

**Submission
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MEASURES TO REDUCE ALCOHOL AND DRUG- RELATED VIOLENCE

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Measures to Reduce Alcohol and Drug-Related Violence

The Distilled Spirits Industry Council of Australia (DSICA) is the peak industry body for the Australian distilled spirits industry, representing the importers and manufacturers of distilled spirits in Australia.

DSICA welcomes this opportunity to provide a submission to the New South Wales parliamentary inquiry into measures to reduce alcohol and drug-related violence.

Inquiry's Terms of Reference

Inquire into and report on the effectiveness of recent measures to reduce alcohol and drug-related violence in the Sydney CBD, with particular reference to:

- *Trends in alcohol and drug related violence in licensed venue and general street areas*
- *The impact of recent measures to reduce violence on Police, the courts, hospitals and the liquor industry*
- *Possible further measures to reduce alcohol and drug-related violence*
- *The effectiveness of measures taken to reduce alcohol and drug related violence in other jurisdictions;*
- *and any other related matters.*

Trends in alcohol and drug related violence

It is difficult at this very early stage to judge the effectiveness of the New South Wales Government's recent measures aimed at reducing alcohol and drug-related violence in the Sydney CBD. The extensive range of measures was announced in January, some parts are yet to be legislated, and the Sydney CBD Plan of Management only came into effect in mid-July.

However, DSICA believes that the wide-ranging set of measures and new regulations introduced by the O'Farrell government in January 2014 will have a substantial negative impact on the NSW liquor industry and on those New South Wales residents that want to enjoy the night-time economy, especially in the entertainment precincts of Kings Cross and the Sydney CBD.

The range and extent of the O'Farrell Government's measures were particularly surprising given the then Premier's public comments in the preceding months on the future alcohol regulations that he would support. It was notable that Premier O'Farrell was not previously supportive of lockouts or earlier closing times mirroring the Newcastle trial restrictions. A 1.30am lockout and 3am closing

for Sydney's CBD was not foreshadowed at any stage, nor was a state-wide closing time of 10pm for off-premise licences.

The NSW Bureau of Crime Statistics and Research (BOSCAR) has provided independent monitoring system for all categories of crime in New South Wales. DSICA notes that previously BOSCAR has been reporting that in-venue and street violence had been declining in New South Wales since 2007.

There are always methodological issues surrounding the consistency of crime reporting, and we note that often increases in apparent crime rates reflect a greater willingness by victims make a report, reflecting a higher level of belief that their reports will be taken seriously by the authorities. Reported crime rates can also be altered by changes in Police emphasis regarding that category of crime.

Hospitalisation rates are another way of measuring alcohol or drug-related violence that has the benefit of being formally recorded, however hospital and accident and emergency admissions only gather the most severe assault victims. Accident and Emergency admissions and hospitalisations are important measures of the severity and trends of the problem, but estimating assault rates more broadly from that data only works if the nature and severity of the violence remains constant, i.e. a consistent proportion of assault victims then come into the hospital system and formally recorded.

It is relatively clear that the nature and severity of the violence has increased in recent years. Assaults now use techniques - such as stamping on heads and limbs - aimed at severely damaging or killing victims. Assaults by multiple assailants have become more common. An Increasing proportion of assaults appear now to be unprovoked and random, which allows the target no opportunity to defuse the situation or to protect themselves. This change could well have led to a higher proportion of assaults requiring the victim to attend Accident and Emergency departments or admission to hospital.

Estimating the impact of the January measures with any confidence is very difficult at this point in time as many of the announced changes are not yet in legislated. The measures will have a dynamic and synergistic effect that will only become apparent when they have been in effect for a longer period of time. A proper evaluation of alcohol and drug-related violence trends for a specific geographical area such as the Sydney CBD also needs to be considered in light of broader national trends for assaults and violence.

Other national trends that need to be considered in the evaluation of the January measures and the longer-term picture of alcohol and drug-related violence would include examining rates of drinking and risky drinking in both underage and the 18 to 24-year-olds groups, and the national trends in drug use, particularly for amphetamine-type substances.

