



**Submission regarding the  
Inquiry into the need for a nationally-consistent approach to alcohol-fuelled violence**

**Lodged**

6 March 2016

**Sent to**

[alcohol.violence.sen@aph.gov.au](mailto:alcohol.violence.sen@aph.gov.au)

**Australian Hotels Association**

PO Box 4286 MANUKA ACT 2603

02 6273 4007

[aha@aha.org.au](mailto:aha@aha.org.au)

## 1 BACKGROUND

On 3 February 2016, the following matter was referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 June 2016:

*The need for a nationally-consistent approach, negotiated, developed and delivered by the Federal Government together with all state and territory governments, to address and reduce alcohol-fuelled violence, including one-punch related deaths and injuries across Australia, with particular reference to:*

- (a) the current status of state and territory laws relating to:
  - (i) bail requirements and penalties surrounding alcohol-related violence, and*
  - (ii) liquor licensing, including the effectiveness of lockout laws and alcohol service laws;**
- (b) the effectiveness of the current state and territory:
  - (i) training requirements of persons working within the hospitality industry and other related industries, and*
  - (ii) educational and other information campaigns designed to reduce alcohol-related violence;**
- (c) the viability of a national strategy to ensure adoption and delivery of the most effective measures, including harmonisation of laws and delivery of education and awareness across the country, and funding model options for a national strategy;*
- (d) whether a judicial commission in each state and territory would ensure consistency in judgments relating to alcohol-related violence in line with community standards; and*
- (e) any other related matter.*

The Australian Hotels Association (AHA) appreciates the invitation of the Senate Committee to provide a submission addressing the terms of reference.

## 2 ABOUT THE AHA

Australian hoteliers are real people, who create real businesses and real jobs, and pay real taxes.

The Australian Hotels Association (AHA) is an organisation of employers in the hotel and hospitality industry registered under the *Fair Work (Registered Organisations) Act 2009*. Its diverse membership of more than 5,000 licensed hotel businesses includes pub-style hotels plus three, four and five-star international accommodation hotels located in each state and territory.

Hoteliers enable the enormous capital and human investment that underpins Australia's hospitality and tourism industry. Hotels are not part of the share or digital economy shifting multinational profits off shore.

Australian hotels account for over **5,000 businesses** which provide more than **270,000 jobs**, support more than **50,000 local community groups** and provide an economic benefit to the country in excess of **\$12Billion** every year.

The makeup of the 270,000 strong Australian hotel workforce is extremely diverse. It includes people of all genders, ages and backgrounds and skill levels. Hotels invest significantly in providing their employees with the training and skills to make a career in the hospitality industry. Hotels exist as a 24/7 labour intensive service industry that is one of the fundamental pillars of Australia's thriving tourism sector. The hotel industry is also a huge employer of youth and entry level employees and arguably the largest employer group throughout regional and rural Australia.

The sale of alcohol beverages is obviously a core component of what hotels offer but Australian hotels are much more than just this. Hotels perform an intrinsic role in creating social inclusion and activity. Hotels are ingrained in Australia's social fabric as significant community meeting places where rural, regional and urban communities gather to have a drink, meet new friends, enjoy live music, find a bed when away from home, share a meal and relax and enjoy themselves in a safe and welcoming environment.

Australian hotels are places where alcohol beverages are safely and responsibly consumed by Australians who are legally entitled to consume them. The criminal violence that has brought about this inquiry has no place in Australian hotels or anywhere else in Australian society.

The term *alcohol-fuelled violence* inaccurately lays the blame for this criminal behaviour at the foot of the alcohol industry instead of with the violent criminals that commit it. The term *Anger-fuelled violence* would be a far more appropriate label for this problem and would help lay the foundations of a genuine attempt to recognise, understand and tackle the issues.

