Criminology Research Council

ID Scanners in the night-time economy: social sorting or social order?

Dr Darren Palmer
Dr Ian Warren
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Report to the Criminology Research Council
Grant: CRC 42/08-09

August 2011

This is a project supported by a grant from the Criminology Research Council.
The views expressed are the responsibility of the author and are not necessarily those of the Council.

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Authors:
Dr Darren Palmer
Associate Professor in Criminology
School of History, Heritage and Society
Deakin University

Dr Ian Warren
Senior Lecturer in Criminology
School of History, Heritage and Society
Deakin University.

Dr Peter Miller,
Senior Research Fellow
School of Psychology
Deakin University

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Acknowledgements

This project is funded by the Criminology Research Council Grant No. 42/08-09 and we would like to express our appreciation of the financial support provided by the CRC. We have also received different forms of support from Deakin University and also express our appreciation for this. Data provided by Geelong Hospital Accident and Emergency Department and Victoria Police have been vital to our analysis and we thank these organisations for providing this data.

A number of research assistants have worked on different aspects of this research including interviews with key stakeholders and visiting the late night venues for patron interviews and observations. Emma McFarlane provided wonderful assistance on the key stakeholder interviews and Anders Sonderlund and Floor de Groot provided vital administrative assistance in arranging teams of staff to conduct patron interviews and observations (as well as participating in these roles). Anders also provided expert assistance on statistical analysis. Owen Omerod and Chris Linke provided research assistance on media analysis and literature reviews. Other key research assistance for patron interviews and observations was provided by Adam, Kylie, June, Nic, Michelle, Amanda, Kate, Rebecca, and Vanessa. Thanks to all for the commitment and diligence as without this assistance we could not have completed the research presented in this report.

We also wish to acknowledge the extensive feedback received from the Criminology Research Council. These comments were of great assistance in helping us revise the original report.

Of course the final report remains the responsibility of the authors.

Policy Recommendations

This project investigates the introduction of ID scanners in 'high risk' entertainment venues in Geelong (Vic) as part of an attempt to enhance community safety. Recently the inner city area of Geelong has been transformed into a significant 'night-time economy'. However, such developments come with potential harms, such as increases in crime and anti-social behaviour. Networked ID scanners are a unique innovation introduced to address these issues. The project documents what has been done, why, with what impact and what potential (or actual) harms exist to serve as a model for future policy and programme development. The research has identified the current interest in ID scanners across Australia and either planned or actual implementation of scanner networks in all jurisdictions. Such developments point to the need for immediate policy development in what is effectively an unregulated security practice, somewhat similar to the initial introduction of CCTV. Policy recommendations stemming from this research are summarised here and discussed in more detail under 'Conclusions and Recommendations' at the end of this report.

1. A **national working party** be established with representation from each state and territory and the federal government. The working party should be given specific terms of reference to examine in fine detail the regulatory framework for ID scanners. A discussion paper should be produced in six months with draft code of conduct and a call for public hearings and submissions leading into a final report in 12 months with clear recommendations about the future regulation of ID scanners.

2. **Proportionality and the precautionary principle**: Pending more detailed regulation we recommend ID scanners be limited to venues operating after 1pm and meeting a draft code of conduct produced by the working party.

3. **Private security** licenses need to be extended to include any person with access to the ID scanners, and training needs to incorporate modules addressing ID scanning and privacy principles and practises related to the use of ID scanners (chapter 8)

4. **An audit** of ID scanner databases as well as un-announced audits of operational practice (chapter 4)

5. **Information sharing** across ID scanner systems needs to be documented and system providers to document how the information is constructed, how it is to be shared, with whom and for what purposes and what limits are or should be placed on information sharing.

6. **Consent:** we recommend specific measures to address the issue of consent, including clear signage not only at the point of scanning but also on external walls, clearly indicating the use of ID scanners. In addition, the signage should also include information about alternative means of gaining entry without have ID scanned.

7. **Complaint mechanisms**: signage indicating use of scanners must also include information and contact details for making any enquiries or complaints.

8. **Complaints authority**: the authorised regulator arising from the working party review needs to be the complaint hearing authority able to receive complaints on a national basis. Further consideration needs to be given to the different forms of complaints and the range of redress mechanisms.

9. **Research Agenda**: what needs to be done to foster and build research capacity to conduct local, state, national and international research into ID scanners specifically, surveillance techniques generally, and the links between these developments and the prevention of alcohol-related harms?

Chapter 1

ID Scanners, Alcohol Related Violence and the Night-Time Economy: Background and Rationale

Ongoing concerns about violence in and around licensed premises and particularly within the 'night time economy' has led to numerous interventions including saturation policing, shifts towards risk-based licensing regimes, increased emphasis on responsible service of alcohol, the introduction of new forms of offences and the increasing use of electronic surveillance. Until now, the emphasis in research, policy and practice concerning electronic surveillance has almost exclusively been directed at closed circuit television (CCTV). However, in more recent years a subtle shift in surveillance has emerged whereby licensed venues have begun to use identity scanners (ID scanners) at the point of entry to entertainment venues. It is the introduction and impact of ID scanners that is the focus of this research report.

ID scanners inject further complexities at the interface between private and public forms of policing and surveillance, raising concerns over the capacity for data to be shared between a disparate range of private entities and the public police (and potentially other public authorities). This raises concerns over the protection of personal information entered into databases operated specifically by night-clubs, or under subcontracted arrangements with software developers and system administrators. This combination of issues raises several questions about the capacity or utility of existing theoretical models dealing with human surveillance, harm prevention, the regulation of digital technologies and individual freedoms in promoting social order in the digital age.

More specifically, a series of questions arise from this technological 'fix' to disorder in the night-time economy. There are significant questions surrounding why licensed venues currently moving towards to use of ID scanners rather than conventional methods of monitoring access and entry. There are also questions surrounding the key factors shaping the adoption or rejection of ID scanners in different locations with similar problems of disorder surrounding alcohol and its use. Further, there is scant research on how ID scanners work to promote good order in the night-time economy, and how their effectiveness can be evaluated. More broadly, the inter-relationships between these privately deployed technologies and the role of the public police also warrants close examination, given concerns that these technologies are promoting new forms of social exclusion, threats to personal privacy and identity protection, and have emerged in the contemporary governance landscape with little or no regulatory oversight in most jurisdictions (Cross 2005).

This study examines these issues by documenting the experience of implementing ID scanners in the Geelong CBD region, and reviewing the perceptions of a number of key stakeholders either charged with or affected by the introduction of this technology. In this respect, we have used Geelong as a case study through which the broader problem of ID scanning can be contextualised as a method to aid in the reduction of violence and anti-social behaviour in the modern night-time economy. The Geelong experience, we believe, provides a window into understanding why ID scanners have become an increasingly popular form of technology aimed at controlling patron entry and participation in the night-time economy, not only in a growing number of Australian night-club precincts, but also internationally.

Located approximately 70 kilometres south-west of Melbourne, Geelong is a city with a population of around 205,000 people with a growth rate of 1.1% per annum. It is a city that has undergone considerable social change over the past two decades, including a downgrading of heavy industries and agriculture and a shift to education, tourism and services. Alcohol-related violence is by no means new and continues to feature prominently on the social landscape, despite considerable community and liquor industry action on several fronts over the past decade. One recent initiative to address ongoing concerns regarding violence in and around licensed premises has been the introduction of ID scanners. The owners of several 'high risk' venues in the Geelong CBD have now installed ID scanners. The scanners are programmed to recognise different types of ID from around the world and to identify fake or altered IDs. ID scanners have been promoted by various stakeholders as providing a key platform for addressing violence in the night-time economy, yet there were no formal or independent evaluations of their actual or perceived effectiveness prior to this research. While several other licensed venues in Australia and internationally have experimented with the use of ID scanners to regulate patron entry and reduce the prospect of violence and anti-social behaviour within late-night licensed venues, Geelong has developed a far more structured approach to their adoption. For this reason, the Geelong 'experiment' is attracting considerable interest in other late-night venue precincts in Victoria and interstate.

Alcohol and violence in and around licensed premises

While alcohol consumption can be a part of convivial social activities, it is well recognised that alcohol-related problems are a major cause of social disorder and illness in Australia. In particular, problems associated with the night-time economies of urban and regional centres generate substantial community concern and are a considerable drain on community, police, local government and health resources (Collins & Lapsley 2008; Buss, Abdu & Walker 1995; Drummer, Gerostamoulos, Batziris, Chu, Caplehorn & Robertson 2003; National Drug Research Institute 2000; Australian Bureau of Statistics 2006; Chikritzhs, Jonas, Heale, Stockwell, Deitze & Hanlin 2000).

Previous research has identified a number of issues that contribute to the harm associated with risky alcohol consumption. These include excessive consumption at licensed premises, consumption in public areas and lack of transport or adequate security in entertainment

precincts (Graham & Homel 1997; Homel, Tomsen & Thommeny 1992). Violence can also emerge due to poor venue management practices, lax police surveillance and inappropriate bureaucratic or legislative controls (Homel, Tomsen & Thommeny 1992). There is also a correlation between later trading hours and increased levels of violence (Chikritzhs & Stockwell 2002) though more recent evaluation research in the UK challenges this relationship (Hough & Hunter 2008).

The overall prognosis on alcohol-related violence in Australia remains bleak despite over two decades of research identifying the dynamics of the problem and a range of potential harm reduction strategies. Research consistently indicates that young male patrons between the ages of 18 and 30 are the main perpetrators and victims of assaults leading to serious injury or death (Teece & Williams 2000; Polk 1994). Assaults in and around licensed premises remain significantly under-reported (Morgan & McAtamney 2009; Doherty & Roche 2003) and that security staff are involved in between 20% and 30% of violent incidents (Victorian Community Council Against Violence 1990; Fitzgerald, Mason & Borzycki 2010). Carach and Conroy (2001) indicate that 88% of alcohol-related homicides involve victims and perpetrators who had both consumed alcohol prior to the incident, while 55% of victims are an intimate partner, family member, friend or acquaintance of the perpetrator. Data in Victoria report almost a threefold increase in the number of hospital admissions stemming from violent alcohol-related assaults between 2001 and 2007. The majority of these incidents are directly attributable to the night-time economy, with around 42% of incidents occurring on weekends and 63% between the hours of 9.00 pm and 4.00 am. There has also been a marked increase in the past decade of severe blunt trauma injuries occurring during these peak time periods (O'Mullane et al. 2009).

Despite a host of initiatives designed to minimise violence in and around licensed premises, there remains considerable debate over how their effectiveness is assessed. Since the landmark investigation by the Victorian Community Council Against Violence (1990), voluntary liquor accords (Vaughan 2001), amended security licensing requirements and operational practices, principles of responsible service of alcohol, improved environmental amenity within venues (Graham & Homel 2008) and restricted trading hours have all formed part of a disjointed series of strategies to combat alcohol related violence. Each of these initiatives, to varying degrees, has been implemented in the Geelong region over the past two decades. For example, Geelong was one of the first cities in Australia to implement a Liquor Accord (Felson, Berends, Richardson & Veno 1997; Rumbold, Malpass, Lang, Cvetkovski & Kelly 1998), which enables two or more local council representatives, police, liquor licensees and concerned citizens to regularly meet and establish base standards for the provision of alcohol subject to existing licensing requirements. The Geelong Accord has been widely recognised as a highly successful collaboration that develops proactive methods of enhancing community safety in and around licensed premises (Rumbold, Malpass, Lang, Cvetkovski & Kelly 1998). The overall impact of Liquor Accords in reducing anti-social behaviour and violence in the night-time economy has been seldom examined (Lang & Rumbold 1997). However, comparisons of data in Geelong and other Victorian metropolitan areas demonstrate that prior to the original Accord intervention in 1991, Geelong's serious assault rate was 52 per cent higher than the comparison rate for the other areas. After the intervention, Geelong's serious assault rate declined to 63 per cent of the comparison rate for the other areas (Rumbold, Malpass, Lang, Cvetkovski & Kelly 1998).

While research has established that a range of other recognised interventions aimed at preventing violence in and around licensed premises have led to minor reductions in reported assaults and other anti-social behaviour (Jones et al. 2009), concern persists over how to reduce alcohol-related violence in the night-time economy, particularly when a spate of high-profile incidents are reported in print and electronic media.

From late 2006, the *Geelong Advertiser* started an overt campaign against violence in and around licensed premises, following a widely reported rape in the inner city area. Banner headlines demonstrate the outrage surrounding this particular incident. In the immediate aftermath the newspaper used the headline 'ANIMALS: Brutal inner city rape' (*Geelong Advertiser* 2 December 2006). Five days later a 'WANTED' headline and poster was produced containing a reproduction of closed circuit television (CCTV) images taken from the location where the incident took place (*Geelong Advertiser* 7 Dec 2006). This was followed by proposals for a 'Parents Patrol' (*Geelong Advertiser* 9 Dec 2006) and a campaign with a public petition for more 'cops on the street' (*Geelong Advertiser* 13 Dec 2006). Beyond this specific incident, the *Advertiser* subsequently moved to a broader campaign seeking to have police 'reclaiming the streets' (*Geelong Advertiser* 29 Jan 2007), while at the same time, advocating that licensed premises go beyond their current 'half-hearted peace and order' (*Geelong Advertiser* 18 Jan 2007) and aggressively 'crack down' on alcohol abuse (*Geelong* Advertiser 26 Apr 2007). These concerted discourses continued throughout 2007 with additional headlines such as:

> NIGHTCLUB BRAWL A BAGHDAD WAR ZONE (*Geelong Advertiser* 7 Aug 2007)
>
> 'Ghetto blast: Shock jock sinks the slipper into Geelong' (*Geelong Advertiser* 24 Aug 2007)
>
> BOOZY STREET BRAWLS BLITZ (*Geelong Advertiser* 31 Aug 2007).

The then local Federal Member of Parliament also fuelled public anxieties, by claiming that 'Geelong Nightclubs [were] as bad as Londonderry' (*Geelong Advertiser* 2 Nov 2007).

In this heated environment, the local Nightlife Association, together with the Victoria Police and the Geelong Local Safety Committee deliberated on new methods to address the seemingly spiralling public concern over alcohol-fuelled violence, particularly in the CBD area. A new Liquor Accord was developed and released in November 2007 containing a range of initiatives designed to combat alcohol-related violence. These included agreed principles of trade and more vigilant action by all stakeholders to monitor and combat excessive alcohol consumption and violent behaviour. More specific measures included a banned patron list to be shared amongst various agencies and liquor establishments, agreed levels of security surveillance in and around licensed premises, the voluntary use of a two-way radio system by security personnel at high-risk venues, and a written agreement signed by each licensed venue to ensure that police be contacted immediately upon the identification of problem patrons.

Most significantly, licensed premises identified as being 'high risk', which is defined as operating after 1 am, must agree to implement an ID scanner system at the point of entry

into the venue. ID scanners collect data on a person's name and address, date of birth, driver license number or equivalent details from other identification documents such as passports. They can also scan and store photographic identification within in a computer database, which can be accessed and matched with existing records for future reference.

There are generally three forms of ID scanner. The most basic is a simple scanning device linked to a laptop computer, which copies a driver's license, passport or industry ID card. The information from the scan is then stored on the computer on the premises. A more sophisticated version, implemented in most Geelong nightclubs, takes an additional photo of the individual, with computer software linking the image of the patron to the one displayed on the scanned ID (Kuklinski & Monk 2008; ABC News 2010). Finally, the same scanning process can occur through biometric fingerprinting, which is linked to other personal information contained in the relevant document. Once a person has their ID and/or photograph and fingerprint recorded in these systems, they must re-enter their fingerprint before being allowed to enter the venue on subsequent visits. The system automatically matches the photographic or biometric details of the individual with the stored record obtained from the original scanned document.

Each system provides for the capacity to flag warnings to the operator such as that a person has been banned from the venue. Similarly, they offer the possibility of sharing data regarding patrons banned from other venues, which can be done manually or it can be done with other venues across a networked computer system in real time. There is also the capacity to have additional information 'shared' over the network such as police or court bans from late-night entertainment districts, with the *potential* for other court-ordered restrictions to be entered into these systems, such as control orders, intervention orders or late-night curfews (*Liquor Control Reform Amendment Act* Victoria 2007: Part 8A).

Each of these uses of ID scanners can be classified as a 'pre-crime' measure (Zedner 2007), aimed at controlling or preventing undesirable behaviour in or around licensed premises as defined by the individual licensee or security personnel operating within venues using this technology. However, various forms of anti-social behaviour, as well as criminal violence, are also currently mandated under various Australian state liquor licensing laws, and attract a variety of penalties including fines and longer term zonal bans. At present the Geelong ID scanner trial is simply linked to the enforcement of banning notices imposed by the participating venues once a person has been positively identified as engaging in or causing 'problematic' behaviour. The following statement from one of our key stakeholders, a former licensee in the Geelong region, indicates how the system works in practice.

> The patron gives you their ID, then first of all a visual check is made to ensure the ID belongs to that person. Then, you simply scanned the ID face down on the snapshell, which takes a photo of the license and allocates the data into the specific fields. Whilst this is happening we had a CCTV high frame rate, high-resolution camera recording the patrons on entry [Licensee 11].

Once each form of data is stored on the computer, the software allows a venue manager or other authorised person to amend the individual's record by placing annotations or a warning if that person has engaged in untoward behaviour. This information can be shared

with other venues operating on the same network. In short, ID scanners provide an automated method of implementing a banning scheme, thus replacing the paper circulation of a person's name, photograph or other personal details.

ID Scanners and Privacy: The Australian Law and Policy

As the present study is the first of its kind in Australia, and the adoption of ID scanning technologies in late-night entertainment venues is relatively recent, there is limited information on their adoption, effectiveness, or the various regulatory issues associated with this technology. One major concern relates to the impact of ID scanners on information privacy, and the relationship between ID scanning and any current and allied harm reduction initiatives mandated under Victorian Liquor control legislation. In this respect, while the Victorian Law Reform Commission (VLRC) (2010) conducted an extensive investigation into surveillance in public places during the course of the present research, its final report only provides a limited acknowledgment of the emergence of ID scanners and related facial recognition technologies in promoting good order within Melbourne's night-time economy (VLRC, 2010, p. 40).

In broad terms, Leman-Langlois (2008, p. 113) puts forward the following five-point definition of 'privacy'. In many respects this definition is broader than existing legal definitions of privacy that guarantee protection for an individual's personal information under current state and federal law, as Leman-Langlois incorporates:

> *Control over information*, including the assurance that personal information will be used according to contractual arrangements;
>
> *Secrecy of information*, including the ability to escape surveillance or protect against unwanted prying, or access to anonymity;
>
> *Desire to protect personal space*, involving the psychological need to retreat to non-social space (even if this might be in the public arena) to engage in individual activities;
>
> *Right to keep secrets*, involving rules defining institutional, social, political or administrative limits to collecting and sharing information;
>
> *Data security,* including the development of appropriate technical safeguards against unauthorised access to protected information.

Ultimately, the control over the need to provide information, to be assured that it will only be used according to the contractual obligations associated with entry and appropriate conduct within licensed venues, and data security arrangements are the most significant elements of this definition in relation to the use of ID scanning.

It remains doubtful that ID scanners are open to protection under the current Victorian *Information Privacy Act* (2000). This is because Section 9 of the Victorian legislation, which is replicated in most state jurisdictions throughout Australia, confines the application of the privacy principles to public sector agencies, or relevant private agencies contracted to undertake functions for the State. In this respect, a liquor licensing function is unlikely to equate with an authorised and contracted public service, due to the private profit motive. As section 5 indicates, the very aim of the Victorian legislation (and its equivalents in other Australian states) is to ensure adherence to recognised privacy principles by government and public service entities, rather than private industry.

Federal privacy laws apply to private entities that are not defined as 'small businesses' (*Privacy Act,* 1988, Section 6C). Those businesses with an annual turnover of $ 3 million or more must comply with the national privacy provisions, though small businesses that disclose 'personal information about another individual to anyone else for a benefit, service or advantage', or is linked to a larger business, can be subject to the protections under the Act (*Privacy Act,* 1988, Section 6D(4)(c)). The structure of these provisions enables a specific code to be developed between certain industries and the national Privacy Commission. At the time of writing, the biometrics industry had developed an agreed code of conduct that was approved by the Office of the Australian Information Commissioner (Office of the Australian Privacy Commissioner, 2006), but a similar code specifically governing the use of photo ID scanning had yet to be formally developed under Australian Federal law.

Any agreed code of conduct, along with the national privacy legislation, seeks to ensure eligible businesses conform to recognised national privacy principles. In short, the principles include the following protections regarding personal information and its use:

i. Personal information can only be collected if it is necessary for one or more of the functions of the organisation collecting the information;

ii. Personal information is only to be collected by 'lawful' and 'fair' means that are not unreasonably intrusive;

iii. The organisation must take reasonable steps to inform the individual about each of the following:

   a. The identity and contact details of the organisation;

   b. The right for individuals to access any information collected;

   c. The purposes for collecting the information;

   d. The purposes for which the organisation will disclose the information;

   e. The main consequences to the individual if information is not disclosed;

   f. The primary purpose or uses of the information;

iv. The records relating to personal information are updated accurately;

v. There are reasonable steps to protect personal information from misuse, loss and unauthorised access;

vi. Policies regarding the use of personal information and its management are clear and accessible to individuals making a request;

vii. Information can be accessed by individuals unless there are reasons to justify denying access, and corrections can be made by the person providing the information;

viii. Restrictions relating to the foreign transfer of information (see *Privacy Act* (Commonwealth), 1988, Schedule 3.

