

**Submission  
No 38**

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

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# *Thomas Kelly* YOUTH FOUNDATION



**Parliament of New South Wales**

**Inquiry into measures to reduce alcohol and drug-related violence**

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## **Introduction**

The Thomas Kelly Youth Foundation welcomes this opportunity to make this submission to the NSW Parliament Inquiry into measures to reduce alcohol and drug-related violence.

The Thomas Kelly Youth Foundation is an NSW-based non-for-profit that was established after an unprovoked and ultimately fatal attack on Thomas Kelly as he walked through Sydney's Kings Cross district on a night out. The Foundation was established to help curb the kind of violence that robbed Thomas of his life, and *make sure that our kids come home safe*. It has evolved into much more than that. Through the Foundation's TAKE KARE model, we seek to change and improve our society by re-emphasising the importance of family, friends and community.

The principal object of the Foundation is to reduce alcohol and drug-related violence and anti-social behaviour amongst young people in Australia by raising community awareness and influencing government regulation and industry practice. Some of this will be achieved through legislative change, while additional reform will be led by the Foundation under the TAKE KARE behaviour change model.

The Thomas Kelly Youth Foundation is available to take part in any hearings as part of this inquiry, and thanks the Parliament for the opportunity to submit.

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## **Recommendations**

- 1. The Thomas Kelly Youth Foundation recommends a NSW Government funded advertising and education campaign on the harms of alcohol, that is launched across traditional and social media platforms, in conjunction with TAKE KARE;**
- 2. The Thomas Kelly Youth Foundation recommends the NSW Government work with the Commonwealth Government to introduce a volumetric taxation of alcohol;**
- 3. The Thomas Kelly Youth Foundation recommends the NSW Government lead the way on formally ending alcohol advertising across all sporting codes;**
- 4. The Thomas Kelly Youth Foundation recommends the NSW Government ban all alcohol promotions that are targeted at youth, including, but not limited to advertising on bus sides, outdoor billboards, and in-cinema advertising;**
- 5. The Thomas Kelly Youth Foundation recommends changes to the methods of license allocation, with equal determination given to the NSW Police and Local Councils alongside the Office of Liquor, Gaming and Racing;**
- 6. The Thomas Kelly Youth Foundation recommends the NSW Government ask their Commonwealth counterparts to immediately introduce warning labels on bottles of alcohol, again similar to the health warnings promoted on tobacco packaging;**
- 7. The Thomas Kelly Youth Foundation recommends an immediate review of the education at a primary and secondary school level on the harms of alcohol and drugs, with a strong expectation the curricula be revised and strengthened, with strong input from the TAKE KARE model;**
- 8. The Thomas Kelly Youth Foundation recommends strengthening the judiciary system to increase penalties for violent offenders (domestic and non-domestic), sexual assault and affray;**

- 9. The Thomas Kelly Youth Foundation recommends an expert panel be established to specifically monitor the above reforms to help reduce alcohol and drug-fuelled violence. This panel would be led by the Thomas Kelly Youth Foundation, and include members of the medical, legal, academic and education fraternities, including health experts from leading non-for-profits along with other select community leaders.**

## Trends in alcohol and drug related violence in licensed venues and general street areas

Heavy drinking has been part of Australian culture since the arrival of the First Fleet more than 200 years ago, and the tradition of drinking to excess remains familiar in modern Australia. While alcohol is no longer used as a currency, the average consumption rate nationally is 10.0 litres per person, per year<sup>1</sup> placing Australia within the top 30 countries internationally.<sup>2</sup> While the amount of alcohol consumed by individuals has stabilised somewhat, ‘the number of key harm indicators remains significantly high,’<sup>3</sup> with recent statistics showing an astounding 291,000 victims of crime across Australia believed their attack was as a result of alcohol (or other substances)<sup>4</sup>. The same research showed this data had not significantly altered since the previous survey, highlighting a disturbing trend in our country: alcohol fuelled violence is a mainstay of society.