### 3 EXECUTIVE SUMMARY

The AHA acknowledges the tragedy of public violence and the terrible price families and communities pay when innocent lives are lost or damaged by these atrocities. As family members, Australian hoteliers want to play their part in putting an end to any violent behaviour that sees innocent lives lost and damaged, families devastated. The AHA:

- Strongly supports the responsible sale, service and consumption of alcohol beverages but also acknowledges alcohol beverages have the potential to be misused with consequential harm
- Supports legislation that targets the individuals or businesses that commit crime rather than blanket measures that restrict individual freedoms and destroy businesses and jobs
- Recognises the enormous value of the "night time economy" to the Australian economy and the huge numbers of jobs, services and facilities it provides and supports
- Highlights the broader trends in Australian alcohol consumption which show declining overall consumption, reductions in binge drinking and specific declines in the younger age groups at which the bulk of the measures being considered are targeted
- Acknowledges the existing bail laws and their apparent suitability if properly applied.
- Strongly urges the inquiry to examine the history of *anger-fuelled violence* and recidivism and lenient judicial treatment common to the perpetrators of these violent acts
- Highlights the lack of real evidence to support the contention that lockouts have been successful when used as blunt instruments on a whole of population basis
- Supports the notion that members of society who comply with the laws of the jurisdiction should be allowed to do so in safety
- Supports a re-balancing of the rights and obligations of the consumer to better match the rights and obligations (around alcohol consumption and behaviour) of licensees

- Supports a national cohesion of state and territory training requirements as a means to assist in reducing risk and creating a safer, more responsible environment for patrons, workers and the wider community
- Supports a reallocation of available public resources from research and academia to more practical education based solutions like *DrinkWise* to provide better community outcomes.
- Provides important information on other factors the inquiry should responsibly consider including illicit drug use and impacts, identification scanning, commercial blood alcohol testing and public transport
- Remains committed to working with all stakeholders to combat the misuse of alcohol beverages

#### 4 VALUE OF THE NIGHT TIME ECONOMY

A report by the National Local Government Drug and Alcohol Committee in 2015 made the following observations:

- Tourism Australia forecast a total domestic and international tourism spend of \$102.6 billion for 2013/14
- the Australian Night Time Economy in 2013 was measured at \$102 billion <sup>1</sup>

The committee noted that whilst tourism is widely accepted as a key economic dynamic, the Night Time Economy which is as large is not. The recent liquor licensing restrictions in the Sydney CBD have had the following effect:

- The Flinders Hotel, The Crest Hotel, The Piccadilly Hotel, The Exchange Hotel, Bar Century, and The Bank Hotel have ceased operation
- numerous other popular and often iconic award-winning cocktail bars, nightclubs, and wine bars in the affected area have also ceased to trade
- businesses that do not rely on the sale of alcohol, such as newsagencies and food vendors, have also shut their doors as the customer base has decreased
- there has been a 40% drop in live performance revenue at venues within the Sydney CBD lockout area

#### 5 THE FACTS ABOUT ALCOHOL CONSUMPTION

In the 1960s, 70% of alcohol beverages were consumed in licensed venues and around 30% in non-licensed environments. Technological, social and legal changes have reversed that equation such that by 2016 more than 70% of alcohol beverages are consumed away from licensed premises. The Australian Institute of Health and Welfare National Drug Strategy Household Survey found that between 2010 and 2013:

- Daily drinking declined significantly from 7.2% of the population aged 15 years and over to 6.5% and was the lowest level since 1991
- The proportion of people who had never consumed a full serve of alcohol beverages increased from 12.1% to 13.8%
- The age at which 14 to 24-year-olds first tried alcohol beverages has increased since 1998 from 14.4 years to 15.7 years in 2013

---

<sup>1</sup> The Night Time Economy and the economic performance of LGA's 2009-2013, A report commissioned by the National Local Government Alcohol and Drug Committee

- The percentage of people who consumed 11 or more standard drinks on a single occasion in the previous 12 months decreased from 16.8% to 15.6%
- In 2014-15, 17.4% of adults aged 18 years and over consumed more than two standard drinks per day on average thus exceeding the lifetime risk guideline. In 2011-12, 19.5% of adults exceeded the guideline

Further:

- Per capita liquor consumption in Australia has declined by 20% over the past 30 years from more than 12 litres per person per annum to less than 10 litres per person per annum and with the declining trend continuing
- Beer consumption in Australia is at its lowest level in 60 years
- It is estimated that in most venues 40% of alcohol beverages are now served with food

## 6 DRUGS AND ALCOHOL

AHA notes that this inquiry refers only to alcohol as it might relate to violence – but that the use of drugs and its relationship with alcohol has not been included. The extent to which drugs are a cause of violence in the wider community cannot be underestimated and should at least be acknowledged as part of this inquiry.