Under both the Commonwealth legislation and codes of conduct approved under the *Privacy Act*, restrictions governing the use or disclosure of personal information can be waived in cases involving the 'prevention, detection, investigation, prosecution or punishment of criminal offences' (*Privacy Act* (Commonwealth), 1988, Schedule 3 (6)(j)(i)). The extension of these principles to cover bans imposed by licensed premises, even if they qualify as businesses with an annual turnover of over $3 million per annum, remains debatable, although it is possible most activities justifying a ban on entry into a licensed venue would also involve a potential summary offence under Victorian law.
These provisions open up many questions relating to the operation of privacy principles, that remain to be articulated either in a specific industry code of conduct relating to ID scanning technology, or in relation to how appeals under federal law by patrons raising objections associated with this technology might be viewed by the Federal Privacy Commission. Some of these concerns involve:

i. Whether participating venues or the installers and managers of the technology meet requirement of $3 million or more in annual turnover to activate the Federal privacy provisions;

ii. The level of information provided to night-club patrons justifying the collection and various forms of authorised use of the data;

iii. The sharing of the data across different venues;

iv. Protocols for restricting access and appropriate storage arrangements;

v. Ability for patrons to access and alter personal data;

vi. Storage requirements.

However, these practical dimensions associated with the operation of privacy principles underscore a more problematic element to the issue of ID scanners in licensed venues. This relates to how ID scanners work in tandem with greater public concern over violence in and

around late-night venues, to prioritise concerns relating to anti-social behaviour and disorder over concerns associated with information privacy. In this respect, a recent Queensland report investigating measures to combat alcohol-related violence is of particular interest, given the recommendations for the expanded trial of ID scanning in late-night entertainment precincts, despite considerable reservations expressed by the Office of the Information Commissioner.

In March 2010, the Law, Justice and Safety Committee for the Legislative Assembly of Queensland produced its final report into alcohol-related violence in that state (Queensland Parliament, 2010). The report contains some valuable information, and associated concerns, about the use of ID scanners, along with the retention and sharing of personal information within computerised databases housed on licensed premises. The Committee identified three key positives of ID scanners, which suggest their expanded or even mandated use in licensed premises is likely to be considered seriously by the Queensland government. The positive dimensions of ID scanners involved:

- aiding in detection of offenders, with the scanned information able to be retrieved from the data base and provided to police;

- acting as a deterrent, as potential offenders know that their personal details have been recorded and can be provided to police; and

- providing information to support a ban of the offender from that venue, and in some cases other venues as well (Queensland Parliament, 2010, p. 25).

The first two benefits indicate the information obtained from scanning devices is seen as a valuable supplement to conventional policing methods, by enhancing retrospective detection once a crime has been reported to police, or deterring 'would-be' offenders from engaging in anti-social behaviour within nightclub precincts. In the third case, the capacity to network scanned ID data has a proactive dimension to warn other participating premises that an individual has a track record for violence or anti-social behaviour. This in turn enhances the deterrent effect of the scanning system through the sharing of information amongst other licensed premises with access to the network.

However, despite considerable support from the Queensland Hotel's Association, the Queensland Police Union of Employees and the Liquor Hospitality and Miscellaneous Union (Queensland Parliament, 2010, p. 25), extensive concerns were expressed in this inquiry about the privacy implications associated with data collection, storage and dissemination. These concerns appear to stem from the lack of clarity in existing Federal legislation over the applicability of the national privacy principles to either individual venues adopting the technology, or to companies that install and manage such technology. The absence of a code of conduct governing this technology also feeds into the criticisms outlined in submissions by the Office of the Information Commissioner, though this is invariably a product of the recent emergence of this technology in the Australian context. More pertinently, many concerns identified in this submission are also likely to be a product of the inadequate reach of state privacy legislation relating to this technology. Table 1.1 summarises core issues of contention identified in the submission, which remain to be

explored in current research or policies associated with the introduction of ID scanning technologies in Australia's late-night venues.

Table 1.1. Summary of Privacy Concerns by Queensland Information Commissioner (Queensland Parliament, 2010, pp. 25-26).

Potential breaches by premises of Federal privacy legislation; Arbitrary interference with privacy principles where licensed venues invoke ID scanning and CCTV technologies but have an annual turnover of less than $3 million per annum, which are exempt from Federal privacy laws;	The use of other less intrusive technologies to achieve reductions in violence and antisocial behaviour, such as the rolling out of blood alcohol testing machines and colourless ultra-violet sprays
The tenuous causal link between alcohol and violence, and misconceptions about this link amongst the broader public	Various other harm minimisation strategies to combat violence in and around licensed premises warrant further policy consideration
The status of some venues which 'are known to be more violent than others and at particular times'	Conflicts of interest regarding direct financial benefits of selling alcohol and the use of responsible service of alcohol principles
The potential disproportionate policy response of ID scanners and CCTV to the general problem of alcohol-related violence, which occurs in a range of public environments other than licensed venues	The need for greater vigilance in examining the role of planning, licensing and price regulation or liquor taxation laws in moderating drinking culture and assisting with minimising alcohol-related violence
The impact of ID scanners on the privacy of most people who attend licensed venues at the expense of a small minority of people who engage in violent behaviour	The lack of evidence to support the deterrence effect of ID scanners and the use of scanners as an 'all seeing eye for law enforcement' by police and liquor establishments

Despite these concerns, the final report recommended that licensees trading after midnight be encouraged to install ID scanning systems, having 'due regard to privacy issues and matters of natural justice' (Queensland Parliament, 2010: 27). This suggests that the perceived benefits of ID scanning in reducing alcohol-related disorder are seen to outweigh concerns over information privacy, and this weighing of the various alternatives is likely to drive state government policies to favour the adoption and further roll out of this technology. This view is reinforced by the suggestion of an incentive system to ensure those venues mitigating the risk of violence by installing ID scanners are granted discounted license fees. This incentive scheme is therefore likely to ensure that either stand-alone or networked scanners will continue to emerge in licensed premises throughout Queensland in coming years. These recommendations were made even though the Committee's interim report cautioned against adopting networked ID scanning systems until further information was available to resolve issues of privacy, data storage and maintenance.

> An important issue raised with a system of networked ID scanners relates to privacy, in particular the collection and storage of this sensitive information. The committee recognises that the safety of patrons and the protection of their identity documents are paramount. These issues need to be closely considered before any recommendation can be made on this matter (Legislative Assembly of Queensland, 2009, p. 8).

This tension between the perceived benefits of ID scanning technologies in reducing or minimising violence in and around licensed venues, and information privacy, appears to be related to the sheer lack of regulatory guidance on how ID scanners are to be implemented. While the report is silent on possible regulatory options to support the roll-out of ID scanners in Queensland, it appears liquor licensing legislation will provide the framework for any mandated initiatives associated with this technology in coming years (see Table 1.1).

This report also acknowledges that ID scanners offer a viable solution to the problem of disorder in the night-time economy, that is being seriously considered alongside several other environmental, spatial and liquor control initiatives. However, it is equally clear that the willingness to consider rolling out ID scanners throughout Queensland could come at the expense of a series of more systematic concerns over the administration of this technology. In this respect, the lengthy list of unanswered questions identified by the Queensland Information Commissioner during the public submission process, is worth outlining in depth. Table 1.2 produces a summary of the 'essential questions' associated with this technological solution to the problem of alcohol-related violence that were effectively sidestepped in the final published report.

Table 1.2. Summary of Queensland Information Commissioner's 'essential questions' to be answered before Government endorsement of ID scanners (Queensland Parliament, 2010, pp. 26-27).

Where will the transfer of personal information stop? Will it be limited only to the personal information of those who have been found guilty of a crime or misdemeanour in a licensed premise, or will it extend to anyone that has committed a crime or misdemeanour or to anyone the licenses would rather not have in their premises?	Will police be able to access the information when investigating the whereabouts of interested persons, establishing alibis in unrelated crimes, including using licensed premises databases of fingerprints as an extension of police records?
To whom can a patron complain if they find themselves unjustly placed on a blacklist, perhaps because someone used a fraudulently obtained government ID which the ID scanner was unable to detect?	Will it be shared only between licensed premises owned by the same legal entity, or between all other licensed premises, regardless of who owns them, including restaurants?
What training will be provided to licensed premise employees to ensure all personal information is handled appropriately?	What mechanisms will be put in place to ensure the information is accurate and up to date? What safeguards will surround the sharing?
Will the length of the ban be proportionate to the seriousness of the anti-social behaviour?	Who will decide whether a misdemeanour is serious enough to warrant blacklisting?
What mechanisms will there be for a person to challenge their placement on a 'ban list'?	Will it be shared between interstate licensed premises? Internationally?
Will patrons be blacklisted for behaviour that is not criminal in nature?	How will the identity of the person be confirmed?

Each of these issues has assisted in clarifying our own approach to the problems of privacy and information security during the course of this research project. Given the widespread public concern over alcohol-related violence documented in Chapter 3, it is safe to assume these privacy concerns are likely to be relegated as the market expansion of ID scanning equipment takes hold in Australia in forthcoming years.

Why ID scanners are the focus

Although electronic ID scanners have been used to regulate the supply of tobacco and alcohol to minors in some United States regions for almost a decade (Cross 2005; Krevor, Capitman, Oblak, Cannon & Ruwe 2003; Weiss & Davis 2003), there is a distinct lack of empirical research into their effectiveness in preventing alcohol-related harm. This absence of research into the motives for adopting ID scanners or their effectiveness as a harm reduction method is compounded by regular advances in ID scanning technologies, the

considerable lack of legislative oversight in most jurisdictions governing their use, and the *ad hoc* nature of their uptake in Australia and elsewhere.

ID scanners are a novel intervention, located within a tangled web of ongoing, *ad hoc* interventions involving regulating alcohol provision, and the behaviour of people in the night-time economy. At an intuitive level, ID scanners replicate the same problematic implementation process surrounding closed circuit television (CCTV) during its initial phases in the 1990s. In particular, while CCTV offered the promise of increased security in public or mass private spaces, significant questions over how data was managed, as well as potential crime displacement effects, limited their actual effectiveness (Sutton & Wilson; Wilson & Sutton). In addition, there is a risk that the expansion of ID scanning technologies is occurring without substantive evidence of their social benefits, or their capacity to reduce the very violent or anti-social conduct that is attributed to their use. In light of these issues, there is a need for informed policy development associated with the use of ID scanners in late-night venue precincts, based on research into their actual and perceived effectiveness. There is also an urgent need for critical and informed research, given the appeal of this technological method, which extends beyond the state of Victoria.

Evidence from Canada reinforces a general positive view associated with ID scanners amongst owners and managers of licensed premises. This view is reinforced by persistent concerns over the risks of dealing with violence associated with managing a licensed venue:

> … on a daily basis (the venue is faced) with violence towards customers and staff, drug trafficking, drink tampering (doping), sexual assault, property damage, underage drinking, and gang activity' (*Cruz Ventures* 2009, para 65).

However, as with the support for ID scanners within the Geelong Liquor Accord, international evidence indicates individual venues, venue chains (see *Penny Lane* 2008), and voluntary liquor conglomerates working in particular geographic regions, endorse the use of ID scanners as a means of reducing alcohol-related violence in participating venues. For example, the Vancouver Barwatch association, a voluntary organisation that promotes 'safe and secure' environments for patrons and participating licensed venues, endorses ID scanners along with a range of other strategies for its member establishments to adhere to in operating their premises. Such measures include the introduction of the use of 'metal detection equipment, surveillance cameras … (and) TreoScope's ID scanning system' (*Cruz Ventures* 2009, para 70). Anecdotal evidence suggests this particular system is effective in promoting increased safety within venues and consistent patterns of desirable patronage. Equally, the system manufacturers highlight some compelling benefits of this form of technology over conventional methods of human security and patron monitoring:

> … (B)ar employees must rely on memory and written notes, or photocopied IDs, to identify problem customers or customers involved in incidents in order to prevent re-entry or to assist law enforcement personnel. It says such systems are difficult to implement and maintain and are open to abuse or inappropriate use, with no audit trail for inappropriate access to customers' personal information (*Cruz Ventures* 2009, para 78).

Clear business imperatives ensure that ID scanners are an attractive proposition in improving business performance by promoting increased patron safety. However, as the Canadian cases outlined later in this report demonstrate, there are significant questions associated with information security, and whether a technological measure can produce a substantive cause and effect relationship with reduced violence in late-night licensed venues. Nevertheless, these concerns could be overridden by the threat of violence that plagues the nightclub industry. For example, the following comments made by Mr Greg Pellegrini a Spokesperson for the Townsville City Licensees Safety Association during oral submissions into the Queensland Law, Justice and Safety Committee into Alcohol Related Violence, suggest that technological measures are necessary to prevent known incidents of violence occurring, particularly from a small number of identifiable repeat offenders.

> There is a small group of people who fall into the line of boxers, fall into the line of hardened criminals, who once, twice, maybe three times a year are involved in serious offences that occur; the big fights, the bashings, the serious grievous bodily harms. We wanted to identify these recidivists … with the support of the council … (and) the support of the police … (Queensland Law, Justice and Safety Committee, 2009a, p. 23).

Mr Justin O'Connor, the Chief Executive of the Queensland Hotels Association, made similar comments during oral submissions in Brisbane in October 2009).

> We have introduced ID scanning where the appropriate form of ID is scanned at the point of entry, and that acts as a clear deterrent to patrons who might otherwise be intending to get up to no good. People know that, if their identity is held in a safe computer and if they create harm or create violence or break the law, those people who are authorised to access the hard drive, being the Police Service, will be able to track them down (Queensland Law, Justice and Safety Committee, 2009b, p. 8).

While the liquor industry recognises the need to develop 'industry-standards' for the use of ID scanners (Queensland Law, Justice and Safety Committee, 2009b, p. 15), there are also many unanswered questions as to whether ID scanners are effective as a 'clear deterrent' to patrons 'intending to get up to no good', or are effective in ensuring anti-social and violent behaviour does not occur. It is these issues that are subject to the present investigation, based on the recent experience in implementing networked ID scanning systems throughout the Geelong CBD nightclub precinct.

Research Questions and Structure of this Report

Speculation over the value of ID scanners as a direct cause of lower rates of violence, combined with uncertainty over the impact of this technology on recognised privacy principles under current state and federal law, are the twin themes of the current research. This study examines the adaptation of ID scanners as a method of improving public safety in the Geelong night-time economy. This project serves as a pilot for the progressive

development of future research on national and international developments involving this technology.

This study is concerned with the following key issues:

i. To document the development of the implementation of ID scanners in the Geelong region;

ii. To analyse the reasoning of key personnel in the adoption of this technology;

iii. To identify the impact of ID scanners on:

   a. Perceptions of public safety, and

   b. Statistics associated with public safety, including available crime and local government data;

iv. To identify regulatory issues arising from the introduction of ID scanners into the Geelong night-time economy, and in particular the security of the current scanner system and the potential problems related to information privacy;

v. To contribute to theory building by empirically examining the development of ID scanners within a framework incorporating surveillance, governmentality studies and network analysis.

In conducting this research, we have undertaken a contextual and multi-method examination of the 'process' and 'impact' factors associated with the introduction, expansion and normalisation of ID scanners in the Geelong night-time economy.

Chapter 2 outlines the nature of this multi method approach, which incorporates publicly available data from press sources, statistical data from the Victoria Police and the emergency department of the Geelong Hospital, observations at participating venues and primary interview data with key stakeholders involved in the implementation and administration of ID scanners in the Geelong CBD. While there are limits to the data available and used for this study, the aim throughout has been to provide a broad range of information to document the process of implementing ID scanners in the Geelong region, and assess their impact in reducing violence, anti-social behaviour and public fears about disorder in the Geelong night-time economy. As such, there are limitations to some elements of the methodology. However, the range of evidence examined in this research paints a detailed and systematic picture of the various impacts of ID scanning on the level of violence and the overall level of public well-being in the Geelong region, in a context where there are ongoing concerns about disorderly behaviour in the area's nightclub precinct.

Chapter 3 outlines the impact of media portrayals of ID scanners in both national and local press sources in the Geelong region. The significance of this chapter is twofold. First, it outlines the breadth of issues associated with ID scanning that have entered the public domain through popular media coverage. Second, in the more localised context where the Geelong media has been instrumental in raising concern about violence in the night-time

economy, media reportage offers insight into the power of local media in helping to shape a reformed policy agenda associated with alcohol-service and violence prevention. However, the dominant media discourses relating to late-night violence and the remedial value of ID scanners must also be viewed cautiously. In particular, the reports reveal numerous assumptions about the success of the Geelong ID scanners trial have strong potential to shape public acceptance of this technology as a viable harm reduction initiative that remain to be validated with empirical research.

Chapter 4 provides an overview of key issues emerging from the scant overseas literature examining the use of ID scanners as a method to reduce violence and anti-social behaviour in licensed venues. ID scanners have been invoked sporadically in licensed venues throughout the United States and Canada. However, in both jurisdictions there has been limited research into their impacts in reducing violence, or in addressing concerns over information privacy associated with this technology. While available United States literature presents some disturbing information associated with the lack of regulation of this technology, Canadian privacy rulings offer valuable guidance on the range of issues associated with information security that warrant formal regulatory scrutiny. This chapter documents these issues to reinforce policy choices involving the prevention of alcohol-related harm and individual privacy are not unique to the Geelong or broader Australian experience with ID scanning technology, and indeed have significant international dimensions that have been addressed, albeit rather superficially, in overseas research and privacy commission rulings.

Chapter 5 provides details of alcohol-related injuries and assaults reported in Geelong Hospital admission records between 2005 and 2009. Using a combination of time series plotting and regression analysis, the results indicate an overall increase in alcohol-related hospital presentations during this four-year period. While available data does not disaggregate alcohol-related assaults that have occurred in public and private places in the Geelong region. Nevertheless, it does provide a general insight that questions the direct impact of ID scanners in reducing violence during peak time periods, within the night time economy.

Chapter 6 presents available Victoria Police assault data for the Geelong region between 2004/05 and 2008/09. Again, the intention was to measure general trends in reported assaults to coincide with the introduction of ID scanners in 2007. While the causal impact of ID scanners in reducing reported assaults to police must be viewed cautiously, this data suggests fluctuating rates during peak time periods, that again raise further questions about a substantive reduction in assault rates attributable to the introduction of this technology. The implications of this finding, and associated limits in the available police data in measuring the impact of ID scanning on levels of violence in the Geelong night-time economy are also identified.

Chapter 7 documents the results of a series of interviews conducted with patrons attending venues in the Geelong Central Business District (CBD) that have both invoked and resisted adopting ID scanners to regulate patron entry. This is supplemented by a series of observations on patron behaviour at CBD venues conducted throughout 2009 and early 2010. This information provides the most valuable measure of patron satisfaction with ID

scanning technology, while offering further insight into any impact this technology might have in moderating alcohol consumption within late-night venues.

Chapter 8 documents the results of a series of extended interviews with liquor licensees, Liquor Accord delegates, and security personnel involved with the implementation of ID scanners in the Geelong region. The interviews highlight common themes associated with the perceived effectiveness of this technology, as well as a range of substantive problems associated with its practical administration. This material indicates ID scanners are viewed extremely positively by many involved in alcohol-related policy formulation and implementation in the Geelong nightclub precinct, and appear to have generated substantial reductions of violence and anti-social behaviour in participating venues. However, several key stakeholders involved in using the technology at points of entry into late-night venues indicate little has changed since the introduction of ID scanners. The implications of this division of opinion relating to the use and value of ID scanners are discussed in light of the rapid introduction of this technology and limited safeguards over training, data access and information privacy.

This report concludes with a series of recommendations for future policy development and research associated with the use of ID scanners relevant to the Geelong region and other night-time economies contemplating their introduction throughout Australia. Drawing on the material presented in each chapter, these recommendations articulate a systematic agenda to guide the implementation and ongoing review of this contentious technology in future. The recommendations have been devised in light of the local, comparative and international dimensions of ID scanning policy and research presented throughout this report.

Chapter 2

Research Methods

As the previous chapter indicates, the aim of this study is to provide a contextual view of the introduction and effectiveness of ID scanners in the Geelong region. The methodology informing this project draws from a range of data sets, to examine the process behind adopting ID scanners in Geelong, and, as far as possible, the impact of this technology in reducing violence and anti-social behaviour in the night-time economy. The specific aims of this study involve:

vi. Documenting the development of the implementation of ID scanners in the Geelong region;

vii. Analysing the reasoning of key personnel in the adoption of this technology;

viii. Indentifying the impact of ID scanners on:

   a. Perceptions of public safety, and

   b. Statistics associated with public safety, including available crime and local government data;

ix. Identifying regulatory issues arising from the introduction of ID scanners in the Geelong night-time economy, and in particular the security of the current scanner system and the potential problems related to information privacy;

x. Contributing to theory building by empirically examining the development of ID scanners within a framework incorporating surveillance, governmentality studies and network analysis.

While the bulk of this study identifies the local dimensions specifically relating to the introduction of ID scanners in the Geelong CBD, this analysis is equally concerned to match these patterns with relevant international trends and gaps in the knowledge base associated with this technology. As such, we draw on a variety of research methods, in order to triangulate primary data derived from observations at venues and extended interviews, with statistical data from police crime statistics and hospital emergency data to produce both process and impact measures relating to the introduction, use and effectiveness of ID scanners in reducing violence specifically in the Geelong night-time economy. Process data has been generated from interviews with a variety of key stakeholders in the liquor industry, local police and local government workers participating in Geelong Liquor Accord initiatives.

Impact measures relating to the social ordering effects and effectiveness of ID scanners derive from all three data sets.