For the purposes of this submission, the Thomas Kelly Youth Foundation (TKYF) relies on definitions provided by the World Health Organisation (WHO). The WHO describes an alcoholic beverage as a “liquid that contains alcohol (ethanol) and is intended for drinking”, and drugs as “the term [that] often refers specifically to psychoactive drugs, and often, even more specifically, to illicit drugs, of which there is non-medical use in addition to any medical use”<sup>5</sup>.

According to the *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*<sup>6</sup> ‘risky drinking’ is defined as any consumption of alcohol more than four standard drinks in one drinking session (that is, where an individual’s blood alcohol level does not return to zero in between drinks). These guidelines are widely considered to be among the most stringent in the world. Alcohol will be the central focus of this submission.

In NSW, more than 13,000 people were the victims of alcohol-related violence in 2013<sup>7</sup>. Young people – aged between 15 and 24 years – are responsible for more than half of all

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<sup>1</sup> Australian Bureau of Statistics (ABS): 2012, *Crime Victimisation, Australia, 2010-11*, Cat. No. 4530.0, Canberra: ABS, [found here](#)

<sup>2</sup> World Health Organization: 2008, *Management of Substance Abuse*, Lexicon of alcohol and drug terms published by the World Health Organization, [found here](#)

<sup>3</sup> FARE: 2003

<sup>4</sup> Australian Bureau of Statistics (ABS): 2012, *Crime Victimisation, Australia, 2010-11*, Cat. No. 4530.0, Canberra: ABS, [found here](#)

<sup>5</sup> World Health Organization (WHO): 2014, *Management of Substance Abuse*, Lexicon of alcohol and drug terms published by the World Health Organisation, [found here](#)

<sup>6</sup> NHMRC: 2009, *Australian Guidelines to Reduce Health Risks from Drinking Alcohol*, [found here](#)

<sup>7</sup> [BOCSAR](#): 2014, *NSW Crime Tool*

alcohol related serious injuries,<sup>8</sup> and 32 per cent of all alcohol-attributable hospital admissions for injuries caused by violence<sup>9</sup>.

According to the Foundation for Alcohol Research & Education (FARE), the ‘availability, affordability and promotion of alcohol’<sup>10</sup> is at the core of this epic problem: there is too much alcohol, that is too cheap, that is promoted everywhere to our youth.

Similar inquiries conducted in recent years by the South Australian (2013), Victorian (2006) and Queensland (2010) Parliaments agree on one pertinent point: that while alcohol has always been a mainstay of Australian culture, the culture of drinking to excess appears to be increasing – and with it – the severity of alcohol-fuelled violence.<sup>11</sup>

The statistics highlighted above underline the concern of the Thomas Kelly Youth Foundation that more needs to be done to prevent alcohol-fuelled violence. A combination of legislative, educative, and behavioural change initiatives must be implemented by the NSW Government to help reduce these statistics from spirally further out of control.

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<sup>8</sup> Chikritzhs: 2000, *Australian Alcohol Indicators, 1990-2001 Patterns of alcohol use and related harms for Australian states and territories* [found here](#)

<sup>9</sup> Matthews: 2000

<sup>10</sup> FARE: 2012, *Annual Alcohol Poll 2012*, [found here](#)

<sup>11</sup> Legislative Assembly of Queensland: Law Justice & Safety Committee: 2010, *Inquiry into Alcohol-related violence*, March, Report No.74



## **The impact of recent measures to reduce violence on Police, the Courts, hospitals, and the liquor industry**

***'It is no longer acceptable to go out and drink yourself stupid, take illicit substances, start fights, 'coward punch' people or engage in other assaults thinking you [will] get away with it. From the point the legislation is passed, those days are over.'***

Former Premier Barry O'Farrell - January 21 2014

In early 2014 new measures were passed by the NSW Parliament in order to reduce alcohol-fuelled violence in Sydney's CBD. As part of the *Liquor Amendment Bill 2014*, drinking establishments are now prevented from allowing new patrons inside the premises after 1.30am, while 'last drinks' are now called at 3am. As these legislative changes are very recent, there is no qualitative data available to analyse their effect, however, there is significant feedback from local community leaders, indicating the reforms are having the desired outcomes.

