp within NATEX, and the nuisance this caused to local residents.

The Committee recognises the importance of the Summer Nationals as an entertainment and a tourist attraction and would like to see them continue.

The Committee maintains that the nuisance to local residents must be minimised. Measures should include prohibiting camping outside NATEX. It might be possible to close a suitable nearby street by applying for street party approval, and encourage this as the focus of some of the activity.

The Committee supports the continuation of the event if arrangements are made to lessen the disruption to local residents. To this end, it believes that the Government should negotiate with the organisers about how the event is conducted and the route of the parade.

Recommendation

The Committee recommends that:

- **during the course of the Summer Nationals, as for any public event, all the laws and regulations of the ACT should be enforced.**

(c) Australia Day

Australia Day celebrations are conducted in Commonwealth Park and at Regatta Point each year. The day begins with a flag raising ceremony followed by a naturalisation ceremony later in the morning. Street theatre, concerts and so on are provided for public enjoyment.

A concert takes place after sunset and the celebrations end with a fireworks display.

Again, large quantities of liquor are consumed, either obtained from permit holders within the park or carried in. The AFP submission reported that after approximately 5.00 pm the effects of excessive liquor become noticeable. Police expressed concern about the large quantities of liquor consumed and the fights, brawls and indecent language which followed. This, the AFP argued, causes many family groups to leave the park.

Organisers of the Australia Day celebration identified two significant problems: (a) congestion, and (b) a small number of people who consumed too much alcohol and became belligerent.

As with the Wine and Food Frolic, the organisers had given considerable thought, in consultation with the police, to ways of minimising these problems. They discussed various means of achieving this, including the siting of alcohol outlets, waste management, policing and the timing of major events.

These three major and important activities, the Food and Wine Frolic, Australia Day and the Street Car Nationals provide variety and entertainment for ACT residents and visitors. The large crowds they continue to attract are evidence of community appreciation and the Committee acknowledges the work of the events' organisers.

The police cannot always share the public's enjoyment. They have the responsibility to control the large numbers and traffic which are generated and the difficult task of dealing with the

relatively small but still significant numbers of people who cannot exercise reasonable self-control. The Committee recognises the effective work performed by police and knows that there is widespread support for this role and the way they perform it.

The Committee would like to encourage organisers in their efforts to prevent glass bottles being brought in to such events. The Committee would also like to see the ACT Government introduce container deposit legislation.

With the reservations already made, the Committee concludes that these are important events which should be continued.

Recommendations

The Committee recommends that:

- . the police and the organisers of major public events monitor each event in order to seek means of minimising public behaviour problems in future, especially in relation to crowd congestion and alcohol consumption;**
- . in terms of safety and control of drinking, the ACT Government should introduce glass container deposit legislation in the ACT.**

5.5 Clubs and taverns

Offensive public behaviour in and around clubs and taverns selling liquor until the early hours of the morning was raised by a number of people as a problem of significance. Unregulated licensing hours were felt by some people to encourage such behaviour.

This offensive behaviour was not only threatening to people, it also involved vandalism and sometimes damage, such as broken windows, to properties close to the clubs or taverns. With some of these places, the main disruption occurs in the early hours of the morning.

Very few such places were involved. Particularly of concern were Weedon Close in Belconnen, and Brierly Street in Weston. It was argued, however, that some sanctions might be appropriate, short of totally withdrawing their license, to encourage greater responsibility on the part of the proprietors of the clubs or taverns. It was suggested that the temporary suspension of a license might be an effective way of encouraging greater responsibility for the problem.

The Gaming and Liquor Authority inspectors, and the police who carry out some of the inspections, work with nightclub owners and others in handling problems that are occurring or have been occurring.

Liquor licensing and policing, and the Committee's recommendations on these issues, are considered in Chapter 8 of this report.

5.6 Other Problems

This inquiry has confirmed the existence of a number of significant, related problems to which the Government and this Committee must pay attention.

(a) Mental illness

The problems faced by carers of those with psychiatric disturbances were raised in a submission from the SHOUT Angry Parents Group:

There are certainly instances of erratic and sometimes offensive behaviour in public places by psychiatrically dysfunctional people.

The Angry Parents Group argued that there was an urgent need for legislation to improve community and care orders and for an improvement in services. Their submission also argued that police needed back-up support and more training in dealing with the mentally ill.

Another submission, from SHOUT itself, argued that while most sufferers of a serious psychiatric illness are nervous and withdrawn and do not cause problems in the public area:

In some cases, an untreated mental illness will deteriorate to the stage where the sufferer's behaviour is uncontrolled, unpredictable and can cause a public nuisance.

Modern advances in the chemical treatment of mental disorders have made it possible for people with some mental conditions to function normally, but be dependent on medication. Where they ceased to take medication their mental dysfunction could reappear.

SHOUT argued for two measures to improve this situation:

- . A review of the Mental Health Act to allow some interventions which could prevent deterioration of a sufferer's condition.
- . A greater commitment by the ACT Mental Health Service to assertive follow-up and treatment. This is a common approach in other areas (such as Queanbeyan), involving a responsible approach to the mentally ill and specific training in crisis work and community care.

This report does not include a close consideration of these complex issues but the Committee wishes to draw the Government's attention to SHOUT's concerns.

Recommendation

The Committee recommends that:

- . **the ACT Government should take note of SHOUT's recommendations and undertake a review of the Mental Health Act and of the approach taken by the ACT Mental Health Services policy towards service delivery.**

(b) Young people

A number of people and organisations, in submissions and in evidence to the Committee, focussed in particular on young people, although young people were not separately identified in the inquiry's terms of reference.

One submission from a young person argued:

I think people are looking for problems and blaming young people for anything that goes wrong. This is easy to do because teenagers are always in groups which makes them very obvious in public places like interchanges.

It seems that older people expect bad behaviour from teenagers even in small groups. Perhaps because young people laugh and talk loudly, look different, untidy, whatever.

