

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON VIOLENCE IN THE  
COMMUNITY MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART,  
ON TUESDAY, 8 NOVEMBER 2011**

---

**Mr LEON ATKINSON-MacEWEN** and **COMMISSIONER JONATHON ROOT**,  
LICENSING BOARD, WERE CALLED, MADE THE STATUTORY DECLARATION  
AND WERE EXAMINED.

**CHAIR** (Mr Wilkinson) - Thanks for coming along. All evidence taken at the hearing is protected by parliamentary privilege as you most probably know, so therefore comments that you make to the committee are privileged, but as soon as you step outside if you want to make some defamatory comments we cannot help you anymore. Also, if there is any evidence that you want to give in private please let us know and we can let you give that evidence in camera. The evidence is being recorded by *Hansard* and a version will be published on the committee website when it becomes available. I will open the hearing up to you as to how you want to start and then we will ask you some questions if that is all right.

**Mr ROOT** - That is fine, thank you. My name is Jonathon Root and I am the Commissioner for Licensing and with me is Leon Atkinson-MacEwen, who is the Director of the Liquor and Gaming Branch. The Liquor and Gaming Branch support both me and the Licensing Board in the administration of the Liquor Licensing Act.

In terms of addressing the issue that is of interest to the committee, I think there is no doubt that alcohol and other drugs contribute to violence in the community and also that alcohol use and abuse is a fairly deeply ingrained cultural issue within Australia. But in terms of what I can bring, I thought it would be useful to start by looking at some of the patterns in the number of licences, how that has changed over time, where we have seen growth and where things have flattened off and so on. Then perhaps I can discuss some of the initiatives that we are involved with that have some relevance to the issue of addressing the harm caused by alcohol.

You are probably aware of the headline numbers of growth in liquor licences in the State and over the last 10 years there has been a headline growth of about 28 per cent. I think the interesting patterns are in the detail of the specific licence types and I will just run through how some of those have changed. The biggest growth has been in restaurant licences and 10 years ago we had around 31 and there are now 143 of those. I think that is probably reflective of the way society has changed and the growth in the tourism industry and so on. But that has been the biggest growth in licences.

Off-licences, that is bottle shops, essentially, have grown significantly as well in the last 10 years, going from eight to 57. But you do have to be a little bit careful with that starting point because the act did change in 2002 and we saw a number of bottle shops separate from the pubs and get the separate licence. But taking that into account, there has certainly been a growth in off-licences over the last 10 years.

Special wine producers have grown from about 130 to about 170 in the last 10 years. Special licences have grown about 22 per cent. The general licences, which are

essentially pubs that have both off- and on-licences have only grown marginally and mainly I guess in the areas of high-end dining and specialist wine sales. So they have gone up from 304 in 2002 to 326 today. Club licences have actually fallen slightly. There has been a decrease there but only very marginal. There are around 205 club licences now and it has gone up and down around that number over the last 10 years. That has been the story as far as the actual licences go and where that has grown.

In terms of out-of-hours permits, which I think is also a very topical issue when it comes to this committee, what we see is a pattern whereby in the period to 2 a.m. there are more than 300 out-of-hours permits operating statewide. It starts off at 12 to 1 a.m. of around 332. By 2 a.m. it has dropped below 300; by 2.30 a.m. it is down to 112. After 3 a.m. it drops again. By 3.30 a.m. there are only 46 and there are only 24 venues that go right until 5 a.m. in terms of the out-of-hours permits.

**Mr DEAN** - In relation to the growth in restaurant licences but more in the bottle shop areas, do you know the areas of the State where the greatest growth has been?

**Mr ROOT** - I will hand over to Leon, who might have a little bit more of an understanding there. But I think there has been a reasonably even spread, to my mind, and also there has been a mix in types. It has not just been your BWSs and your big chain bottle shops, there has also been non-drive-through specialist clientele.