***'It is clearly evident there are fewer drunken people on the streets during weekend nights'***

Dr Gordian Fulde - March 17 2014

St. Vincent's Emergency Department Director Dr Gordian Fulde has monitored the influx of alcohol-related assaults for over three decades, and has noticed a significant drop in the number of alcohol-related assaults over the past six months, which he hopes will extend into the traditional 'silly season' – the summer months in Sydney, which lead to more revellers in city night spots. His research, based on Emergency Department admissions, shows a significant 50 per cent decrease in the number of assaults related to alcohol.

***'The absolute decrease in severe head injuries has been spectacular and terrific. We've definitely seen a very marked decrease in as far as we've had hardly any severe brain injuries from alcohol-fuelled violence.'***

Dr Gordian Fulde – July 5 2014

## **Possible further measures to reduce alcohol and drug-related violence**

There are a number of possible further measures to reduce alcohol and drug-related violence across NSW, and beyond. They are outlined in brief in the TKYF Recommendations at the start of this document – and will be expanded here in categories that group our recommendations together.

### ***Education and Behavioural Change: Recommendations 1 and 7***

Increased education around the impact excessive alcohol has on the larger community is essential to both change attitudes and instill a generational change in our youth, who need to better understand the terrible cost excessive alcohol has on our community. The TKYF wants the NSW Government to introduce advertising and education campaign that is launched across traditional and social media platforms – specifically targeted young people.

The focus of this campaign should be on minimising harm through safe drinking practices. Helping young people learning how to consume alcohol appropriately, and helping the community understand how to help young people make these informed choices is a crucial task of any government led advertising campaign.<sup>12</sup>

This campaign needs to be formulated alongside TKYF's recommendation (7) for an immediate review of education at a primary and secondary school level that focuses on the harms of alcohol and drugs consumption, that would be created alongside the TKYF's TAKE KARE behavioural change model.

*'Helping young people understand the choices they have and giving the community knowledge to help young people make appropriate choices is the best approach to minimising potential harms.'*

Social Development Committee of the South Australian Parliament, 2013

**TAKE KARE** is the TKYF's latest initiative that focuses on changing behaviours within our community. The statistics presented throughout this document highlight the incredible challenge we face as a society in reducing alcohol abuse and its myriad challenges.

**TAKE KARE** aims to:

- Wipe out alcohol and drug fuelled harm amongst young people;

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<sup>12</sup> Youth Affairs Council of South Australia (YACSA), written submission 2013 pp2-3

- Support young people to support each other around the impacts and consequences of alcohol and drug use;
- Inspire Australians to make attitudinal and behavioural change.

**TAKE KARE** will work across family units, schools, community organisations and sporting codes to instil change at a grassroots level. Education is key to reducing the harms related to alcohol abuse, as we believe there must be a societal shift in the attitude we have to binge drinking, the practice of pre-loading and its ramifications.

Recent data from *The Australian Secondary Students' Alcohol and Drug Survey*, based on the data of 25,000 students aged 12-17 shows:

- 3 out of 4 students had tried alcohol at some time in their lives;
- 51 per cent had consumed alcohol in the 12 months preceding the survey;
- Around 1 in 5 students aged 17 had consumed more than 4 drinks on at least one day in the past week.<sup>13</sup>

These statistics prove that teenagers in NSW need help to navigate the slippery slope of alcohol consumption. While drinking may be a normative right of passage in Australian culture, drunken assaults should not be part of this cultural passage. We urge the NSW Government to use the TAKE KARE model as the basis of thorough educational reform in this area.