It was argued to the Committee that behaviour which in adults was tolerated tended not to be tolerated in young people. Adults, it was asserted, have places to go to to socialise, and often to drink, where drunkenness and its resulting offensive behaviour was frowned on far less than would be the case for young people who tend to congregate and socialise in public places.

It was also pointed out that people with little money, and especially young people, sought to socialise in public because that was all they could afford. The comparatively high rate of youth unemployment in Canberra means that a significant number of young people are likely to have little money.

It was easy to censure young people for congregating at bus shelters, for example, when they only did so for convenience and warmth.

It was pointed out to the Committee that whether young people stay with their families or not they are not always going to remain in the family home. There will always be some periods when they are outside the home. It was important to ensure that there were plenty of places that they can go to where they could meet with other young people.

There are four purpose-built youth centres in the ACT, at Woden, Tuggeranong, Belconnen and Civic. There is also a youth centre facility in the Weston Creek Community Centre. All centres aim to provide a combination of recreational and skills development and alcohol and drug-free social functions for young people. Each centre has an outreach youth worker and provides an outlet for the Shortcuts youth information service.

Keeping the centres open at times when young people want to use them is costly because of the overtime or piece work involved. The Committee was told that the young people using the Civic Youth Centre were calling for a 24-hour service so that they have somewhere to go when it was cold or wet.

The Committee was told that it was necessary to make youth centres attractive to young people who might be more fringe dwellers, more inclined to "act out". However, there is a dilemma in that the more these people are involved in the youth centre programs, the greater the risk of turning away some of the more conventional young people.

The attention of the Committee was also drawn to the problem of young behaviourally disturbed children in Canberra who are not at present being maintained by the ACT schooling system. Barnardo's Australia expressed concern that these children are either roaming the streets during the day or, for those in Barnardo's residential care, being cared for at Barnardo's own school. These children were particularly at risk of creating public behaviour problems in future through undesirable or criminal action. Barnardo's has been involved in planning facilities, both for younger and for adolescent young people, but argued that financial support for these should come from the government, via the ACT Department of Education.

The AFP also told the Committee that there was some problem with teenage gangs involved in fights, graffiti writing and vandalism.

Youth workers, referring to the increasing employment problems faced by young people, said:

The employment situation for young people is changing quite radically in the ACT, we are moving into a de-skilled, part-time, very casualised workforce for young people. It is very marginal and there is very little that connects that sort of work to a long-term career. It is very difficult for them to move out of the stuff that is easiest to move into, into something that is permanent or long term.

If you are in a marginalised dead-end job it is often quite difficult to get yourself into a situation where you can maintain the job, gain the income, do the training (to qualify for a better job) and then look for something else.

They come out of school with an expectation of not being able to find effective work and therefore they are very careful about what job they take.

The ACT Workers with Youth Network (ACTWYN) sought two new administrative structures to assist in providing advice to the Minister for Community Services and Health on youth affairs.

The first was to establish a Ministerial Youth Advisory Committee to advise the Minister on the impact of policy proposals. It was envisaged that through this forum the Minister would be able to establish and maintain direct access to non-government sources of support and advice on issues relating to young people. Second, they sought the establishment of a Youth Bureau, within the bureaucracy, to help coordinate Government services to young people in the ACT.²

It was also noted that, in its 1989-90 Budget, the former ACT Government had announced that youth outreach workers would be appointed. ACTWYN suggested that the South Australian Department of Community Welfare's neighbourhood youth workers might provide an interesting model to follow but emphasised that more information would be needed on this scheme.

(c) Youth homelessness

Youth homelessness has increasingly been recognised as a significant and distressing problem in Australia. Concern has culminated in a national inquiry into youth homelessness which published its report, known as the Burdekin Report, in 1989.³

Figures provided by the ACT Department of Community Services and Health indicated that youth homelessness was a significant problem in the ACT.

The Salvation Army is one of the groups in the ACT who care for the homeless young. The Army's Director of Welfare, Captain Rose, in evidence to the Committee, indicated that in one month in late 1989 they had seen 87 people under the age of 21 seeking food or accommodation.

It was argued by one witness to the Committee that the problem of homelessness had always existed but that it is now given a higher profile. Family dysfunctions were there in the past. Children either stayed at home or left, and quite frequently their leaving was simply not reported to the authorities. Nonetheless, whether or not it is a worse problem now seems irrelevant to the question of developing policies to help alleviate the difficulties faced by these young people.

Youth workers argued that:

Addressing grass roots problems such as domestic violence, rape, incest and things like that ... is favoured in great opposition to legislating young people out of public places.

They cited a worker from the ACT Southside Refuge who gave evidence to the Burdekin Committee:

Homeless young people in the ACT have basically nowhere to go and nowhere to live, so it is hardly surprising that there are four young people that we know of who have been through our service and have committed suicide in the past two years.

The Salvation Army reported that they tried to establish counselling sessions with young people

² The Committee notes that the Government is already taking steps to establish such consultative bodies.

³ Human Rights and Equal Opportunity Commission, **Our Homeless Children : Report of**

who have left home and their parents but that it was difficult to arrange times because personnel were in short supply and the parents are often working. Captain Rose informed the Committee that as part of his job he counselled young people who had left home, and heard their reasons for leaving. He reported that such counselling seldom resulted in reunion and that he often found their reasons for leaving compelling, in which case it was not possible to counsel them to return home.

The Welfare Branch of the ACT Department of Community Services and Health seeks to provide support to children who have left home, and to the family. As with the Salvation Army, the first focus is to try and bring the family unit back together, but sometimes this is impossible. The Branch then tries to provide a substitute support system for that young person.

