

**Submission
No 95**

MEASURES TO REDUCE ALCOHOL AND DRUG- RELATED VIOLENCE

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**NSW ACT Alcohol Policy Alliance's
Submission to
NSW Legislative Assembly Committee on Law and Safety
*Inquiry into measures to reduce alcohol and drug-related violence***

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About the NSW ACT Alcohol Policy Alliance

The NSW ACT Alcohol Policy Alliance (NAAPA) aims to reduce alcohol harms by ensuring that evidence-based solutions inform alcohol policy discussions in NSW and ACT. NAAPA currently has 44 member organisations from a range of fields including health, community, law enforcement, emergency services and research.

The following are the NSW members of NAAPA:

- Network of Alcohol and Drug Agencies (NADA)
- Darlinghurst Resident Action Group
- Newcastle Community Drug Action Team (CDAT)
- Police Association of NSW
- Australian Medical Association (AMA) NSW
- The Royal Australasian College of Surgeons
- Public Health Association of Australia NSW Branch
- Cancer Council NSW
- National Drug and Alcohol Research Centre (NDARC)
- Centre for Health Initiatives - University of Wollongong
- Australasian College of Emergency Medicine
- Jewish House Limited
- Inspire Foundation
- The Asia Pacific Centre for Crime Prevention Griffith University (Sydney)
- University of Newcastle
- Ulladulla Community Drug Action Team (CDAT)
- Drug and Alcohol Research and Training Australia (DARTA)
- Bondi Residents Association
- Ted Noffs Foundation (NSW)
- St Vincent's Hospital
- Australian Drug Foundation (ADF)
- Health Services Union (HSU)
- Pedestrian Council of Australia
- Salvation Army NSW
- Awabakal Newcastle Aboriginal Co Operative Ltd
- The Royal Australasian College of Physicians (RACP)
- Hello Sunday Morning
- Byron Bay Youth Service
- Law Enforcement Against Prohibition
- NSW Nurses and Midwives Association
- 2011 Residents Association
- Bondi Beach Precinct
- Last Drinks @12
- Mental Health Association of NSW

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Contents

Recommendations	4
Summary	5
Introduction	6
1 & 2. Trends in alcohol and drug-related violence in licensed venues and general street areas and the impact of recent measures to reduce violence on Police, the Courts, hospitals, and the liquor industry	6
The need for a robust independent evaluation.....	7
Anecdotal information on the effectiveness of measures from emergency services.....	8
Unsubstantiated claims by the alcohol industry on the ineffectiveness of measures.....	9
3. Possible further measures to reduce alcohol and drug-related violence	10
Controlled Purchase Operations.....	10
Social marketing campaign.....	11
Other measures to reduce alcohol harms in NSW	11
4. The effectiveness of measures taken to reduce alcohol and drug-related violence in other jurisdictions.....	15
Begin the collection of sales data across NSW	15
Develop a NSW whole of government alcohol plan.....	15
5. Any other related matters	16
References	18



Recommendations

1. The Committee on Law and Safety recommends the development of a comprehensive evaluation framework for the Sydney CBD precinct that includes the collection and analysis of statistical and observational data.
2. The Committee on Law and Safety recommends the development of an evaluation of the state-wide measures including the 10pm closing times for off-licence premises and the risk-based licensing scheme.
3. The Committee on Law and Safety recommends that the Government engage experts in the research field, including the NSW Bureau of Crime Statistics and Research (BOCSAR), to ensure that the evaluation of the measures is independent and robust.
4. The Committee on Law and Safety ensures that any claims made by members of the alcohol industry are substantiated by independent data sources.
5. The Committee on Law and Safety recommends the introduction of Controlled Purchase Operations as a matter of priority.
6. The Committee on Law and Safety recommends the development and implementation of a social marketing campaign as a matter of priority in consultation with an expert advisory group.
7. The Committee on Law and Safety recommends that communities in NSW are able to introduce similar conditions that have been implemented in the City of Sydney CBD Precinct, such as lock outs and last drink policies.
8. The Committee on Law and Safety recommends the development and funding of a Community Defenders Office to assist communities to engage with the liquor licensing and planning systems.
9. The Committee on Law and Safety recommends that the Liquor Promotion Guidelines are reviewed immediately in an open and transparent consultation process.
10. The Committee on Law and Safety recommends that along with the release of the Environment and Venue Assessment Tool evaluation, the Government also release the trial results, the tool and the research that informed its development.
11. The Committee on Law and Safety recommends that the current liquor licence freeze remains in place until appropriate cumulative impact policies are developed.
12. The Committee on Law and Safety recommends the collection of alcohol sales across NSW to contribute to the National Alcohol Sales Data Project.
13. The Committee on Law and Safety recommends that the collection of alcohol sales data be used as part of the evaluation of measures.
14. The Committee on Law and Safety recommends the development of an evidence-based state-wide strategy for the prevention and management of alcohol harms in NSW in consultation with stakeholders.
15. The Committee on Law and Safety ensures that the implementation of policies as a result of the various reviews and inquiries occurs in a coordinated and consistent manner.