### *Increasing the price = lowering the risk: Recommendation 2*

International best practise demonstrates that volumetric alcohol taxation works to reduce the amount of alcohol consumed, meaning resulting risky behaviours are also lowered. The TKYF wants to see the NSW Government lead the way at pushing for this vital reform with their federal counterparts.

***'If alcohol taxes are to be effective in reducing social harm, the taxation of beer, wine and spirits needs to be reformed.'***

- The Henry Review, 2008

Volumetric alcohol taxation works by applying a different level of taxation depending on the amount of alcohol contained in the beverage,<sup>14</sup> and aims to increase the purchase price of individual beverages. Victorian Health research on taxation modeling suggests that 13

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<sup>13</sup> December 2012

<sup>14</sup> Strengthening the evidence for volumetric taxation of alcohol: 2011, *The health and economic impacts of alternative alcohol taxation regimes in Australia*, VicHealth – Victorian Health Promotion Foundation

different models of volumetric taxation ‘all were shown to save money and be more effective in reducing alcohol-related harm than the current Australian taxation policy.’<sup>15</sup>

### ***Advertising of alcohol: Recommendations 3, 4***

The advertising of alcohol to youth has to stop. Children and young people are bombarded with messages that promote drinking alcohol as a fun activity to do with their friends, with no mention of the potential harms that risky drinking practices entail.

***‘Alcohol advertisements do not portray the negative consequences of risky or excessive drinking, such as drunkenness and potential health and other risks.’***

**- Australian Drug Foundation**

Existing regulations insist that advertisers cannot market to children on television, however this code fails to recognise those children who watch sporting matches on TV, or enjoy shows after 8.30pm when the regulation ceases to have effect.<sup>16</sup> Additionally, advertising that arguably targets children continues to be promoted in other environments, namely:

- Radio
- Cinema
- Sports and music events
- Print media: magazines and newspapers
- Outdoor media: billboards, bus shelters, public transport
- Online: social media, mobile phones and websites
- Branded merchandise
- Point-of-sale promotions: shop-a-dockets, 2-for-1 offers,
- Product placement: in movies and music videos<sup>17</sup>

The TKYF wants the NSW Government to start the process of formally ending alcohol sponsorship at sporting games. It makes little sense to encourage our kids into team sport as a way of fostering a love of exercise and healthy living to then be bombarded with images of alcohol before, during and after the game. The messaging is confusing at best, and destructive at worse: analysis shows that Australian children as young as ten had a *‘high awareness of alcohol sponsors and alcohol brands advertised...during sporting telecasts,*

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<sup>15</sup> bid

<sup>16</sup> Commonwealth of Australia: 2014, Promoting a Healthy Australia, *Free To Air TV – Submission No. 29*, [found here](#)

<sup>17</sup> McCusker Centre for Action on Alcohol and Youth (MCAAY): 2014, *Alcohol Advertising and Young People*, [found here](#)

*and associate these products with sport and ...positive personal characteristics and outcomes.*<sup>18</sup>

The banning of alcohol at sporting matches should concur with the banning of alcohol advertisements that target youth, specifically those advertisements that appear on bus sides, outdoor billboards, online and in-cinema advertising. It cannot be expected for young Australians to get a grasp of the seriousness of alcohol consumption, when the product is constantly and vigorously advertised as a beverage that results in fun, without acknowledging the consequences.

### ***Regulation of alcohol and its supply: Recommendations 5 & 6***

The density of alcohol supply needs careful consideration by the NSW Government. The sheer volume of establishments able to sell and supply patrons with alcohol in this state can be linked not only to higher assault rates, but also road traffic accidents, drink driving, robbery, homicide, suicide, child abuse and sexual offences.<sup>19</sup> At last count, there were 15,115 liquor licences in NSW – which equates to one for every 470 people in the state<sup>20</sup>. According to FARE, just a 10 per cent rise in general licence rates increase assault rates by 0.6 per cent,<sup>21</sup> as research from Australia and abroad demonstrates that a large number of liquor outlets and increased trading hours leads to higher alcohol-related harms.