**Mr DEAN** - The reason I ask the question is that the perception out there is that the greater growth in licences has been one reason for more antisocial behaviour in some of those locations.

**Mr ATKINSON-MacEWEN** - The growth has been predominantly in Hobart, Launceston and Burnie and the smaller regional areas such as Devonport. As Jonathon said, a lot of those have been the split-off of what were a bottle shop and a hotel becoming two separate operations and where two separate licences have been issued. The classic is Soho here in Davey Street, which is a hotel. It did have a separate bottle shop and that separate bottle shop was then on-sold to BWS so there is an element of both BWS coming in and applying for new licences as well as buying existing licences. In terms of the growth we have seen some smaller and very successful chains - 9/11, the Big Bargain and those sorts of things - where either they are a chain in themselves or they are in a set of affiliates working together and again, they tend to be in the larger metropolitan areas. In a sense there has been a move, certainly by BWS and some of the larger chains, into, if you like, the satellite regional areas around larger cities such as, for example, Launceston, where there may be a move for an additional bottle shop in George Town and an attempt to get another one in Deloraine. In terms of a regional spread, I think it is fair to say that it is still relatively centred on the major cities.

**Mr DEAN** - Thank you.

**Mr HALL** - Following on from Mr Dean's question, Leon, when you determine an off-licence application, do you take into consideration things such as the socioeconomic parts of the particular area? Do you take into account the concentration of licences already in the area? Are they part of your domain or how do you work that?

**Mr ATKINSON-MacEWEN** - Licensing decisions are actually made by the Licensing Board.

**Mr HALL** - Okay, sorry.

**Mr ATKINSON-MacEWEN** - In terms of their decision-making, the act says that the board is to issue a licence if it is in the best interests of the community to do so. From my observations of the board and reading of the previous board decisions, while they take into account the geographical area around an application in terms of existing licences, the type of mix of the population, et cetera, at the end of the day each licence application is individual and they have to make a decision that is in the best interests of the community in relation to that licensee, that application, that type of licence in that location. The board has taken into consideration, for example, a number of recent decisions - a bottle shop application in Deloraine and another one in West Hobart - where there is strong community concern -

**Mr HALL** - That is where I was leading you to.

**Mr ATKINSON-MacEWEN** - Yes - where the board can see very strong community concern - 200 people turning up to an application hearing, for example - then the board has taken the view that for that community, clearly they do not see it is in their best interests.

**Mr DEAN** - Ravenswood, I think, was another one, wasn't it?

**Mr ATKINSON-MacEWEN** - Ravenswood is another one, yes.

**Mr HALL** - If I could just comment there; in that case it does relate to our terms of reference in terms of violence in the community and the proliferation of alcohol and we have had quite a bit of evidence in that regard. Thank you for that.

**Dr GOODWIN** - I was just interested in the 24 venues that go up to 5 a.m. Are they around the State or are they concentrated in a particular area?

**Mr ATKINSON-MacEWEN** - They tend to be Hobart, Launceston, Devonport and Burnie. Again, the staggering of hours is something that we have worked out particularly with licensing police in order to ensure that, if you like, there is a safe and orderly exit from premises over time so that you do not get anybody dispersing on the street at the same time, which has been an issue in the past. The other thing that we have done with police of course is to put conditions on permits on things like no admittance after a particular time - I mean, they are called 'lock-outs' but that is not quite what they are but effectively no-one can be admitted after, say, 3 a.m. in some locations. So again, where you get some premises that can trade beyond 3 a.m. what you get is an orderly dispersement of a number of people between 2 and 3 a.m. and then the final lot going out.

**Dr GOODWIN** - Those ones that have been licensed up to 5 a.m., have most of them been around for a while?

**Mr ATKINSON-MacEWEN** - Yes, they have and generally they have been in the past, the larger and generally well-run night clubs, for example.

**Mr DEAN** - Just on that issue, when those licenses come up for renewal, is it simply an automatic renewal or do you go to the police in the areas and look at what has been happening in and around those premises?