We have chosen this approach due to the broad range of methods used and the interpretative benefit of having a close proximity between research methods and research findings, allowing the reader to more closely match methods, findings and limitations of each component of the research as it is presented in each substantive chapter. We have not attempted to assess the Geelong ID scanner initiative against trends in venue-related violence in areas that have not implemented this technology, given the immense variations in anti-violence strategies currently invoked across the state of Victoria, and the difficulties in accessing comparative data from Victoria Police beyond the Geelong region. Nevertheless, the aims of this research were always confined to the intricacies of the policy formulation and implementation process specifically within the Geelong region. Therefore, broader comparative concerns assessing the merits of ID scanning amongst the wealth of alcohol-related violence interventions adopted in other areas, or in light of aggregate trends or shifts in rates of reported violent activity in and around licensed premises outside of the Geelong region, overlook the importance of the specific policy adoption and assent for ID scanning indicative of the Geelong experience. These broader concerns are best dealt with through a longer term research project focusing solely on evaluating diverse interventions across a variety of urban and/or regional areas.

In this chapter we provide a broad outline of the research methods, with more detail on methods in each of the substantive chapters. The following outline of the methodological approach we have adopted commences with a description of the range of secondary material examined throughout this study, which in turn has informed the primary data collection focusing on ID scanners in the Geelong region.

Previous studies and government reports

A thorough and systematic review of primary studies and government reports in Australia and internationally was conducted at the outset of the research period, and upgraded periodically throughout the primary data collection phase. While available scholarly works examining ID scanners in late-night entertainment precincts are few, there is an increasing awareness of the scope and regulatory dimensions of this technology in Australian and international reports. Chapter 4 provides a review of this material, in order to establish the context for description of the primary data obtained in this research.

Media Reports

Throughout the research period, we have created a database consolidating a total of 414 press reports dealing with ID scanners in late-night venues from Australian and international media sources. The reports date to 2004 and are consolidated to June 2010. Most were obtained through the Newsbank database, direct searching of major Australian newspaper

websites, and entries on the search engine Google. The results of this media analysis will be presented in Chapter 3 of this report.

Legal data

Few jurisdictions have express mention of ID scanners in legislation or judicial rulings. Throughout the research period, we have continued to search major Australian, North American and European legal databases to investigate the regulatory implications of this technology. This phase of secondary data collection and synthesis has produced one scholarly legal article that consolidates legislative and industry codes of practice in regulating ID scanners in the United States as at 2005, and three Canadian privacy commission rulings examining the use of this technology in licensed premises. This data is consolidated with the information presented from available research studies and government inquiries presented in Chapter 4 of this report.

Statistical Data

The statistical data presented in this report was obtained in three key stages and involved incremental consolidation, review and adaptation of each research instrument to accommodate the diverse nature of the data sought throughout the project. Table 2.1 below provides a summary of the range of primary and secondary data collection methods employed at each stage of the research, and a brief description of the timelines associated with their implementation.

Stage One of the study informed the development of a comprehensive set of research questions, the piloting of these questions amongst a small sample of key stakeholders, and the development of quantitative survey instruments implemented in Stages Two and Three.

During Stage One the research team commenced negotiating access to a range of important supplementary secondary data sources, including:

> Victoria Police data on reported arrests, disturbances and related incidents of disorder involving alcohol in the Geelong region, pre- and post-dating the introduction of ID scanners in 2007;
>
> Associated data on hospital admissions for assault and related trauma from the Geelong Hospital Accident and Emergency Department.

These data sets are depicted in Chapters 5 and 6. Chapter 7 covers primary quantitative data derived from patron interviews and observations conducted at venues where ID scanners are used.

Table 2.1. Summary of Methods for Each Stage of the ID Scanners Project

Research Stage	Core Methods	
Stage One	Consolidation of secondary data Establishing data collection protocols Consultation and piloting of qualitative question schedule with key informants	
Stage Two	Key informant interviews Collection and synthesis of available documents and media data	
Stage Three	Patron interviews Follow-up in-depth key informant interviews Secondary data collection and synthesis Unannounced site visits (Observations)	

Patron Interviews

Trained research assistants conducted patron interviews longitudinally over the 6-month data collection period at ten venues on a fortnightly basis. In agreement with licensees, a team of between four and eight research assistants, identified by wearing Deakin University clothing, attend up to four venues in Geelong on allocated evenings between the hours of 10pm and 2am. The details of the aspect of the research are provided in Chapter 7.

Venue Observations

In addition to patron interviews, three unannounced 'audits' or 'observations' were undertaken at participating venues, with prior agreement from the venue managers. This process is well recognised in previous Australian and international research examining alcohol-related disorder, security measures and preventative interventions in and around licensed premises (Homel, Tomsen & Thommeny 1992; Homel, Hauritz, Wortley, McIlwain & Carvolth 1997; Homel, Carvolth, Hauritz, McIlwain & Teague 2004; Graham & Homel 2008).
In this study, a group of trained research assistants working in teams of two entered the premises according to each venue's established dress code. The aim was to ensure their appearance was innocuous. The observation teams entered the venues during peak trading times between Thursday and Saturday nights, commencing after 10 pm. The observation survey was developed from information gathered during Stage 1 of this study and reported in detail in Chapter 7.

Key Stakeholder Interviews

From the outset of this report a number of key stakeholders participating in the ID scanner trial in the Geelong CBD were identified and invited to participate in this study. Chapter 8

provides a detailed account of the perspectives of a range of key stakeholders including ID scanner manufacturers, Liquor Accord members, Liquor Licensees, security personnel and ancillary interviewees. Police were not interviewed as key stakeholders due to significant changeover of key personnel during the period of the research for this report. We note that we have including police comments in media articles

Conclusion

This brief overview of the research methods employed in this study is supplemented by more detailed accounts in each of the substantive chapters. This allows the reader to be able to consider more precisely the methods being used in each aspect of the research and to be able to more clearly identify the limits to the methods and the data presented in each chapter.

Chapter 3

Media Depictions of ID Scanners

This chapter provides a summary of the key results of an in depth media analysis of Australian and international news sources examining ID scanners to regulate patron entry into licensed premises. Throughout the research period, we have created a database consolidating a total of 414 press reports dealing with ID scanners in late-night venues from Australian and international media sources. The reports date to 2004 and are consolidated to June 2010. Most were obtained through the Newsbank database, direct searching of major Australian newspaper websites, and entries on the search engine Google.

Articles were traced using several key search terms in these sources. These include ID scanners, privacy, clubs, pubs, network, biometric, fingerprint, database, policing, mandatory, and banning notice, with key identities associated with regulating ID scanning technologies (such as the names of privacy commissioners), and the names of companies developing and marketing this technology also included. Each report has been downloaded, allocated a file number, and classified according to its location, date of publication, and its thematic focus. These thematic classifications have been crucial in formulating questions in our in-depth interview schedule with key stakeholders in the Geelong region, while enabling us to examine the scope and public debate associated with the use of ID scanners as a targeted response to the problem of disorder in the night-time economy.

This phase of the study provides crucial information about the popular sentiment behind this technology, while offering a tentative profile of Australian venues that have invoked ID scanners since October 2004. Significantly, news items were classified according to prominent themes. Key thematic issues and number of Australian and international news items obtained between October 2004 and June 2010, are documented in Table 3.1

Table 3.2 is drawn from items in this press database that mention specific venues in each Australian state that have implemented ID scanners since October 2004. While this is by no means a complete sample of venues adopting this technology, Table 6 provides an indication of how ID scanners have begun to roll out as a principal method of regulating patron entry in Australia's urban and regional nightclub precincts in the past six years. It is clear from this data that ID scanners are rapidly becoming a preferred form of technology adopted by individual premises, or clusters of venues either linked through participation in a Liquor Accord or some other collaborative voluntary agreement.

Table 3.1. Breakdown of Media Reports on ID Scanners 2004-2010 by Subject

Issue	N
Scanners introduced to combat pub violence	87
Privacy issues	89
Biometrics	48
Scanners recommended by Government and/or Police	36
Critical of id scanners	37
Claimed to be part of a successful strategy	31
Scanner networks	29
Make scanners mandatory	30
Canadian legal developments/orders	20
Cost issues	3
Public perception	2
Id scanners in bottle shops	2
Total	414

Table 3.2. Venues Adopting ID Scanners in Australia by State (data are estimates gathered through various press sources as at June 2010)

State / Territory	First Introduced	Urban	Regional	Total Number of Venues
NSW	March 2006	7 (discontinued at one venue)	8	15
ACT	September 2008	1	-	1
Vic	June 2005	10	11	21
WA	November 2008	5		5
SA	October 2008	2	-	2
Qld	October 2004	14	14	28
Totals		39	33	72

In addition to the number of venues adopting ID scanners depicted in Table 6, their use in the Northern Territory has been pronounced. From February 2008, ID scanners were introduced in 25 bottle shops in Alice Springs and Katherine (Calacouras 2008). Since then,

'almost all Darwin pubs and clubs would bring in the scanners for the festive season' (Langford 2008), while several pubs in remote communities, such as Bathurst Island, have also introduced their own scanning systems (Northern Territory News, 2009). The following report provides one example of how ID scanners have become linked to liquor licensing conditions in the Northern Territory, to ensure venues are engaging in responsible alcohol provision to Indigenous populations.

> NEARLY one in three residents of a remote indigenous community have been banned from the town's licensed club.
>
> The Nguiu Club on Bathurst Island will be shut for four days in January and forced to install an electronic ID scanner because it breached several terms of its liquor licence.
>
> The club admitted several breaches, including serving alcohol to underage girls and people already intoxicated.
>
> The club's spokesman Les Oliver told the commission that measures were in place to control the impact of alcohol in the community - and the club had a "banned list" of 493 people … The club is restricted by its licence to only serve light and mid-strength beer to customers …
>
> The Licensing Commission ordered the club to be suspended for four days in the first week of January. And the electronic ID scanners must be installed by June 1, 2010 (Northern Territory News, 2009).

While this example is relatively stark, it is notable that the scale of formal banning associated with this venue is having a profound impact on this remote community. Importantly, by mandating the use of ID scanners as a condition of the venue's license, the Northern Territory Licensing Commission is demonstrating a strong view that this technology is appropriate and effective in keeping this venue accountable for its serving practices and the enforcement of its banning regime.

Most reports in this total sample highlight that ID scanners are an emerging technology offering the strong potential to combat violence in late-night venues and nightclub precincts. However, as the classifications in Table 5 illustrate, there is also the recognition of several problems associated with this technology, which are informing public discourse on its use. The following section provides a brief sample of reports under each of the main thematic headings where twenty or more articles were classified. This helps to illustrate how the print media is configuring the issues and problems associated with the introduction of ID scanners in Australian licensed premises. For the purposes of consistency, we have endeavoured to depict press reports specific to the Geelong region, although it is clear that the broader sample of reports under each thematic heading also contains reports on the roll out of ID scanners in other urban and regional centres throughout Australia.

Scanners Introduced to Combat Violence

The *Geelong Advertiser* has been instrumental in documenting a variety of initiatives aimed at combating a seemingly rising problem of violence in and around its nightclub precinct. In this respect, the introduction of ID scanners in Geelong is considered to provide a novel and landmark response, likely to be replicated in other locations where problems of violence characterise the night-time economy. Therefore, Geelong is pioneering the use of ID scanners as part of a broader series of concerted initiatives aimed at combating a problem indicative of most late-night economies in Australia and overseas.

Others follow city's anti-violence efforts

> CAPITAL cities throughout Australia and New Zealand are adopting Geelong's Operation Nightlife regime to curb alcohol-fuelled violence.
>
> Brisbane, Newcastle and Auckland have either implemented or are about to implement strategies based on the Geelong program, which was introduced as a zero-tolerance crackdown on street crime in January last year …
>
> Geelong police area manager Chief Inspector Wayne Carson said he, and others behind the city's sustained violence crackdown, were more than happy to pass on their advice.
>
> ``I think it's a credit to Geelong and the people behind this because we're leading the way ... We're certainly leading the way with ID scanners,'' he said.
>
> ``They've come to us and we're more than happy to share our success stories.'' … (Breen 2008).

ID scanners are also considered as a necessary response to preventing the continuance of a spate of serious violent incidents associated with the Geelong night-time economy. In this respect, ID scanners are viewed as one dimension of a more systematic 'crackdown' aimed at improving public safety and reducing the shocking frequency of violent incidents in the late-night entertainment precinct. Notably, only anecdotal evidence, rather than clear statistical data, provides empirical support for the claims of success associated with this multi-faceted 'crackdown'.

City violence crackdown pays off

> **A city rape which shocked Geelong 12 months ago has led to a range of security measures targeting violence …**
>
> IT's a year since two horrific incidents acted as the catalyst for a safety campaign to clean up Geelong's streets.

The Lt Malop St rape on December 1 and the gang bashing of Reagan Lewis, which left the 22-year-old on life support, prompted a community safety petition signed by more than 33,000 people calling for more police in the city's CBD.

No official police figures were available this week, but anecdotal evidence from the city's leaders suggests the level of assaults on our streets have dropped considerably since and there have been no reports of serious bashings in the CBD for several months.

A host of initiatives have been introduced in the past year including:

> OPERATION Nightlife which has led to increased police foot patrols in the CBD during peak times, radio communication between police, nightclubs, the safe city taxi rank and late-night food venues, ID scanners in nightclubs and increased camera surveillance;
>
> IMPROVED lighting in the CBD; and
>
> A REVISED liquor accord which has stamped out two-for-one drink deals, all-inclusive drink packages and drink cards at nightspots (McNamara, 2007).

Associated with this, individual venues are considered in taking the initiative in responsible patron management and violence reduction, by 'pioneering' the use of ID scanning technologies. In this respect, both individual venues and members of the local Liquor Accord, are applauded for their instigation of the scanner trial, to 'weed out' and ban 'trouble makers' intent on spoiling the reputation of the region's nightclub precinct, and the city's good name.

Geelong nightclubs crackdown on identity cards

PUB PIONEER: … (venue name excluded) was the first establishment here to install an ID scanner.

NIGHTCLUBS will be forced to install electronic identification scanners as part of Geelong's new liquor accord.

[The] … venue … was the first establishment in Geelong to install an ID scanner, while [two more venues] … have also trialled the equipment. The scanners were designed to help identify and weed out trouble makers.

[A Liquor Accord member] … said the permanent introduction of the technology into the city's nightclubs would improve safety for patrons, ``As far as I know, the [pioneering venue] … is the only one that has it fully up and running but everyone else looks like coming on board,'' he said.

``I think it will be good for the town and there's been a lot of positive feedback about it. The only ones that will have a complaint will be the ones on the banned list'' (Breen, 2007b).

There are two clear messages emerging in the connection between ID scanners as a prominent means of reducing violence. The first relates to the view that ID scanners are a 'necessary' innovation to combat a problem of alcohol-related violence in and around the Geelong nightclub precinct, which coexist alongside a number of concerted measures to enhance public safety. In this respect, the necessity of this technological innovation is self-justifying, even if there is only anecdotal evidence to endorse their effectiveness. Secondly, given the scope of the problem of alcohol-related violence on the local community, innovative measures such as ID scanners are deemed necessary and justifiable in the broader public interest. This ensures their widespread adoption, in the face of any proven reduction in reported incidents of violence, or any potential dilemmas associated with their implementation.

Privacy

The core criticism in press reports on ID scanners in Geelong and elsewhere relates to the vexing question of information privacy. This is considered the primary cost in juxtaposition to the benefits ID scanners promise in promoting good order in late-night venues. Privacy is also couched in terms of resistance to the infiltration of new technologies in regulating the night-time economy. This is demonstrated by the following report, which highlights the concerns of one individual on the problematic tension between the privacy and safety dimensions of ID scanning.

ID scan plan an 'invasion of privacy'

'It is a complete invasion of privacy and they obviously need more police and bouncers if it's such an issue.'

GEELONG residents have expressed their disgust at proposals to introduce hi-tech photo ID scanners in pubs and clubs.

The city's nightlife association revealed in yesterday's *Geelong Advertiser* that its members were investigating the possibility of installing new technology to photograph every patron's licence upon entry.

South Geelong resident Troy Taylor said his biggest concern with the proposal was that personal information could end up in the wrong hands.
``It is an invasion of privacy. You wouldn't feel comfortable with it because you don't know who's got your details and where they could end up,'' Mr Taylor said.

``They could even use it for marketing and I just think it opens up a can of worms'' (Breen, 2007a).

However, most of the reports in the Geelong region focusing on privacy documented very localised concerns over the potential privacy implications of ID scanning technology. Most related to the statements of nightclub patrons most likely to have their information scanned when attending venues.

At a broader level, the introduction of ID scanning technologies in other regions, such as Newcastle, has generated more emphatic criticism from senior privacy regulators. As the following report suggests, the potential for ID scanners to breach recognised state or federal privacy laws is a very real concern, which acts as a significant counterpoint to the potential benefits of these systems in reducing violence and anti-social behaviour in the night-time economy. Nevertheless, this article also points to public approval of the ID scanning system, which highlights the overall level of concern about alcohol-related violence overrides potential breaches identified by privacy regulators.

Right to privacy warning - Hot debate on scanners

> THE Privacy Commissioner has warned Newcastle pubs and clubs that use identification scanners on patrons to be mindful of privacy laws. Debate has raged over the topic since *The Herald* reported that the Cambridge Hotel, in Hunter Street, installed an identification scanner last week.
>
> ID scanning was covered under the *Privacy Act* and pubs had to ensure secure databases and that personal information was destroyed quickly, Privacy Commissioner Karen Curtis said.
>
> Information is kept by the venues for between 24 hours and two weeks.
>
> An online poll by The Herald showed that 66 per cent of readers were in favour of the use of ID scanners at Newcastle hotels.
>
> Almost 34 per cent said the scanners were too much like Big Brother.
>
> The first complaint about ID scanning was lodged with the Australian Privacy Commissioner in December 2001.
>
> Complaints have increased in the past 12 months.
>
> A study commissioned by the privacy office in 2007 showed that 18 per cent of Australians believed that it was acceptable for their ID to be copied or scanned when entering a hotel or club (Campbell, 2009).

The final context involving privacy issues is related to the possible roll out of ID scanners in state-sanctioned initiatives to curb alcohol-related violence. In this respect, the state

authorisation of any actual or potential roll out of ID scanning, either under liquor licensing laws or some other publicly sponsored administrative regime, is seen to outweigh privacy concerns. Again, the juxtaposition is between individual rights to have their information secured to conform to recognised privacy principles, and the state's obligations to ensure late-night venues maintain safe environments for patrons.

No licence, no drink Push to log patrons in pubs, clubs

> THE State Government is considering a Big Brother-style security scheme in which pubs and clubs log patrons' IDs on computer before they let them in the door.
>
> The measure, aimed at banishing violent drunks, is being adopted by more and more Victorian venues despite serious privacy concerns.
>
> Up to a dozen clubs and hotels from Bendigo and Bacchus Marsh to South Yarra are introducing the system, holding details for up to 28 days. The system has been successfully tested in Geelong, where up to seven venues are expected to sign up.
>
> The Australian Hotels Association said the idea was a practical way of tackling anti-social behaviour.
>
> ``Knowing there is a record of their attendance at the venue, available to the police, might encourage those bent on misbehaving to think twice,'' CEO Brian Kearney said.
>
> He said he had no evidence to suggest data was being misused or patrons' privacy breached (Whinnett & Butler, 2007).

The primary justifications for introducing ID scanners as a means of preventing violence therefore appear to significantly outweigh the concerns of individual citizens or authorities on privacy in the documented press reporting. The reassurance provided by proponents of these systems that privacy requirements are adhered to and data remains securely stored through these systems is noteworthy. This reassurance adds legitimacy to the use of scanners as a means of ensuring 'violent drunks' are 'banished' from the night-time economy. Nevertheless, beyond the assurances of information security, there is little additional evidence to suggest patron data is securely maintained through methods such as data encryption or off-site storage.

Biometrics

There is growing interest in media sources of the next generation of ID scanners, which are beginning to introduce biometric technologies including face-recognition systems. While there is an obvious titillation with the technical potential of new methods of scanning personalised data, there is also an undercurrent that some of these innovations are potentially invasive. Nevertheless, 'cutting-edge' security measures are again justified to

compete in a ‘war on thugs’, who appear to increasingly threaten public safety in the night-time economy.

> ***Saving face in war on thugs Nightclub goes for cutting-edge security***
>
> A MELBOURNE nightclub has installed facial recognition software to stamp out thugs and known troublemakers.
>
> Chasers nightclub in Chapel St, which already has metal detectors to screen patrons for weapons, believes the system is one of the first in the world for nightclubs.
>
> Management now wants the technology to be adopted in other nightclubs to create a security network.
>
> Assaults and violence around nightspots is increasing.
>
> The face-recognition technology was installed at Chasers on the weekend.
> It was bought after a chemical bomb was let off in the venue last year.
>
> On entering, patrons' faces are scanned by a camera and the image and driver's licence details are stored on computer for 28 days.
>
> Head of security Andrew McDonald said the system would work best in unison with other clubs, so that violent thugs can't move between clubs.
>
> The *Herald Sun* last month revealed that police want hi-tech ID scanning equipment installed at all late-night city venues (Johnston, 2009).

Police approval of these high-tech systems is significant, and appears to offer an additional means of offsetting any concerns over the privacy implications of newly emerging scanning technologies. In addition, there is the reassurance that data is protected through regular removal after 28 days, which helps to heighten the legitimacy of potentially intrusive facial recognition technologies, while validating their expanded use against criticism from privacy advocates. Again, the reference to ‘violent thugs’ further enhances the legitimacy of using experimental technologies in the night-time economy. This is taken further by the NightKey system, which uses biometric fingerprint scanning, matched to a scanned identity document at the point of entry into a licensed venue. This system has become a popular alternative to the security scanning system operating in Geelong and has greater storage capacity, even though efforts are made to conform to the recognised privacy requirement of 28 days storage.