Housing and support are already provided in response to the problem of youth homelessness in the ACT (see Appendix 3). As a group, homeless young people tend to be poorly educated and have an extremely poor lifestyle. Welfare Branch spend time with this group, and youth centres play an important role. The Branch also works closely with education authorities to try and overcome individual problems, trying to build the self-esteem of these young people. This is hard to achieve for young people who come from broken households or those where parents have difficulty maintaining a proper relationship within the family.

Captain Rose reported that young people who two years ago were sleeping in St Vincent de Paul clothing bins have now moved out into the community. They tend to move from one Housing Trust group house to another. These people are in fact homeless.

It was argued by youth workers that treating the problem as one of public behaviour and to respond to it in those terms would be to ignore the underlying causes and that is "to apply a very small band aid to an ever-growing wound".

The Committee was told that in a three-month period 477 crisis beds in the ACT had been used by young people. There was evidence, however, that the greater need was for medium and long-term accommodation.

The Government has funded a new policy proposal for school liaison officers to keep marginal young people in touch with the school system, thereby learning skills to make them more employable.

It was reported that where police became involved in family conflict they faced an invidious problem when people expected them to be able to do something about it. They were therefore under pressure to take some action but there was little that they could constructively do. The ACT Community Services and Health Welfare Branch indicated that there was some divergence between themselves and the police in cases of marginal neglect and abuse in homes when the police wanted to remove the child quickly while the Welfare Branch was prepared to put more resources into the family.

The Burdekin Report paid tribute to the ACT youth centre program. The Committee understands that the Welfare Branch will be working further on the program.

The Committee was deeply concerned at the evidence of the increasing problem of youth homelessness in the ACT and supports the view that youth homelessness is likely to contribute to problems of public behaviour. It is also aware that considerable attention is currently being paid by governments to the causes and effects of youth homelessness.

(d) Adult homelessness

Homelessness is not confined to the young. Evidence was put to the Committee that high interest rates had increased the rate of homelessness in the ACT to include both the employed and the unemployed. Some employed people found it too hard collecting together a rental bond. In addition, there was a waiting list for Housing Trust accommodation and people were not necessarily aware that the Housing Trust provided bond assistance and rent relief for people in hardship.

As the representative of the Street People's Collective told the Committee:

After you get to a certain point, you know, say you get to be 20, 21 and you are homeless, that develops into a way of life, a lifestyle and you are very much locked into that lifestyle. ...

I don't know anyone who is living on the street because they want to. It is because they have to.

Ainslie Village provides accommodation for people aged 18 and over who cannot buy or rent elsewhere.

Captain Rose indicated that the Salvation Army saw adult homelessness in the ACT as a significant problem, the need for help being greatest in winter.

It was argued that there should be more day centres in which people who are poor could congregate, but at the same time it was suggested that people should also be allowed to congregate in public.

The Salvation Army evidence also indicated that while the women's lobby had been successful in establishing domestic violence refuges, these were essentially for short-term emergency support. There was a need for more halfway houses providing a shelter for women to give them time to plan their lives after the initial crisis. Refuges were constantly dealing with people in the first stages of a crisis and were therefore not conducive to the sort of longer-term planning which was often needed for people after that initial stage.

It was argued that there was a need for men's refuges in Canberra. In this area, men were less well provided for than women.

6 RESPONSIBILITIES

A number of people expressed the view that it was difficult to separate public from private behaviour as each had an impact on the other. For example, several sources (for example, the Salvation Army) indicated that youth homelessness led to young people being on the streets rather than at home, but that it was frequently the case that young people left their homes because their family life had become intolerable. Often, the public consumption of alcohol might lead the consumers to behave violently towards their families in private. Not every Committee member agreed that this explained all causes leading to a child's departure from home. Views were expressed within the committee that numbers of children left home for other reasons, including a low tolerance to discipline and too ready access to alternative arrangements.

Over and again the point was made that there were many more problems associated with "private behaviour", such as domestic violence, than with public behaviour but that there was a relationship between the two. The two criminologists who gave evidence, Dr Braithwaite and Dr Mukherjee, told the Committee that some of the worst crimes driven by alcohol occurred in private rather than public spaces, with bashings of family members. The Committee recalls VOCAL's evidence of a number of cases of public violence, including the kicking to death of an innocent youth at a fete at a suburban school. The Committee acknowledges that this is very much in the domain of "public behaviour".

In some evidence, emphasis was placed on the need to look at the causes of antisocial behaviour rather than merely to consider punitive measures in an attempt to control it. Measures should consider the whole community and not just a minority who may be perceived by the majority as a nuisance that needed to be dealt with. It was asserted that the whole community contributes to the problem in some way and that consequently the community should be part of the solution.

Witnesses pointed out that much harassment and violence against other people can be explained by the kind of family life in which violence and alcohol abuse are standard ways of solving frustrations within the family, where excessive use of alcohol gets passed on from generation to generation. Parents are role models of the inappropriate use of alcohol.

Structural problems in society were also seen as a cause of crime. Dr Braithwaite argued that the comparatively low level of crime in Australia, compared with the United States for example, was the result of relatively equal distribution of wealth. Nevertheless, the National Committee on Violence, which published its report in February 1990, reported that in Australia, both victims of violence and violent offenders are drawn from the most disadvantaged socio-economic groups.⁴ Poverty, it was suggested, is one of the fundamental causes of crime.

A submission from the Street People's Collective described the difficulties of being poor and unemployed in Canberra:

In the ACT you don't have very much in the way of a social life, everything is designed for a middle class, working, public service, rich.

Our Legislative Assembly are asking for submissions on giving police more power to control social problems. Police power is not the answer to social problems. The more you suppress the problem, the greater the risk of a violent backlash.

⁴ National Committee on Violence, **Violence: Directions for Australia**, Australian Institute of Criminology, 1990, p XXV.