DSICA notes the early results of the 2013 National Drug Strategy Household Survey (NDSHS) regarding alcohol consumption by people under 18, and the 18 to 24 age group. Both of these age groups showed significant declines since 2010 in the percentages who are drinking, and the prevalence of risky drinking. The early results do not have a state by state breakdown but these should be available later in 2014 from the Australian Institute of Health and Welfare.

DSICA also points out that there is an imbalance between the quality and level of data for alcohol-related violence and for drug-related violence. Alcohol supply and consumption is conducted

openly, whereas the supply and use of illicit drugs is concealed as far as possible. While the health sector and alcohol regulators have long-standing data collections for alcohol related violence, the New South Wales government and drug researchers have less data, and lower quality data, on the use and contribution of illicit drugs to rates of violence. This can very easily lead to giving undue weight to the contribution of alcohol-related violence to the overall violence trends.

DSICA applauds and supports the New South Wales Government's decision to allow NSW Police to test for alcohol or drugs if they suspect an offender has committed a violent offence.

The Australian Institute of Criminology (AIC) conducts an annual Drug Use Monitoring in Australia (DUMA) program that conducts drug testing on people arrested in locations across Australia. One of the drug testing sites is the Kings Cross police station, and the trends for amphetamine presence in people arrested in Kings Cross points to a sharply increased use of amphetamines in that location (2012:32%, 2014: 61%).

Impacts of the recent measures

The distilled spirits industry and the consumers of distilled spirits have been particularly hard hit by the January set of measures and the consequent Plan of Management for the Sydney CBD entertainment precinct. The Plan of Management has imposed a set of restrictions on distilled spirit drinks across the entire Sydney CBD that had previously been only imposed on clearly identified trouble spots such as Newcastle or Kings Cross, or the 48 most violent venues in NSW.

The serving of neat spirits, shots, and RTDs above 5% ABV have been consistently singled out since 2008 by the New South Wales government for particularly onerous restrictions. There has never been any evidence produced by the NSW Government or its agencies that distilled spirits, premixed spirits, or serving practices such as shots are particularly responsible for alcohol-related violence or antisocial behaviour. The first instance of distilled spirits being singled out was in the original Newcastle restrictions of March 2008.

DSICA submits that problems of alcohol-related antisocial behaviour result from how much a person drinks and how fast, not from which alcohol product category they have been drinking. NSW bans on serving distilled spirits in the late trading hours points more to the failure of the Responsible Service of Alcohol requirements and its enforcement, rather than any inherent problems of drinking distilled spirits.

DSICA wishes to note that the terms of reference makes no mention of any possible impacts on the consumers who use the night-time economy and licensed venues, but do refer to impacts on the liquor industry. The liquor industry is not a cipher for drinkers and the users of hotels and nightclubs. The alcohol industry does not represent drinkers; however we do appear to be the only voice in the alcohol debate that has any concern as to what those millions of adult Australians want in the way of leisure options.

Much of the media and policy debate around alcohol regulation is constructed as a contest between the alcohol industry in its various guises and a set of groups such as the Police, public health advocates, the wider health system, and the public good. We note this view is one that deliberately

excludes from consideration any questions about what are the interests and the wishes of the millions of adult consumers of alcohol.

DSICA would also note that much of the public debate around alcohol regulation focuses on an mistaken picture of Australia's 'drinking culture' that depicts the nation's drinking culture as being solely that which occurs at 1am in Kings Cross or Newcastle. In reality, Australia's drinking culture is far broader than usually depicted by journalists and health advocates; it includes far more people of all ages drinking in all circumstances, the great majority of time causing no harm to themselves or to anyone else, and the great majority of the time responsibly and with moderation.

One of the changes introduced in January 2014 was the state-wide ban on bottle stores trading after 10pm. It is unclear exactly how many bottle stores in New South Wales traded after 10pm, or how much the extra hours of trading added to alcohol-related violence or antisocial behaviour. However, the state-wide reduction in bottle store trading hours in order to address problems within Kings Cross or the broader Sydney CBD appears to be ill-conceived in light of the fact that on BOSCAR data alcohol-related assaults were trending downwards.

