

Views on Civilian Licensing Enforcement:

The Victorian Compliance Directorate

These slides show early findings prior to completion of data collection
and analysis. Not for quotation

Claire Wilkinson

Sarah MacLean



AER Centre for Alcohol Policy Research

DPMP Symposium, March 2011



What we will cover

- Liquor laws and enforcement
- Civilian compliance inspectors in Victoria
- Study methods
- Preliminary themes
- Discussion and concluding remarks
- Where to next...



Liquor laws

- Alcohol supply is regulated through licensing
- Responsibilities of licensees/patrons is stipulated in liquor licenses and legislation

Requirements include:

- Staff training – *Responsible Serving of Alcohol*
- Not serving alcohol to the underage or intoxicated
- Displaying these laws at the venue
- Other venue specific conditions, i.e. limits to music volume and/or implementing video surveillance



Turning Point
Alcohol & Drug Centre

Enforcement

- Can increase compliance with liquor laws

Babor et al. 2010

- Reduce alcohol-related harm

McKnight & Streff, 1994; Mazerolle, White, & Ferguson, 2010

- Often involves education, media campaigns

- Some evidence of little carry over effects after enhanced enforcement ends *Graham and Homel, 2008*



Enforcement *delivery*

- police – specialized or general
- Community groups – local accords
- Civilian licensing authority inspectors

- Enforcement Literature: rarely distinguishes impact of different professional groups in enforcement



History of Civilian Inspectors in Victoria



- 1906-1988, civilian inspector responsibilities were mostly around the quality of furnishing licensed venues and food
- Niewenhuysen Review (1986), greatly de-regulated industry, led to new system, under the Liquor Control Act 1987
 - No civilian inspectors, police only



History of Civilian Inspectors in Victoria



- Public Bodies Review (1995), led to new system, under the Liquor Control Reform Act 1998
 - No civilian inspectors, police only

The Commission focuses solely on issuing licences, and does not follow up its decision to see whether licensees are abiding by licence conditions. It is left to Police to use what resources they have to address any complaints. ..The Committee has been unable to establish either why Police staff have not been provided with trained Commission staff, experienced in the Liquor Control Act 1987, to assist them, or why the matter needed to be raised at this Inquiry.

(Parliament of Victoria, 1995, p. 97)



What we will cover

- Enforcement and liquor laws
- 2009 Compliance Directorate
- Methods
- Findings
- Discussion and concluding remarks



The Compliance Directorate



- Victorian Alcohol Action Plan 2008

‘Establishing a dedicated liquor licensing directorate is part of the Brumby Government’s comprehensive response to reduce irresponsible alcohol consumption and alcohol-fuelled crime and violence. The new civilian compliance inspectors will provide enforcement support to Victoria Police, working in partnership with them and exercising similar powers to enforce liquor laws’ (Minister for Consumer Affairs, Dec 2008).



Aim of study

- Study the policy debates and industry views about the introduction of the new enforcement body in Victoria
- Add to enforcement literature – particularly focusing on civilian law enforcement



What we will cover

- Enforcement and liquor laws
- Civilian compliance inspectors in Victoria
- **Methods**
- Findings
- Discussion and concluding remarks



Document Review

- Parliamentary debate and legislation
- Media releases by government and industry bodies
- Government policy documents and newsletters
- Enforcement data (Department of justice)



Key-Informant Interviews

Alcohol industry

- On-premise, off-premise, Industry bodies

Department of Justice

- liquor licensing policy and regulation staff

- Snowball sampling
- Completed $n = 14$, telephone, in-person
- An additional 6-8 interviews planned
- Ethical approval
 - currently awaiting Police ethics approval



Analysis



Turning Point
Alcohol & Drug Centre

- Interviews were digitally recorded and transcribed
- Nvivo used to organize coding interviews, documents coded manually
- Discussion on emerging themes
- Quotes and extracts used to illustrate particular points



What we will cover

- Enforcement and liquor laws
- Civilian compliance inspectors in Victoria
- Methods
- **Findings**
- Discussion and concluding remarks