**‘Research has consistently found an association between alcohol outlet density and negative alcohol-related outcomes.’  
- FARE, 2012**

The TKYF wants the NSW Government to consider the NSW Police and local councils having equal input into licence allocation, along with the Office of Liquor, Gaming and Racing. Police involvement in licence allocation would help prevent nightspots already saturated with drinking establishments from gaining additional licence holders – reducing the number of intoxicated patrons spilling onto the streets, and the negative alcohol-related ramifications. Identifying these ‘saturation zones’<sup>22</sup> is a crucial first step in reducing the number of venues serving alcohol, which in turn will assist in reducing alcohol-fuelled violence.

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<sup>18</sup> Youth Affairs Council South Australia (YACSA), written submission to South Australian Parliament, pp7-8

<sup>19</sup> Foundation for Alcohol Research and Education: 2012, *10 Point Plan to reduce alcohol-related harms in NSW*, Canberra Australia

<sup>20</sup> bid

<sup>21</sup> bid

<sup>22</sup> bid

In addition to reassessing the granting of licences, the NSW Government should immediately begin negotiating with their federal counterparts to introduce warning labels on alcohol bottles, similar to the warning labels that have existed on tobacco products for many years. A panel comprised of alcohol related harm experts should consider whether warning labels should contain written text or graphic images, or a combination of both – that would highlight the inherent dangers of risky drinking.

***Strengthening the judiciary: Recommendation 8***

A strong deterrent is essential in reducing the number of alcohol-fuelled attacks on our streets. Not only do custodial sentences act as a warning for potential offenders, education around potential punishments helps the community act to warn others considering an act of violence. Recent legislation in NSW increased the mandatory minimum sentence for alcohol-fuelled violence, but there needs to be further reform.

***‘There is no simple or single solution to stamp out drug and alcohol-fuelled violence. It will involve everyone taking responsibility for their actions and to bring about the culture change that is required.’***

- Barry O’Farrell, 25 February 2014

The TKYF wants a stronger judiciary system that increases penalties for violent offenders (domestic and non-domestic), sexual assault and affray, including:

1. Amendments to the *Crimes (Sentencing Procedure) Act 1999* whereby any crimes committed whilst affected by alcohol or drugs are identified as a *mandatory aggravating factors* that must be taken into account on sentencing;
2. The aggravating factor of *conditional liberty* expanded to any good behaviour bond;
3. Youth and inability of a victim to defend themselves as being aggravating factors that must be taken into account;
4. *One Punch Law* – reduce high range intoxication currently set at 0.15 to a mid range reading of 0.8

These reforms will underline the primary role alcohol plays in violence and crimes across NSW, so sentences then reflect this aggravating feature.

Further, the TKYF calls on the NSW Government to amend the following:

- Re-submit the six additional offences relating to Grievous Bodily Harm (GBH), as ‘minimum parole periods’ rather than ‘mandatory minimum sentences’;
- Ensure that the six new offences cover **both** public and non-public places to ensure

domestic and non-domestic violence are covered.

### **The effectiveness of measures taken to reduce alcohol and drug-related violence in other jurisdictions**

The so-called 'Newcastle Model' is one of the most useful jurisdiction comparison tools when examining the effectiveness policy designed to reduce alcohol and drug-related violence. This policy - implemented in 2008 - has shown impressive results in reducing the number of alcohol and drug related attacks in and around licensed venues. It serves as a model for the recently introduced 'Lockout and Last Drinks' laws that cover the Sydney CBD Entertainment Precinct.

Newcastle is Australia's 7<sup>th</sup> largest city and New South Wales' second most populous region with an estimated 530,000 residents. An increasing number of complaints to and from police about 'violence, disorderly behaviour arising from intoxication'<sup>23</sup> in 2007 led the then Liquor Administration Board (now called the Office of Liquor, Gaming and Racing) to restrict the opening hours of 14 pubs to 3am (previously 5am). Additionally a 1am 'lockout' was imposed, meaning patrons already inside the premises could continue to drink, but no new patrons would be accepted onto the premises. These changes were enacted on 21 March 2008.