ID fingerprinting - Scanner firm explains its `Big Brother' technology

NEW security technology that requests your personal identification details and a fingerprint can store the information for up to a year.

Options Tavern at Helensvale is the first venue on the Gold Coast to use the NightKey system that is in operation at 15 Australian venues.

Other Gold Coast pubs and clubs are considering installing the system, with some opting for an ID scanner only (without fingerprint scanning).

Yesterday, goldcoast.com.au readers expressed their concern about having their fingerprint scanned to get a drink.

NightKey managing director Mario Madaffari said the data, which included a copy of a patron's ID, their unique fingerprint-generated PIN and a photo, could be stored in the system's central server for a year.

Mr Madaffari said the venue could decide how long they wanted the information kept on file. At a person's request their data would be deleted after 28 days … (Bedo, 2009).

Beyond the Nightclub door: Extending Scanners

As several previously documented reports demonstrate, a central theme associated with the increased popularity of ID scanning technologies relates to the reported support for further use of ID scanners alongside other interventions and support for the spread of scanners beyond the nightclub entrance despite an absence of hard evidence to support their effectiveness. One example concerns the proposal to expand scanning deployed in late-night venues into other elements of the night-time economy, such as safe taxi ranks. Here, the implication is that the use of this technology can have a substantive effect in reducing violence and anti-social behaviour associated with entering and exiting entertainment precincts. Again, the Geelong initiative is the testing ground for a broader strategy to be implemented.

ID ticket to ride

THE Brumby Government and Victoria's peak taxi authority have backed a plan to force passengers show ID before entering a cab.

An identification scanner will soon be installed at a Geelong taxi rank to keep track of late-night revellers queuing for a ride home.

> The scanner will cost $14,000 to install and be manned by a trained security guard, who will be paid $200 a night to oversee its operation in the Friday-Sunday early hours.
>
> The extreme measure, backed by police and Geelong Council to increase driver safety and prevent fare evasion, may spread statewide if it proves successful.
>
> Chief executive Peter Valentine said he hoped the success of people showing their IDs at nightclubs could work in taxis (Rolfe & Campbell, 2008).

However, as the following report indicates, ID scanners are part of a coordinated package of initiatives aimed at controlling violence associated with the night-time economy. Therefore, while rolling out ID scanners in licensed venues and taxi ranks is considered a viable method of reducing alcohol-related violence, this initiative is also considered as part of a broader crackdown on activity within the night-time economy, working alongside restricted trading hours, venue lockouts, and other methods aimed at restricting the supply of alcohol. All of these methods have attracted considerable support. Notable in this report is the view that Geelong's ID scanner trial has already been declared a success.

> ## *Geelong MPs support nightclub lockout*
>
> **THE State Government will back Geelong's top cops if they want a nightclub lockout to end the city's grog-fuelled violence.**
>
> The Minister steering the Government's landmark alcohol reform strategy, Bellarine MP Lisa Neville, yesterday said she remained open-minded about lockouts for Geelong.
>
> Ms Neville said lockouts were still an option despite a raft of successful strategies, including ID scanner technology, already being used in the city.
>
> "If the police in Geelong believe that further action needs to be taken, including a lockout, then we would work with them to present a case to the Director of Liquor Licensing," Ms Neville said.
>
> South Barwon MP Michael Crutchfield also backed the idea of a trial (Whalley, 2008b).

Further possibilities for the extension of the ID scanners include the potential for police to be issued with mobile scanners, closely linked to increased responsibility to administer banning notices in designated precincts under liquor licensing legislation. Here, the linking of police technologies with the scanning systems deployed in participating venues appears to enhance the level of police surveillance and efficient patron monitoring in the late-night economy, while sending a deterrent message that tighter legislative controls on anti-social behaviour in the night-time economy can be more effectively enforced through scanning technologies.

Police get new weapon in fight against violence

Licensing and Public Order Sergeant Tony Francis said yesterday the new scanner, which helped police ban five people from the CBD for 24 hours on its debut last Saturday night, would be a huge boost for officers as they cracked down on booze-fuelled violence.

The scanner is operated from the back of a police van and linked wirelessly to photo ID scanners at licensed venues. Once police impose a ban and take the person's photo and scan their ID, they can immediately send all venues instant notification of the order.

"We now have a quick linkage into clubs ... within five seconds, we can inform all the pubs and clubs in Geelong CBD that a person is banned," Sgt Francis said.

"If we ban someone for the night and tell them to get into a taxi and go home, and they decide to sneak around the corner and try to get into a different club, their ban will flag up on the club's scanners and the club management will call us down to deal with them."

The scanner caters for both 24-hour bans, which are imposed for minor offences including drunkenness, urination and riotous behaviour, as well as long-term bans, imposed for serious assaults and damages.

Those who ignore the 24-hour bans face fines of up to $2200, while those who defy 12-month orders can be fined up to $6600.

Sgt Francis said prior to the introduction of portable unit, it would take police up to two hours to alert licensed venues of the bans via email, meaning offenders could often slip into different venues unpunished.

He said the unit would operate on a trial until the end of this summer, at which point it would be evaluated and most likely made permanent. He said the single scanner would also likely be expanded to two (Dickens, 2009).

Reports also indicate how ID scanners can facilitate the retrospective detection of offenders involved in violent activities within nightclubs. The following example was prominent in the Geelong media during late 2009, a time when holiday revellers are beginning to populate the beachside regions of south western Victoria. Interestingly, the venue in question pioneered the introduction of ID scanners in the Geelong region, only to opt out of the trial due to financial constraints in administering the system. This creates a message indicating that not only should venues opt into the system, but also by doing so they are helping police in the fight against violent offending in the night-time economy, while simultaneously invoking a technology that actively deters problematic behaviour by unruly patrons. Again, however, the deterrence value of ID scanners is based on speculation rather than substantive evidence.

… assault prompts club to install ID scanners

THE owners of Geelong's [name removed] nightclub are now "urgently" considering installing a computerised ID scanner, which could have quickly led to the arrest of a man who king-hit a 19-year-old student last week.

Police yesterday appealed for witnesses to the attack in the Ryrie Street bar early last Thursday.

In the meantime, they continue to review closed-circuit television surveillance footage from the venue.

"We believe there were 80 to 90 patrons who could have seen the attack, and we believe it's highly likely a number of people did," Det Sgt Rob Sodomaco said.

[A representative from the venue] says that, under former owners, it was the first in Geelong to trial the ID scanners.

"We've got new owners in the nightclub and they've been saying from day one that they've got to get the scanners," manager [name removed] said yesterday. "It's just been a matter of finance at the moment."

"I'm sure immediately after this weekend, it'll be a pressing issue for us. We've always been going to get them, so there'll just be a sense of urgency now."

"They're a very good deterrent" (Dorman, 2009).

Articles Critical of ID Scanners

A considerable number of reports suggest that ID scanners are a problematic technology that requires further careful examination before being adopted on a large scale. While reports critical of ID scanning technologies are comparatively fewer than those supporting this development, they do suggest there is robust criticism associated with their potential effectiveness, and awareness of various hidden costs of using technology to promote greater degrees of order in the night-time economy.

Fears criminals could exploit technology

PERSONAL information from identity scanners at clubs could be exploited by organised criminals or fall into the hands of terrorists, warns Labor MP Dean Wells.

In a written reservation in the report into alcohol fuelled violence, he opposes a recommendation which encourages further use of the ID scanners.

Mr Wells, who was a member of the report's committee, said widespread use of the scanners would be ``disastrous'' and would not prevent any additional incidents.

The member for Murrumba said collecting people's identity would lead to the unregulated creation of blacklists, which could be sold to terrorists groups, advertisers, or obtained by employers or real estate agents.

He also said organised criminals with control or influence in a night club could use the technology to commit home invasions.

``(They) could determine when a home or business was empty, and have a group of associates ready to rob the place, secure in the knowledge that the owners or residents were out,'' he said.

Mr Wells also expressed concern the blacklist would not contain any details of the alleged offence, so those on the list would have no method to contest their listing (Gregg, 2010).

Interestingly, while such concerns are viable, there have been few articles in Geelong newspapers that contest ID scanning strategies with such rigour. More common are articles highlighting that Geelong's ID scanning initiative is at the cutting-edge of reducing alcohol related violence and disorder in the CBD nightclub precinct.

ID Scanners as Part of a Successful Crime Prevention Strategy

The following article highlights how ID scanners are viewed as a successful initiative in assisting with the formal processing 'troublemakers' through the criminal courts. As such, discourses linking the use of technology with more effective and punitive policing methods, particularly against young nightclub patrons or 'students', help to reinforce the success of this technology in detecting and punishing wrongdoers for problematic or anti-social behaviour.

More than 50 convicted for disgraceful behaviour City centre shame

MORE than 50 troublemakers have permanent convictions against their names after getting fined for alcohol and anti-social behaviour offences in Geelong's city centre last month.

Acting Sergeant David Campbell, of Geelong police's new Licensing and Public Order Unit, warned new powers meant an increase in fines for bad behaviour on the street.

He said most of the fines were given to students or people aged between 18 and 25 and, under the new powers, they now automatically had a conviction against their name when fined for riotous or offensive behaviour or liquor licensing law breaches.

Sgt Campbell said the number of fines issued was increasing because police could now issue a fine for riotous behaviour whereas in the past offenders had to go to court.

It also meant officers' time was not tied up processing the court paperwork. ``It takes five minutes of their time now, not two hours doing the paperwork for every breach,'' Sgt Campbell said.

Sgt Campbell said the ID scanners used at nightclubs had also led to more fines, with police now able to chase offenders the following week if not caught on the night (Tucker, 2009b).

In this respect, ID scanners help to enforce legislatively mandated banning orders in declared nightclub zones throughout Victoria. Under the *Liquor Control Reform Amendment Act* Victoria (2007: Part 8A) a banning notice and exclusion order regime operates in designated areas with high concentrations of licensed venues. In principle ID scanners provide one way of aiding in the enforcement of the 2 492 banning notices issued between December 2007 and January 2010 (The Premier of Victoria 2010). At present Victorian legislation is silent on the use of ID scanners to enable licensed venues to assist with this enforcement regime, with 'effective and efficient enforcement of the notice or order' currently undertaken by manually circulating the banning notice or court order along with a printed photograph of the person subject to the ban to each licensed venue in the designated area (*Liquor Control Reform Amendment Act* Victoria 2007: ss 148C(i)-148P). Thus, the Geelong ID scanner trial is now touted as leading the way alongside a host of related initiatives aimed at increasing public safety, and more efficient prosecution of those subject to the banning order regime.

Latest nightlife plan gets Govt tick

Crowd numbers have been reduced by 25 per cent, the venue will now close at 2 am and glasses and bottles have been banned. And about time.

That worrying scenario is the backdrop to the latest initiative by Geelong Police and The Geelong Advertiser in its Just Think campaign to bring safety back to Geelong's nightlife. The latest nightclub Tick of Approval accreditation scheme has been given the official thumbs up by the government and the police as the next step in making our streets safe.

… the Just Think campaign has been hailed as a blueprint for regional Australia and for major suburban venues.

> Geelong now leads Australia in the initiatives which have been taken to curb the violence and binge drinking. We now have ID scanners, a pact on mixed drinks prices, stand-alone radio, increased security and safe taxi ranks (Geelong Advertiser, Editorial, 2009).

In light of this 'success' each additional report of a 'violent thug' being processed under the banning notice scheme adds weight to the effectiveness of each measure introduced to regulate the night-time economy. Thus, ID scanners are part of a coordinated effort to stamp out violence and antisocial behaviour in Geelong's nightclub precinct, with formal reports emphasising the successful prosecution of individuals as the primary benchmark for the success of this package of initiatives.

Thug banned from Geelong city night spots for a year - Publican enemy No.1

VIOLENT thug Joseph Lichstein is the first person banned from entering Geelong's CBD and nightclubs for an entire year.

His mug shot was emailed to publicans last week and they were told to call police if they saw him.

Lichstein's details have been stored on a database that will be linked to ID scanners in a bid to prevent him flouting the flaw.

The 19-year-old glassed a [nightclub] patron in March this year just weeks after being handed a suspended jail sentence for a serious assault at the Geelong Cup last year, where he kicked his victim to the face, fracturing the 41-year-old's eye socket.

He was last month sentenced to nine months in a Youth Justice Centre.

``We want to get known assailants out of our hotels and keep them out,'' Insp Malloch said.

``If they don't have commonsense and can't do the right thing, we don't want them in our nightclubs and hotels.''

Geelong Nightlife Association president [name removed] said some pubs, clubs and bars would continue to ban Lichstein entering their premises after his official ban ran out.

``It is these repeat offenders we want to get out of the city,'' he said.

``I think most venues will maintain the ban because we don't want people like this at our venues".

``There has always been a small percentage who do this sort of thing and we want to make that percentage even smaller.''

The State Government agreed last year to allow Geelong police to ban troublemakers from entering the entertainment area for a minimum of 24 hours and up to 12 months for extreme cases (Devic, 2009).

The efficiency with which information can be accessed through the Geelong ID scanning system is also testimony to its impact in the fight against nightclub violence and serious crime. The following example reinforces how use of this technology can promote greater efficiency in criminal detection when a serious incident is reported to police. Such successes simply reinforce the effectiveness of ID scanning measures despite any criticisms or absence of strong data on their ongoing benefits in reducing alcohol related violence.

Police claim victory over violent nightclub attack

POLICE claimed a victory against night-time violence when a nightclub attacker was arrested with the help of an identification scanner.

The new technology allowed police to arrest a 19-year-old Leopold man within minutes of an alleged attack inside Room 99 about 12.15am Sunday.

He said the victim identified the attacker from information stored on a database using the idEye - also known as an ID scanner - which captures patrons' licence details and photograph upon entering the venue.

``The victim was able to look at the photos before he was carted off in the ambulance,'' Sgt Maxsted said.

``Police later found the offender on James St, possibly trying to get into another nightclub.''

Chief inspector Wayne Carson said it was pleasing to see the scanners were a success so early on in the trial.

[Another venue] owner [name deleted] was thrilled with the outcome of yesterday's incident, labelling the new technology a success.

``It was absolutely sensational. Within 16 minutes the guy was caught. It took two minutes on a scanner to find him,'' … (Unknown author, 2007).

Scanner Networks

In the initial stages, the seduction of networked technology to prevent the entry of ‘aggressive grog-fuelled yobbos’ from Geelong’s night-time economy was widely publicised

in the local media. This ensured that ID scanners always had the potential to be viewed as a positive intervention, specifically wedded to the use of an innovative new technology in the fight against late-night violence.

Computer system could hold key to Geelong's violence problem

> TECH-savvy cops would be able to block aggressive grog-fuelled yobbos from entering the city's bars, clubs and nightspots under a cutting-edge security system concept. The computerised security system would allow police to throw a digital dragnet over the city and warn venues not to allow troublemakers to boozie in major CBD hot spots. Security expert [name removed] recently briefed police on the new system and they are considering it. Individual nightclubs already have it in place but advocates of the ID scanner technology say it would become more potent if police also adopted it. In a version of the system introduced last year, patrons present ID at venues before entering and are digitally registered (Whalley, 2008a).

The seduction of new technology in the Geelong region translates into other environments where alcohol related violence has appeared to confound various attempts at harm reduction. Associated with the perceived benefits of this technology is the capacity to network data obtained through integrated systems, to generate a holistic information database to be shared throughout venues participating in the night-time economy.

High-tech thug screen

> A NETWORK of identification scanners could become the latest weapon in Melbourne's fight against alcohol-fuelled violence. Venue owners have volunteered to install the devices, costing up to $12,000, in a bid to end Melbourne's 2am lockout and save the city's international reputation as a place to party. Calls for the scanners and other measures including more stringent training for bar staff surfaced at a public meeting last week. Association of Liquor Licensees Melbourne spokesman Vernon Chalker said the scanners would weed troublemakers out of Melbourne's nightlife. ``If you network all the venues together with their ID scanners and someone has been excluded from a venue or they are part of a rowdy group, you have an opportunity to let other venues know via the network,'' Mr Chalker said (Heard, 2008).

The efficiency promised by networked scanning technology, and in particular biometric scanning, is also considered to aid in the formal enforcement of banning notices. This indicates that police are likely to hold a favourable view of networked scanning technologies to enhance their enforcement functions.

Nightclubs want 'fingerprint entry' to keep thugs out

HOTELIERS are looking to bulk-buy fingerprint scanning technology that could connect Perth nightclubs and late-night bars to keep out known thugs.

If a troublemaker tried to enter any venue -- and was caught out by a scanner -- all other venues would be alerted.

Police said they would begin issuing prohibition orders to ban criminals and known troublemakers from licensed venues.

That announcement, by Police Commissioner Karl O'Callaghan, followed a report in The Sunday Times last weekend that revealed police had issued no prohibition notices at all, despite having the power to do so for two years (Robinson & Lampathakis, 2009).

Mandatory Roll-Out

Perceptions of the effectiveness of Geelong's ID scanning system have generated several calls since its introduction in 2007 to make this technology mandatory for all late-night licensed venues. This view is promoted through participation in the voluntary liquor accord, which is seen to establish an improved standard for collaborative problem solving to improve safety in the night-time economy. The voluntary participation in accord agreements underscores a more pervasive influence it has in setting consistent standards for combating alcohol-related harm and responsible alcohol provision in each region.

Geelong's liquor accord forces clubs to install ID checks No scan, no clubbing

NIGHTCLUBS will be forced to install electronic identification scanners as part of Geelong's new liquor accord.

The introduction of the IdEye machines is set to be signed off on by the city's licensees when the Geelong Nightlife Association meets on Tuesday.

Under new state laws, all licensed venues are required to adhere to conditions laid down in their local liquor accord, effectively making the introduction compulsory (Breen, 2007c).

The perceived success of the ID scanner trial has also led to calls for these devices to be mandated throughout the Geelong region. This invariably leads to considerable approval for the initiative, and greater networking across late-night venues, to curb alcohol-related violence.

Leading by example Plan to help make city safer

GEELONG police chief Inspector Wayne Carson has praised a plan by some of the city's brightest young business leaders to make the city safer.

A Committee for Geelong young leaders program research group yesterday unveiled its ``Creating a Vibrant and Safe Geelong Night Life'' concept, which included a recommendation to make ID scanners mandatory in the city's nightclubs.

Insp Carson said the group's recommendations, presented at a business breakfast, made sense, including:

LINK the ID scanners to police and between nightclubs to prevent evicted patrons entering another venue … (Tucker, 2009a).

Financial Cost

Owners and managers of licensed venues are likely to be concerned over the potential financial costs of installing and maintaining ID scanning systems. A sample of articles in Geelong and other regions where ID scanners have been invoked point to the financial outlay associated with implementing this technology. Particular concern emerges over the initial expenditure required to implement a scanning system. This concern is likely to be magnified if scanners become mandated under relevant liquor licensing legislation.

Liquor industry says yes Support for use of ID scanners

THE use of identification scanners at the doors of Gold Coast pubs and clubs could soon be widespread.

The Liquor Industry Consultative Authority is investigating whether to install the controversial technology - which scans IDs on entry to venues - to tackle violence and under-aged drinking.

LICA board member Jim Bell said the plan had the overwhelming support of the authority's members, which number more than 250 venues.
But the cost of installing the scanning technology could be a stumbling block, with the machines believed to cost $8000 to $13,000 each.

``We have to look at getting some costings and to make sure the system works,'' said Mr Bell.

``I believe it's not cheap . . .” (Gladman, 2008).

Despite the initial outlay, the following article juxtaposes the financial costs against the problems associated with rampant violence in Australia's night-time economies. The inference, therefore, is that any problems associated with the financial costs of establishing an ID scanning system at each premises, will be offset by its effect in curbing violence in late-night venue precincts.

ID scanners a must for our clubs

> WHAT a shame that nightclubs are baulking at a sophisticated ID scanning system which is having a tangible impact on curbing violence in areas such as inner Melbourne, Geelong and Coolangatta.
> For some weeks now, residents have been shocked at the random violence that is making it unsafe to walk the streets of Townsville after dark.
> Unprovoked attacks, knifings, sexual assault, road rage, murder . . . the list of unsavoury crimes goes on and on and police seem powerless to bring it under control.
> For the nightclub strip, aggression and violence go hand in hand like rum and Coke. Earlier this week, we reported on a group of about dozen troublemakers, dubbed `the dirty dozen', who are simply terrorising patrons (*Townsville Bulletin,* Editorial, 2009).

Media Reports on ID Scanners in Geelong

Between 19 January 2007 and 20 February 2010, the notable feature of media reporting on ID scanners in the Greater Geelong region is the absence of substantive criticism of this initiative. Of the overall sample of 414 news items on ID scanners between 2004 and 2010 from around Australia examined for this research, only 27 (6.5%) were found in the region's main daily newspaper *The Geelong Advertiser*, or regional weekly news sources in the Geelong and Surf Coast areas. This finding is particularly surprising given the significance of the rollout of ID scanners in the Geelong Central Business District as a key method in reducing alcohol-related violence.

The initial reaction to the proposed introduction of ID scanners generated some resistance or 'disgust' amongst Geelong residents. According to locals interviewed by Breen (2007b), the immediate concern involved the potential invasion of privacy associated with ID scanning as a condition of entry into the region's licensed premises.