Summary

The NSW ACT Alcohol Policy Alliance (NAAPA) welcomes the opportunity to provide a submission to the *Inquiry into measures to reduce alcohol and drug-related violence*.

Alcohol harms in NSW are significant, with 1,837 alcohol-attributable deaths,¹ 51,981 alcohol-related hospitalisations² and over 25,000 incidents³ of alcohol-related violence each year. In response to this unacceptable level of harms, in January the New South Wales (NSW) Government announced a range of measures to prevent alcohol-related violence. These measures include a 10pm closing time for all off-licence premises across NSW and 3am last drinks and 1:30am lockout for licenses within the Sydney Central Business District (CBD) precinct. NAAPA welcomed these measures as a significant step in preventing alcohol harms and supports the NSW Government's ongoing commitment to implementing these measures.

The first set of measures were implemented on 24 February 2014, including the 3am last drinks and the 10pm closing time for all off-licence premises. Since then the implementation of other measures has occurred gradually over time, such as the licensed conditions within the Sydney CBD precinct and the beginning of the risk-based licensing scheme. There are still measures that are yet to be introduced such as Controlled Purchase Operations (CPO) and the social marketing campaign.

NAAPA commends the Committee on Law and Safety (Committee) for holding an Inquiry that examines measures to reduce alcohol-related violence. However, it is important that the Committee acknowledges that the measures being examined as part of this Inquiry have been in effect for less than six months, which is not adequate time to assess their effectiveness. For a robust evaluation to take place, data is needed from independent and trusted sources for a timeframe of at least one year. This allows for seasonal variances in trends to be considered.

While it is too soon to assess the effectiveness of the measures announced by the former Premier in January, this Inquiry provides an opportunity to:

- develop a robust evaluation framework to assess the effectiveness of these measures;
- determine the extent to which these measures have been implemented; and
- examine other evidence-based policies that can be introduced to reduce alcohol harms.

This submission makes 15 recommendations focusing on the need for the NSW Government to adopt a consistent approach in preventing alcohol harms. Over the past two years there have been numerous Inquiries and reviews on alcohol. This has resulted in the Government responding to each of these in an ad-hoc manner. With the strong leadership taken by the NSW Government in January, there is now an opportunity for strategic action to ensure that a whole of Government strategy is developed that focusses on the prevention and management of alcohol harms across the state.

Enclosed with this submission is a copy of the NAAPA submission to the *Statutory Review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007* and NAAPA's response to the final report of the Review. The recommendations within the submission to the *Statutory Review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007* should also be considered by the Committee.



Introduction

On 2 July 2014 an Inquiry into the measures to reduce alcohol and drug-related violence was referred to the Committee on Law and Safety (Committee). The Terms of Reference for the Inquiry are as follows:

“The committee will inquire into, and report on the effectiveness of recent measures to reduce alcohol and drug related violence in the Sydney Central Business District, with particular reference to:

- *Trends in alcohol and drug related violence in licensed venues 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.”⁴*

Each of these Terms of Reference are addressed below. The numbering adopted in the submission reflects the numbering and Terms of Reference. The response to the Terms of Reference one and two have been combined

1 & 2. Trends in alcohol and drug-related violence in licensed venues and general street areas and the impact of recent measures to reduce violence on Police, the Courts, hospitals, and the liquor industry

On 24 January 2014, the former Premier of New South Wales (NSW), the Hon Barry O’Farrell MP announced a package of measures aimed at reducing alcohol-related violence (measures). It has been six months since the first of these measures were introduced. The measures included the 10pm closing times for off-licence premises across NSW, the 3am last drinks and 1.30am lock out within the newly established Sydney Central Business District (CBD) precinct.

Given that these measures have been in place for six months or less, it is too soon to objectively evaluate the impact of the measures announced in January 2014, particularly as some of these measures are yet to be implemented. Dr Don Weatherburn, Director of the NSW Bureau of Crime Statistics and Research (BOCSAR) has stated publically on a number of occasions that it is too soon to rely on objective data to show if the measures have been effective.^{5,6} For example, in June Dr Weatherburn indicated that “it was too early to know if new lockout laws in Sydney’s CBD and Kings Cross, which came into effect earlier this year, have had an impact.”⁷

In addressing Terms of Reference one and two, this section focuses on three key areas. These are:

- The need for a robust independent evaluation;
- Anecdotal information on the effectiveness of measures from emergency services; and
- Unsubstantiated claims by the alcohol industry on the ineffectiveness of measures.