The impact of this measure will be to reduce the business viability of those bottle stores that saw the benefits of being open past 10pm, and it will also cause increased inconvenience for people who wanted to buy alcohol after that hour for off-premise consumption. The decision to impose a state-wide 10pm closing for bottle stores appears to be based on the government decision-makers' view that the great majority of people live and work the traditional 9am to 5pm hours, hence 10pm is an adequate time to end bottle store sales.

With the ongoing freeze in new licences for Kings Cross and the Sydney CBD, the natural occurrence of licensees exiting those precincts or the industry altogether must lead to a sinking lid on the number of venues. A shrinking number of venues will reduce the variety of venues, making Kings Cross and Sydney CBD less attractive for people who want to enjoy the night-time entertainment areas.

The impact of the recent measures on the wider Sydney area is unclear at this time. It is highly likely that the new restrictions will cause a displacement of drinkers from the Sydney CBD into surrounding areas outside of the precinct, or for them to drink in venues closer to their homes. This will mean fewer patrons and a lower density of drinkers in the Sydney CBD which will have to be taken into account in evaluating the success or otherwise of the measures. Looking at simple numbers of assaults and arrests without regard to reduced numbers of venues and patrons will present a false picture of the impact.

DSICA is supportive of the Police having the power to issue troublemakers with temporary banning hours, and to be able to apply to the Independent Liquor and Gaming Authority for a longer term banning order.

The extra costs from higher levels of regulation, staffing and security requirements imposed on licence venues will have to be recovered from the venues' customers through higher drink prices. Higher drink prices within licensed venues increases the incentives to pre-load before going into the venues. Preloading can also lead to circumstances where intoxicated people heading into

entertainment precincts are brought into contact with (and occasionally conflict with) people who are offended by their condition and behaviour.

Higher drink prices inside venues also encourages the greater use of illicit drugs as drugs can provide better value for money than paying bar prices. The increase in bar prices can also act as an incentive for illicit or informal drinking venues to be created, either as a deliberate attempt to trade commercially outside of the licensing regime or as an informal drinking location for a group of friends but not intending to provide alcohol for profit.

Possible further measures to reduce alcohol and drug-related violence

DSICA believes that there will be sharply diminishing returns in regard to additional regulations on venues and venue management. Venues are now safer than the public spaces surrounding them.

DSICA supports government policies to that would introduce a broader range of leisure activities and types of entertainment into the night-time economy and in particular into the high density entertainment precincts. Changes to the basis of the entertainment precinct and the night-time economy away from purely or mostly being alcohol supply and consumption would bring a wider age range and more diverse and hence calmer crowds.

Precincts that only attract fairly homogeneous crowds of 18 to 24-year-olds out to socialise and consume alcohol and drugs are very likely to develop a culture of excessive and antisocial behaviour unless there is strict policing and clear consequences of bad behaviour. DSICA would point to Queensland's early experience of Schoolies Week as to how a set of cultural expectations can develop when homogeneous crowds gather for a hedonistic purpose.

DSICA believes that the inquiry could usefully examine if the current system of Police shift hours and rostering are still optimal in light of Australia having shifted towards a 24 hours a day/seven day economy and society.

DSICA would also submit that the 3am taxi shift changeover adds to the difficulties of people getting out of the entertainment precincts easily, quickly and without conflict. The 3am shift starts removing taxis from being available from 2am onwards, and probably for the same length of time after 3am. The loss of taxi numbers makes queues much longer at the peak time when people want to leave the Sydney CBD and Kings Cross. A change to the shift times or a system of taxi licensing that allows for additional taxis at the peak between midnight and 4am could be very useful in alleviating this element of the problems.

As noted above, DSICA expresses its strong support for the New South Wales government introducing alcohol and drug testing of violent offenders.

Other jurisdictions' experience

It is notable that New South Wales recent measures are taking very different pathways from other Australian states in terms of how it regulates alcohol availability and licensed venues. This shift in direction stems from some highly publicised and tragic cases of alcohol-related violence resulting in manslaughter charges in Kings Cross and other entertainment precincts. The New South Wales

Government's approach is now starkly different from that of Victoria or Queensland, both of whom have rejected the use of lockouts in particular.