Themes



1. Optimizing division of labour - police and civilian inspectors
2. Education vs enforcement
3. Potential of civilian enforcement to reduce alcohol-related harm



Optimizing division of labour police and civilian inspectors



Simply unnecessary to use police to undertake fairly simple administrative functions.... compliance inspectors would free police to be where they can do the best job possible – that is, on the street. (Member of Government, Victoria, 2009a, p. 463)

- Corruption risk for civilian inspectors, whereas police have Office of Police Integrity
- Civilian inspectors are cheaper than police



Optimizing division of labour police and civilian inspectors



I found that the police were quite intimidating. Like it was maybe 10.30/11 at night and there was like five or six of them and so there was me, standing in the middle of the group and they're all geared up, you know, and stuff. So we were surrounded. This guy (Civilian Inspector) was lovely and took five minutes and then he was gone.

(Industry)



Optimizing division of labour police and civilian inspectors



Most retailers, didn't understand there were two sets of compliance inspectors [Vic Police and civilian inspectors]. With two sets of interpretations of the way compliance should be implemented as well. That created a lot of confusion.

(Industry)

- Some licenses said they had improved their compliance since civilian inspectors were introduced, and inspectors had picked up things the police had not looked for

Theme 2:

Education vs enforcement

Enforcement activity	2009-10 Total
Criminal prosecutions	4
Criminal charges issued	15
Enforceable undertakings entered into	3
Infringement notices issued	Over 300
Warning notices issued	Over 1,700
Voluntary compliance letters issued	Over 4,600
Risk management discussions	Over 150

Reported statistics as at 30 June 2010



Education vs enforcement

'I think education is a really important part. To have a regulator come in and to try and educate our staff rather than the wooden - the big - big stick is - is more helpful to us. And it doesn't happen very often. It's normally, they're coming in to, you know, to try and breach us - -Rather than assist and education'

(Industry)

- new Director of Liquor Licensing appointed 2010

'More taxpayer money would go towards educating venues instead of just punishing them.'

Theme 3: Potential to reduce alcohol-related harm

- Three most common breaches (across all license types) relate to displaying and producing documentation (Operations June 2009 - July 2010)

breach type	%
failure to produce copy of the red-line plan	26
failure to display required notices	22
failure to keep a copy of the red-line plan	22
supply liquor other than in accordance with license	8



Potential to reduce alcohol-related harm



Inspectors would 'have significant regularly powers to pick up on various regulatory breaches...these inspectors will not be able to tackle the issues that are the heart of alcohol-related violence. Civil compliance inspectors will not keep our streets safe in the early hours of the morning. Bureaucrats with biros are no substitute for cops with cuffs'

(Opposition member, Parliamentary Debates, 2009)



What we will cover

- Enforcement and liquor laws
- Civilian compliance inspectors in Victoria
- Methods
- Findings
- Discussion and concluding remarks



Discussion

- Ambiguity on part of the industry as to whether inspectors are able to detect and act on sales to intoxicated/minors
 - Policy interviews clear these functions are within their legislative responsibilities
- Unclear demarcation between police and civilian inspector roles
- Overlap, inconsistencies between police and civilian inspectors
- Sample limitations – snowball sampling and willingness to be involved



Turning Point
Alcohol & Drug Centre

Concluding Remarks

- Provides regulation where there was less, or even none, previously – has led to some (inevitable?) consequences and teething problems
- Generally liked by industry – hope that future enforcement will be targeted at ‘problem venues’
- Critical to focus enforcement effort on areas that have potential to reduce alcohol-related harm
- Next steps: Police interviews, continue analysis



Acknowledgements

- Participation of key-informants
- Funding from Drug Policy Modelling Program
NDARC, University NSW
- Advice from Prof Robin Room and colleagues
at the AER Centre for alcohol policy research
Turning Point, Alcohol & Drug Centre



Contacts

- Claire Wilkinson
- (03) 8413 8418
- clairew@turningpoint.org.au