The need for a robust independent evaluation

While it is too soon to assess the effectiveness of the measures in preventing alcohol-related violence, it is not too soon to develop a robust evaluation framework to ensure that the data needed is made available. This will allow for baseline measures to be established, from which changes can be measured against. It is also important that the development of the evaluation study is appropriately resourced and not simply an 'add-on' after the fact.

A robust evaluation will assist the NSW Government to develop policies and programs in the future. An evaluation of the measures is also important for policy development across other states and territories of Australia so that they are able to learn from the NSW experience.

To ensure that the evaluation is robust the NSW Government should engage experts in the research field including the NSW BOCSAR, to ensure that the evaluation of the measures is independent and robust. The evaluation for examining the measures being introduced in Sydney should include the collection and analysis of statistical data, as well as observational and behavioural data. An overview of the data needs for the evaluation is included in the sections below.

The collection and analysis of statistical data

Statistical data on a range of areas relating to alcohol consumption, enforcement and harms is needed to determine whether there have been changes in behaviours as a result of the measures being introduced. This data includes:


- Consumption data, including the collection of alcohol sales data, which should be reported by all licensees;
- Crime data, including rates of alcohol-related offences such as alcohol-related assaults and property crime;
- Health data, including emergency data presentations, hospitalisations and ambulance attendances. This data can be enhanced if hospitals and ambulances are required to collect data on the last place of alcohol consumption for the patient;
- Compliance data, including information collected by the Office of Liquor, Gaming and Racing (OLGR) on compliance of licensees and compliance activities by OLGR and NSW Police; and
- Economic data, including data on the costs incurred by local and state governments on addressing alcohol-related harms and measuring the impact on the 'night time economy'.

This statistical data should be collected within the intervention area and the surrounding areas for timeframes extending prior to and beyond the measures being implemented. It is particularly important to examine data on the impact of alcohol-related consumption and harms on the border of the Sydney precinct. Where possible, the statistical analysis should control for variables such as seasonal variations and trends in all crimes.

Involvement and cooperation from a range of agencies that currently collect data will assist with ensuring that data is collected routinely and made available to the researchers responsible for the evaluation. These agencies include but are not limited to BOCSAR, NSW Health, the OLGR, the Independent Liquor and Gaming Authority (ILGA) and the Sydney City Council.

Observational and behavioural data

Observational studies should also be undertaken as part of the evaluation, both inside and around licensed venues in the precinct to examine licensee and patron behaviour. Observations of licenses



should examine responsible service of alcohol (RSA) practices and promotional activities and any changes in these practices.

Observations of patrons should look at behaviours outside the premises at the 1.30am lock out time. This component of the evaluation should also include examining and recording foot traffic and measuring any changes in the number of patrons in the Sydney precinct and other nearby entertainment areas. Intercept interviews can also be carried out with patrons in and around the Sydney precinct at night to gain further behavioural data that can gain information on the practices and intentions of patrons.

Evaluating measures outside the Sydney CBD Precinct

Along with evaluating the measures within the Sydney CBD precinct, there is also a need to begin the evaluation of the state-wide measures, such as the risk-based licensing scheme and the 10pm close for all off-licence premises.

The Government's response to the Review of the *Liquor Act 2007* acknowledged the need for collecting data to assess the impact of reducing off-licence trading hours to 10pm. The Government's response stated that "The Government is gathering data from affected operators and other stakeholders on the impact of the 10pm takeaway restriction. This data will inform a review of the impact of this measure that will be undertaken after it has been in place for 12 months ie. after February 2015."⁸

The evaluation of the 10pm closing time for off-licence premises needs to be broader than collecting data from licensees. The evaluation should also include the collection and analysis of:

- Crime data, including rates of alcohol-related offences such as alcohol-related assaults and property crime;
- Health data, including emergency data presentations, hospitalisations and ambulance attendances; and
- Consumption data, including the collection of alcohol sales data, which should be reported by all licensees.


Consideration should also be given to evaluating the risk-based licensing scheme to gain an understanding of the impact of the risk-based licensing scheme on patterns of alcohol-related offences in NSW.

Anecdotal information on the effectiveness of measures from emergency services

While it is too soon to assess data on the effectiveness of the measures, anecdotal reports suggest that there have been noticeable reductions in alcohol harms as a result of the policies introduced from February 2014.