The submission from the Welfare Rights and Legal Centre Limited argued that:

The people who are thought to be the cause of the problem are generally perceived to be young, male abusers of alcohol and/or drugs. The particular persons concerned may well fit this description but it is questionable whether they are in the position they are in because of the way they behave or whether they behave in the way they do because of the position they are in. We would suggest that their rejection by mainstream society and their alienation from the values of that society causes any antisocial behaviour, not the reverse.

However, the Committee again recalls the VOCAL evidence:

Members of VOCAL have experienced the deterioration of Canberra's once envied open life-style and know what it means to have suffered assault, robbery and murder of our loved ones in this fair city.

It was put to the Committee that public and private behaviour were a community responsibility and it therefore should not be assumed that it is the police who should solve all of these problems. The problems are subtle in nature and the criminal law is just too crude an instrument to solve them.

Neither can the Committee recommend nor the Government legislate to ensure that the community accepts responsibility for public behaviour in the ACT. However, there may be some measures which can assist, such as encouraging the concept of community policing and making licensees take some responsibility for their patrons (see Chapter 7).

7 POLICING IN THE ACT

Three issues were raised in relation to the role of the Australian Federal Police in policing the ACT. The first, raised by Professor Wettenhall, of the University of Canberra, was the question of whether it was appropriate for a Federal police force also to be responsible for policing the ACT. The second issue was allied to this question, and that was the view of both criminologists and the police themselves that community policing needs to be developed in the ACT. The third, raised by youth workers, concerned police training.

7.1 The role of the Australian Federal Police

Professor Wettenhall provided the Committee with an overview of the history of policing in the ACT, explaining that:

Before self-government, the ACT was granted a separate police force in the "kin police" tradition, operating under an ACT Ordinance and headed by its own Police Commissioner. Through the 1960s and 1970s, this separate ACT force was generally well regarded in the wider police community; it recruited officers at a higher than average (for police) educational standard, deliberately cultivated a sense of close community involvement, achieved high standards of police work, and was generally well regarded in this community too.

This view was endorsed in other evidence to the Committee. It was informed that during the 1960s and the 1970s there was considerable grassroots support in the community, and the police were seen as a professional, responsive, albeit small police force.

This was changed under the Fraser Government, following a report on national policing by Sir Robert Marks, a senior British police officer. Marks proposed the creation of the AFP to combine the Commonwealth Police and the ACT force. Wettenhall argues that:

It is not satisfactory to force the federal government's police functions into a single organisation with ACT policing functions – the character and needs of the two classes of police work are different, and this community cannot expect the single-minded attention to its needs that would come through restoration of an ACT police force in the "kin police" tradition. Compromises that have been suggested (e.g. a contract with the AFP) do not, to my mind, overcome this problem.

The problems of the combined police force were also referred to in evidence. The Committee was told that since the formation of the AFP in October 1979, the ACT region, as opposed to the ACT police, had perhaps somewhat drifted away from its community grassroots but that a concerted effort was being made by the police administration to move closer to the community.

7.2 Community policing

Professor Wettenhall argued that the classic Anglo-Saxon view of the police was the best fundamental approach to policing:

They are agents of the law, not of the government of the day, standing apart from national politics (hence it has been customary to separate them from **national** government by devolving the police function to lower orders of government or providing statutory authority status), with clear responsibility for the preservation of public peace, safety and good order, with close links to the particular community being thus protected, and once affectionately referred to as "kin police".

Of course central governments need police too ... but on this view those police should be separate from the kin (or community) police forces.

The community policing approach focusses more on prevention and problem solving than on punishment. The police are involved with the community and with youth groups and do not see their role as solving their problems by exercising formal, punitive powers, but through a process of reasoning.

Dr Braithwaite cited Tokyo, a high density city in which community policing worked effectively. Each police officer in Tokyo is rostered to a familiar area in which he or she knows the local inhabitants. If problems arise with young people, the police speak to the parents about the behaviour of their children. They work on foot rather than in patrol cars.

The respect in which the AFP is held in Canberra provides an excellent basis to develop the community policing model.

It was argued that community policing need not require additional resources as it tended to involve the redeployment of existing resources.

The AFP informed the Committee that it was already moving back towards community policing in Canberra. This involved developing a philosophy at senior management level, leading to reform at ground level. One of the steps the AFP has taken in developing community policing has been to break the ACT into three districts with the aim of getting the police in that district as close as possible to the community. The AFP is also developing "shopfronts" in the main shopping centres. This follows the establishment of the Civic shopfront which the AFP considered to have worked well. While a shopfront exists at Belconnen Mall, the AFP saw the need for police to be more visible – both through better signs for the shopfront and foot patrols round the Mall.

Community policing can also extend to night clubs and taverns, where police develop contact with the club or tavern and develop the concept of "patron care".

The AFP describe this move towards working with the community as "caring for the community".

The Committee's attention was drawn to a number of imaginative responses to public behaviour problems elsewhere. For example, the Bonnemaison (France), the Cautionary Diversion Project (South Australia) and the Wyong experiment (New South Wales), all approach public behaviour issues from a preventive rather than punitive perspective.

First offenders who plead guilty in Wyong can have their case adjourned for three months:

During that time they must appear before a panel – a police representative, a solicitor, an adult citizen and a young person ...

Members talk to the offenders about their crime and about their situation in life. The offenders are asked to perform 40 hours of voluntary work at a suitable community organisation before their cases come back to court.

It was reported in June 1989 that since November 1987, 408 first offenders had appeared before the panel. Only 12 had since been charged again and only one had been institutionalised.

Recommendations

The Committee recommends that:

- **the ACT Government, as it takes responsibility for policing in the ACT, should work together with the AFP further to develop community policing;**

- **the ACT Government should explore projects as Bonnemaison, Cautionary Diversion or the Wyong experiment to assist in developing effective preventive or rehabilitation measures.**

7.3 Police training

A number of witnesses referred to the need for police training to encompass both the community policing concept and sensitising recruits to ways of handling young people.