> "Its an invasion of privacy. You wouldn't feel comfortable with it because you don't know who's got your details and where they could end up … They could even use it for marketing and I just think it opens up a can of worms".

These views were echoed by the comments of another concerned resident expressed in the same article. Interestingly, this comment suggests the question of information privacy appears to override the perceived benefits of ID scanners in promoting greater security in

and around licensed venues, where improved human security in the form of more police or security guards was considered more appropriate.

> "I just think it's a ridiculous idea. It is a complete invasion of privacy and they obviously need more police and bouncers if it's [violence] such an issue, rather than invade the privacy of innocent patrons" (Breen, 2007b).

However, the initial proposal did have some qualified support. The following male resident suggested ID scanners had the possibility to be of some benefit, provided they were used "just for security, in regard to tracking known offenders" (Breen, 2007b).
As the ID scanner trial proceeded in 2007, local media reports recognised the "controversial" nature of the technology (Gladman, 2007), but also highlighted its benefits. At the commencement of a "four-to-six-week blitz" where the technology was to be trialled, one CBD licensee indicated the pilot had produced instant benefits, as 'a handful of people who threatened to cause trouble decided to leave the venue instead *because their details had been recorded*' (Gladman, 2007 emphasis added). In this report, the success associated with the technology was also conveyed in several additional ways. These included the volume of "(m)ore than 1400 patrons … scanned as they entered" (the venue), the venue manager's comments that the technology "worked well because the night went without incident", the benefits of sharing information between venues "to ban known troublemakers and underage drinkers", the limited inconvenience to patrons as "(t)he scanning technology takes about five seconds to scan identification" at the point of entry, and the absence of any "objections to it". This article concluded with reassurances that ID scanning was intended to ensure "people [were] more accountable" for their behaviour, and "venues would not use information obtained … for marketing", thus allaying previous concerns documented in the *Advertiser* surrounding the potential for data misuse.

Six days later the first substantive "victory against night-time violence" was reported "when attacker was arrested with the help of an identification scanner" (*Geelong Advertiser*, 4 June 2007). The assault was particularly serious, with the victim sustaining "a broken jaw and fractured left cheekbone". Of particular note is the depiction of the technology's efficiency in producing a positive identification of "the guy" in "two minutes", and his subsequent apprehension by police "within 16 minutes" while "possibly trying to get into another nightclub". A senior police officer interviewed in the report described the process of apprehension.

> '… [T]he victim identified the attacker from information stored on the database … which captures patrons' license details and photograph upon entering the venue. "The victim was able to look at he photos before he was carted off in the ambulance … There was no video surveillance of the incident so the (ID scanner) system really paid off" (*Geelong Advertiser*, 4 June 2007).

The regional Chief Inspector was happy with this 'success so early on in the trial', and used this case as the basis for recommending its installation "in all nightclubs".

No further articles document the piloting of ID scanners in Geelong. On 12 October, the chronology of media reports shifted to the adoption of ID scanners as part of a new Liquor

Accord, which was to be binding on "all licensed venues" under new state legislation (Breen, 2007a; 2007c). This would effectively ensure ID scanners would be "compulsory" for all venues participating in the Geelong Accord. While reiterating how scanners obtain and store patron identification details, the article indicated widespread endorsement of the technology amongst most licensees within the CBD, as well as "a lot of positive feedback" from people within the region save for "the ones on the banned list". Smaller venues would not adopt the technology, but would participate in the use of a "two-way radio network that keeps the city's pubs and clubs in touch with each other and with police". This report contained no public criticism or concerns associated with the technology. A subsequent report indicated the implementation of the technology would be delayed "to allow the city's nightclubs time to implement the technology for an official launch" (Breen, 2007d).

The twelve-month anniversary of the December 2006 rape provided the catalyst to reflect on the range of initiatives that had been introduced to minimise alcohol-related violence in the Geelong CBD (McNamara, 2007). Despite the lack of police data to support the success of ID scanners as part of a coordinated and multi-pronged 'crackdown' on violence, 'anecdotal evidence' on the reduction in 'serious bashings' reinforces the merits of ID scanners, again without any countervailing criticism or concerns over their implications for compromising the privacy rights of patrons. This uncritical acceptance of the 'success' of ID scanners extended into reports throughout 2008, with other Australian and New Zealand cities reported as drawing on the model adopted in Geelong to combat their own problems of violence in late-night venues (Breen, 2008).

Between 2008 and February 2010, this trend in accepting the merits of ID scanning in the Geelong CBD and surrounding regions continued. For example, a report on 1 May 2008 documented the introduction of ID scanners at a venue in Colac, which would 'reduce anti-social behaviour', 'deter guests from misbehaving', 'eliminate underage patrons', and prevent the arduous task of 'hunting through hours of (cctv) footage' by enabling 'all hotel staff' to 'identify prohibited patrons' (Paton, 2008a). This article predicted the networking of scanners across other venues in the Colac region 'and across the state', which would enhance the capacity of police to 'solve street crimes'. The 'success' of the scanner in positively identifying one particular offender, underscored a slight rise in 'street assaults' in the region when official Victoria Police crime statistics were released in August 2008 (Victoria Police, 2008).

On 6 May 2008, *The Geelong Advertiser*, indicated 'tech-savvy cops' would be able to access the system in the Geelong CBD, 'to block aggressive grog-fuelled yobbos from entering the city's bars, clubs and nightspots' (Whalley, 2008a). Police had been briefed on the merits of participating in the new 'digital dragnet' to enhance their capacity to enforce "24-hour bans across all venues". This would ensure Geelong remained well 'ahead of the alcohol lockout system [adopted] in Melbourne' and Bendigo. In fact, Bendigo's lockout trial, which was introduced at the same time ID scanners were introduced in Geelong, had been 'trumped' by Geelong's 'technological solution', which had produced 40% reduction in assaults, compared with the 25% over the same period. However the source of these statistics is not cited.

On 6 May 2008, reports indicated one of the Geelong CBD nightclubs was 'urgently' considering reintroducing ID scanners after a change of ownership and the financial costs associated with their upkeep led to their abandonment. A Deakin University student sustained 'a badly broken jaw in the attack', which surgeons corrected by inserting 'a permanent steel plate under his chin' (Dorman, 2008). As the victim could not remember the incident, it was suggested an ID scanner '*could* have quickly led to the arrest' of the offender (emphasis added). Without the scanner, police were forced to review cctv footage of the incident, but were confident of eventually detecting the offender as "80 to 90 patrons" were likely to have seen the attack. The new owners of this venue recognised the "urgency" of installing scanners after this incident and its surrounding publicity, and endorsed the value of the technology as "a very good deterrent" (Dorman, 2008). Articles such as this supplement the overall view that ID scanners are a necessary tool for licensees to adopt, which is further supported by reports in Geelong and other neighbouring regions highlighting the efficiency with which the technology can produce accurate records of the "address and photo" of suspects involved in violent activity "within about five minutes of being informed" by police (Paton, 2008b).

The 'success' of ID scanners was also seen to prompt a variety of additional measures to curb 'grog-fuelled violence' that were being trialled in other Victorian locations and had endorsement from state politicians in the Geelong region. These included a proposed venue lockout policy (Whalley, 2008b), which was ultimately rejected as a requirement under the reformed Liquor Accord. However, licensees in neighbouring Surf Coast regions of Torquay and Lorne were reluctant to introduce ID scanners, remaining content with existing cctv arrangements and lobbying 'for more police and government funding' to deal with any alcohol-related disorder on their premises during major events, such as Schoolies Week (Devic, 2008a). One licensee expressed willingness to trial ID scanners but was concerned about "privacy issues which prohibit us using the devices" (Devic, 2008a). In this case, "more police, including undercover police", along with "more youth workers and and (sic) shire services with extra rubbish clean-up" were considered more important initiatives, provided adequate state or federal government funding was made available. Nevertheless, less than three months later another licensee in the same region endorsed the use of ID scanners based on positive reports of their use in Geelong (Tickell, 2008). In this report, similar themes to those appearing in the Geelong media regarding over the capacity of this technology to 'stop problems' and 'send a message to patrons that they must behave' were supplemented with the "positive reaction from [other] hotels who are already using the system". While there are no details on which Surf Coast hotels would adopt the technology, it was proposed the scanners would be used alongside "closed-circuit television and police presence to stop violence on the Surf Coast, especially during busy periods including schoolies and Christmas" (Tickell, 2008). The introduction of ID scanners would also help "weed out the toolies" (Paton, 2008c), who were considered a major threat to the safety of young people. By 20 November, reports documented a range of new measures to improve behaviour at Schoolies and Christmas events, such as increased fines for 'offensive behaviour, including urinating in public or offensive language', bans on smoking on beach areas, an increased police presence, and the use of 'colour-coded wrist bands' to link Schoolies to their accommodation arrangements. These would ultimately be introduced alongside ID scanners to 'photograph party-goers' as they entered the local pubs (Devic, 2008b). This combination of initiatives sought to ensure the identification of 'drunk

patrons', while helping to 'reduce violence', 'deter underage drinkers' and 'identify repeat offenders' (Paton, 2008c; Devic, 2008b). The message was clear: "If they muck up, they're going to get the book thrown at them" (Paton, 2008c).

By August 2008, several reports citing the approval of ID scanners by senior police coincided with proposals for tighter legislative powers to enforce zonal bans in the Geelong CBD region and other nightclub precincts throughout metropolitan Melbourne and regional Victoria (Adam, 2008). These bans had the potential to be more effective in Geelong than in Melbourne, due to the "smaller area" where it is "easy to recognise offenders, especially with the help of ID scanners" (Adam, 2008). The banning notices would become part of the coordinated strategy centred on the 'untried network of ID scanners' already in place (Oates, 2008). Bans without the additional enforcement capacity of electronic scanning had been successfully piloted in Melbourne, with '150 troublemakers' being banned since New Year's Eve (Adam, 2008).

> "After the introduction of the ID scanners there have been very few assaults, touch wood, but we hope they decrease even more. We don't anticipate many (ban notices) in the early days because [police] members have to undergo training and learn what powers they have, but during the next couple of months we will be rockin and rollin" (Adam, 2008).

As proposals linking ID scanners to banning orders developed, it was suggested 'venue security guards would [be able to] access key information on club-goers' to ensure those with 'a history of violence, or drunk or disorderly behaviour, would be refused entry' (Oates, 2008). The workings of the system had been discussed between senior members of the liquor industry participating in the Geelong Liquor Accord, the City of Greater Geelong and local police. The prospect of life bans and the networking of scanners across the venues was viewed favourably by the local Chief Inspector, but some licensees were concerned about the reluctance of some venues to participate in Accord discussions or endorse the networking of their technology. However, by 8 September 2009 the banning of '(v)iolent thug Joseph Lichstein' from the Geelong CBD and nightclubs for 'an entire year', highlighted the value of the ID scanning system as an enforcement mechanism directed at known 'hooligans renowned for assaults and drunken behaviour' and 'drunken thugs … spilling blood on the streets', rather than a simple deterrent against violence and anti-social behaviour. Lichstein was sentenced to nine months in a Youth Justice Centre after glassing a patron in a Geelong night-club (Devic, 2009a). He was previously convicted and received a suspended jail sentence after fracturing the eye socket of another race-goer at the 2008 Geelong cup. A breach of his court order would attract a $6,600 fine if Lichstein was detected 'setting foot in the city centre' during the twelve-month ban. Lichstein's 'mug shot was emailed to publicans last week' and his personal details were 'stored on a database that will be linked to ID scanners in a bid to prevent him flouting the flaw (sic)'. The introduction of a portable police scanner would further assist in informing venues of 'drunks and thugs' receiving 24 hour bans 'for minor offences including drunkenness, urination, and riotous behaviour', and longer-term bans 'for serious assaults and damages'. This development adds further weight to the perceived value of ID scanners as a necessary law enforcement tool (Dickens, 2009).

By March 2009, it was clear that ID scanners were one of several 'defensive measures' that had produced 'a reduction in serious assaults and anti-social behaviour' in the Geelong CBD region. Other initiatives included '… a pact on mixed drinks prices, stand-alone radio, increased security and safe taxi ranks', the involvement of Geelong AFL footballers in the 'Just Think campaign' and the Tick of Approval nightclub accreditation scheme (Editorial, 2009). Therefore, it is clear that ID scanners were part of a multi-faceted approach aimed at ensuring the safety of patrons attending late-night venues in the CBD area. By June 2009, local Young Leader's program proposed the further expansion of these initiatives by mandating the use of ID scanners throughout the CBD (Tucker, 2009a). Alongside a more diverse range of roving street entertainment and food services, young people participating in this initiative saw mandatory scanning as a way to further improve venue safety and enhance the culture of the nightclub precinct. Reports of '(m)ore than 50 troublemakers' receiving 'permanent convictions … for alcohol and anti-social behaviour offences in Geelong's city centre' in May 2009, highlighted the value of ID scanners in generating 'more fines, with police now able to chase offenders the following week if not caught on the night' (Tucker, 2009b). These statistics reinforce the 'success' of ID scanners in allowing nightclubs to 'weed out troublemakers' (Craven, 2009). In addition, the use of ID scanners was considered less 'drastic' than measures introduced in other regional centres such as Newcastle, which included 'a 1am lock-out, no pre-mixed drinks and shots after 10pm, … no more than four drinks to be sold at a time per person … and liquor sales stopping 20 minutes before closing time' (Devic, 2009b).

Despite the overwhelming tenor of support and effectiveness associated with the introduction of ID scanning in Geelong, the use of enhanced computerised surveillance appears to have had only limited impacts on the level of fear amongst Geelong residents. In a survey conducted by the *Geelong Advertiser* reported on 20 February 2010, '(a) vast 85 per cent of readers think Geelong is not a safer place than it was five years ago' (Meade, 2010). Those completing the survey also indicated that 'police need more power to fight crime'. Interestingly, while the statistics are not detailed, there is a suggestion that 'the Geelong region's total crime rate has increased by more than 5 per cent', despite a 'the statewide average of crime reduction at nearly 2 per cent'. This indicates that even with the introduction of 'ID scanners and increased camera surveillance in nightclubs', and the various 'success' stories associated with these and the range of allied safety measures reported in the local media since January 2007, readers remain to be convinced that substantive reductions in alcohol-related violence are occurring, despite periodic reassurances to the contrary by venue licensees and senior police.

Discussion

This brief summary of press reports examining the phenomenon of ID scanners in late-night licensed venues highlights several themes. While there is acknowledgement of potential problems associated with these systems, including their privacy implications, the specific dimensions of these issues are seldom detailed in press reports, and are significantly offset by depictions highlighting the effectiveness of this technology in preventing alcohol-related violence. Of particular relevance is the characterisation of the threat associated with

'yobbos', 'thugs' and 'trouble makers' within the night-time economy, and the actions of these people in 'terrorising patrons' simply wanting to go out for a good social time. In this emotive context, ID scanners are likely to meet with considerable public approval, because they are one of several possible methods aimed at countering an endemic threat that undermines social order in environments that have been traditionally very difficult to control.

This is particularly evident in the reports from Geelong daily and weekly press sources. Not only is there a proportionately limited number of reports dealing with the introduction and expansion of ID scanning technology compared with its treatment at a national level, but the level of public concern over privacy issues is also subordinate to the overwhelming emphasis on the effectiveness of this technology in reducing anti-social behaviour, violence, 'hooliganism' and underage drinking. The dominant discourses in the Geelong press tend to accept the value of ID scanning prior to any formal evaluation of their direct impact in deterring or minimising the extent of these behaviours. Nevertheless, the fear of violence in the Geelong region appears to be stable.

Within this series of dominant discourses about the effectiveness of ID scanners, particularly in the Geelong region, a further discourse relates to the benefits of this technology in enhancing conventional policing investigations and preventative initiatives. While further analysis of this issue is required, it is clear that Geelong police favour the roll-out and potential mandatory implementation of ID scanning technologies to facilitate the enforcement of new legislative powers governing banning and exclusion orders. However, the immediate effectiveness of scanners as the primary method of preventing violence in the night-time economies of Geelong and elsewhere is assumed, rather than supported with hard data. Although each successful prosecution and CBD ban feeds in to a general public discourse that favours ID scanners as a positive development, the 'signal' (Innes, 2004 a; 2004b) that this intervention has 'successfully' minimised the persistence of alcohol-related violence in the Geelong night-time economy remains to be substantiated, despite the periodic reassurances to the contrary by venue licensees and senior police.

Finally, this detailed overview of general and regional media depictions of ID scanners have more profound implications on the adoption and continuance of this strategy to minimise violence in the Geelong region. By emphasising the merits of ID scanners with limited criticism, press reporting is stifling broader resistance to the technology and any potential negative effects it might generate. Therefore, in the quest to ensure more security in the night-time economy, privacy is an expendable commodity that does not warrant serious public debate or critique. As such, any failure by late-night venues to buy-in to the ID scanners trial, the Liquor Accord, or the expansion of this strategy, automatically becomes equated with a lack of concern in dealing with alcohol-related violence and anti-social behaviour. By extension, any public criticism of ID scanning that focuses on the potential harms associated with the mass gathering of personal data, its storage and its dissemination for the noble ideal of reducing alcohol-related harm in public spaces is equally considered to compromise the overall mission of promoting a safer Geelong. This has two key implications. First, it suppresses criticism of the impact of a technology that appears to have proven results each time a person is detected via this system, thereby reinforcing its benefits, necessity and normality in regulating all patron behaviour in the Geelong night-

time economy, regardless of whether it is for the purposes of promoting improved patron behaviour through its deterrence value, or ensuring more efficient fine enforcement and associated bans within the CBD. Second, it reinforces the appropriateness of the rollout of this strategy at the expense of initiatives adopted in other regional and metropolitan areas that might have a discernible and positive impact in reducing alcohol-related disorder. This combination of factors has significant bearing on the adoption and normalisation of the ID scanners policy in Geelong after the initial pilot, because the overwhelming emphasis in the local press on the benefits of this 'digital dragnet' not only stifle public criticism of this initiative, but do so in a way that sees any countervailing harm reduction strategies as inferior and inappropriate to the self-reinforcing 'successes' of the Geelong experiment.

Chapter 4

Legal and Research Data

The previous chapter demonstrates that media reports on ID scanners in Australia view this technology highly favourably, through a combination of overt support in cases where scanners have been instrumental in apprehending a person suspected of violent offending, or more nebulous and tacit endorsement. However, these favourable discourses are not supported with empirical evidence that validates a causal relationship between ID scanning and reduced violence. The perceived benefits of this form of technology in combating or removing violence from the night-time economies of Australia are underscored by a more complex series of issues associated with privacy, data management and access, which are notably absent in much press coverage of this technology in the Geelong region. While press reports do recognise these important issues, there is a general sense that the emergence of ID scanners as a popular and efficient social ordering mechanism has outstripped the level of research into the various facets of their use. This is confirmed by the distinct lack of Australian and international scholarship on the use and effectiveness of ID scanners in minimising alcohol-related harm in the night-time economy.

This chapter draws on available international research and government commentary that relates to the emergence and viability of ID scanning in late-night entertainment venues. From the outset, it is important to stress that targeted research on this issue is scant. However, the critical examination of ID scanners is on the political agenda in both the United States and Canada, and has met with some resistance from privacy advocates, especially in the Canadian context.

In the United States, there has been limited critique or research undertaken on the issue of ID scanners, but those studies that are available paint a very negative picture of the regulatory climate governing their use, and the practices of data storage in licensed venues. In addition, the phenomenon of 'privacy ambivalence' suggests that members of the public attending late-night venues where scanners are deployed are unlikely to hold critical views that challenge their efficacy. In other words, the limited United States evidence demonstrates that venue patrons view ID scanning as a normal part of their engagement in the night-time economy, despite regulatory uncertainties associated with data storage, management and use.

Canadian research is equally scant on the issue of ID scanners. However, Canadian Federal and Dominion privacy laws provide arguably the most useful source of data highlighting the privacy implications of this technology. The three rulings documented in this chapter have been extremely useful in informing our own understanding of the privacy implications of ID scanners deployed in licensed venues. While the Australian privacy law structure differs from the Canadian model, it is useful to note how the various concerns raised in the key

privacy rulings on this technology might inform the various regulatory options to be adopted in light of the Geelong ID scanner trial.

There are two points of significance from this examination of comparative developments in the deployment of ID scanners in overseas contexts. The first relates to the various clues or markers of emphasis for current and future research relating to this technology, its uses, and its effectiveness. In this respect, many of the key-stakeholder questions and other facets of the methodology employed from the current study either draw directly from elements of prior overseas research, or are gleaned from key gaps in the available literature. Secondly, and arguably more importantly, the sheer lack of empirical evidence from overseas sources documenting the policy and practical impact of ID scanners in producing direct reductions in alcohol-related violence and associated harm mirrors developments observed in Australia and more locally in Geelong that provided the rationale for this research. In other words, while critics of ID scanners recognise the various limitations and privacy implications of this technology given their primary objective of reducing violence and disorder in and around late-night venues, these assertions are yet to be supported by systematic research into the processes informing their adoption and normalisation within the night-time economy. The implications of this disjuncture between rhetoric and research have many potential parallels with the Geelong experience, making this strand of the research useful in interpreting current localised Australian trends associated with ID scanning technology in light of broader international similarities and differences in the empirical and regulatory spheres.

US Research

Many of the concerns identified in the by the Queensland Office of the Information Commission relating to the use of ID scanners in Australian late-night entertainment venues and precincts have been expressed in the scant United States literature dealing with ID scanners in licensed premises. Despite the extensive use and marketing of portable and networked ID scanning systems throughout the United States, it is clear there is a distinct lack of critical commentary on the proliferation of ID scanning technologies, or detailed research examining their effectiveness in current United States literature.