Recent national publicity about the frequency of drugged driving is finally giving a clearer picture of the true level of illegal drugs use in Australia. For at least the last decade, medical journals and health statistics have made it clear that Australians are the highest users in the world of illicit and illegal drugs such as cannabis, ecstasy and methamphetamines.

Recent data from Queensland has found that drivers consuming illicit drugs account for one third of all motorists penalised for driving under the influence on Queensland roads. 24,000 Queensland drivers were charged for driving under the influence last year – two thirds of those were for alcohol and one third for drugs.<sup>2</sup>

In Victoria, similar police statistics show an even higher rate of drugged driving, with around 40% of those caught driving under the influence being affected by illegal drugs. Worryingly, whilst the ratio of drivers who fail a random breath test for alcohol has stabilized at around one offender per 100 tested, the ratio of drugged driver failure is one for each ten drivers tested (albeit, after first being screened at the alcohol test site).

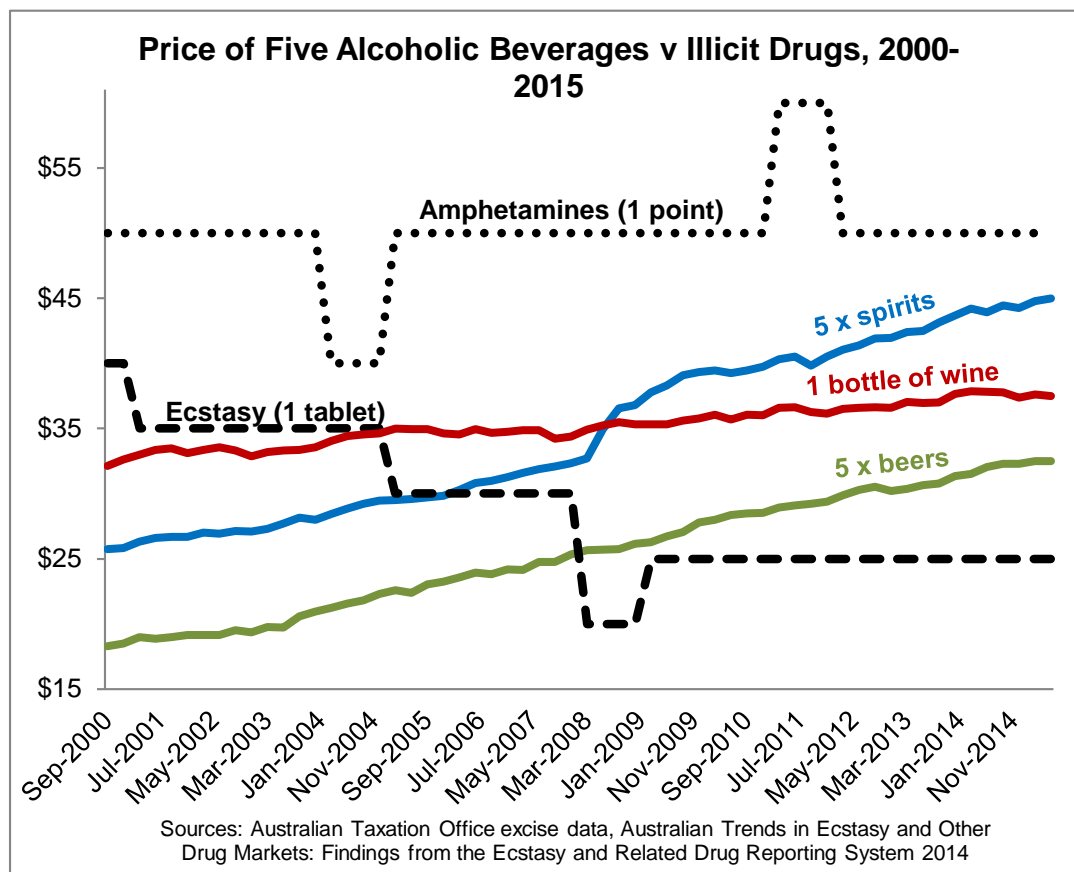
Interestingly, the attitude of the various generations is quite different. Older people generally have a more benign view of alcohol, and a tougher view on the use of illegal drugs. Younger people are generally the polar opposite, with drink driving considered a social taboo, whilst the use of so-called “recreational” drugs is seen more as a lifestyle choice with manageable side-effects. This disparity of views is being further complicated by consistent calls for the legalisation of illicit drugs.