Some youth workers felt that young police recruits were too close in age to the young people they had to deal with and that this caused them to try to exert unnecessary authority. One youth worker who had experience in training police in South Australia spoke of the need to take police trainees to youth centres. The example of Operation Turnaround in New South Wales was praised, in which camps for young people and police were run as part of the police training process which enabled each group to get to know the other as people.

Recommendations

The Committee recommends that:

- **the ACT Government should seek to ensure that AFP police training, for those police operating in the ACT, focusses on community policing;**
- **police training also focusses on developing in the police a confidence in dealing with young people with a non-confrontationist approach.**

7.4 Extent of police powers

The AFP expressed the view that in 1975, with the substantial changes to the Liquor Act, and also in 1983, when many street offences were eliminated, the police felt hamstrung. They supported being given "preventive tools" that would enable them to move people on in those circumstances which might otherwise become major problems.

In 1975 amendments to the Liquor Act were introduced which deregulated the hours for drinking and the sale of alcohol. The police informed the Committee that they lost the power to charge people for drinking liquor in a public place. They also lost the power to prevent publicans and those selling liquor to sell to persons who already were intoxicated.

The AFP considered that the problem was growing and that if action was not taken now, it may get to a stage where it is out of hand.

Not everyone agreed that the police needed additional powers, however. The Salvation Army, for example, expressed great concern that the move-on powers were creating a problem because it has become more difficult for caring organisations to locate people in need. The new powers prevented such organisations from going about their profession of looking after people. While it might be all right to move people on, they had to have somewhere to move on to.

The Salvation Army and other caring groups ran a soup kitchen, from approximately 9.00 pm through the night, and in that way were able to find out whether people had somewhere to sleep. If the new move-on powers meant that people stopped coming to the soup kitchen this contact would be eliminated. The Salvation Army argued that:

If you are going to move people on and if you are going to want to have a squeaky clean city, you need to have the services to enable that to happen.

The Civil Liberties Council of the ACT supported "new police policies to exert existing powers to prevent antisocial behaviour at known trouble-spots". The Council expressed the view, however, that these problems would not be solved by "sweeping criminalisation of normal behaviour".

The Council pointed out that legislation already exists which prohibits people under 18 from purchasing, consuming or possessing liquor in a public place or on licensed premises.

They also referred to the wide powers the police had to deal with loutish behaviour in public, including the new move-on legislation. The Council did not support the move-on legislation because "it will become illegal for any person to consume liquor in a wide variety of prescribed public places – which are not clearly defined. The person may not be causing offence to anyone".

On the other hand, the AFP reported that from their point of view the new legislation appeared to be working well, and saw it as potentially beneficial for controlling street behaviour.

The Committee noted that the move-on powers focussed on the effect rather than the causes of public behaviour problems.

Recommendation

The Committee recommends that:

- . **further solutions to public behaviour problems in the ACT focus more on the underlying causes of such behaviour.**

8 LIQUOR REGULATION

It is the Committee's opinion that liquor creates the greatest public behaviour problem in the ACT. A number of submissions, and particularly the AFP, expressed the view that 24-hour licensing was one of the major causes of this problem, as well as the consumption of liquor at public events. Some data (though limited) suggests that Canberra's rate of alcohol consumption is particularly high. This would not be surprising. The city's licensing laws are the most relaxed in Australia.

8.1 The Gaming and Liquor Authority

The Gaming and Liquor Authority (GALA) was established in 1987. Its charter in relation to the regulation of liquor licences is:

- . To ensure that licensed premises, licensees and the sale of liquor in the ACT are of a high standard, reflecting the desires of the community and the Government.
- . To collect Government imposed fees in an effective and cost-effective way, minimising the avoidance of fees and as far as possible minimising the effort required by licensed bodies in complying with controls without compromising the effectiveness of those controls.
- . To investigate and act upon breaches of the Ordinance in a responsible and efficient manner.

Under the Liquor Ordinance 1975 (now the Liquor Act) GALA can issue four types of liquor licence: General Licences, On Licences, Off Licences and Club Licences.

A General Licence authorises the licensee to sell liquor at any time for consumption on, or away from, the licensed premises.

An On Licence authorises the licensee to sell people liquor at any time for consumption on the licensed premises.

An Off Licence authorises the licensee to sell liquor at any time in sealed containers for consumption away from the licensed premises.

A Club Licence authorises the club by which the licence is held to supply liquor at any time on the licensed premises of the club, for consumption on, or away from, those premises, to (a) members of the club; and (b) people who are at the club having been invited by club member present on the premises.

In August 1989 there were 537 liquor licences in force within the ACT.

GALA can also issue liquor permits. A permit authorises the holder, during the period or periods, and at the place or premises specified in the permit, to sell liquor. A permit does not authorise the holder of the permit to sell liquor in a closed container or to sell liquor in a container together with the means of closing the container.

GALA has the power to suspend the licence of a licensee, by order, if it is necessary to do so for the protection of members of the public. This suspension has effect until it is revoked. A complaints procedure regarding the conduct of business of licensees, is laid down in the legislation. This specifies that the complaint must be made in writing to the Registrar, who then has to conduct an investigation before reporting the results of the investigation to GALA.

The AFP expressed concern that under Sections 17 and 79 of the 1975 Act, the GALA Registrar, not themselves, had the power to deal with situations where an intoxicated or mentally ill person is served with an alcoholic beverage in a licensed premises or by a permit holder. Before the 1975 Act the police had held this power.

In evidence to the Committee, officers of GALA referred to this problem and indicated that this could be overcome by minor amendments to the legislation to enable the police, as well as the Registrar, to initiate prosecutions for minor offences such as underage drinking.

It was clear to the Committee that the powers of the police and GALA on these issues needed clarification and that there was a need for cooperation between the two organisations in the whole area of controlling the misuse of liquor.