The Director of St Vincent's Hospital's emergency services Professor Gordian Fulde reported that three weeks after the commencement of the new laws, there was a reduction in the number of alcohol-related admissions and no 'coward punch' victims.⁹ In July 2014, Professor Fulde stated that "The absolute decrease in severe head injuries has been spectacular and terrific."¹⁰

Police and ambulance officers have also reported significant drops in violent incidents in the city since the introduction of the laws, with the police further stating that there has been no discernible displacement of alcohol-related violence to areas surrounding the precinct.¹¹ Residents within Kings



Cross and the City of Sydney have also reported positive changes in the public amenity of their local areas since the introduction of the measures in February 2014.

Unsubstantiated claims by the alcohol industry on the ineffectiveness of measures

It is anticipated that the Inquiry will receive numerous submissions from members of the alcohol industry asserting that the measures have been ineffective and harmful to industry. Since the measures were announced and implemented in early 2014, members of the alcohol industry have made numerous claims about the measures.

It is unsurprising that members of the alcohol industry have made claims that the measures are having negative and ‘devastating’ impact on their business and the night time economy and that they are leading to more ‘illegal warehouse parties’. These claims are unsubstantiated and are made only to encourage the NSW Government to water down its measures. The Committee must ensure that any claims are substantiated by independent data sources. It is important that the Government prioritises the health and safety of communities before the profits of the alcohol industry.

NAAPA cautions the Committee in relying on data provided by members of the alcohol industry in making policy recommendations about the future of these measures. It must be noted that the alcohol industry has a clear and vested interest and this can be counter to the need to prioritise community health and safety.

Evidence relating to two key arguments made by members of the alcohol industry on the measures announced in January are highlighted below.

There is no evidence that earlier closing times and lockouts have ‘disastrous’ impact on the night-time economy

The claim by segments of the alcohol industry that earlier closing times are having a ‘disastrous’ impact on the night-time economy are unfounded and based on anecdotal claims from alcohol industry representatives. It is expected that licensees within the Sydney CBD precinct would experience a change in business after the introduction of the 3am last drinks and the 1.30am lock outs, as the purpose of these measures were to reduce the availability of alcohol during late night trade to reduce high levels of alcohol harms. The night-time economy is broader than the alcohol industry and the impacts of the alcohol industry should not be viewed in isolation of the broader night-time economy. Current evidence suggests that reducing trading hours can diversify and strengthen the night time economy.

A study commissioned by the Australian National Local Government Drug and Alcohol Advisory Committee, the *Australian Night Time Economy: A first analysis: 2009 to 2011* examines the Night Time Economies in the Local Government Areas of a range of Australian cities, including Newcastle.¹² The report found that between 2009 and 2011 there was a 9.6 per cent decline in ‘drink’ sales revenue and a 10.3 per cent increase in ‘food’ sales revenue.¹³ The decline in ‘drink’ sales revenue, was therefore largely offset by the increase in ‘food’ sales revenue, which resulted in a diversification of the night time economy. This change is also confirmed by anecdotal reports which suggest that the night time economy in Newcastle became more diverse and vibrant after the changes were introduced.

There is no evidence to support the claim that the 1.30am lock outs have resulted in an increase in 'illegal warehouse parties'

The claim by segments of the alcohol industry that the 1.30am lock outs have resulting in an increase in 'illegal warehouse parties' is unsubstantiated. NSW Police have not reported an increase in 'illegal warehouse parties' since the introduction of the 3am last drinks and the 1.30am lock out in February 2014. Police have stated that the "rate of "detected" warehouse parties in the Marrickville area had declined compared to the same period last year, and there had been only five callouts in the past six months. Marrickville Council also said it had not received any complaints about such parties in the past 12 months."¹⁴

Recommendations

1. The Committee on Law and Safety recommends the development of a comprehensive evaluation framework for the Sydney CBD precinct that includes the collection and analysis of statistical and observational data.
2. The Committee on Law and Safety recommends the development of an evaluation of the state-wide measures including the 10pm closing times for off-licence premises and the risk-based licensing scheme.
3. The Committee on Law and Safety recommends that the Government engage experts in the research field, including the NSW Bureau of Crime Statistics and Research (BOCSAR), to ensure that the evaluation of the measures is independent and robust.
4. The Committee on Law and Safety ensures that any claims made by members of the alcohol industry are substantiated by independent data sources.