Holloman and Ponder (2007) undertook a small-scale study in Denver, Colorado, examining 'the extent to which driver's license information is accessed, stored, protected, and used after being scanned in the night entertainment industry' (Holloman and Ponder, 2007, p. 41). The authors examined journal and media publicity over the introduction of scanners to provide a snapshot of common scenarios associated with their use, and to inform the development of a survey administered to patrons attending two night-time establishments in the Denver region. While the overall sample size of the patron survey is unclear, the average age of most patrons was 26 years, most attended a late-night venue on average 2.3 times per week and 48% had attended venues where ID scanners were used (Holloman and Ponder 2007, p. 44). On a scale of 1 to 10, patrons indicated a general level of satisfaction or 'indifference' with ID scanning to regulate entry into licensed venues (mean of satisfaction rating of 5.9). According to the authors, this is symptomatic of an immense level of trust

associated with the storage of information on the premises themselves or external servers administered by ID scanning companies. The general conclusions of the patron survey are neatly encapsulated in the following quote:

> … (W)hile there is a general apathy about having one's driver's license scanned, most people trust that the places scanning their licenses are not saving the information past the door. Of the people worried about their information being stored, very few believe that it is being used outside of the scope of ensuring a safe and legal atmosphere within the establishments … This general unawareness is a sign that businesses are not divulging what is actually happening when an ID is scanned, and that is a gross abuse of trust … when [these businesses] don't consider their customers' safety and privacy concerns, they are sending a very strong message that they don't think about morality (Holloman and Ponder, 2007, p. 45)

The key moral concern here relates to the issue of consent, and the general failure of those deploying scanning technologies to inform patrons about how personal information is being stored and why *before* their identification documents are scanned. This is an interesting finding in light of the interview data provided to this investigation by venue managers. This brief study revealed several disturbing data storage practices, despite clear Federal Privacy Commission guidelines suggesting venues should only keep information stored for the night on which the identification document is scanned.

> The Cowboy Lounge's machine is one that scans a picture of the entire driver's license into a database, instead of simply extracting the data from the magnetic strip on the back. In the four days per week that the Cowboy Lounge is open for business, between 800 and 1200 driver's licenses are scanned. [The respondent] said that the database has never been cleared, acknowledging that up to five years of personal information is in the database at the moment – this time period spans … two owners [of the venue] … the information has never been lost and that it is safe as a result of limited access to the database, which is in a locked room. However, there are six managers that have direct access to the computer … [and] it is still possible for someone to potentially hack the system online, or even physically steal the entire database (Holloman and Ponder, 2007, p. 43).

Another venue indicated that it retained driver's license and credit card information from patrons on a routine basis, without their permission. Credit card information was stored for up to seven years, while license information was stored indefinitely (Holloman and Ponder, 2007, p. 43).

However, it is clear that the motivations for ID data scanning and storage in the United States appear to be different from the primary focus in Australia on reducing violence in and around licensed venues. In this respect, the small number of studies into ID scanners in the United States highlights two main uses of scanned data:

- Age verification to prevent the sale of alcohol and tobacco products to minors (Weiss & Davis, 2003; Krevor, Capitman, Oblak, Cannon & Ruwe, 2003); and
- Marketing.

According to Krevor et al. (2003), liquor and tobacco proprietors show a general level of approval of the use of scanning technologies for age verification purposes. However, for Cross (2005), this technology has emerged in a federal and state regulatory vacuum, which does little to ensure appropriate storage of personal identification information. This is in a context where United States driver's licenses contain more information, such as barcodes with encrypted digital photographs, fingerprints, facial recognition templates, signatures, social security numbers and medical indicators of the license holder (Cross, 2005, p. 368-369). The proposed introduction of smart cards to store personal details on Queensland driver's licenses is indicative of a growing trend to ensure a greater range of personal data is made available through scanning technologies, whether these are administered by state agencies, such as the police, or private businesses (Hart, 2007).

In 2005, Cross published a systematic review of the legal regimes in place across the various states of North America, which highlight the extent of concern over the lax regulatory milieu associated with the emergence of ID scanning in licensed premises. The major concern identified by Cross relates to the extent of public ambivalence over the privacy implications of this technology, which is reflected in the lack of systematic regulation of data storage methods in most states. As Table 4.3 illustrates, only a handful of jurisdictions in the United States at the time of Cross's work had specific regulations dealing with ID scanning, with the vast majority making no reference to this technology in either privacy or liquor licensing legislation (Cross, 2005, pp. 372-381).

Table 4.1. Summary of US Laws on ID Scanner Systems (Cross, 2005, pp. 372-381)

Texas: The Alcoholic Beverage Code, allows individuals or businesses to access encoded information on a driver's licence for age verification. Information can be expressly retained and retrieved from a database located on the premises, but can only be saved if the Commission requires the premises to retain the information, subject to time constraints for storage. Retained information must not be used for marketing purposes. Breaches of these provisions leading to fines of up to $4000 or imprisonment for no more than twelve months	***Ohio and Connecticut:*** Transaction scans may verify age or identity for the purchase of alcohol or tobacco, with restrictions on the types of data that can be retained, such as the name, date of birth, license expiration date and the identification of the license holder. Venues or proprietors using scanners are granted an affirmative defence for selling alcohol or tobacco products to minors, but there are restrictions preventing the sharing or sale of data to third parties for further transaction integrity or marketing purposes. These restrictions can be waived by court order. Any breaches of these laws are subject to civil penalties
New Hampshire: It is an offence to store electronic data encoded on an individual's identification documents, and to swipe such documents to verify age. However, individual license data can be manually shared between private businesses in non-electronic form to prevent the supply of alcohol or tobacco products to minors ***New York:*** introduced a transaction scanning system similar to Ohio and Connecticut in 1999, which expired in 2004 and was not renewed	***California:*** proposed laws in 2003 to restrict the scanning and storage of information for the sale of alcohol and tobacco products, but legislation was not enacted. Considerable debate regarding the use of a scanning system to enforce the Compassionate Use Act, which allows licensed dispensaries to cannabis products to persons with documented medical (McCabe, 2004; Farr, 2009). Users can voluntary opt in or out of this regime, which enables police to have manual access to data by phoning the relevant local government authority
Oregon: No regulation of scanning technologies, but liquor licensing laws allow businesses to 'acquire and use' methods to prevent the sale of alcohol to minors	***West Virginia:*** Transaction scans provide to an affirmative defence for the unlawful sale of alcohol or tobacco to a minor, offering 'tacit' recognition of the legality of ID scanners for these purposes

It is important to recognise that throughout the United States there is considerable market appeal associated with ID scanning. This ensures that a greater number of licensed premises are adopting this technology to mitigate the risks of underage drinking. However the lack of regulatory oversight demonstrated by Cross (2005), highlights that state and federal authorities are struggling to keep pace with market forces that favour this technology, due to its perceived benefits in reducing alcohol-related disorder.

As with Australia, these legislative voids are moderated by self-regulatory industry codes of conduct governing the storage and access of digital information. Cross (2005) indicates the

Fair Information Practice Principles established by the United States Federal Trade Commission provide the benchmark for balancing the rights of citizens with the obligations of private corporations that gather and maintain databases involving personal information of clients. These principles are informed by five core objectives, which provide citizens with the following rights over how their personal data is obtained, stored and used by private businesses:

- notice or awareness that their information is to be collected and stored for a business purpose;

- choice or opportunity to consent to having the information collected, stored and used by the business;

- the right to access any data obtained or participate in the storage of personal records to ensure accuracy, completeness and the integrity of the data obtained;

- the requirement that data is maintained to preserve its integrity and security, including provision for limited access within the business context;

- the provision of an enforcement or redress mechanism in case of a breach of any of these principles (Cross, 2005, pp. 400-403).

As the data obtained by Holloman and Ponder (2007) demonstrates, there are significant questions over whether or how each of these voluntary principles is enforced in practice. The general level of 'privacy ambivalence' expressed by many nightclub patrons surveyed in this study over the practice of ID scanning, along with evidence that personal data is routinely scanned by venue owners but seldom deleted, provides weight to the conclusion that compliance with these voluntary information technology and security principles remains a critical issue in the North American context. While some of these issues are resolved by state-sponsored data breach notification laws (Needles, 2009), these public law arrangements have yet to appear in the Australian context, albeit they have received some discussion in the Australian Law Reform Commission's landmark review of Australian privacy laws (ALRC, vol 2, Chapter 51).

Despite obvious limits in scope, the United States literature on ID scanners is useful for two main reasons. First, it has provided a framework to validate particular lines of inquiry relating to the uses of ID scanners in Australia, and assess their perceived merits and pitfalls, particularly in the key stakeholder interviews. Second, the lack of regulatory clarity associated with the privacy dimensions of scanned data is a clear cause of concern. While the United States data provides some insight into possible ways of regulating these issues in the Australian context, it is equally clear the market forces behind the use of ID scanners in the night-time economy generates the need for more informed research to expand on key issues identified in the United States literature.

Canada

Canada is perhaps the best jurisdiction for examining the possible legal ramifications of ID scanners in late-night licensed venues. In the past five years, Canadian citizens have been comparatively more vigilant than United States citizens in challenging the legality of a disparate set of ID scanning practices across the nation. This is supported by a clear privacy enforcement structure at both Dominion and national level, which encourages the review of contentious information gathering and storage practices. Despite this legal vigilance, there is little other than anecdotal evidence about the scope of ID scanner usage throughout Canada, or public attitudes regarding its effectiveness in maintaining order in the night-time economy.

At national level, the *Personal Information Protection and Electronic Documents Act* governs the collection and storage of personal information by private businesses. This is supplemented by the existence of Privacy Commissions in each Dominion, which simultaneously provide advice to private industry in developing appropriate standards for the maintenance of privacy, while adjudicating disputes instigated by members of the public (Office of the Privacy Commissioner of Canada, 2008). Within this structure, three major decisions have been handed down at Federal level and in Alberta, which highlight the extent of concern by Privacy Commissioners relating to the policies associated with ID scanning invoked in late-night licensed venues.

However, before outlining the implications of these rulings it is important to note that there is in general a highly positive view of the value of ID scanners amongst owners and managers of licensed premises. This replicates developments in Australian regions contemplating their introduction, including Geelong. This view is informed by persistent and ongoing concerns over the risks of dealing with violence associated with managing licensed venues.

> … (O)n a daily basis (the venue is faced) with violence towards customers and staff, drug trafficking, drink tampering (doping), sexual assault, property damage, underage drinking, and gang activity' (*Cruz Ventures* 2009, para 65).

As with the support for ID scanners documented in the Geelong media, available Canadian evidence indicates individual venues, venue chains (see *Penny Lane* 2008), and voluntary liquor conglomerates working in particular geographic regions, endorse the use of ID scanners as a means of reducing alcohol-related violence in participating venues. For example, the Vancouver Barwatch association, a voluntary organisation that promotes 'safe and secure' environments for patrons and participating licensed venues, endorses ID scanners along with a range of other strategies for its member establishments to adhere to in operating their premises. Such measures include the introduction of the use of 'metal detection equipment, surveillance cameras … (and) TreoScope's ID scanning system' (*Cruz Ventures* 2009, para 70). Anecdotal evidence suggests this particular system is effective in promoting increased safety within venues and consistent patterns of desirable patronage. Equally, the system manufacturers highlight some compelling benefits of this form of technology over conventional methods of human security and patron monitoring:

> … (B)ar employees must rely on memory and written notes, or photocopied IDs, to identify problem customers or customers involved in incidents in order to prevent re-entry or to assist law enforcement personnel. It says such systems are difficult to implement and maintain and are open to abuse or inappropriate use, with no audit trail for inappropriate access to customers' personal information (*Cruz Ventures* 2009, para 78).

These favourable views underscore a more problematic series of issues associated with information privacy and compliance with recognised privacy principles that have yet to be explored in available Australian sources. Therefore, while the motives behind the acceptance of ID scanning in the liquor industry in Australia and Canada are virtually identical, Canadian privacy rulings are important to examine in depth for the types of issues of concern associated with this technology, and the details of their actual and optimum practical operation revealed in these decisions.

Canad Inns

The only federal case, for which a full ruling is not available, is *Canad Inns* (2008; Office of the Privacy Commissioner of Canada, 2008, p. 31). The applicant in this case was required to show and have her driver's license scanned at a hotel in Manitoba, but objected to the hotel retaining a digital copy of the document. Despite using the scanners for around ten years in most of its licensed premises, the company provided no signage to indicate to patrons that the ID scanners were in use, or any similar warning regarding the use of CCTV on the premises. The only evidence produced to endorse the use of ID scanners was an internal policy document where security personnel monitoring patron entry were instructed to copy:

> … the "relevant portions" of valid photo IDs of patrons into an ID machine. Although the company policy stated that only the individual's name, photograph and birth date were essential, the policy also stated that due to the ID machine's technical limitations and the different configurations of the various ID cards accepted, it was possible that non-essential information from an ID card could be copied (*Canad Inns* 2008).

The information would then be stored in a database on the premises for thirty-one days, or sometimes longer, depending on whether the data could be used as proof to support investigation into a security incident.

The ruling indicated that 'ID machines were inappropriate for their stated purpose' of enhancing security and reducing violence. As a consequence, the Office advised that Canad Inns should:

> … cease using them, and that the company remove all personal information already collected and retained by the, as well as the information collected and retained by

> the video cameras. Finally, the Office recommended that Canad Inns modify its signage to indicate that ID checking must take place at all of the establishment's entrances (including VIP entrances) (*Canad Inns* 2008).

The proprietors objected to these requirements, as considered their ID scanning system was 'part of a comprehensive security system' for managing entry within the premises. As such, the motives for introducing the system were not confined to age verification. However, Canad Inns could not produce evidence to prove it had been the subject of detected breaches of supplying liquor to minors since adopting the ID scanning machines, or any statistics pointing to a 'decrease in bar incidents since the introduction of the ID machines or video surveillance' to support the argument that the 'comprehensive security system' actually improved security at either the premises in question or any other licensed premises managed by the company. Rather, the only statement relied on is that these devices 'might deter those who might otherwise cause trouble'.

This case was remitted for Federal Court scrutiny in light of Canad Inns objections to the three recommendations (Office of the Privacy Commissioner of Canada, 2008, p. 31). However, several themes emerge from this ruling. The first involves the lack of evidence presented to endorse the use of both ID scanners and CCTV as 'effective' harm prevention initiatives. The second involves the problematic issue of patron consent to scanning, which was invariably compromised by the lack of adequate signage informing customers that ID scanners and CCTV surveillance were mandatory conditions of entry. Third, and most importantly, 'the lack of consistency in ID verification and copying' was considered as central to the Commissioner's ruling. Although the company indicated that identification details of *all* customers were collected, an investigation undertaken by the Commission revealed the selective scanning of patron identification documents. Namely:

> … that VIP members, who purchase a VIP membership that waives cover charges and allows holders to avoid line-ups at regular entrance points, were not generally checked.

In light of these issues, the Assistant Commissioner indicated that manually verifying a patron's identification documents would be a less invasive means to offset the privacy concerns over using scanners. A more strategic human security presence would similarly offset privacy concerns over the use of CCTV cameras deployed without patron consent.

Penny Lane

The decision of the Alberta Office of the Information and Privacy Commissioner in *Penny Lane Entertainment Ltd. Penny Lane Entertainment Group and Tantra Night Club Inc* (2008) elaborates on the issues examined in *Canad Inns.* Significantly, the ruling seriously questions the benefits of ID scanners in achieving their purported aim of reducing violence in late-night licensed venues.

The original complaint was lodged before the Commissioner in 2005, after the complainant's ID was scanned without his consent before he was allowed to enter the

Tantra Nightclub in Calgary. The problem in this case is slightly different to *Canad Inns*, because the case also examines the role of SecureClub Corporation, the organisation providing the scanning services for Tantra and other nightclubs in the Calgary region. As such, SecureClub was an affected party in the action, even though the primary focus of the ruling relates to Tantra's scanning procedure. The method of this ruling is also important, as lengthy written submissions were presented to the Commission to inform the outcome of the dispute under Alberta's *Personal Information Protection Act* (2003).

The ruling identifies several core questions associated with the club's scanning processes, focusing primarily on the necessity for scanning and data storage to maintain order at the Tantra nightclub. According to the ruling, Tantra would only scan the front of the driver's license, which contains the photographic image of the license holder, their date of birth and address. Most Canadian drivers licenses also contain a bar code at the back of the license with additional personal identification information. This was not entered into the Tantra database. However, the information scanned by Tantra was networked with information scanned by other venues operated by the Penny Lane Entertainment Group. At one level, this can ensure good order across the network of venues if a patron is barred from one establishment. However, the networking of the information database also raises additional privacy concerns.

The primary reason put forward to justify this scanning strategy was to ensure Penny Lane's venues could protect 'the life, liberty, and security of its patrons' (*Penny Lane*, para 25). ID scanning was one component of the organisation's 'comprehensive security system' and justified on the following grounds:

> The SC system … is intended to act as a deterrent to potential wrongdoers in that all patrons know that their identification is scanned and that therefore they could be easily identified if they were involved in any violent or illegal activity …. Potential wrongdoers would be less likely to engage in violent or other illegal behaviour if their ability to remain anonymous was removed (*Penny Lane*, para 26).

A sign at the point of entry into the nightclub indicated that these security arrangements were in place, and aimed to 'encourage our patrons to behave responsibly and deter those who are seeking to ruin your experience with us, from entering the venue' (*Penny Lane*, para 27). The assumption, therefore, was a direct causal connection between the use of ID scanning and improved patron safety.

The final ruling viewed this causal connection with great scepticism. It is worth repeating the words of the Commission on this point in detail.

> ... From my review of the evidence and the parties' submissions, I find that, at best, the Organisation offers conjecture that collecting driver's license information of patron may act as a deterrent to violent behaviour. The Organisation did not submit any evidence to establish that collecting the Complainant's driver's license information, or that of other patrons, is in any way a deterrent to violent behaviour. In addition, it did not provide any evidence regarding the causes of violence in bars or statistics relating to the incidence of violence in bars before and after the

> implementation of a driver's license collection program. I draw the inference that the Organisation is unable to produce any evidence to draw a correlation between violence, patron safety, and collecting driver's license information. As a result, the Organisation has failed to establish any reasonable relationship between collecting driver's license information and any of its stated purposes for scanning driver's licenses (*Penny Lane*, para 31).

Under Alberta privacy law, the failure to establish a 'reasonable purpose' for gathering the information (e.g. a causal connection between the use of ID scanners and reduced violence in late-night licensed venues), meant that the venue is unable to collect and store that information with or without the consent of a patron seeking entry (*Penny Lane*, paras 41-42), or to enable a person to consent to that collection of information to complete the transaction of entering the premises. In other words, the imposition of scanning as a condition of entry was considered an unreasonable purpose, whether or not a person was given the opportunity to refuse consent to being scanned at the door (*Penny Lane*, paras 446-47).

In this case, the complainant argued that his license was scanned before he could raise an objection to door staff, and the poster at the door explaining the system was 'not clear about the purpose of the Organisation in collecting the information, and [did] not warn patrons that the information will be retained for a period of 7-10 days or longer by the Organisation (*Penny Lane*, para 54). The argument that patrons can either have their license scanned or choose not to enter the premises, was deemed an unreasonable condition for entry, and was not justified by evidence supporting a positive causal connection between the use of scanning technologies and reduced incidents of patron disorder.

The final issue of note relates to data storage. The system's operator indicated that the following arrangements for data security were in place at the time of the initial complaint:

> 1. The Database is located on a Microsoft Sql Server which is locked in a secure cabinet;
> 2. The Sql Server is behind a Cisco PIX Firewall which is commonly used by corporations and government agencies to protect against intrusions from unauthorised personnel;
> 3. There are logs in place to notify us immediately of any unauthorised personnel accessing data;
> 4. There are only 2 people with access to the Server …;
> 5. The Server and Firewall are updated on 'a regular basis … [by these two personnel' (*Penny Lane*, para 58).

At the time of the ruling there had been no reported security breaches associated with this system. However, the ruling indicated that while the storage mechanisms might have been secure:

> … no evidence was provided in relation to the security measures taken to protect information once it has been downloaded from the database by the authorised

> personnel … [This means] that Organisation employees may have access to a unique identifier about individuals when they scan driver's license information (*Penny Lane*, para 60).

In addition, no rationale was provided for storing the license information 'indefinitely'. As such, Tantra Nightclub and Penny Lane were ordered to cease the collection of any personal information about patrons it had collected either for the short term of 7 – 10 days, or permanently, and destroy not only the complainant's personal information but to dispense with their electronic scanning system entirely.

The outcome in *Penny Lane* is equally a product of poor record-keeping by the venue and its parent company, which failed to provide evidence demonstrating a causal connection between the introduction of ID scanners and reduced levels of violence at its premises. Nevertheless, this ruling provides an emphatic statement that ID scanning can be equally effective in regulating patron entry and conduct if it is conducted through manual inspection at the point of entry, rather than through keeping an electronic record of patrons in a secure off-site database. The case was appealed to the Alberta Court of Queens Bench (*Penny Lane Entertainment Group* 2009), but was rejected as all conclusions provided in the Privacy Commissioner's ruling were within the reasonable scope of its legislative mandate. However, according to Peden (2008), while the ruling is significant, it is ultimately of little precedential value.