With only two inspectors, it is not possible for GALA to maintain a reasonable surveillance of all licensed premises. With large numbers of police always on duty, giving certain powers to police would enable provisions of the Act to be enforced more effectively. And it is the police who are required to deal with the behaviour problems that may arise at all hours from the excessive consumption of alcohol.

Recommendations

The Committee recommends that:

- . **the ACT Government should clarify the separation or overlap of responsibility between the AFP and GALA in the policing and prosecution of liquor offences and should amend the legislation where necessary to avoid any doubt about the powers available to each;**
- . **the AFP and GALA work closely together in policing the misuse of liquor.**

8.2 Underage drinking

The Alcohol and Drug Service, run by the ACT Department of Community Services and Health is a specialist agency which focusses on prevention and education programs. Alcohol abuse is one of a range of drug and substance abuses. While GALA has the responsibility of policing underage drinking, the Alcohol and Drug Service is concerned with alcohol abuse at any age.

It was argued by several witnesses that changing legislation would not necessarily make much difference to underage drinking. If underage drinkers wanted alcohol they would always find a way of acquiring it. One of the criminologists who appeared before the Committee argued that licensing solutions would not make much difference to the alcohol problem because they could always be "got around" and that the history of prohibition in the United States demonstrated the failure of such a policy.

In relation to alcohol abuse amongst young people, the Alcohol and Drug Service saw itself as responsible for establishing and maintaining education programs in ACT schools. There is already a program directed towards "binge" drinking amongst year 12 or final year students at the end of their schooling in response to the developing tradition to have a heavy drinking session for a period at the end of their final year. This strategy was seen to have been quite successful.

The Committee was informed that one of the Alcohol and Drug Service's major problems in rehabilitating children was keeping the small group of young people who were trying to rehabilitate themselves away from friends who tend to divert them back to their previous behaviour.

The Committee is concerned at the extent of underage drinking in the ACT and considers that this problem must be exacerbated by poor adult role models and widespread alcohol advertising. This is another area where the whole community must accept responsibility for the problem.

The Committee supports three of the National Committee on Violence⁵ recommendations specifically related to alcohol. These were: (a) that the Federal Government should further increase the excise differential so that low alcohol beer is significantly cheaper to the consumer compared with high alcohol beer (recommendation 6); (b) that health warnings should be required on all alcoholic beverage containers (recommendation 7); and (c) that electronic advertising of alcoholic beverages should be prohibited (recommendation 8).

Recommendations

The Committee recommends that:

- **in relation to alcohol consumption, the ACT Government should urge the Commonwealth Government to implement recommendations 6, 7 and 8 of the National Committee on Violence;**
- **the ACT Government should prohibit alcohol advertising in all areas of the ACT except at the generic point of sale;**
- **a scale of penalties should be included in the Liquor Act for greater control over breaches of licensing laws.**

8.3 Adult liquor consumption

However, the age of those who were behaving in an antisocial manner in public was not the major issue identified as a problem to the Committee. Adults of all ages were concerned, both in private and in public liquor consumption. There would be many more people abusing alcohol, for instance, who were not causing public behaviour problems.

It was noted that the local liquor legislation was primarily focussed around providing alcohol as a community service: for example, the need for alcohol agencies such as liquor stores having to be open certain hours and having to give notice if they are going to be closed.

Underlying the question of licensing laws and the hours and locations where liquor might be available was the question of profit for the provider. The AFP cited one tavern proprietor who indicated that as long as people had money in their pockets and wanted to drink he would remain open.

The AFP informed the Committee that when preparing their submission, talking to the people involved in policing public behaviour over the years, it became obvious that by far the biggest problem was liquor. The AFP felt that over the years the Territory had "lost its balance" in relation to alcohol availability and consumption.

The public behaviour problem associated with alcohol tends to occur either where alcohol is sold at public outdoor events, or in the area close to taverns or clubs when patrons leave the premises.

⁵ National Committee on Violence, *op cit*, p XXXI.

8.4 Patron care

It was reported that the Alcohol and Drug Foundation had been especially effective in Queensland, where a "patron care" program had been introduced involving education courses for people who worked behind bars. They were taught under what circumstances they should intervene and start asking the person who is over-indulging whether they had not had enough to drink. This placed some responsibility on the shoulders of the bartender and on management.

Following the Queensland example, the ACT included an emphasis on patron care in hospitality courses at the ACT College of Technical and Further Education (TAFE). This includes lectures which consider the vendor's role in relation to alcohol abuse, safe drinking levels and so on. The Alcohol and Drug Service informed the Committee that it intended to do more work in this area.

Recommendation

The Committee recommends that:

- **server intervention programs be developed to require greater responsibility from licensed outlets for the condition and behaviour of their patrons.**

8.5 Proclaimed place

The Committee had described to it the concept of a "proclaimed place", where people can be taken for their own protection.

The Salvation Army runs such a place in Sydney where intoxicated people can be taken to be looked after, cleaned up and ensured that they are not in physical danger. The Committee understands that a proposal to establish such a place in the ACT had been mooted by the ACT Council of Social Services, but that funding had not been forthcoming.

Recommendation

The Committee recommends that:

- **the ACT Government should encourage the establishment of a "proclaimed place" in the ACT.**

8.6 Australian Federal Police recommendations

The following suggestions were put forward by the AFP as measures which might help reduce antisocial public behaviour resulting from the excessive use of alcohol:

- (a) **The AFP recommended that "on licence" trading hours be restricted to the hours of 10.00 am to 4.00 am.**

It was suggested in other evidence to the Committee that this might simply have the effect of spilling a lot of people onto the streets at the same time (4.00 am). The Committee was also told that the problem of premises that are open to 8.00 am or 9.00 am was more to do with the licensee than the patrons.

The Committee formed the impression that there needed to be better communication between GALA and police on problem clubs/taverns. Indeed, it was suggested to the Committee that had applications been made by the police to GALA more regularly some of the current problem areas might already have had their opening hours restricted.