AHA accepts that alcohol consumption has the potential for misuse and that industry has a role to play in managing the adverse outcomes of such misuse. However, the corrosive influence of illegal drugs must be given due recognition.

---

<sup>2</sup> Courier Mail, 28 March, Trent Akkers, p2 “Drugged up drivers take the high road”.

The table below shows that whilst the price of illicit drugs is static or falling, the price of alcohol beverages are increasing. Some people argue that increasing the price of alcohol beverages will decrease consumption – that is quite possibly the case. However, the knock on effect is that increasing the price of alcohol is likely to drive some people to purchasing illicit drugs instead.



## 7 THE CURRENT STATUS OF STATE & TERRITORY LAWS RELATING TO BAIL REQUIREMENTS

AHA supports the current bail laws in each State and Territory. Such laws provide that a person charged with an offence may be granted bail with conditions that they not enter licensed premises, to consume alcohol, or in some cases a curfew can be imposed. If conditional bail is breached then the person can be immediately taken into custody and put before a court.

## 8 PENALTIES FOR VIOLENT OFFENDERS

AHA supports tougher consequences for those who commit acts of violence or anti-social behaviour. AHA submits that people should be able to go out at night, free from the fear of assault and anti-social behaviour. Strategies that address aggressive individuals and reinforce personal responsibility and accountability will assist this.

It is generally arguable that some people in Australian society are less tolerant and respectful of the rights of others. NSW evidence shows that violent individuals commit violent crime, and are highly likely to reoffend.

- 26% of all violent offenders will be reconvicted of a violent offence within 15 years, with 21% of these new convictions occurring within 12 months<sup>i</sup>
- Assault offenders are more likely to commit the same offence again than any other offenders, apart from those who commit traffic offences<sup>ii</sup>
- Drug use, low levels of education and a history of juvenile criminal convictions are strongly correlated with recidivist violent criminal activity<sup>iii</sup>
- Despite this, over 70% of common assault offences are given non-custodial 'suspended sentences' or good behaviour bonds<sup>iv</sup>

Anthropologist Dr Anne Fox in her study "Understanding behaviour in the Australian and New Zealand night time economies" identified violent people as being the real issue:

*"If alcohol alone makes people violent, we would expect to find incidents of violence spread evenly across the full range of drinkers, from female post-menopausal librarians to young male rugby players, **but we don't.**"*

*We would also expect to find an equal incidence of violence among drinkers in all societies, but we don't. We would expect to find equal levels of violence in all drinking situations, from weddings to funerals to Saturday nights out on the town, **but we don't.**"*

*The conclusion of this, and many previous studies, is that alcohol can, in certain cultures and situations, be a facilitator of aggression if aggression is there to begin with, both in the individual and in the cultural environment. **It does not produce it where it doesn't already exist."***

## 9 NSW CASE STUDIES OF VIOLENT OFFENDERS

Some NSW case studies of violent offenders are set out below which demonstrates that many offenders have a history of violence:

- Shortly before 10pm on Victoria Street, Potts Point Kieran Loveridge killed Thomas Kelly with a coward punch - Loveridge had a criminal record as a juvenile, as well as prior assault convictions, but was given probation and good behaviour bonds. (July 2012)
- About 1.45am at Bondi Beach, David Hona hit Michael McEwen causing serious head injuries - Hona had a criminal record as a juvenile for reckless wounding and negligent driving, and was "having a big night" with friends because he was to go into custody the next day for an earlier offence of stealing a car. (December 2013)
- About 9.30pm on Victoria Street, Potts Point Shaun McNeil killed Daniel Christie with a punch to the face - McNeil had an extensive history of non-domestic and domestic assault, as well as drug offences, weapons offences, and breaches of one of his four good behaviour bonds. (December 2013)
- About 10.45pm outside a Hungry Jacks, Patrick Gardner punched Greg Griffin, causing head injuries - Gardner had an extensive criminal history, including drug offences and failing to appear in accordance with a bail undertaking, but had never received a custodial sentence. (December 2013)
- About 12.45am, Brett McMonagle assaulted Terry Clarkson and put him in a coma - McMonagle was on two intensive correction orders at the time, and facing a charge of assault occasioning actual bodily harm over a previous incident in May 2012. (December 2014)

## 10 LICENSING LAWS

Hotel businesses are covered by extensive industry-specific legislation and regulation. The principal legislation governing hotels are the Liquor Acts of each state and territory, and in general they set out similar objects. Generally, these objects include:

- Promote the responsible sale of liquor to minimise harm from misuse
- Providing adequate controls over the supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community
- Facilitating the balanced development of the liquor industry and related industries such as the live music, entertainment, tourism and hospitality industries

Flowing from these objectives, there are specific obligations to do the following:

- Encourage a culture of responsible promotion and consumption of liquor
- Reduce risky drinking and misuse of liquor
- Minimise adverse effects on the amenity of the community

## 11 THE EFFECTIVENESS OF LOCKOUT LAWS

AHA believes that targeted measures are more effective than blunt whole of population measures. Lockouts are a blunt policy instrument; they prevent entry to anyone that was not inside licensed premises at the time the lockout is imposed, regardless of their sobriety or demeanour.

A question on the efficacy of lockouts is that while some people have hailed them as the silver bullet, no one has actually explained what it is that the “lockout” is actually achieving, or how a “lockout” can have any impact on intoxication, poor behaviour or violence. Professor Ross Homel labelled the Queensland lockout:

*“...a complete, absolute 100 per cent failure from all of the data that we have been able to observe... It is what I regard as a politically attractive but completely ineffective strategy. But it is effective in the sense that it got the problem off the front page for a while”<sup>v</sup>.*

The most comprehensive review of the existing academic evidence on and support for various alcohol policies, funded by The National Drug Law Enforcement Research Fund (NDLERF), examined lockout interventions and concluded that:

*“...the balance of the evidence suggests that precinct-wide lockouts are ineffective in reducing alcohol-related harm in night-life districts, and are associated with some negative consequences”<sup>vi</sup>.*

On 13 December 2013, the five year statutory review of the Liquor Act 2007 by the former Commissioner of the Office of Liquor, Gaming and Racing Michael Foggo was tabled in the NSW Parliament. Mr Foggo said:

*... the review does not support calls for blanket trading hours or a ‘one size fits all’ policy. Such a measure would unfairly penalise the vast majority of late trading venues that consistently operate within the law and make a positive*