A spokesman for the privacy office stated that the ruling would set a precedent for all bars and nightclubs in Alberta. However, the order is only binding on the parties directly involved. Moreover, as a decision of an administrative tribunal, the order is not binding on a court of law and has no precedential value (except perhaps for subsequent decisions of the Alberta Information and Privacy Commission). Thus, the British Columbia Information and Privacy Commissioner, who is expected to rule on a similar issue and release a decision this summer, could reach an entirely different conclusion. In addition, the nightclub owner in this case plans to appeal the order, and if he loses, privatize the club in order to resume scanning identification prior to entry (Peden, 2008).

Cruz Ventures

The most detailed consideration of the privacy implications of ID scanners emerges in the British Columbia Office of the Information and Privacy Commissioner ruling in *Cruz Ventures (The Wild Coyote Club)* case (2009). The facts are almost identical to the *Penny Lane* dispute, with the complainant alleging there was inadequate explanation as to why his personal information and photograph was being collected in electronic form before being granted entry into the Wild Coyote Club.

> When the complainant tried to get into Wild Coyote, employees asked for his driver's license, swiped the licence through a card reader and required him to have his photograph taken by a surveillance camera before he would be allowed to enter the club. The complainant observed that this requirement was being applied to every customer who entered the club. He asked if he could 'refuse consent' and was

> told that the scanning was required to get into Wild Coyote. Before he was given the opportunity to refuse to have his licence scanned, the door staff had already scanned it, thus collecting his personal information. Seeing that his personal information had already been collected, he entered Wild Coyote. When he left, the complainant spoke with a man, whom he identified as a supervisor, and asked what the purpose of the scanner was. The complainant says he was then told that his personal information would only be held and accessed by a third-party business that provided the ID scanning system to Wild Coyote (*Cruz Ventures*, para 9).

Unlike the case in Alberta, British Columbia driver's licenses contain a swipe card rather than bar code system. This allows for the storage of a reduced range of personal data, consisting of the person's name, sex, date of birth, a partial postcode for place of residence (used for demographic statistics only) and the driver's license number. A small computer was located at the point of entry to the venue, which stored the information, and displayed the output once it was scanned to the staff working at the door. A camera embedded in the wall above the computer screen photographed each patron, with the image matched with the data from the ID stored in the computer. Once this process was complete, door staff either permitted or denied the patron entry. The system also recorded the date and time the customer entered the venue, and individual patron records could be annotated in the event of an incident. This enabled the venue to maintain a running profile of each of its patrons, which was stored for a period of six months if a patron has no annotated records against their name. If a patron only enters the venue once during that six month period, their record is automatically deleted.

The 'alert' process invoked by this system is somewhat more elaborate. This is described in detail by the final ruling.

> If a customer is involved in an 'incident' at Wild Coyote, Wild Coyote may write an internal report about that customer which may be visible to Wild Coyote employees, at the discretion of Wild Coyote's owner, from a minimum of seven days to a maximum of one year. If there are no further incidents within the one-year period, that information becomes inaccessible to Wild Coyote, but is still stored for two years on (the administering company's) database. If a second internal report is written within the one year, the original report is visible until the expiry date of the second report. Further, if that second report is written about a person after one year but before the two-year anniversary date, the first report will be visible to Wild Coyote until the expiry date of the second report or until the two-year anniversary date, whichever comes first. All report information about a customer is deleted from the database two years from its creation (*Cruz Ventures* 2009, para 17).

Therefore, the system invoked at Wild Coyote is regularly maintained and information erased after two years, unlike the information documented by Holloman and Ponder (2007) in several Denver nightclubs. However, unlike *Penny Lane*, the information collected by Wild Coyote was not networked, remained on a closed system not connected to the internet, and was not shared amongst other liquor establishments. Most employees of the venue could

only access customer profiles scanned on the night in question, while club managers had greater access levels enabling them to view data entered over a longer period and to annotate individual records at their discretion.

> The system operators, TreoScope, held a contractual relationship with the venue, and maintained ultimate control of the raw data and the encrypted software where the data was stored. This system ensured the venue was unable to print, copy or extract information from within the database without TreoScope's assistance (*Cruz Ventures* 2009, para 21).

One of the key issues in this case involved the status of 'mandatory consent' under British Columbia privacy law. The law prohibits the collection of personal information as a condition of supplying a good or service, 'beyond what is necessary' for the purposes of the transaction (*Personal Information Privacy Act*, s. 7(2)). Wild Coyote raised the same argument as raised in defence of ID scanning in *Penny Lane*, namely the scanning system was 'demonstrably necessary to provide for a safe and secure environment for … patrons and staff'. This view was endorsed by local police chiefs and the Barwatch association, and Wild Coyote also cited cases where the use of ID scanners was a stipulated condition attaching to a venue's licensing requirements.

Wild Coyote indicated that if a patron declined to have their identification scanned, the driver's license could be lodged with a manager or the proprietor of the venue for the duration of their visit. Only two customers 'in the past few years' had chosen to exercise this option (*Cruz Ventures* 2009, para 26). However, when an officer of the Commission visited the venue, they were informed they could not enter unless presenting a driver's license for scanning. In addition, a submission by the Liquor Branch indicated that where scanning was implemented, it should be a mandatory requirement for all patrons to promote safety and prevent minors from accessing liquor.

In considering whether the collection of the data was 'necessary', the adjudicator must consider whether the use or disclosure of personal information is integral to the provision of the service or significant in performing the transaction. Factors in this decision include whether there are less intrusive methods of achieving the purpose of the transaction. The ruling also alluded to the possible relationship between private organisations requiring personal information from customers, and the disclosure of that information to the public police in the event of illegal activity associated with the transaction. In such a case, the ruling indicated that evidence of ongoing illegal activity impacting on the provision of a product or service might require necessary steps to deter such behaviour. In such a case, the collection, use or disclosure of personal information could be a necessary requirement of providing the service if it might lead to detecting or deterring illegal behaviour that compromises the private businesses legitimate activities (*Cruz Ventures* 2009, para 42). Indeed, the use of ID scanners had been endorsed in British Columbia as a licensing condition, provided data was retained for no more than 'one week for use by police and liquor inspectors' (*Cruz Ventures* 2009, para 75). The requirement was imposed in one case as:

> … a licensee with a history of gang activity and permitting minors had a term and condition added to their licence to install, use, and maintain both an electronic

> weapons detection system and electronic ID scanning equipment. The establishment was required to retain one week's worth of data that could be made available to the police and liquor inspectors (*Cruz Ventures* 2009, para 54).

Four key issues were examined in depth allegedly to support the use of ID scanners. The first involved the prevention of sale of liquor to minors. The key technical feature of the TreoScope system was its capacity to detect fake ID documents and prevent young people from 'ID passing'. This is indeed a selling point of the ID scanning system, and can help mitigate the prospect of liquor licensing breaches for serving alcohol to underage patrons (*Cruz Ventures* 2009, para 47). Wild Coyote also produced evidence suggesting the serving of alcohol to minors had reduced by 'nearly 99%' since introducing the system. However, an investigation conducted by the Commissioner indicated that it was rare for patrons under the legal drinking age to enter the premises, both before and after the ID scanning system was invoked. At best, the system provided evidence to support legal claims it was exercising 'due diligence' if a liquor licensing breach was alleged. However, evidence also indicated that the Wild Coyote Club had only been involved in two previous licensing infractions between 2003 and 2007, neither of which involved serving underage patrons. One contravention notice with no enforcement action involved the supply of alcohol to minors, which suggested 'that attempted entry by minors' was not a pervasive problem at the venue (*Cruz Ventures* 2009, para 56).

The ruling focused on whether these security benefits justified the collection, storage and retention of data from *all* patrons who attempted to enter the Wild Coyote Club. The final ruling rejected the claim that ID scanners were a necessary requirement to implement in all cases to prevent underage drinking on three main grounds.

> It was not necessary to scan the IDs of persons 'clearly over the legal drinking age' (*Cruz Ventures* 2009, para 56);
>
> The TreoScope system did not significantly help to prevent minors from entering the venue as opposed to manual ID inspection by security staff (*Cruz Ventures* 2009, para 57);
>
> There were less 'privacy-intrusive' means of achieving the same purpose, namely, the manual inspection of driver's licenses by door staff rather than obtaining a scanned image and a photograph of the patron at the point of entry (*Cruz Ventures* 2009, para 58).

The second issue involved defending liability claims and assisting with police investigations into serious incidents. It was contended that the scanning system allowed prompt and positive identification of wrongdoers relevant for police investigations into incidents occurring within the club premises. However, focusing on available evidence, the ruling indicated there was 'no evidence that Wild Coyote or any other establishment has ever used the information stored in the TreoScope system to defend a liability claim of any kind' (*Cruz Ventures* 2009, para 61). Police had sought information collected by the Club in three documented instances, but this was not deemed sufficient to ensure that the ID scanning system was 'necessary' for the club to carry on its business.

The issue of safety in the venue was examined at length in the ruling. According to Wild Coyote, the scanning system was justified because reported fights in the venue had declined by 80% since the introduction of the system (*Cruz Ventures* 2009, para 65). However, inspections of the venue's incident log books did not support the argument that violence had decreased since the introduction of the scanning system. Indeed, evidence documented from an inspection of the premises record indicates that the number of incidents had increased from 13 in the six months prior to the introduction of the TreoScope system to 50 in the six months following its introduction (*Cruz Ventures* 2009, para 66). This led to the conclusion that the club 'could not point to a single objective indicator to demonstrate improved safety as a result of the use of the system' (*Cruz Ventures* 2009, para 67), nor could any 'evidence of numbers of incidents before and after adoption of the TreoScope system … demonstrate the system's claimed efficacy in reducing numbers of (violent) incidents' (*Cruz Ventures* 2009, para 86). In absence of such evidence, and evidence from the local Police Chief's Association indicating that the 'collection, use and disclosure of personal information is "demonstrably necessary" to provide for a "safe and secure environment" (*Cruz Ventures* 2009, para 88), the ruling expressed considerable scepticism over the causal link between the introduction of the ID scanning system and reduced violence at the venue. In this respect, the use of conventional methods of security by way of security staff, would be a sufficient method of ensuring the safety of the majority of the venue's patrons.

> … I accept that it is necessary for Wild Coyote to be able to collect and use information in order to maintain a record of banned customers. I am not persuaded, however, that it is "necessary" to develop and maintain a personal profile containing the personal information of *all* customers in order to effectively track the few who may be removed from, and subsequently barred from re-entering, an establishment … Accordingly, Wild Coyote cannot *require* an individual to consent to the collection, use or disclosure of personal information, either through the TreoScope software or through retaining ID during the period of a customer's visit as a condition of supplying a product or service (*Cruz Ventures* 2009, paras 98-100).

The ruling also examines the issue of patron consent and the adequacy of the notice provided to patrons in providing consent to have their ID documents scanned as a condition of entry. Despite considerable general information relating to the relationship between the TreoScope scanning system and increased venue security, more specific questions of sharing scanned information with law enforcement, or to create individual patron profiles were not 'obvious' considerations to justify the 'deemed consent' of providing the information as a condition of entry into the premises. The main notice at the front of the venue informing patrons of the scanning process at the time of the complaint was:

> Entering Wild Coyote is considered permission to swipe your I.D. and take your picture. This is for security and identification purposes only. Your information will not be shared or used for marketing purposes. Refusal to produce proper I.D. may result in denied entry (*Cruz Ventures* 2009, para 107).

Subsequent amendments to this sign included a statement indicating that the club could disclose personal information 'to the police, other establishments, or the investigating body' in the event of an incident, either as a witness of a suspect. In addition, a statement indicating that a 'legitimate concern' over the scanning requirement could be raised with the venue manager or privacy officer (*Cruz Ventures* 2009, para 108). Without these additions, it was considered the original notice was insufficient in providing enough explanation of the purposes of the scanning requirement, or the uses of the stored data, to justify the 'deemed consent' provision under the privacy legislation. Further, the complainant did not receive an adequate verbal information from venue staff about how his personal information might be used by the venue, or the third-party business, TreoScope, managing the database. Namely, the patron was not informed that 'his information would be used to create a customer profile or that it might be provided by police' (*Cruz Ventures* 2009, para 141). This absence of both written and verbal explanation undermined the capacity of patrons entering the venue to provide informed consent to having their information scanned as a condition of entry.

The scope of data collected, and how it was housed, were significant issues relating to the possibility of identity theft, and raise questions about whether it is necessary to use electronic systems to obtain the patron's name, photograph, data of birth, sex, driver's license number and partial postcode as a condition of entry and to promote a safer environment. In this respect, Wild Coyote could only receive the name, photograph and data of birth through the TreoScope software, but there were some restrictions on TreoScope's own capacity to access these and other forms of personal data, which were questioned by the Commission (*Cruz Ventures* 2009, para 115). The main point of contention was the collection of driver's license numbers, which produce 'serious consequences' if recorded and released to third parties, and heighten the prospect of identity fraud. In addition, the Commission indicated that the collation of data on individuals over multiple visits, as well as annotated notes entered into the system, have the capacity to develop a detailed profile of each patron. The ultimate determination of whether the scope of information collected was 'necessary' was contingent on whether the system was deemed necessary and effective to prevent minors from entering the venue, and whether the system could prevent violent activity.

In terms of underage entry, it was considered that simply visibly scanning the documents of patrons at the point of entry, rather than recording and retaining the information, would be sufficient to prevent minors from entering the premises. The collection of driver's licence numbers or scanning and retaining the personal details of those who are clearly of legal age, was not considered 'necessary' to prevent underage entry (*Cruz Ventures* 2009, para 123). Through the ruling, it is clear there is a tenuous link between the adoption of the ID scanning system and substantive reductions in violence at the premises. However, the ruling did indicate that the collection of personal data was 'reasonable' to prevent violence by identifying particularly problematic customers. The mandatory scanning and retention of patron data was seen as inappropriate in privacy terms, and had no bearing on improving overall levels of customer safety.

> … [The aims of ID scanning are to] preserve a safe environment for customers, to identify those individuals who have been determined to be violent, or otherwise undesirable for re-entry from a safety perspective, and thus improve customer safety. However, much of the information collected by the TreoScope system does not further this safety purpose … *I have not been provided with any reason related to improved customer safety for an establishment's retention of any information at all relating to customers who are not involved in violent incidents* (*Cruz Ventures* 2009, para 127 emphasis added).

In addition, the collection of so many details from the driver's licences of all patrons, and the storage of this data for up to two years, was not considered to help police expedite criminal investigations, even though it is advocated by the Chief's Association as a 'valuable tool in a criminal court prosecution' by providing 'actual evidence placing an accused at a particular location at a specific time' (*Cruz Ventures* 2009, para 135). The key issues related to the scope of storage over a two-year period, and the problem of collecting information on all people who entered the venue, the vast majority of whom would offer no prospect of engaging in criminal offending or violence.

Finally, the ruling examined the security of the information storage procedure at the venue site, independently of the information being fed back to TreoScope's database. In this respect, it is worth pointing out the findings of the Commission's on-site investigation into the venue's security arrangement:

> … there was no physical security for the system except for the locked doors of the Wild Coyote. This deficiency was brought to Wild Coyote's attention. It responded by saying that it would hire a carpenter to construct an enclosure, so that the system was under lock and key. Wild Coyote has since confirmed … that the computer that records all of the personal information remains on site but is now in a fastened and locked metal cage (*Cruz Ventures* 2009, para 145).

No information was received by either the venue or TreoScope relating to data access once it is entered into the system, including 'the development and maintenance of user-ID and authentication mechanisms' (*Cruz Ventures* 2009, para 146). The two-year storage period for all patron data was seen as excessive. The only viability of the scanning system was for the collection and retention of information on banned patrons. This implies that the preventative dimensions of ID scanning, as applicable to all patrons, is unreasonable under Canadian privacy law, with the only viable use being the entry of patron data once they have been banned. This suggests that a manual notification list of banned patrons at the door would be necessary, given the problems associated with electronically scanning the driver's licenses of all patrons at the point of entry.

Given the extent of objection to the ruling, Wild Coyote, TreoScope and the Privacy Commissioner undertook an extensive review of the existing scanning software. According to one press report following the ruling, '(s)taff members were talking about quitting if they couldn't get the system back … They no longer feel safe" (Fuller-Evans, 2009). The extent of

changes to the system remains unclear. However, it seems that the storage requirements associated with the system now satisfy privacy requirements, even though the formal ruling indicates the only viable use of this technology relates to storing information on patrons who are already identified as banned.

Subsequent developments

Two further legal developments are relevant to the review of Canadian laws governing ID scanners. The first relates to a liquor licensing decision that expressly imposes the use of this technology as a condition attaching to a venue's ability to trade. The second relates to a brief patron survey conducted in the Vancouver region that indicates widespread public support for ID scanning, particularly amongst young people.

The *Grafton Street Restaurant* (2007) case involved a liquor licensing review of Nova Scotia premises advertising discount shots on promotional nights specifically for University students on Facebook and My Space. This venue had also allegedly breached its licensed capacity and deployed inadequate security on evenings when major events were held. This decision highlights the ambiguous legal status of ID scanners under competing legal regimes governing privacy and the control of liquor supply. In *Grafton Street Restaurant Ltd* (2007), the order of the Nova Scotia licensing appeals board stipulated that given the venue's history, it could lawfully impose lifetime bans against known 'troublemakers' while being required to double the number of CCTV surveillance cameras from 32 to 64 to promote greater security. The ruling also provides express endorsement of the ID scanning system already in place specifically to enforce the lifetime banning regime.

The existing technology already in place at GSRL will enable this initiative to work. All patrons entering the establishment must produce a driver's license which is scanned by GSRL Staff. All prior suspensions are recorded and those individuals are denied access. GSRL also maintains a written list of all individuals barred from the premises. This list is consistently updated, reviewed, and made known to staff (*Grafton Street Restaurant Ltd* 2007).

The ruling in this case provides express regulatory endorsement of the use of ID scanners to promote increased safety at a venue with a reputation for unruly behaviour and excessive alcohol consumption. This outcome sits in contradiction to the three major privacy rulings reported in Canadian legal sources, which suggest the links between ID scanners and reduced violence in late-night venues are at best tenuous, and at worst encourage significant violations of individual privacy rights.

Finally, in the aftermath of the *Cruz Ventures* ruling, the Vancouver Barwatch association conducted a survey of nightclub patrons on their attitudes towards the ID scanning system this organisation supports to promote increased safety in the night-time economy (Barwatch, 2010). The purpose of this survey appears to provide evidence to validate the introduction of ID scanners as part of the coordinated industry effort to reduce violence in the Vancouver night-time economy.

Of the small sample of 37 respondents, all of whom were under 25 years of age, 50% agreed that it would either improve or greatly improve patron safety in the Vancouver night-time economy, while 48% indicated it would make no difference in changing the 'violent attitudes' of some patrons who attend late-night venues. Around 60% of respondents indicated it would be an effective mechanism for reducing underage drinking in licensed venues, while 29% indicated that it would make little difference as '(t)hose sneaky punkers can always find away around it'. A slight majority of 49% felt the use of ID scanners was an invasion of privacy, but many respondents (25%) qualified their suspicions of the technology on the grounds that it is 'for our own good'. Interestingly, 80% of respondents indicated that the introduction of ID scanners would not change their patterns of attending nightclubs (Barwatch, 2010).

Implications of the Canadian Rulings

It is clear that the use of ID scanners has only received legal attention in Canada due to the sophisticated privacy law structure, under which aggrieved patrons have been willing to challenge the merits of this method of reducing violence in the night-time economy. It is equally clear that a division exists between those patrons who vigorously object to having their driver's licence scanned in order to gain entry into nightclubs, and the concerns of licensees, door staff and industry associations in reducing violence through the addition of scanning technologies. Ultimately, however, there is limited evidence on pre- and post-intervention levels of violence to confirm that ID scanners have a discernible impact in making Canadian licensed venues safer. This concern undermines the view that the privacy impacts of having all patron data scanned and stored for an extended period of time warrants such an intrusive method of ensuring increased patron safety.

The implication of each of these rulings is ID scanners only meet privacy concerns if they store information on banned patrons. However, this means that in practical terms, the only value of ID scanners appears to be in entering the data of banned patrons, then working out a mechanism of electronically scanning their driver's licenses at the point of entry. This appears to be self-defeating, hence the importance of further ongoing discussions between the Privacy Commission, the Wild Coyote Club, TreoScope and the Vancouver Barwatch Association after the *Cruz Ventures* ruling. While the details of these discussions remain unclear, it is evident that the division between the Privacy Commission's strong ruling against the scanning technologies, and concerns over alcohol-related violence necessitate a middle ground to ensure the ID scanning systems can be retained, but the storage of data be moderated to an acceptable level.

Beyond this, the *Grafton Street Restaurant* ruling is perhaps the most significant, by highlighting the importance of introducing liquor licensing requirements that can impose scanning technologies to promote more responsible venue management. Whether this is the desirable way to regulate this technology in the Australian context remains debatable. However, given the statutory endorsement behind such a ruling, it raises the interesting

question of how privacy rights can be accommodated in a verdict that clearly is concerned with the broader question of patron safety.

Discussion

This chapter indicates two key points to emerge from the available research, government reports and laws associated with the use of ID scanners in the United States and Canada that are relevant to the present research. It is clear that critical analysis of these technologies is yet to be forthcoming in Australia, and the fear from the Queensland evidence presented in Chapter 1 is that privacy concerns are being sidestepped in the broader push to develop measures of regulating patron entry into late night licensed venues aimed at promoting increased safety. The interesting finding from the Queensland Parliament review into alcohol-related violence is how willing the findings were in recommending the trialling of ID scanning technologies, despite the range of privacy concerns raised before the inquiry. However, in light of the United States and Canadian evidence, it appears this tension is normal or intertwined with the very nature of ID scanning technology regardless of where it is deployed. Indeed, market forces within the liquor industry will invariably drive debate on this technology, and will dictate its further rollout in Australia in coming years. Our concern in conducting this research, and in reviewing the comparative legal dimensions of this technology from a comparative perspective, is to ensure some benchmarking standards for the adoption of this technology. *Cruz Ventures* arguably provides the best starting point for this exercise, even though the precise ruling raises some questionable issues.

