

SUBMISSION TO THE INDEPENDENT REVIEW OF THE IMPACT OF LIQUOR LAW REFORMS IN NSW

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Responding to alcohol-related harm

Apart from caffeine, alcohol is the most widely used psychoactive recreational drug in Australia. [Research](#) has shown that between 1996 and 2005, an estimated 32,000 Australians died from alcohol-attributable injury and disease caused by risky or high risk drinking. In the 10 years between 1995/96 and 2004/05 an estimated 813,000 hospitalisations in Australia were caused by alcohol.

National and international evidence indicates that the availability of alcohol – e.g. via price, numbers of outlets and hours of sale – significantly influences alcohol use and related problems, including violence.

Governments at all levels have at various times implemented a range of strategies to prevent and reduce alcohol-related harm, from random breath testing and regulatory liquor licensing laws, price controls and controls of hours and days of sale, to hypothecated taxation to fund prevention and treatment initiatives, controls on alcohol promotion and universal and targeted education strategies.

International and national evidence supports multi-faceted approaches, indicating that initiatives implemented as part of a package of measures are more likely to be effective than any single measure implemented in isolation, and not all strategies are equally effective.

Factors that influence availability, as summarised by Babor (Babor et al, 2010), include:

- Tax/Price: Alcohol taxation influences the price of alcohol over and above market forces and changes in taxation and other price changes ([even small changes](#)) have an effect on alcohol consumption;
- Physical availability: The ease or difficulty of accessing alcohol affects consumption;
- Drinking context: Overcrowded venues with poor crowd control techniques have higher risk of a range of adverse outcomes, such as violence, than venues with well-trained staff who comply with responsible server practices;
- Drink-driving: Random breath testing reduces drink driving if there is a perceived high probability of detection;
- Alcohol promotions: Greater exposure to alcohol promotions has been associated with increased product recognition, more positive attitudes to alcohol and drinking and, in some studies, heavy drinking; and
- Education and persuasion: These include mass media communication, communicating guidelines on low-risk drinking and school- and university-based programs (e.g. information about the risks of alcohol; resistance skills).

Consistent evidence indicates that factors, such as price, hours of sale, number of outlets, and minimum purchase age, are among the strongest influences on consumption.

Availability determines harm

The influences on violence are diverse and the relationship between alcohol and violence is complex. Not everyone who becomes intoxicated becomes violent and of course not all violence is associated with alcohol. Some people are violent without alcohol and perhaps more violent with alcohol. How much is consumed, contextual factors, such as time of day and factors related to how venues are managed and who else is present and cultural influences all play influential roles.

However, the relationship between violence and the night-time economy (NTE) has been well documented. City areas that have drinking establishments show higher rates of violent crime than those that do not have such venues. Research has also consistently found links

between assault rates and the number of licensed venues in inner-city and inner-suburban areas (Miller, 2011).

Consistent national and international evidence indicates that the physical availability of alcohol – e.g. numbers of outlets and hours of sale – influences alcohol use and related problems. The physical availability of alcohol has increased in Australia over the past decade. Typically, as it becomes ‘easier’ to access alcohol within a community, overall alcohol consumption, at least among some, and related problems increase. Australian and overseas evidence clearly identifies late night/early morning trading for hotels and nightclubs as being closely linked to alcohol-related violence and road trauma.

There are many ways that access to alcohol can be ‘controlled’. Alcohol may be totally banned (e.g. ‘dry areas’ or discrete ‘dry community’ declarations) or controls placed on the type of alcohol available at certain times or events (e.g., at some sporting events there are controls on the types of alcohol available and alcohol content as well as limitations on how many drinks an individual can purchase at one time). There can be limitations on the days and hours of sale and, in some communities, there are restrictions on the nature of purchases (e.g. no bulk packaged liquor sales).

Outlet density

There is significant evidence that increasing the availability of alcohol is associated with increases in alcohol-related harm (e.g. violence, road crashes, general injuries) and other health consequences in the community. Studies, including Australian research, have found that the density of alcohol outlets in an area is positively associated with the rate of violence in that area, with similar patterns for other outcomes including road crashes and general injuries. Research evidence also suggests that higher liquor outlet density is associated with heavier drinking among young people.

A study involving some of this submissions authors, which examined the effect of liquor licence approvals on alcohol-related problems, confirmed that an increase in the number of liquor outlets (hotels and/or bottle shops) is associated with an increase in alcohol-related violence and assault in the surrounding area, and that increases in off sale outlets are associated with increases in harm in private residences. As part of the feasibility study, researchers described a model that could estimate the likely effect of granting a new liquor licence in various regions on alcohol-related harm. An unexpected finding of the [Predicting alcohol-related harms from licensed outlet density](#) report was that regardless of the type of liquor outlet, most of the increased violence occurs in private homes rather than licensed premises. The aim of this study was to progress a generalisable model that takes into account local risk factors to help liquor licensing authorities balance reasonable access with minimising alcohol-related harms.

Trading hours

Trading hours are a critical lever available to government for the regulation of alcohol’s physical availability in different settings, and policy decisions on this issue impact on the health and welfare of many people.