3. Possible further measures to reduce alcohol and drug-related violence


Of the nine preventive policies announced by the NSW Government in January 2014, two of these measures are yet to be implemented. These are the implementation of Controlled Purchase Operations (CPO) and the implementation of a social marketing campaign.

Controlled Purchase Operations

As part of the package of measures, CPOs were announced: "Covert controlled operations by Police involving minors or young-looking adults will be permitted, to support enforcement of laws prohibiting the sale of alcohol to minors."¹⁵ The introduction of CPOs has not yet eventuated.

Since the initial announcement in January, no further comments have been made or information been given to stakeholders and the NSW Government's response to the Review of the *Liquor Act 2007* was unclear on its commitment to legislate for their introduction.

CPOs involve supervised minors attempting to buy liquor from licensed premises to test licensees' compliance with supply laws. New Zealand currently utilizes CPOs for alcohol service. These have worked effectively for many years to support New Zealand Police in their applications to licensing authorities for the suspension or cancellation of offenders' liquor licences.^{16 17}



In the same way the CPOs are carried out for tobacco control purposes, the use of minors in these operations should be legislated. Legalising CPOs will make licensees more attentive in their observation of 'supply to minors' legislation so as to avoid being exposed by a CPO for contravening the *Liquor Act 2007*.

To ensure that the supply of alcohol to minors is not occurring at licensed premises, the implementation of the CPO should be a priority of the Government.

Social marketing campaign

As part of the package of measures, a social marketing campaign was announced: "A high profile road safety style social media and advertising campaign will be developed and implemented to address the issue."¹⁸ This campaign has also not yet eventuated.

In Australia and internationally social marketing campaigns have been effectively used to raise awareness of public health issues such as the harms associated with tobacco use and risks associated with drink driving.^{19 20} However, alcohol-related social marketing campaigns in Australia, with the exception of those relating to drink driving, have been ineffective and had little impact.²¹ This has been because they are too often *ad hoc*, not sustained and have had ambiguous messaging.

The development of a social marketing campaign should draw upon the evidence and previous effective and successful social marketing campaigns. There are three main considerations for the NSW Government in the development of an effective alcohol social marketing campaign. These are:


1. A social marketing campaign should be multi-faceted and use a range of media to promote its key messages. These media include television, digital media and signage in and around licensed venues. The campaign should also be reinforced with more formal messaging in other settings, such as school-based educational programs.
2. A social marketing campaign requires a clear target and message. The campaign rationale must clearly identify the target audience and the behaviour change sought. Understanding the target audience includes securing information about their knowledge, attitudes and current behaviours relevant to the social marketing campaign's objective.²²
3. The social marketing campaign should be developed with the guidance from experts. To provide this guidance the establishment of an expert advisory group comprising eminent persons and social commentators should be considered. This approach was adopted in the development of the well-known 1987 'Grim Reaper' AIDS campaign, in which a committee of eminent persons assisted in the development of the campaign design. These eminent persons included media industry leaders, leading health professionals and social marketing researchers.

Other measures to reduce alcohol harms in NSW

Along with implementing the alcohol harm prevention measures announced in January which have not yet been progressed, the NSW Government should also continue to strengthen their commitment to preventing alcohol harms by introducing other evidence-based measures. Some of these measures are outlined below.

Allow communities to introduce similar measures that have been implemented in the Sydney CBD precinct

There are many communities outside the Sydney CBD precinct that experience high levels of alcohol harms. The community of Byron Bay has long advocated for a reduction in trading hours to reduce



alcohol harms in their community. The community group lastdrinks@12 have been advocating for precinct wide last drinks at 12am supported by a range of responsible service of alcohol measures.²³

Regulation of trading hours is an effective harm minimisation tool. The Newcastle trading hour restrictions is a proven measure to reduce alcohol harms. Five years after the 3am closing time and the 1am lock out was introduced, an evaluation found that there was a sustained reduction in alcohol-related assaults in the Newcastle CBD with an average of a 21 per cent decrease in assaults per hour.²⁴ This compares closely with research in Norway where an average 20 per cent decrease in assaults per hour of restriction was observed in 15 cities where trading hours were restricted.²⁵ The Newcastle experience demonstrates how even modest reductions in trading hours can result in significant reduction in harms.

The National Drug Law Enforcement Research Fund in their report *Dealing with alcohol-related harm and the night-time economy*, '[Restricting] trading hours is the most effective and cost-effective measure available to policymakers to reduce alcohol-related harm associated with licensed venues'.²⁶

Like residents within the Sydney CBD and Kings Cross areas, other communities across NSW that experience high levels of alcohol harms deserve the same right to harm reduction measures to be implemented in their community to prevent further alcohol harms.