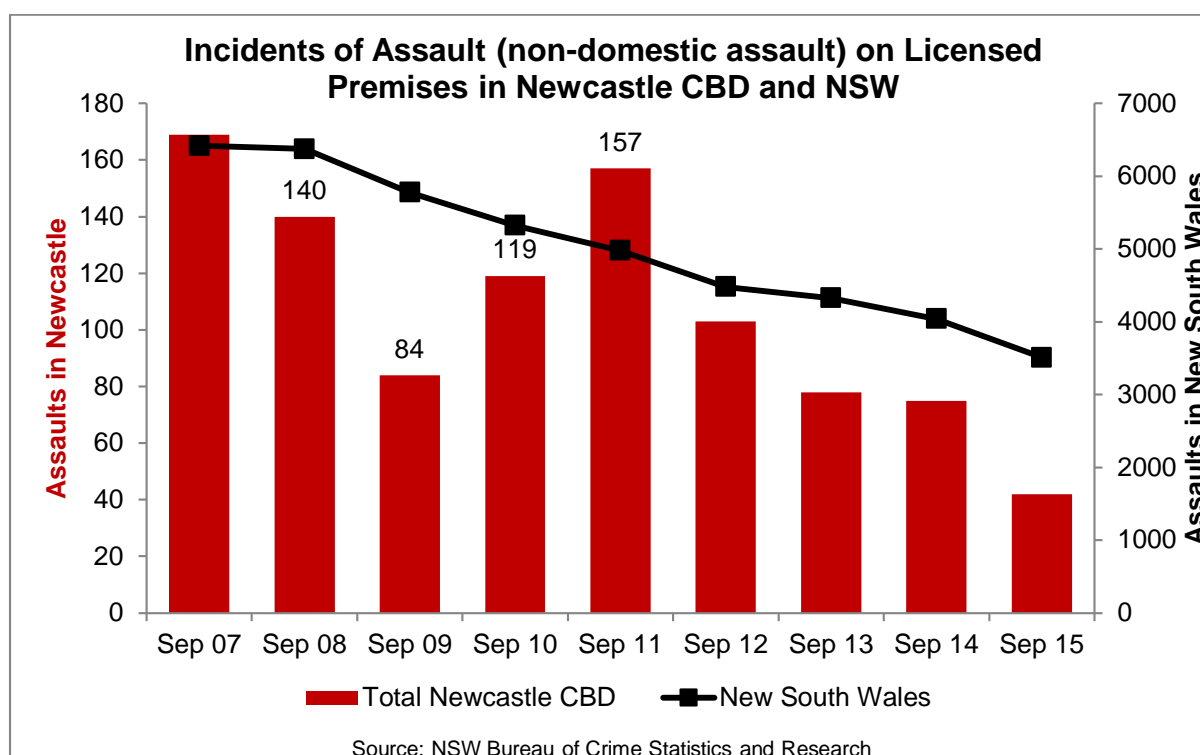


contribution to the late night economy. The measure would also have a significant impact on local employment and economic activity.

## 12 THE NEWCASTLE EXPERIENCE

In March 2008, the then NSW Liquor Administration Board imposed a series of conditions on 15 hotels late trading hotels in the Newcastle CBD. Between 2009 and 2011 the number of assaults in the Newcastle LGA increased by approximately 21% - the largest single increase of Local Government Areas across NSW. It also led to higher than pre-2008 figures.

At that time, the remaining late trading hotels formed the “Newcastle Entertainment Precinct” (NEP). The NEP then developed a localised solution to deal with the increase in assaults - a process of banning violent or anti-social patrons from all member hotels. In the period since its inception, more than 800 people have been banned for varying terms, which has resulted in improved behaviour levels all round. The result of this strategy was to arrest the rise in recorded assaults with sustained reductions since that period.



AHA remains unconvinced as to the benefit of lockouts.

## 13 THE EFFECTIVENESS OF ALCOHOL SERVICE LAWS

AHA is of the view that the laws and penalties on the “supply side” are significant and act as a deterrent. However, it is not a two way street and the laws and penalties on the “consumer side” are not weighted the same as the supply side.

It is in the best interests of publicans to ensure staff members are properly trained in the responsible service of alcohol. Staff are the best asset of any hospitality business and it is in the publicans’ best

interest to ensure a safe and responsible environment. It is bad for business to do otherwise. The following is noted:

- All State jurisdictions have embraced “responsible service” as a core requirement of obtaining and retaining a liquor (service) licence
- Licensees see it as being in their commercial and reputational interest to have in place the appropriate safeguards which over-match the assessed risk of the venue and its trade
- It is a strict legal obligation under the respective liquor acts in all states that licensees are to maintain a safe working and serving environment
- Almost all of the various liquor acts require that “harm minimisation” is one of the primary objectives of their respective acts
- There exists a clear national guideline for responsible service which includes the equivalent of portion control, education around standard drinks, limits on the type and number of drinks to be served, and guidance on promotions and advertising

The above all apply to the “supply” side of the equation, but there is almost no similar focus on the “consumption” side of the equation. We see this as a clear opportunity for change and progress – there should be a re-balancing of the rights and obligations of the consumer to better match the rights and obligations (around consumption and behaviour) of licensees. By way of example, some maximum fines in Queensland are set out below.

Maximum fines in Queensland		
Offence	Licensee	Patrons
Supply liquor to a minor	\$29,450	\$9,424
Supply liquor to a person who is unduly intoxicated/disorderly	\$58,900	\$9,424

AHA also notes that the penalty structures in many states are cumulative for multiple breaches for hotels, but on the repeat offender side that would appear to be far less the case.

## 14 THE EFFECTIVENESS OF THE CURRENT STATE & TERRITORY TRAINING REQUIREMENTS

AHA supports the mandatory requirements in each state and territory in Australia requiring all persons involved in the sale or supply of liquor to be trained in the responsible service of alcohol (RSA). For managers, more intensive courses in the responsible management of licensed venues (RMLV) are also mandated. The intention is to reduce risk and creating a safer, more responsible environment for patrons, workers and the wider community.

Training in RSA ensures that all staff working in licensed establishments understand their rights, responsibilities and obligations in regards to serving alcohol. This training equips them with the skills and knowledge needed to serve alcohol legally and responsibly.

Training includes;

- Minors
- Acceptable proof of age identification
- Standard drinks
- Intoxicated and disorderly patrons
- Preparation and responsible service practices
- Security and crowd controllers
- Harm minimisation
- Drink spiking

- Professional refusal of service
- Conflict resolution, requesting customers leave

RMLV extends upon the training in RSA and assists managers in the responsible operation of a licensed premises including, e.g.