**Mr ATKINSON-MacEWEN** - We have a system. Obviously we renew or deal with permits only, licences are effectively perpetual until they are surrendered or transferred. In relation to permits and particularly out-of-hours permits, we have a system whereby every permit application is notified to police and they are given an opportunity to provide a comment to the commissioner's office before the permit is dealt with. For example, if we had an application to have an out-of-hours permit running until 5 a.m. in Hobart on Christmas Eve, you can guarantee that the first thing that we would be doing is going to the licensing police and saying 'Do you have any comments and concerns about this?'.

The other thing that we have done is we have offered to local government - and very few councils have taken us up on this as yet - the opportunity to get the same sort of notice so that if they had concerns about a particular permit - and it is not just an out of hours permit, it could be a permit in relation to a particular event and on some of the larger events we work closely with councils anyway but, if there is a particular event that is being planned for the first time we attempt to make sure that certainly police, and where possible, local councils have an opportunity to provide comment on those permits.

**Mr DEAN** - I just want to get this straight, are you saying that the local governments have not really taken you up on that?

**Mr ATKINSON-MacEWEN** - No, we have made a number of offers, we have a system whereby we automate the set of e-mails that go to police in relation to all new applications for permits, for example, and all the licence applications as well and we have offered to make that available to anybody who wishes to make use of it.

**Mr DEAN** - It surprises me because local governments are fairly vocal in relation to some of these permits and where they are issued and whom they are being issued to.

**Dr GOODWIN** - Can I just clarify, has that offer been made directly to individual councils?

**Mr ATKINSON-MacEWEN** - Both directly to individual councils and more broadly. For example, we work with the Hobart community partnership and in Launceston on the same hand, as I am sure that Jonathon will mention later, in relation to our liquor accords. All the councils are involved in those regional areas on those liquor accords and we do the same with them. Some do and some don't.

**Mr HALL** - Local government was certainly involved in Newcastle and you are aware of that model up there where the community decided that given the problems with violence and late closing times they did what they have done. Have you a view on that?

**Mr ROOT** - I guess you are referring to the model where they had mandatory closing at 3 a.m., lock-out at 1 a.m. and then subsequently they moved it to, I think, 3.30 a.m. They moved the hours out to 1.30 a.m. and 3.30 a.m.

**Mr HALL** - Yes, which is still current, as I understand it.

**Mr ROOT** - That is current. The circumstances in the different environments do mean that we might get a slightly different result if we tried that sort of thing here. My understanding of when the incidents occur in Tasmania is that it tends to be in the period from late evening around 11 p.m. until 3 a.m. If we brought the closing time back to 3 a.m. and just left it at that I do not think that we would get a huge result given that things like lock-outs are an important part of those sorts of strategies. My view is that there is no silver bullet in any of this.

We need to do a whole bunch of things in any particular environment in order to address the problem. But certainly, when you have an environment where a lot of the incidents occur in a certain period then I do not know that bringing back the time to, say, 3 a.m. is necessarily going to solve that. In the New South Wales environment there were a lot of other things happening across the State in terms of managing the adverse effects of liquor. There are similar sorts of things with our accord in looking at particular precincts and how they can be managed better and that is happening as well. There is certainly some merit in looking at those sorts of issues but as part of a broader package we will bring in a whole bunch of things.

**CHAIR** - It seems to me that cultures can be changed and we have changed the culture in relation to smoking over the last 10 to 15 years. Hopefully we can do it in relation to violence and it does seem to be trending down according to the latest police statistics. But you have this long-term process that takes place, with a cultural change, and then you need the stopgaps in between and, as you said, with staggered closing, CCTV, taxi ranks in a more accessible and more open, visible areas, if people do become violent they are recorded on CCTV or seen by security people. What other things do you think should come into play?