Develop and fund a Community Defenders Office

Navigating the liquor licensing and planning systems is complex for community members. This is due to the different pieces of legislation and regulation and the several bodies within the system. At the moment there is no targeted support for communities to interact with these systems. This results in unsuccessful objections and complaints or community members not engaging with these systems at all.

There is a need to assist community complainants and objectors in overcoming these challenges. Access to relevant information and skilled human resources would go some way to reduce the time and cost burdens communities bare when seeking to participate in licensing matters.

This need has been identified by the development of the Alcohol Community Action Project (ACAP), a pilot project which has now ended. The initial funding for ACAP was provided through a grant from the Australian Rechabite Foundation and administered by the Foundation for Alcohol Research and Education. The purpose of ACAP was to assist individuals and organisations who wanted to interact with the liquor licensing and planning systems with the aim to reduce alcohol harms in their community. The pilot project consisted of two key resources; a website and a community adviser. The ACAP project manager assisted numerous communities within NSW to lodge objections to liquor licenses and provided advice to individuals who were not aware of their rights when dealing with licensing applications. The demand experienced by the ACAP project manager during the pilot demonstrated the need within the community for such a service.

The development and funding of a Community Defenders Office using the experiences of the ACAP pilot would help individuals and communities in navigating and interacting with the liquor licensing system. A Community Defenders Office would also empower communities to participate and engage in licensing matters with confidence, and alleviate some of the resource burdens communities face.



Immediately review the Liquor Promotion Guidelines in an open and transparent manner

The current regulation of alcohol promotions in NSW is weak, ineffective and does not adequately address the reckless promotions that occur at off-licence premises. The promotion of alcohol influences the age at which young people begin drinking alcohol as well as their levels of consumption.²⁷ Of particular concern are price-based promotions, as there is an inverse relationship between the price of alcoholic beverages and levels of consumption and harms.²⁸

Point of Sale (POS) promotions are promotions found within or on the exterior of licensed premises at the point where an alcohol purchase is made (e.g. 'happy hours', free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices). POS promotions involve price or volume discounts and have been found to be particularly effective in encouraging the purchase of increased volumes of alcohol.^{29 30}

In 2013, the Office of Liquor Gaming and Racing reviewed and updated the Liquor Promotion Guidelines in consultation with members of the alcohol industry. NAAPA requested involvement in this review but was denied. Documents obtained following a subpoena in the NSW Upper House by Member Dr John Kaye revealed that the final Liquor Promotion Guidelines had been significantly watered down from their original version as a result of the extensive consultation with members of the alcohol industry.

An example of this is OLGRs response to the Liquor Stores Association (LSA) concern that the Liquor Promotion Guidelines would result in the banning of the cheap promotions that often occurs in retail outlets. OLGR wrote back to the LSA indicating that "the additional sentence looks fine" and even went on to ask if the LSA "would you be happy" with the phrase "does not encourage excessive consumption of alcohol due to an increase in the volume purchased where it is likely to be consumed within a short timeframe".³¹ These changes have effectively made the Liquor Promotion Guidelines irrelevant to off-licence premises, which is where 80 per cent of alcohol is purchased, demonstrating the significant influence of vested interests in this process.


The Government's response to the Review of *the Liquor Act 2007* rejected the recommendation that the Liquor Promotion Guidelines be reviewed after one year and supported that they are not reviewed until 2016.

The Liquor Promotion Guidelines need to be reviewed immediately in an open consultation process to ensure that harm from alcohol promotions is minimised and that the regulation of promotions applies to both on and off licenses with equal weight.

Release the results of the Environment and Venue Assessment Tool (EVAT) trial and the research that informed its development

The City of Sydney currently has a liquor licence freeze in place till 5 February 2016 in the Sydney CBD Entertainment precinct, the Kings Cross precinct, and the Oxford St Darlinghurst precinct. NAAPA supports the freeze, however while policies such as licence freezes and saturation points prevent further licenses from being established, they do not prevent the areas becoming saturated.

While a liquor licensing freeze is in place in Sydney, this is a quick fix to a longer term problem that requires enduring solutions. Cumulative impact policies focus on the type and number of licensed premises in specified areas and look at ways licenses can be regulated to ensure that areas do not become saturated with licensed premises in the first place.