- Networks to Support Management
- Noise management strategies
- Licensing documentation
- Safety and risk management strategies
- Licences and permits
- Best practice venue management
- Benefits of good management
- Patron management strategies
- RSA - the law

AHA supports the mandatory training of all staff involved in the sale or supply of liquor and believes the current training has assisted in reducing irresponsible service and consumption of alcohol on premise. The mandatory training requirements are then backed up by on the job training as part of good management techniques.

Unfortunately, with different laws in each state and territory, persons trained in one jurisdiction may require to sit the course again if they wish to work in another jurisdiction.

## **15 EFFECTIVENESS OF EDUCATIONAL & OTHER INFORMATION CAMPAIGNS**

Established in 2005 by the alcohol industry, DrinkWise Australia is an independent, not-for-profit organisation. The primary focus of DrinkWise is to help bring about a healthier and safer drinking culture in Australia. DrinkWise aims to:

- Promote a generational change in the way Australians consume alcohol
- Increase the age that young Australians are introduced to alcohol

To promote such significant behavioural changes, DrinkWise develops and implements a range of national information and education campaigns. It also provides practical resources to help inform and support the community about alcohol use, e.g.

- Underage drinking
- Tips for safe drinking
- Health effects of alcohol
- Binge drinking
- School leavers
- Facts, tips and support for parents
- Pregnancy and alcohol
- Drink driving

As an evidence-based organisation, DrinkWise relies on key independent research and clinical advice. The information supporting DrinkWise campaigns has been gathered from a range of authoritative studies and sources. These include consultations with experts in public health, neuroscience, epidemiology, and child and adolescent psychology.

DrinkWise believes that a sustained, multi-faceted and inclusive approach is the way to bring about positive change. Its philosophy and organisation is founded by industry leaders and community partnerships. This includes a governing board of seven community and six industry representatives. The structure of DrinkWise is unique as it brings together the preventive health sector, community, industry, and government.

Unfortunately, the structure, funding, strategies and efforts of DrinkWise are often criticised by others. Predominantly, the critics are government funded groups that focus on research rather than education. The AHA believes that a reallocation of resources from research and academia to more practical education would provide better outcomes.

## **16 TARGETED MEASURES**

The use of whole of population measures should be avoided where the misuse by specific individuals or groups can be identified and targeted. Policies in regard to alcohol beverages should have regard to the following factors:

- There is a need for evidence based policies to target individuals or groups that misuse (or risk misusing) alcohol beverages other than the implementation of whole of population interventions
- Policies are and should continue to be targeted at those that misuse alcohol beverages and not at the whole population
- The impact of any policy upon moderate and responsible consumers should be minimal
- The effectiveness of the proposed policies should be measured and evaluated
- Intervention should be commensurate to the associated risk

## **17 THE VIABILITY OF A NATIONAL STRATEGY FOR HARM MINIMISATION & EDUCATION**

The viability of national strategies is dependent upon the issue. Issues best dealt with at a national level include for example:

- RSA training and certification
- Education e.g. DrinkWise

Issues best dealt with at a local level include for example:

- Trading hours
- Local Liquor Accords

## **18 WHETHER A JUDICIAL COMMISSION WOULD ENSURE CONSISTENCY**

Whilst the AHA supports consistency in judgement in line with national community standards, AHA would not be in a position to comment on the value of a judicial commission.

## **19 OTHER MATTERS**

Other topical matters are set out below.

## **Identification Scanning**

As part of the range of harm minimization and patron care measures options that may be considered, the AHA supports, the voluntary use of networked identity scanners incorporating real-time still photography of scanned patrons. ID scanning has been suggested to remove the anonymity of patrons entering a venue by scanning the identification and image at the time of entry, which has the potential of improving behaviour in and around licensed premises.

However, ID scanning is not a solution of itself. Such scanning should be considered as simply one more tool in a range of tools and practices which, when combined, provided a layered system of safety, deterrent, preventative, and interventionist measures which increase venue and patron safety.

It is also important that should ID scanning be operated, adherence to privacy guidelines surrounding the storage and access to information is complied with. The (Federal) Privacy Commissioner has provided guidance that ID scanning in hospitality venues is legal, provided venues meet the requirements of the Privacy Act 1998 (Cth) for protecting and storing etc personal information.