**Mr ROOT** - I think the broader picture is what we do in the longer term with the culture and the environment of the venues. We have a lot of things which are essentially addressing the specific individual issues as they arise and the unfortunate story is that different issues keep arising in different places. The act is very much framed around giving us the power to address poor behaviour amongst specific licencees, but not so much to address the broader sorts of issues. But we have been looking at what we can do there, as has been discussed, and Leon mentioned the liquor accords. We now have six around the State, and I think they are a very strong initiative that says basically in a precinct it is not just about an individual venue or the individual people who lob up there, it is about the council, the police, the licensing people, the venues, the nearby venues all getting together, the people who are providing the transport, the taxi drivers and so on all getting together and looking at how they can create an environment that really makes it more difficult to hang around and have fights or whatever. They are a very positive initiative and if they really do work, and become part of the way things work, then I think they will be very beneficial.

The culture question is a lot more difficult. I think it really is something that you have to chip away at, and I think there is a good example of something we have been doing over the last 18 months that while on the face of it it is a liquor licensing administration issue, underneath it is a real cultural change issue and that is the No BYO at AFL football grounds. You can look at it in very black and white terms and say this is about the

Commissioner for Licensing trying to assist the licencees to control the consumption of liquor on their venue, which they are required to do under the act. You cannot control the supply and consumption of liquor if someone is bringing a carton in in the back of their car. But it is also a cultural thing because these football grounds are where you are getting the vulnerable demographic, the 16- to 28-year-old males, and they are playing a game and if you have people getting drunk on the sidelines - and abusing the umps - then families do not want to go there and people will head off to the pub afterwards.

AFL Tasmania and Tasmania Police have been very helpful, particularly with this initiative. Various people have said you cannot do that because it is a great Tasmanian tradition to back the ute up with a slab, get hammered and then drive home. I think it has been very successful and I think it sends a good message and it does chip away at that culture, because we know from what we see in incidents in venues late at night that the patterns change around the football season. We tend to see a bit of a shift from the Friday night-Saturday night pattern to more of a Saturday night and then it comes back again during summer to Friday nights. So you need to start to do those sorts of little things, but probably more of them. I do not have a great list to work through unfortunately, but we have certainly turned our mind to them.

**CHAIR** - There has been a lot of talk also with people pre-loading as they call it, drinking at home. It is a bit cheaper at home so they go to a certain venue give it a bit of a nudge at that venue and then go to the hotel later on. There is no real way to police that other than your Responsible Serving of Alcohol and things like that within the hotels to see those people and identify them.

**Mr ROOT** - It is very difficult other than what you say and many people aren't even starting at one particular venue. They might just start at home with a carton of wine, or as I believe it is more colloquially called a bag of goon and then head out to the pub, so it is a difficult issue. Pricing is obviously an issue, as you have alluded to. It's a lot cheaper to get it at a bottleshop than at a licensed venue at two o'clock in the morning. It is a difficult challenge but I think it does come back to the responsible service of alcohol and people taking responsibility before they open the venues. We do as much training and monitoring as we can but ultimately it is up to the staff to take responsibility. It is difficult in some of the venues when they are dark and noisy and there are a lot of people in there to assess whether someone is drunk or not.

**CHAIR** - How many people do you have out on the streets ensuring that people are responsibly serving alcohol and looking after their establishment?

**Mr ROOT** - Effectively I have 17 inspectors. We deal with complaints brought to us, mainly by police. Whenever we get a complaint from the police we take it seriously. Often an infringement notice, issued by the police, to a licensee for a particular issue, accompanies them. Every infringement notice generates a friendly chat with one of my staff and the licensee gets a very clear picture of what the failing has been and what they need to do to fix the problem. We tend to find that in 80 per cent of cases that is sufficient. Where further action is required, the inspectors will issue a notice under section 41 of the act and that says 'You have failed to do something. This notice says that you are on notice to not do this again. If you breach that notice, you are potentially facing suspension or cancellation of your licence or permit'. Generally speaking, if we get to the point of issuing a notice, we have gone from 80 per cent of people complying

with about 99 per cent of people complying. If we find there is a breach of a notice, my staff very quickly - normally we are working very closely with the police at the stage if we see the behaviour continuing - assemble a brief for the commissioner and the commissioner is then given an opportunity to determine whether or not a suspension or cancellation should occur.