Research has consistently found an association between alcohol outlet density (i.e. the number of active liquor licences in an area) and negative alcohol-related outcomes such as assaults, adolescent drinking, domestic violence, drink driving, homicide, suicide, chronic alcohol-attributable diseases and child maltreatment.^{32 33 34 35 36 37}


In 2012, the NSW Government acknowledged that approaches to addressing the density of outlets should be examined and engaged the Allen Consulting Group to research the cumulative impact of licensed premises in NSW. As a result of this research, the Environment and Venue Assessment Tool (EVAT) has been developed. This tool is intended to provide a clear and consistent basis on which ILGA and OLGR can base their licensing decisions and is now being trialled in the City of Sydney and Newcastle.³⁸

The EVAT is seen by the NSW Government as the centrepiece in their approach to address outlet density in liquor licensing. However, there is no publicly available information as to the research and development behind the tool. This is problematic because the current trial of the tool will result in liquor licences being granted in perpetuity, despite there being no evidence that the tool will be effective in addressing cumulative impact. Details outlined in a decision made by ILGA in July 2013, demonstrates the weaknesses in the EVAT trial in which the Director General approved extended trading hours for an on-licence premise following an assessment under the EVAT which found that there were 845 licenses premises within the applicants postcode.³⁹ The decision made by ILGA was not to approve the extended trading authorisation.

The final report of the Review of the *Liquor Act 2007* made numerous recommendations relating to the EVAT Tool, in particular supporting its ongoing development to be supported by further research. The Government supported this in-principle, stating that the “evaluation of the EVAT Trial will be released in August 2014.”⁴⁰ Along with releasing the evaluation, the EVAT Tool, the results of the trial and the research that informed the EVAT development needs to be released for public consultation to ensure that appropriate measures are being used to control the density of liquor licenses in NSW.

Recommendations

5. The Committee on Law and Safety recommends the introduction of Controlled Purchase Operations as a matter of priority.
6. The Committee on Law and Safety recommends the development and implementation of a social marketing campaign as a matter of priority in consultation with an expert advisory group.
7. The Committee on Law and Safety recommends that communities within NSW who are experiencing alcohol harms are able to introduce similar conditions that have been implemented in the City of Sydney CBD Precinct, such as lock outs and last drink policies.
8. The Committee on Law and Safety recommends the development and funding of a Community Defenders Office to assist communities to engage with the liquor licensing and planning systems.
9. The Committee on Law and Safety recommends that the Liquor Promotion Guidelines are reviewed immediately in an open and transparent consultation process.
10. The Committee on Law and Safety recommends that along with the release of the Environment and Venue Assessment Tool evaluation, the Government also release the trial results, the tool and the research that informed its development.



11. The Committee on Law and Safety recommends that the current liquor licence freeze remains in place until appropriate cumulative impact policies are developed.

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

Begin the collection of sales data across NSW

NSW is currently one of only three Australian states or territories that do not collect wholesale alcohol sales data. This is despite the World Health Organization (WHO) recommendation that alcohol sales data is an essential component in providing a comprehensive picture of alcohol consumption.⁴¹

The Victorian Government has recently introduced the *Gambling and Liquor Legislation Further Amendment Bill 2014* to begin the collection of alcohol wholesales data in Victoria. Both the Tasmania Review of the *Liquor Act 1990* and South Australia Parliamentary Committee *Inquiry into issues related to the sale and consumption of alcohol* have both recommended that alcohol sales data be collected for their respective states.

The Review of the *Liquor Act 2007* failed to acknowledge the importance of collecting alcohol sales data. The final report recommended that the collection of alcohol sales data in Kings Cross be closely monitored before any further decisions are made. The NSW Government supported this recommendation not to collect alcohol sales data across the state.

While alcohol sales data is collected as part of the Kings Cross Plan of Management, alcohol sales data that is consistent with data collected as part of the National Alcohol Sales Data Project, should be collected across NSW

Alcohol sales data would allow NSW to assess the proportion of alcohol sold at off-trade locations compared to on-trade, and to map alcohol sales according to suburb, and potentially by licensed premise. This would be an invaluable data collection tool in evaluating the impact of various policies on reducing alcohol harm.


Develop a NSW whole of government alcohol plan

There is currently no state-wide strategy for the prevention and management of alcohol harms in NSW. The *NSW Health Drug and Alcohol Plan 2006-2010* lapsed in 2010, and since then there has been no further action to address a whole of Government approach to reducing alcohol harms in NSW.

The Australian Capital Territory (ACT), Tasmania, Victoria, West Australia and South Australia Governments all have strategies or frameworks in place which outline goals for Governments in reducing harms from alcohol.

The Tasmania Government framework, *Tasmanian Alcohol Action Framework 2010 – 2015* sets out clear goals and targets for an a whole of government approach to reducing alcohol harms. The Framework is overseen by an Inter Agency Working Group on Drugs (IAWGD) that is required to report to the Tasmanian Government annually on the progress of the Framework.