The Committee is divided about restricting the "on licence" hours but the majority of the Committee is not prepared to recommend changing them at this stage. It is determined to take serious steps to diminish the problems arising from alcohol excess.

Recommendations

The Committee recommends that:

- . **"on licence" hours remain unchanged at present;**
- . **the matter of restricting "on licence" hours be held on notice for the Committee's future consideration.**

- (b) The AFP recommended the introduction of legislation to make it an offence for a person to consume intoxicating liquor in a declared "dry" area..

This legislation could be similar to that in place in South Australia. In that State, police make application to the local Council for a certain area to be "dry". Once approved by the Council, the declaration is gazetted and signs are erected. The declaration is reversible, thus providing for a declaration to be revoked if the problem of drinking in the area ceases.

Applications to declare an area to be "dry" could be made to a board approved by the Minister, which would include a representative of the police.

GALA put the view that similar legislation in South Australia and Western Australia did not work because, as with move-on powers, the result tends to be that people simply move somewhere else to drink. GALA indicated that in Adelaide's Hindley Street, foot police had appeared to be far more effective as a deterrent than had "dry areas" legislation.

The Committee discussed this recommendation at length but drew the conclusion that it would not recommend such a change because of the difficulties inherent in defining and setting the limits of non-drinking areas. It did not, therefore, support this proposal.

- (c) The AFP recommended that police might be given the power to control the sale of liquor by licence or permit holders where police believe, on reasonable grounds, that the continuation of the sale of liquor would lead to offensive, riotous, disorderly, insulting or unruly behaviour, thereby disrupting the good order and peace of a public place.

Police would be empowered to close the outlet.

Again, some problems were identified because, if it was intended to withdraw a permit, as a temporary measure to combat drunkenness at public events, it would be relatively ineffective as much of the alcohol was brought in "on the shoulder".

GALA indicated that power exists under Section 46 of the Liquor Act, by which the police have, in legislation, had this power since 1975, or in "practical application" since 1976. However, the suspension has to go through GALA and GALA officers indicated that "the vehicle is slow and cumbersome, and now even more so". GALA can suspend licences of those clubs, taverns or other liquor licence holders which appeared to attract consistent misbehaviour "if it is necessary to do so for the protection of members of the public".

The Committee understands that this power has seldom, if ever, been exercised. It was argued to the Committee that licences of such premises should be suspended until the Authority was satisfied that steps had been taken by the licensee to take more responsibility for the well-being

of patrons. This would have the effect of placing responsibility for alcohol-induced antisocial public behaviour onto the shoulders of the licensee and be one way of encouraging "patron care".

The Committee feels that it would be reasonable to give the police power to immediately withdraw a liquor permit.

Recommendations

The Committee recommends that:

- . **both GALA and the AFP should be given powers to suspend liquor trading for twelve hours if officers believe that the continuation of the sale of liquor would lead to behaviour causing undue disruption in a public place.**
- (d) The AFP recommended that police powers under Section 79 of the Liquor Act be extended, enabling them to have the same control over the sale of liquor to intoxicated persons as GALA.

This recommendation is supported.

Recommendation

The Committee recommends that:

- . **under Section 79 of the Liquor Act police should have the same control over the sale of liquor to intoxicated persons as GALA.**
- (e) The AFP recommended that Section 546A Crimes Act 1900 be amended to include the words 'unruly or disorderly conduct'.

The ACT Government Law Office expressed concern that these terms were ill defined and might be applied to people who are merely poor. The Committee accepts this argument, while recognising the need for the police have the appropriate power to deal with public behaviour problems. Therefore the Committee does not support this proposal.

9 RECOMMENDATIONS

The Committee recommends that:

- 1**
 - 1.1** the ACT Government should prepare legislation to ban the riding of bicycles and skateboards within 20 metres of an open shop front; (5.2)
 - 1.2** the ACT Government should identify areas such as roads, median strips, carpark, carpark ramps and bus interchanges in which the riding of skateboards is banned; (5.2)
 - 1.3** the ACT Government should give priority to providing additional skateboard ramps in its overall planning of recreation facilities in the ACT; (5.2)
- 2**
 - 2.1** during the course of the Summer Nationals, as for any public event, all the laws and regulations of the ACT should be enforced.
 - 2.2** the police and the organisers of major public events monitor each event in order to seek means of minimising public behaviour problems in future, especially in relation to crowd congestion and alcohol consumption; (5.4)
 - 2.3** in terms of safety and control of drinking, the ACT Government should introduce glass container deposit legislation in the ACT;
- 3**
 - 3.1** the ACT Government should take note of SHOUT's recommendations and undertake a review of the Mental Health Act and the approach taken by the ACT Mental Health Services policy towards service delivery; (5.6)
- 4**
 - 4.1** the ACT Government, as it takes responsibility for policing in the ACT, should work together with the AFP further to develop community policing; (7.2)
 - 4.2** the ACT Government should explore projects as Bonnemaison, Cautionary Diversion or the Wyong experiment to assist in developing effective preventive and rehabilitation measures; (7.2)
- 5**
 - 5.1** the ACT Government should seek to ensure that AFP police training, for those police operating in the ACT, focusses on community policing; (7.3)
 - 5.2** police training also focusses on developing in the police a confidence in dealing with young people with a non-confrontationist approach. (7.3)
- 6**
 - 6.1** further solutions to public behaviour problems in the ACT focus more on the underlying causes of such behaviour; (7.4)
- 7**
 - 7.1** the ACT Government should clarify the separation or overlap of responsibility between the AFP and GALA in the policing and prosecution of liquor offences and should amend the legislation where necessary to avoid any doubt about the powers available to each; (8.1)
 - 7.2** the AFP and GALA work closely together in policing the misuse of liquor; (8.1)
- 8**
 - 8.1** in relation to alcohol consumption the ACT Government should urge the Commonwealth Government to implement recommendations 6, 7 and 8 of the National Committee on Violence; (8.2)