**Mr HALL** - Through you, Chair - with those breaches, could you quantify what constitutes most of those breaches? Is it serving underage or people full of grog and bad manners, violence? What are the main causes?

**Mr ATKINSON-MacEWEN** - There is causing undue annoyance and disturbance within or around the premises. There are incidents that may include assaults in or around premises.

**Mr HALL** - You say 'in and around the premises' but when you have three or four premises grouped together it may be difficult to determine where the nuisance is coming from, or do the police have a good handle on that?

**Mr ATKINSON-MacEWEN** - These are reasonably rare occurrences. When they do occur, we find that either the licensing police or the local police, depending on whether it is Hobart, Launceston or a regional area, are very close to what is happening. I can talk about premises that we are currently dealing with, and I won't name it, in a regional area of Tasmania. Local police initially brought to our attention what appeared to be trading beyond midnight without a permit, and police then provided us with sufficient evidence that we could issue a notice. A notice was issued and police have very recently advised us that they believe they have sufficient evidence to say that there has been a breach of that notice and we'll be putting something to the commissioner shortly. They have identified they have a problem in their local community and they have notified us. We have worked together to set up a regime whereby if the licensee chooses to comply, that is fine, but if the licensee chooses not to comply then they are facing a suspension and relatively quickly too. The last suspension we had took about two-and-a-half months to work through from the notice being issued till they were suspended.

**Mr HALL** - Sorry, I cut you off at the pass before you were talking about the main cause of that sort of conduct -

**Mr ATKINSON-MacEWEN** - Yes. Assaults in and around drunkenness. We know that the licensing police, particularly in Hobart and to a lesser degree in Launceston, have been doing blitzes on licensed premises and have picked up the occasional person under age. We do not actually get a great deal of that normally from police. Then you have things like failing to obey a police direction or, as I say, premises have a grace period in the act of 15 minutes after which they are meant to close down. So if they are due to close at midnight, they have until a quarter past midnight to have cleared the bar and from time to time we get reports of people who have got in and are still there at twenty past, twenty-five past and half past the hour.

**Mr HALL** - So regarding the terms of reference we have for this particular committee with violence being the main aspect, then how many premises would you have suspended or closed down in the last few years? Can you provide us with any figures on those at all,

from that aspect of disorderly conduct and assaults and violence? That is what we are focusing on.

**Mr ATKINSON-MacEWEN** - We have suspended one for disorderly conduct and in effect for assaults occurring inside the premises. Another two we suspended, one because the licensee had failed to maintain control of the licensed area. Whilst there wasn't violence necessarily occurring it was an unpleasant situation, there was intimidation occurring, but no violence. In the last two years the third one was for undue annoyance and disturbance, which wasn't violence but just a nightclub that could not manage its noise issues continually so we suspended them and they eventually shut down.

**CHAIR** - There was one in Liverpool Street as well, they recently shut down too.

**Mr ATKINSON-MacEWEN** - Yes. But again, often we find that when we are working with premises and they cannot deal with the issue and effectively the commissioner has the ability to put additional conditions on a permit, for example, we might be putting requirements for additional security on the doors, additional serving staff, a reduction in the serving area, of the bar area, for example. In some cases premises close because they cannot meet those requirements and make money.

**CHAIR** - It was interesting - years ago I can recall some hotels, Traveller's Rest, for example, in the seventies used to be just packed, absolutely packed.