Researchers from the School of Medicine and Public Health at the University of Newcastle, led by Professor Kypros Kypri, looked in detail at the police-recorded assault rate across the area affected by the lockout both before and after the restrictions were introduced. Their findings were staggering: with an estimated assault drop of 37 per cent in the Newcastle CBD, or a prevention of 132 assaults per year<sup>24</sup>.

*'The balance of reliable evidence...suggests that extended late-night trading hours lead to increased consumption and related harms.'*

- Stockwell & Chikritzhs, 2009

Opponents of Sydney CBD trialing this model need to look at the evidence closely: despite Newcastle having an additional area with a similar nighttime economy nearby, there was no evidence of patrons, or their potentially violent behaviours, moving to new (later-opening) bars in Hamilton. Further, while Hamilton did have some venues engaging in 'lockouts' of

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23 Kypri K, Jones C, McElduff P, Barker D: 2011, Effects of restricting pub closing times on night-time assaults in an Australian city, *Addiction* 106(2) 303-10

24 *ibid*, p1

patrons – there were no earlier closing times implemented across this area – and the assault figures were significantly *higher* than those in Newcastle.

Professor Kypri explains that while the lockout model does not appear to be as effective as some suggest, closing pubs and clubs works: ‘Clearly, earlier closing times or at least stopping alcohol sales earlier is the key to preventing assaults’<sup>25</sup>.

*‘Research suggests that an increase in the availability of alcohol leads to higher alcohol consumption and corresponding increase in alcohol related harm. In contrast, decreases in alcohol availability result in lower consumption and reductions in harm.’*

ADCA, *Inquiry into the Provision of Alcohol to Minors*, August 2012

Similar evidence from international jurisdictions supports this Australian evidence. In Norway, a study of bars across 18 different cities, who had either extended or reduced their trading hours showed a very similar outcome to the Newcastle model. The researchers found that an increase of just one hour in opening hours resulted in a 16 per cent increase in violent assault<sup>26</sup>.

It's hard to argue in the face of such compelling evidence. Professor Kypri estimates a staggering 3,000-4,000 assaults have been prevented in Newcastle since the introduction of the intervention.<sup>27</sup> Imagine the reduction in assaults if this model was adopted more broadly?

The Thomas Kelly Youth Foundation continues to support the NSW Government trial of lockouts and earlier closing times in Sydney's CBD. Based on the available evidence, it would seem clear that the Newcastle Model has enough merit to be modeled across other jurisdictions.

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<sup>25</sup> Kypri, K., *Earlier pub closing times key to reducing alcohol-fuelled assaults*, The Conversation, 3 March 2014,

[found here](#)

<sup>26</sup> Rossow I. and Norstrom T., *The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities*, 2011

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<sup>27</sup> Kypri, K., *Earlier pub closing times key to reducing alcohol-fuelled assaults*, The Conversation, 3 March 2014,

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## Conclusion

There is not one single measure, not one quick fix to help reduce the number of alcohol-fuelled violence spilling out on to our streets.

There is a range of policies that can make a difference: from education, to licencing changes, to advertising campaigns to new taxes – all of which are outlined in the attached recommendations.

The conversation has started: enough is enough, and something has to change.

The statistics speak for themselves, every year in Australia:

- More than **5,500 lives are lost** because of alcohol, **400 due to assaults**;
- More than **157,000 people hospitalised**;
- **A further 70,000 Australians are victims of alcohol-related assaults**, including **24,000 victims of alcohol-related domestic violence**;

All these harms cost our country an estimated \$36 billion annually.

Australians love to have a drink, but that love must not turn to drunken thuggery. The time for change is now.

## References

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