Importantly, ID scanners are not appropriate for all types of licensed venue or entertainment types at all times of the day or night. ID scanners do have limitations or negative perceptions including a perceived loss of privacy or risk of identity theft, delays entering the venue, and a general sense of nanny state. All these issues can cause an unnecessary downturn in trade.

Venues that choose to use ID scanners should establish a risk matrix as to when ID scanners might be used. For example, ID scanning may not operate on all days of the week, or all hours of the day, but should only be used during peak periods of trade or when there is a particular function or clientele at the venue. Therefore, it is important that venues retain the right to choose if and when they might implement ID scanning.

## **Blood Alcohol Content testing (breathalyser testing)**

In discussions with Senate committee members prior to the writing of this report, the introduction of breathalysers testing blood alcohol content within licensed venues was suggested. However, no such suggestion has been made for places where alcohol is consumed off premise, where about 70% of alcohol beverage consumption occurs.

It is a fact that alcohol affects different people in different ways and for different reasons. Such factors include for example gender, height, weight, volume of consumption, rate of consumption, drinking frequency, time since the last drink, and personality traits.

There are strong obligations on persons selling and serving alcohol to ensure their customers are not unduly intoxicated. The AHA acknowledge that some individuals and groups engage in risky drinking practices. AHA asserts that the best tests of a person's sobriety are by observing and engaging with customers. This involves assessing intoxication levels of customers using a number of methods including, e.g.

- observing changes in behaviour
- observing emotional and physical state

- monitoring noise levels
- monitoring volume and frequency of drink purchases
- looking for signs of intoxication
- looking for signs of illicit or other drug usage

Blood Alcohol Content (BAC) testing within licensed venues is flawed for the following reasons:

- A BAC reading is only an indicator of BAC at a single point in time.
- BAC is not an indicator of a person's behaviour
- Impracticality of administering tests
- Breathalysers require constant expert calibration and can be inaccurate
- Risks associated with hygiene and liability

AHA is also concerned that breathalyser testing inside licensed venues is a step towards making intoxication itself the offense, rather than any particular behaviour.

## Transport

Research has demonstrated that there is a consistent and significant relationship between overcrowded environments and patron aggression<sup>vii</sup>, and that large patron volumes leaving licensed premises at similar times can overwhelm local transport capacity, particularly taxis and buses<sup>viii</sup>. In the absence of sufficient transport, patrons looking to return home are forced to spend longer in entertainment precincts, creating frustration and competition over resources and increasing the potential for conflict<sup>ix</sup>.

The provision of frequent, reliable and safe late night transportation is therefore an important intervention for both patron safety and crowd dispersal, and a key element in the management of the late night economy.

## 20 CONCLUSION

AHA thanks the Senate Committee for the opportunity to make a submission.

<sup>i</sup> Holmes, J. (2012) *Re-offending in NSW*. NSW Bureau of Crime Statistics and Research: Sydney.

<sup>ii</sup> Holmes, J. (2012) *Re-offending in NSW*. NSW Bureau of Crime Statistics and Research: Sydney.

<sup>iii</sup> Payne, J. (2007) *Recidivism in Australia: findings and future research*. Australian Institute of Criminology: Canberra.

<sup>iv</sup> NSW Sentencing Council (2011) *Good Behaviour Bonds and Non-Conviction Orders*. Attorney General and Justice: Sydney.

<sup>v</sup> Law, Justice And Safety Committee (2010) *Inquiry into Alcohol-Related Violence - Final Report*. Legislative Assembly of Queensland: Brisbane, pp. 53-54.

<sup>vi</sup> Miller, P., Curtis, A., Chikritzhs, T. & Toumbourou, J. (2015) *Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm*. National Drug Law Enforcement Research Fund: Canberra.

<sup>vii</sup> Graham, K., Bernards, S., Osgood, D. W., and Wells, S. (2006) 'Bad Nights or Bad Bars? Multi-Level Analysis of Environmental Predictors of Aggression in Late-Night Large- Capacity Bars and Clubs', *Addiction*. Vol. 101, no. 11, pp. 1569-1580.

<sup>viii</sup> Marsh, P. & Kibby, K. (1992) *Drinking and Public Disorder – A report of research conducted for The Portman Group by MCM Research*. The Portman Group: London.

<sup>ix</sup> Hadfield, P. (2011) *Night-Time Economy Management: International Research and Practice*. City of Sydney: Sydney.