**Dr GOODWIN** - In the eighties too.

**CHAIR** - It was a situation where they could not serve all the grog behind the bar and part of it was a stall, which was just like a table with a barrel and tap in the barrel and it would go from there. It was good for the Sandy Bay footy club, but there were too many people in that bar, people bumping into each other causing a bit of aggro, which every now and then led to some violence. Is that the type of thing that you look at as well, to say you are not allowed to have x number of people within your bar, or do you hope that the security people keep an eye on that too, and they have proper authority?.

**Mr ATKINSON-MacEWEN** - You may recall a couple of years ago there was concern about some of the premises on the waterfront. What we did is we worked with police, the local council and Tasmanian Fire Service. Effectively we did a late-night walk through and Tas Fire Service and the council issued infringement notices under their respective acts in relation to things such as fire doors, the number of people inside the building in excess of what it was licensed for, et cetera, and in that operation both my staff and police did very little because effectively the use of the Fire Service and the Hobart City Council staff were a very good and effective deterrent to the sorts of issues that were arising at the time, that is overcrowding, over-serving and the like.

**CHAIR** - Do you believe now that there is room for improvement - there is always room for improvement - and, if so, what thing now do you believe should be done to create that improvement that we are looking for? We are never going to solve the whole lot of it, unfortunately.

**Mr ROOT** - In terms of the powers that are available under the act, areas such as the ease with which we can put conditions on licences are areas where we might see some



improvement. For example, the Licensing Board cannot apply conditions to a licence that is not a special licence but there may be situations where they want to do that and it would be useful for them to be able to do it. Conditions, generally, on licences and permits I think we should be able to apply those in a reasonably easy fashion and that would allow us then to get on top of problems a lot more quickly.

**CHAIR** - Presently the Licensing Board cannot do that for the licences, is that right?

**Mr ROOT** - For the licence, that is correct. So other than a special licence, if you have a general licence it is a general licence and everything that goes with it. So the Licensing Board cannot say you can have a general licence but you have the following condition, whatever it might be.

**Mr DEAN** - On that, I think it is in New South Wales or in Victoria where they have a sliding scale for licensed premises where the number of incidents near and around your pub could identify your licensing hours being cut et cetera before the whole-scale thing of suspending licences occurs. Has that been trialled here or is that an issue that you would consider here? They say it works well over there, that once the licensees have two or three problems and it is brought to their notice and they are on a certain category for consideration of decreasing their licensing hours, they pick up their game. I think I am right in that. We were given evidence on that on the mainland, in Victoria I think it was,.

**Mr ATKINSON-MacEWEN** - The Liquor Licensing Act does not have a provision. The commissioner has the power to seek to have the Licensing Board put a liquor restriction order on a licensed premise. Liquor restriction orders are limited in the types of things you can restrict and they only have a maximum effective life of 12 months. We do not have a category within the licence category of a general licence. There are no subdivisions in that. Again, it would be a case of the commissioner having to have sufficient evidence to convince the board that a particular restriction order should be applied to particular premises to do the limited range of things that it is allowed to achieve.

**Mr ROOT** - But certainly with after-hours permits, I guess it is not as systematised as it might be in a jurisdiction that you are referring to. But that thinking does go on in looking at addressing problems. If a venue is getting multiple issues then Leon's people will certainly be looking closely at what is going on and whether it is the case that they need conditions applied to the permit. It might be the sorts of things that Leon mentioned earlier or it might be restrictions on the hours that they can have in future permits.

**Mr DEAN** - One further question on a different subject.

**CHAIR** - I think Vanessa had one and then we can go back to you.

**Dr GOODWIN** - I wanted to ask about events because we have focused quite a bit in our evidence on licensed premises but obviously we have some pretty significant events, particularly the Falls Festival, for example. I am just interested to know to what extent the problems that we have been hearing about in relation to violence are occurring in and around licensed premises as opposed to events like Falls? How well-controlled are those events and when and where are most of the problems occurring?

**Mr ROOT** - A lot of work goes into those larger events. Our staff meet with the stakeholders and the licensees beforehand, during and afterwards. But Leon may know more about whether there have been specific incidents.