Other matters

DSICA believes that the Violent Venues scheme instituted by the New South Wales Government in 2011 was effective in targeting those venues whose management needed greater incentives to lift standards of patron and server behaviour and to so deter violence and anti-social behaviour.

The academic literature on alcohol-related violence in licensed venues is consistent that a relatively small number of venues dominate where violent incidences occur. DSICA believes that there are issues around bar layout, lighting, amenity, staff behaviour, and the general permissiveness in the venue that play an important role in the behaviour of its patrons. The quality of venue management, and the level of engagement by staff in the management role, is very important in regard to running a safe and profitable venue.

Related to this point is the fact that how people behave while intoxicated is very much determined by their cultural expectations of what is allowable behaviour while intoxicated, and also what is the expected behaviour of intoxicated people. The key to providing a safe and enjoyable night out, and a vibrant entertainment precinct that provides jobs and profits, is changing those deep-seated cultural expectations about what is allowable and expected behaviour in these precincts.

The suite of mandatory prison sentences for violent and antisocial behaviour announced in January measures, coming after a long period of media attention to the problems of alcohol and drug-related violence and behaviour in New South Wales entertainment precincts, would have had some effect in resetting the widely held cultural expectations about what is allowable and permitted in Kings Cross and the Sydney CBD.

DSICA believes that the Kings Cross entertainment precinct had built an extremely strong reputation of being a place for uninhibited and hedonistic behaviour. That reputation both encouraged that behaviour and attracted people who wanted to experience and view its uninhibited behaviour. In a similar vein, an area's reputation for violence builds patrons' expectations of violence and perversely attracts both those seeking to be violent and the bored or naive.

Newcastle trial

There has been vigorous support by alcohol advocates and public sector unions for the set of restrictions imposed on Newcastle in 2008, commonly referred to as the Newcastle Trial. However those restrictions did not happen in isolation. The effectiveness of the Newcastle restrictions would have to be distinguished from the broader and state-wide impact of the 2007 Liquor Act legislative changes and the extensive resulting regulations in force from 2008.

It is overlooked by public health advocates and public service unions that the performance of the Newcastle trial in terms of reducing violence was not the best in New South Wales, and nor was it the worst. Locations such as Penrith and Campbelltown that did not have the Newcastle restrictions had greater declines in alcohol-related violence and antisocial behaviour.

The inquiry should note that Newcastle has had a very long-standing reputation as having a very rough drinking environment, and a large blue-collar workforce and university student contingent. The geographical locations of the hotels and nightclubs added to the problems because the venues were spread out, with stretches of suburban streets between venues. This led to intoxicated people travelling on foot along suburban streets and this brought their antisocial behaviour into conflict with ordinary residents trying to have peace and quiet late at night. The impact of the Newcastle trial restrictions cannot be used to reliably forecast as to what will occur in a very large city such as Sydney.

The Liquor Amendment (Special License Conditions) Regulations in force from November 2008 listed 48 declared premises which had special training conditions imposed, including lockouts, glass restrictions, drink restrictions (including shots, RTDs above 5% ABV, doubles, neat spirits) and 10 minute timeouts on serving during late night trading hours. This set of additional restrictions on the 48 most violent venues also has to be considered in evaluating the entire set of changes that have occurred in alcohol regulation and licensing since 2007. DSICA would highlight the fact that under the Sydney CBD Plan of Management, identical restrictions on distilled spirit drinks are imposed on every venue in the Sydney CBD. In effect the New South Wales government is indicating that every licenced venue in Sydney's CBD is equivalent to being on the list of New South Wales's 48 most violent venues.

Conclusion

DSICA believes that at the current time it is too soon to reliably evaluate the impact of the suite of measures announced in January and since partially introduced. New South Wales already had introduced and had in place several measures that were already altering the trends of alcohol and drug-related violence. In consideration of any declines of reported assaults or hospitalisations, recognition also has to be given to the likely impact on the entertainment precincts patrons of the high profile and tragic instances of alcohol and drug-related violence in Sydney's entertainment precincts.

DSICA believes that the New South Wales restrictions on serving distilled spirits are completely without evidence or justification. These restrictions were first introduced in early 2008, and since then the New South Wales government has completely failed to provide any evidence or justification for the drink restrictions to the public or to the industry.