- 8.2 the ACT Government should prohibit alcohol advertising in all areas of the ACT except at the generic point of sale; (8.2)**
 - 8.3 a scale of penalties should be included in the Liquor Act for greater control over breaches of licensing laws; (8.2)**
- 9 9.1 server intervention programs be developed to require greater responsibility from licensed outlets for the condition and behaviour of their patrons; (8.4)**
- 10 10.1 the ACT Government should encourage the establishment of a "proclaimed place" in the ACT. (8.5)**
- 11 11.1 "on licence" hours remain unchanged at present; (8.6)**
 - 11.2 the matter of restricting "on licence" hours be held on notice for the Committee's future consideration; (8.6)**
- 12 12.1 both GALA and the AFP should be given powers to suspend liquor trading for twelve hours if officers believe that the continuation of the sale of liquor would lead to behaviour causing undue disruption in a public place; (8.6)**
 - 12.2 under Section 79 of the Liquor Act police should have the same control over the sale of liquor to intoxicated persons as GALA.**

SUBMISSIONS RECEIVED

Organisations

ACT Council on the Ageing
ACT Council of Social Service Incorporated
ACT Mental Health Resource
ACT Workers with Youth Network
Ainslie Village Management Pty Ltd
Angry Parents Group
Australian Federal Police
Australian Hotels Association
Barnardo's Australia
BP Service Station – Weston
Canberra Action on Smoking and Health (ASH)
Canberra Festival
Civil Liberties Council of the ACT
National Australia Bank – Weston Branch
Open Family Foundation
Rudes Nightclub
Small Shop Owners Action Group ACT
Street People's Collective
The Youth Housing Interagency
Tuggeranong Hyperdome
Victims of Crime Assistance League (ACT)
Welfare Rights and Legal Centre
Woden Youth Centre – The Bus Stop
Youth Insearch Foundation

Individuals

Ms N Marsh
Ms R Nairn
Mr and Mrs R Shawe
Professor R L Wettenhall
Mrs O Stanfield
Mr J Taylor

APPENDIX 2

PUBLIC HEARINGS

13 NOVEMBER 1989

The Salvation Army

Captain Graham Rose

Ainslie Village Management

Ms Jean Spicer

The Street People's Collective

Mr Anthony Worrall

ACT Workers with Youth Network

Ms Meg Westhorp
Mr Adam Stankevicius

Victims of Crime Assistance League (ACT) Incorporated

Mrs Rita Cameron
Mrs Brigitte Ballard

Australian Federal Police

Assistant Commissioner Brian Bates
Commander John Dau
Superintendent Don Holmes
Superintendent Mal McGregor
Superintendent Graeme Taylor
Superintendent John Davey

20 NOVEMBER 1989

Galilee Incorporated, Youth Insearch Foundation

Mr Paul Adcock

Australian Institute of Criminology

Dr S Mukherjee

YOUTH ACCOMMODATION SERVICES

at July 1989

Youth accommodation services in the ACT have been categorised as follows:

- (1) Crisis refuges and shelters – 34 beds – (funded by the Supported Accommodation Assistance Program) – these services provide short-term (up to six weeks) supported accommodation for self/welfare/community/school/court referrals.
- (2) Substitute care services – 95 beds – (funded by Community Welfare Branch) – these services accommodate (for a medium term) children and young people who are referred primarily by Community Welfare Branch, through the courts, or by community/social workers;
- (3) Medium/long-term accommodation – 10 beds – (funded by the Supported Accommodation Assistance Program);
- (4) Medium/long-term supported accommodation – 5 beds – (funded by the non-government sector);
- (5) General supported accommodation services which are open for use by young people over 16 years, but not specifically youth services – 19 beds;
- (6) Women's supported accommodation services, allowing use by women over 16 years – 38 beds;
- (7) Independent accommodation services – 60 beds.

ADDITIONAL COMMENTS

Additional comment by Mrs Robyn Nolan

While I do not consider it necessary to put forward a dissenting report in relation to this inquiry, I do wish to note certain areas that I consider are not consistent with my interpretation of evidence put before us or, in some cases, insufficient evidence.

I personally was concerned with the small number of submissions received and consequently some views put forward. However, on the evidence before us, my deliberations support many of the recommendations of the report.

I do not, however, believe this Committee, on the evidence before us, should consider the recommendation of prohibiting alcohol advertising in all areas of the ACT except at the generic point of sale. It was argued that the problem of alcohol as related to public behaviour was not necessarily related to the young. I would also suggest that much more information should be evaluated before such a recommendation be put forward.

While the Committee recommends that on "licence hours" remain unchanged at present, I would consider that further information would need to be sought before a real judgement can be taken. The Committee was told that while twenty four hour licensing is available that in fact no one trades twenty four hours a day, Governments should be about "the business of Government and not the Government of business"! I do not believe restricting trading hours will do anything to change public behaviour – many cases of drunkenness can be witnessed early morning or evening.

The other area of the inquiry I do not agree with is in regard to police "move on" powers. The police clearly consider these powers to be "useful" and since introduction have worked well. The fact that they have been used on occasions suggests the potential benefit. However my understanding is that the power has only resulted in one case coming before the courts.

I believe our police force (AFP) perform their difficult role very well and need much greater recognition from both legislators and the wider community.

Robyn Nolan
Deputy Chairperson

Additional comment by Dr Hector Kinloch and Mr Dennis Stevenson

The problems related to the excessive use of alcohol are so great that we wish to support the view that current licensing hours are extraordinarily permissive. Alcohol sales are now possible at all hours every day of the week.

It is clear, however, from police and other evidence that there are particular problems in the early hours of the morning, on through normal working hours.

We therefore recommend that licensing hours cease at 4.00 am each day and recommence at 8.00 am.

Hector Kinloch MLA
Dennis Stevenson MLA