**Mr ATKINSON-MacEWEN** - There certainly have been in the past and I will say, 10 years ago, issues with Falls, MSFest and not so much The Taste, but those sorts of large events. In response to that, as Jonathon said, because it is a permit, we made it a condition that there had to be a pre-event meeting and we got all the stakeholders, particularly the event organisers, in place and said, 'Right, police have said that you need 15 security and they need to be on these gates and at these times, et cetera. That is our condition of the permit and you can't get a permit unless you meet that condition'. As Jonathon said, we work with them prior to the event to make sure that it is going to be set up and established in a way that the police are comfortable with. We deal with the police and the event organisers during the event and then there is a debrief after the event and we work through the issues. Over a period of, say, 10 years the Falls and the MSFest have gone from a sometimes haphazard organisation through to a very slick organisation. In terms of the debrief the year before will often generate, 'Maybe we need to change that gate or we need to move some security here or whatever', and next year when the pre-event meeting is held it is very much a case of, 'This is what we talked about last time so these are going to be the conditions. Are we happy with that? Fine, they are the conditions on the permit'. We go through, we are dealing with police time and any additional issues that arise then, in a sense, out of the debrief will become conditions for the next year.

Over time the organisers that we have dealt with have become far more professional in the way they approach things and they certainly understand that they will not get a permit unless they are prepared to meet the conditions that the commissioner and the police want for the event.

**Mr DEAN** - My question relates to drunks again and the police say that there is an issue with policing the serving of drunks with alcohol on premises. They find it a very difficult area to control. Have you considered changes to the law in relation to this? Could changes be made to the law to get more control because it has been raised with this committee a number of times?

**Mr ROOT** - It is a very difficult issue and it stems from the evidentiary requirements for proving the case. There was one in the last couple of years in the Magistrates Court where the magistrate set the burden as what a reasonable person would have thought if they were in the place of the person serving the alcohol. In that particular case it was found that given the circumstances at the time a reasonable person would have probably done what the server did. It is not as black and white as 'this person was inebriated and they were served therefore an offence has occurred.' It is around that burden of proof of having sufficient to carry the charge into court. That is where I think the issue is, if I understand what is being raised by you, and it is a difficult one to get around and the act really says that if someone appears to be drunk and it does not say a lot more than that but, from our understanding, in other jurisdictions it has been very difficult to come up with something in the act that resolves that problem. Even if you have definition of what it is to be drunk you then have to get over whether it is reasonable to expect that in the

particular circumstances of a given instant the person serving would have been able to apply that -

**Mr DEAN** - It just seems an area that needs a lot of attention and some new direction perhaps because it is those people in many instances - and I have to be careful here - that go out onto the street after they leave the premises and create mayhem. I think that was in relation to a recent assault in Launceston where the footballer had been drinking and went out into the street and, affected by alcohol, assaulted another person for no good reason and finished up in jail. It seems to me that it is an area that we need to tighten up.

**Mr ROOT** - I think that particular issue is covered in section 78 of the act and section 79 talks about supplying alcohol to an intoxicated person, so it may not necessarily be the staff of the hotel but similar sorts of things apply - what is the test for someone being drunk. It is probably a matter of legislative drafting and some clever kind of legalese to resolve that issue. Obviously if a police officer is there and sees it happen that helps but if it is anecdotal evidence it is a problem.

**Mr DEAN** - One would think that licensees and those people serving alcohol responsibly would be able to identify it fairly quickly. They probably have more training than police in that regard.

**CHAIR** - Time is starting to get away, is there anything that you wanted to tell us that you believe would be helpful prior to finishing?

**Mr ROOT** - I don't think I have anything else. We have covered a fair bit of ground. Certainly if you have any further questions that you want to ask us out of session that is fine by us.

**CHAIR** - Any further questions at all, anybody. Jonathon and Leon, thank you very much for coming along.

**Mr ROOT** - Our pleasure.

**THE WITNESSES WITHDREW.**