A state-wide alcohol strategy is important to ensuring that government efforts are coordinated and include a comprehensive plan of action that is both evidence-based and cost-effective. To



demonstrate commitment to further alcohol policy reform in NSW, a comprehensive strategy for action on alcohol is needed. A comprehensive strategy needs to include clear targets of how much it intends to reduce alcohol harms and outline a plan of action as to how these targets will be achieved.

The development of a strategy should include consultation with stakeholders from the community, medical, research, public health and law enforcement sectors. In line with the WHO Expert Committee on Problems Related to Alcohol Consumption advice, members of the alcohol industry should not be involved in the development of a strategy. The WHO's Expert Committee on Problems Related to Alcohol Consumption recommends that "Any interaction [with the alcohol industry] should be confined to discussion of the contribution the alcohol industry can make to the reduction of alcohol-related harm only in the context of their roles as producers, distributors and marketers of alcohol, and not in terms of alcohol policy development or health promotion".⁴²

Recommendations

12. The Committee on Law and Safety recommends the collection of alcohol sales across NSW to contribute to the National Alcohol Sales Data Project.
13. The Committee on Law and Safety recommends that the collection of alcohol sales data be used as part of the evaluation of measures.
14. The Committee on Law and Safety recommends the development of an evidence-based state-wide strategy for the prevention and management of alcohol harms in NSW in consultation with stakeholders.


5. Any other related matters

Over the past two years, the NSW Government has held a number of reviews and inquiries relating to alcohol. These include:

- The Statutory Review of the *Liquor Act 2007*;
- NSW Legislative Assembly Social Policy Committee *Inquiry into the Provision of Alcohol to Minors*;
- NSW Legislative Assembly Social Policy Committee *Inquiry into the Strategies to reduce alcohol abuse among young people in New South Wales*; and
- New Democracy process which explored ways to ensure a *Vibrant and Safe Sydney Nightlife*.

These reviews and inquiries have all focused on alcohol, therefore similar themes and issues have arisen. This has also led to inconsistencies in the Government's responses to various recommendations. For example the issue of the sale and supply of alcohol to minors has been addressed in both the Parliamentary Inquiries and the Review of the *Liquor Act 2007*. The issue of the supply of alcohol to a minor was also part of the Government's January announcement, where CPOs were announced. In both the Government's response to the Review of the Liquor Act 2007 and the *Inquiry into strategies to reduce alcohol abuse among young people in NSW* a non-committal response was given in regards to implementing CPOs despite it being part of the Government's announcement in January.

Also of concern are the Government's responses to the way in which alcohol promotions are regulated across NSW. These have also been a consistent theme in both the inquiries and reviews. The Liquor Promotion Guidelines have been the centrepiece for reforming the way in which alcohol



promotions are regulated. As mentioned previously, the Government did not support the review of the Liquor Promotion Guidelines after one year as part of its response to the review of the Liquor Act 2007. However, in the Government's response to the *Inquiry into strategies to reduce alcohol abuse among young people in NSW* the Government stated that the Liquor Promotion Guidelines would be "evaluated after 12 months of operation."⁴³

The response from the NSW Government to the Review of the *Liquor Act 2007* on 6 August 2014 was weak and failed to implement evidence-based reforms needed in NSW to prevent alcohol harms in NSW. As mentioned previously in this Submission the Government has ignored the recommendation that the Liquor Promotion Guidelines be reviewed after 12 months, and has also ignored advice from health experts to begin the collection of sales data across the state. A fundamental flaw in the Government's response is that it failed to acknowledge the importance of prioritising harm minimisation as a primary object. Prioritising harm minimisation would ensure that the health and safety of communities in NSW are the priority of the Government in all liquor licensing decisions. NAAPA's position on each of the recommendations made as part of the Review of *Liquor Act 2007* is enclosed with this submission.

It is important that the Government is consistent in its approach to adopting and implementing policies that have been recommended as a result of a review or Inquiry.

For each of these reviews and Inquiries NAAPA, along with its member organisations, has provided submissions advocating for evidence-based policies to reduce alcohol harms. Evidence in the form of data and peer reviewed journal articles have been provided to all reviews and inquiries demonstrating the proven policies that work in reducing alcohol harms. All evidence provided to the Committee as part of this Inquiry should be subject to this standard. It is important that the NSW Government adopts and implements measures that are evidence-based and proven to reduce alcohol harms.

Recommendation

15. The Committee on Law and Safety ensures that the implementation of policies as a result of the various reviews and inquiries occurs in a coordinated and consistent manner.

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