Restrictions on the availability of alcohol have been associated with reduced levels of alcohol-related problems. An evaluation of reducing trading hours in the Australian city of Newcastle, for example, where opening hours of 14 pubs in the CBD were changed from 5am to 3.30am closing with a 1.30am lockout, showed that recorded assaults reduced by 37%, even though trading hours were only reduced by a short time. Problems were not displaced to a nearby entertainment precinct and further evaluations of the five-year period

following the introduction of measures demonstrated reductions in violence persisted (Kypri, 2010).

A study involving some of this submission's authors, specifically examining the effect of extended trading hours in Perth, showed there was a 70% increase in assaults in premises with later trading (e.g. 1 or 2 additional hours of trading after midnight), and premises trading normally (e.g. midnight closing) had a significant reduction in the number of times they were cited as the last place of drinking by a convicted drink driver with a blood alcohol level above 0.08ml/mg.

Average alcohol purchases for ETP premises were significantly higher than non-ETP counterparts, and a very strong link between the increase in violence and the increase in alcohol purchases was also found. The study also showed a link between extended trading and road crashes and violent assaults increasing after midnight. It is interesting to note that of all the officially recorded assault cases in metropolitan Perth associated with licensed premises, less than 1% were recorded by police as involving drugs.

The study recommended either that extended trading was discontinued and/or that greater precautions taken to protect public health and safety, such as improved public transport, as well as to recoup the extra costs of providing emergency and police services at a time when they are more costly.

Lockout laws

Lockout laws first appeared in Australia in the early 1990s as part of local liquor accords, aimed at fostering safer drinking environments through collaborative efforts between local licensees, community representatives and authorities.

The first scientific evaluation of the lockout as a stand-alone intervention to use both ambulance data and police data, which also performed spatial and temporal displacement analyses, showed introduction of a lockout had no significant impact on crime, violence, injury and intoxication rates over time. The evaluation of the Queensland lockout pilot in Surfers Paradise, where patrons could not enter or re-enter licensed venues after 3am, demonstrated no statistically significant impact on rates of crime, violence, head and neck injuries, and intoxication over the two years following introduction of the lockout. Hot spot maps indicated limited spatial shift of crime within Surfers Paradise (De Andrade, 2016). These results reflect the small existing body of evidence on lockouts that indicates they are largely ineffective in reducing crime and injuries in entertainment districts. The study also suggested the problems associated with the introduction of lockouts need to be addressed, which include overcrowding outside popular venues; inadequate public transport; inadequate communication from door staff; increased police presence at lockout and closing times; and lost revenue for small and/or early closing bars.

The research evidence does not support the use of lockouts. However, all of the factors outlined can play a role in alcohol-related violence, particularly in the night time economy. Effect sizes are generally small compared to the proven effects of more structural level interventions aimed at reducing alcohol consumption – reduced trading hours and outlet density and increased price. The Newcastle experience, sometimes held as an example of the effectiveness of lockout laws, adds to the evidence around a suite of measures, that restrict overall availability in the early hours of the morning, being required to address alcohol-related harm. There is no evidence lockouts as a single isolated strategy are effective.

Licensed venue practices and design

Connections between alcohol-related violence and specific environmental and venue characteristics have been demonstrated. Physical aspects are typically related to venue capacity and crowding, practical venue layout, interior décor and seating style. How crowded a venue is, dysfunctional in-house patron traffic flow and overall comfort of a given venue appear to be related to patron intoxication, aggression and violence. Most of these factors, however, are likely to interact to contribute to violence and other alcohol-related problems, so potential solutions should take into account all of these factors collectively (Miller, 2011). Clear links have also been established between patron violence and several factors in the surrounding areas of many licensed premises. Venue queues, for example, is a relatively robust predictor of patron aggression and violence, and outpouring of patrons onto the streets after venues close has been associated with violence and disorder in surrounding areas. Studies on staggered venue closing times suggest the success of such measures is related to transport availability rather than extending trading hours.

Evidence connects the presence of 'door staff' with frequency and severity of violent incidents. However the research has also demonstrated the significance and value of well-trained and professional security personnel on licensed premises, suggesting it is a lack of quality training rather than the presence of security personnel that increases violence. Security arrangements at licensed premises also reflect wider venue management, with proper management of all staff, including servers, non-servers and security personnel, and in particular employee conduct, staff-to-patron ratio, and responsible service of alcohol (RSA) all influencing overall venue security (Miller, 2011). The limited evidence around RSA shows regular, intense police enforcement is necessary to maintain compliance with liquor laws.

Two final points to consider

- **Alcohol sales data:** Per capita alcohol consumption is closely related to rates of alcohol-related problems in a population. [Alcohol sales data](#) are considered to be the best indicator of alcohol consumption at a population level and allow monitoring of trends in per capita alcohol use, evaluations of interventions to reduce alcohol-related harm and study of relationships between changes in per capita consumption and population health outcomes. Local-level alcohol sales data can be used to evaluate community initiatives and the impact of changes to liquor licensing on alcohol consumption. NSW does not currently collect alcohol sales data but consideration of introducing such measures may be beneficial, particularly in the context of further evaluating liquor law reforms.
- **Evaluation:** Regularly review of policy interventions is critical to effective alcohol and drug policy. While evaluating measures ensures limited resources are well spent, it also allows effective measures to be continued and potentially expanded or replicated in other jurisdictions. The inclusion of specific evaluation timeframes in liquor law reforms is a particular strength of the NSW approach, particularly as changes in policy can take many years to become evident or to show trends.

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