Most importantly for the purposes of this study, the comparative legal material has provided a valuable basis for developing issues to focus on relating to the research methodology and in particular the key stakeholder interviews. In addition, there are clues on possible regulatory options to be considered in the roll out of these technologies in the Geelong region and beyond. The concluding chapter will reiterate some of the core themes emerging in the data presented in this chapter, with a view of developing a more informed regulatory framework or compliance mechanism that respects recognised privacy principles involving the use of ID scanning technologies, if we accept these are necessary or useful technologies to implement in Australian night-time economies, either to minimise underage drinking or the risks of violent activity in licensed venues.

Chapter 5

Hospital data

This chapter examines changes in alcohol-related harm frequencies pre- to post-the introduction of ID scanners in all late night licensed venues in the Geelong area of Victoria, Australia, from 2005 to 2009. This chapter reports on the Geelong Hospital Emergency Department Data. The following chapter draws upon Victoria Police crime data.

Methods

The ED data is further split into two categories reflecting different outcomes: 1) All alcohol-related injury and 2) alcohol-related assaults. These two categories will be presented separately before concluding with a general discussion of the data and import caveats concerning the limitations of the data.

All alcohol-related injuries

Data

While the National Alcohol Indicators Project (NAIP) has extensive and accessible data on alcohol-related injury and violence, the data examined for this report were obtained from the Geelong hospital emergency department, as this data source was deemed to be more sensitive to the specific features of the Geelong region and community. Such characteristics that may differentiate Geelong include the fact that it is a popular seasonal tourist destination, and a large regional town with an extensive university community.

The ED-data was obtained in two formats: Triage records downloaded according to word searches of relevant databases, and ICD-10 data. The data was of a secondary nature as it was primarily collected for other purposes than research into alcohol-related injury. Measures included in the data pertained to patient demographics, location of hospital presentation by suburb, basic description of incidents, treatment and discharge details, and finally alcohol- and/or other drug-involvement as signified by in-record references to such drugs and by relevant ICD-10 coding. Although the data contained indications of whether alcohol was involved in each instance, substitute measures were still required in order to aggregate the data into specific classifications relevant to this project. These categories were determined through case-by-case examination of triage records dating July 1, 2005 to July 31, 2009, as well as by triage ICD-10 codes for the period July 1, 1999 through January 31, 2008 (see Table 5.1).

Table 5.1. Frequencies of alcohol-related incidents by category and data source.

Alcohol-related Category	Triage *N*	ICD-10 *N*
Accident	842	-
Aggression	35	-
Assault	826	1315
Chronic	733	-
Domestic Dispute	18	-
Intoxication	765	1130
Mental Disorder	398	-
Suicide	-	665
Traffic Accident	146	-
NEC	171	-
Total	3934	3110

Frequency discrepancies between the two data-formats (ICD-10 codes and record notes) were evident at various overlapping time-points, and although a definitive reason for this divergence remains unclear, it is likely due to the fact that the ED records were more comprehensive than the ICD-10 extraction which only included 'assault', 'intoxication' and 'suicide' categories. Thus, the ICD-10 data probably further underestimates actual frequencies.

The age-range spanned from 13 to 59 with a mean age of 39, and a mode age of 20 (SD=19). Males were more frequently involved in incidents than were females, with 60.1% (*n* = 10180) of triage presentations being male.

Analysis

Time-series auto-regressive integrated moving average (ARIMA) analyses of the potential impact on alcohol-related incident rates caused by any of four interventions were conducted using SPSS Expert Modeller. This program automatically selects the best fitting model for the data under scrutiny, taking into consideration ARIMA-models as well as exponential smoothing models. The independent variables were designated as dichotomous 'event' variables (0 = pre-intervention, 1 = post-intervention) and represented the ID-scanners initiative at licensed venues.

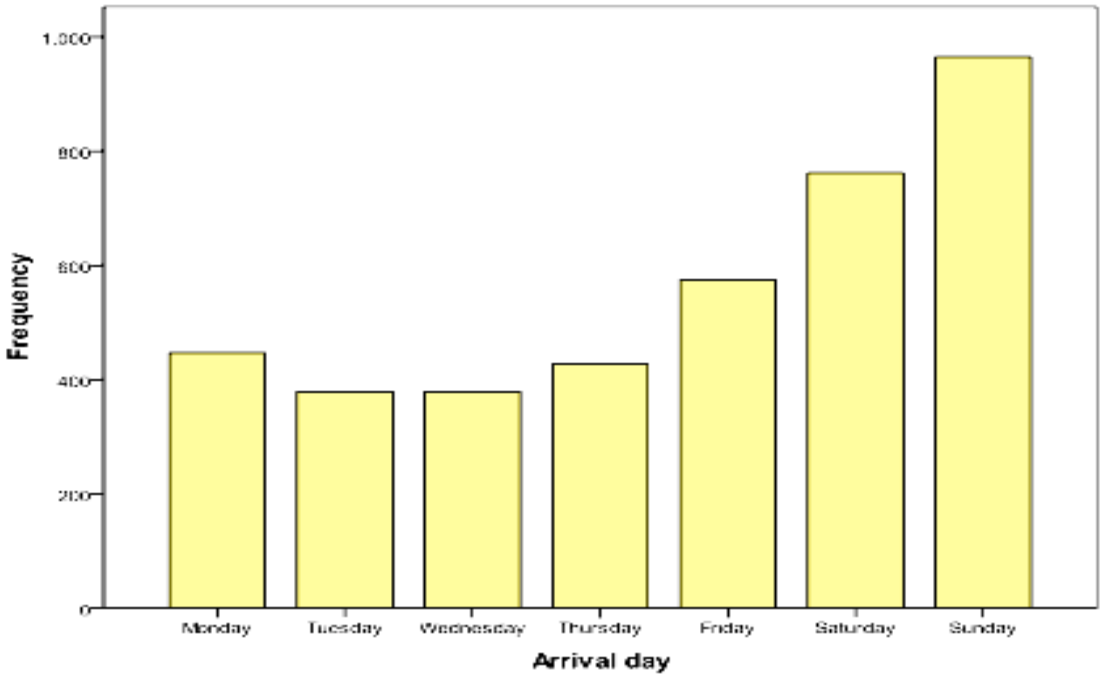
Results

Alcohol-related injuries by time of day & day of week

Most (58.5% *n* = 2302) of alcohol-related incidents took place on the weekends. As indicated in Figure 5.1, Sunday was the day of the week with the highest rate of incidents

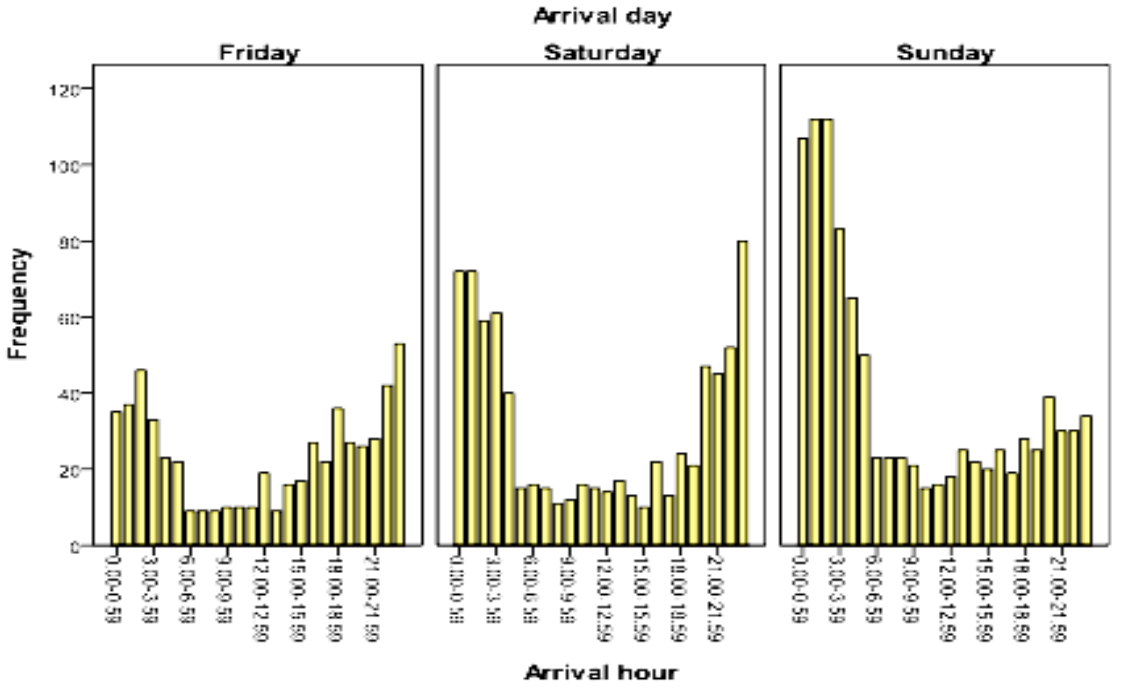
(24.5%; *n* = 965), most of which (55%; *n* = 529) occurred between the hours of 12am and 6am (see Figure 5.2).

Figure 5.1: Frequency of alcohol-related injuries by day of week.



Saturday night between the hours of 11pm and 12am also had a relatively high rate of alcohol-related injuries (n = 80). Time of day is an important finding because it demonstrates the majority of alcohol-related harm occurs between 11pm and 5am on Sunday morning, a time when all of the licensed venues being studied are operating.

Figure 5.2: Frequency of alcohol-related injuries by hour and weekend day.



Alcohol-related injury rates over year

Figure 5.3 reports the frequency of alcohol-related incidents as represented by triage records (thick line) and ICD-10 code records (slim line). A reference line for the implementation of ID-scanners has been inserted. Regression lines (Figures 5.4 and 5.5) indicate an upward trend in the frequency of incidents over time with positive correlations of R^2 = .70 and .44 for triage data and ICD-10 data respectively.

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Figure 5.3. Alcohol-related cases by month and year.

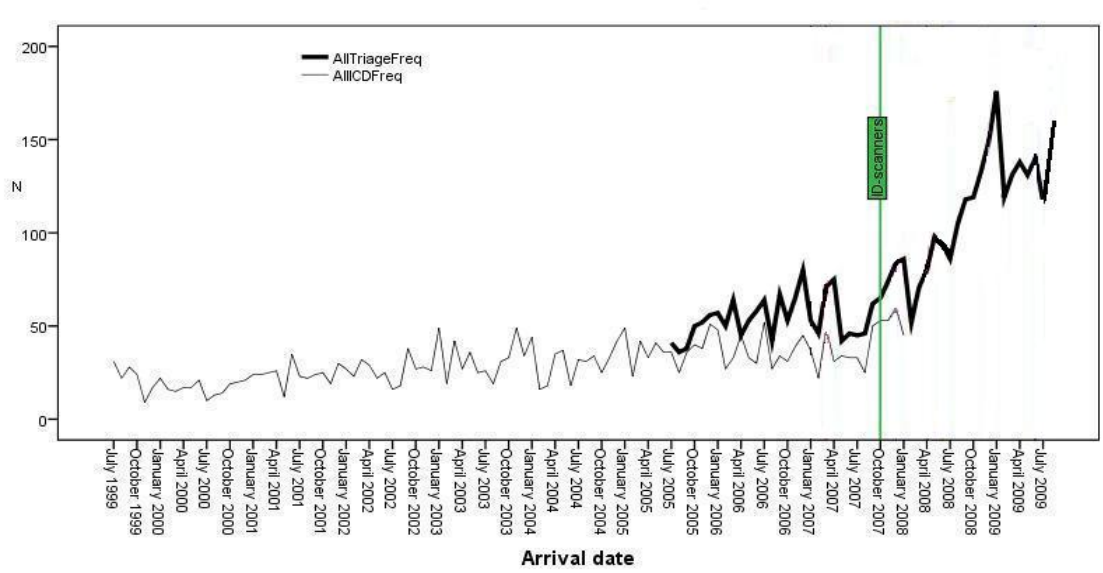


Figure 5.4. Triage data. Frequency of alcohol cases by date with regression line

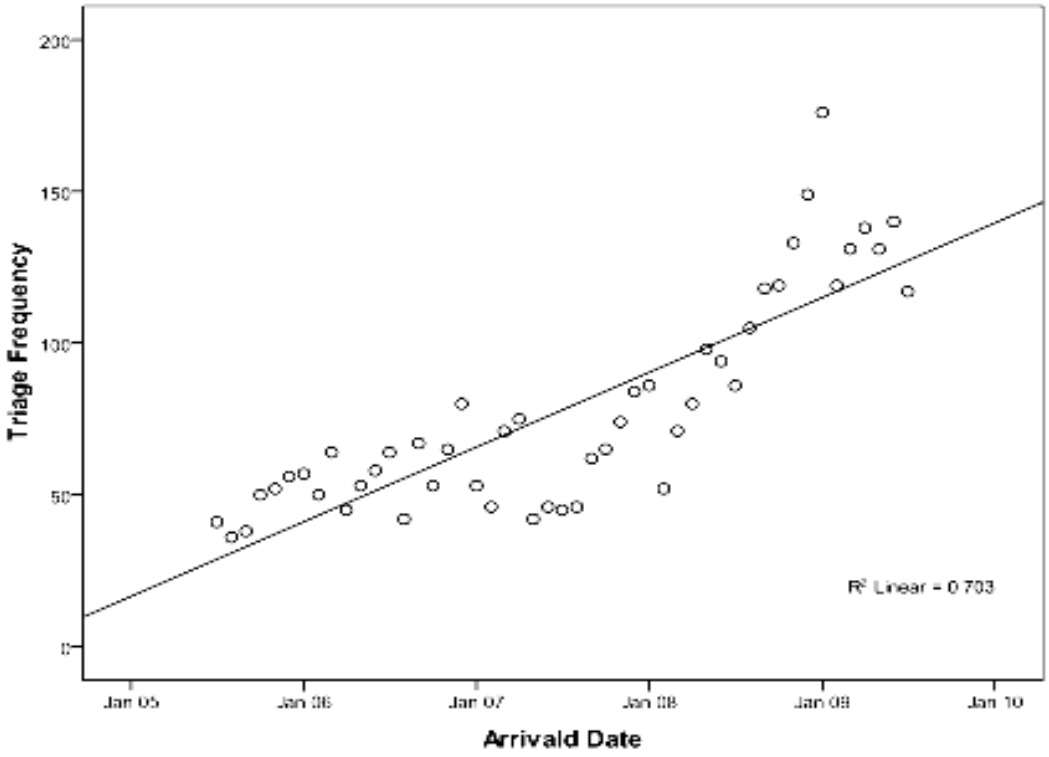
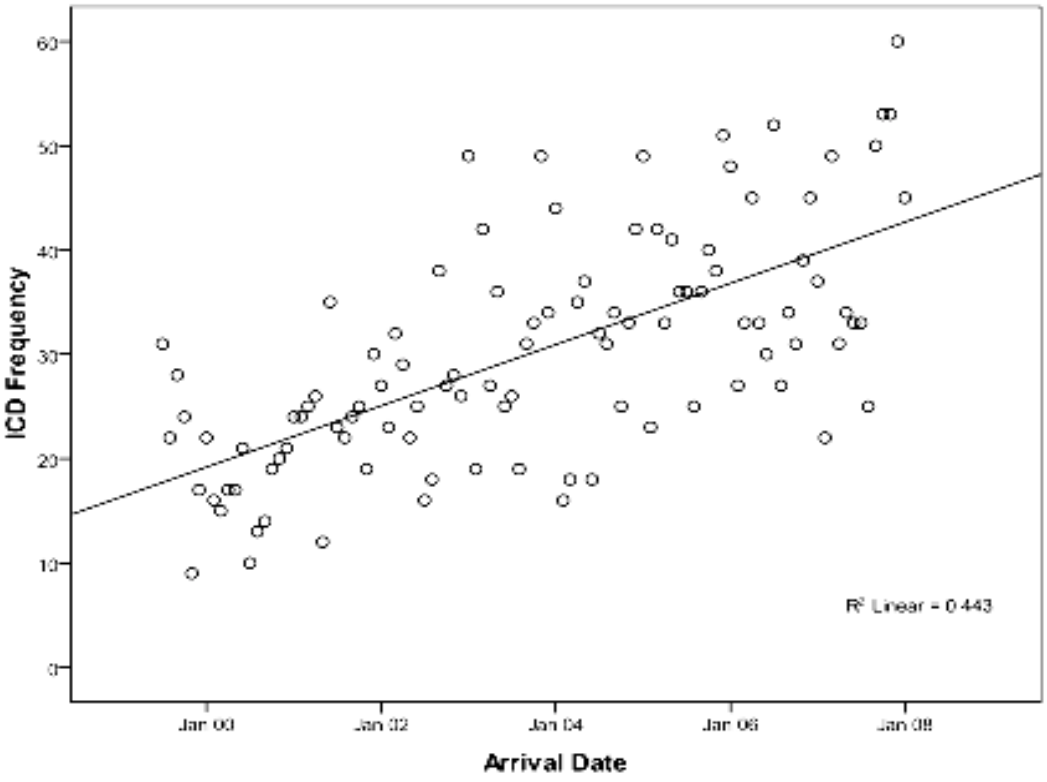


Figure 5.5. ICD-10 data. Frequency of alcohol cases by date with regression line.



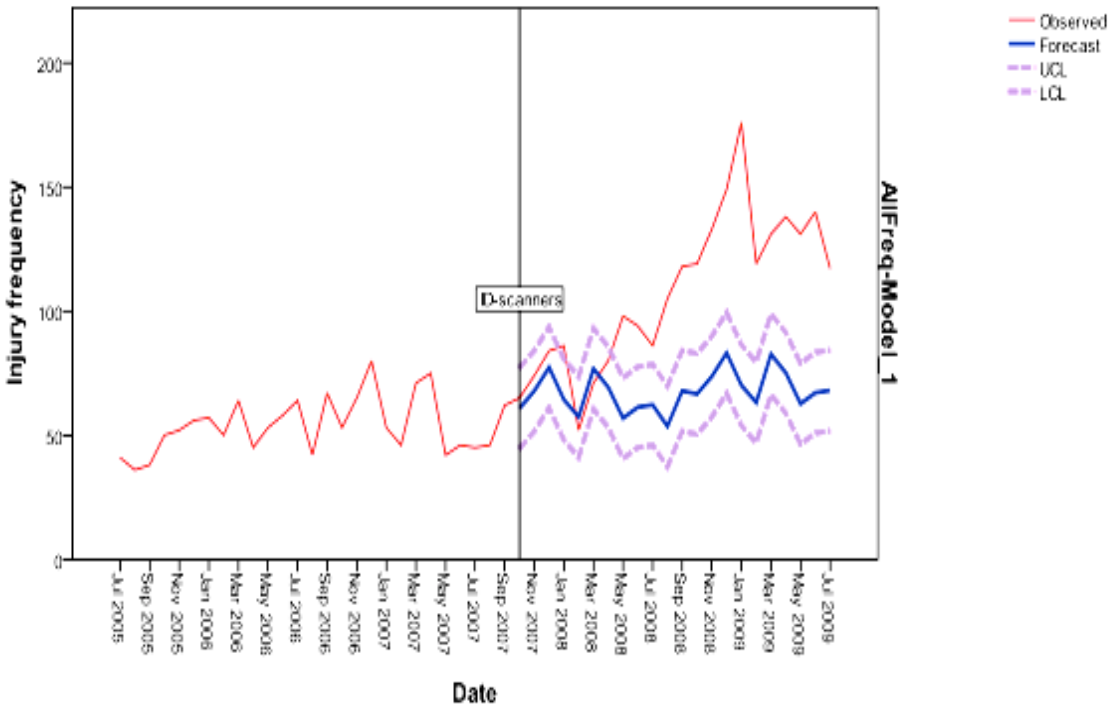
Time-Series (ARIMA) Analysis

ARIMA analyses were conducted to determine pre- to post-intervention differences in the data. For this type of analysis, it is typically recommended to have at least 50-100 data points, and the data was therefore aggregated by week rather than month, and thus consisted of 214 observations through the time-frame of 1 July, 2005 to 31 July, 2009. The model used specified as ARIMA (0, 0, 0). Three outliers were detected, but these were integrated into the analysis successfully, and the model was thus correctly specified as indicated by the non-significant Ljung-Box statistic of $p = .77$.

The ID-scanner intervention was found to contribute significantly to the model with $t = 5.57$, $p < .001$. The model overall produced a stationary R^2 of .72, and thus fit the data relatively well. It should be noted, however, that although ARIMA analysis can determine pre- to post-

intervention differences while taking into account a relatively wide variety of factors, it is nonetheless difficult to attribute a causal association between data variance and an intervention based on this statistical procedure alone when examining an uncontrolled environment. Presented with the visual representations of the data (graphs, scattergrams, etc.), however, the ARIMA results do aid overall interpretation.

Figure 5.6: ED-data with forecast and observed values for ID-scanner intervention.



Assaults

In addition to all alcohol-related injury, which supplies a measure of overall alcohol-related harm, Geelong Hospital ED records data on presentations related to assaults.

Data

Data for the study was obtained from Barwon Health Geelong hospital records for the dates of 1 July, 2005 through 31 July 2009. Key-word searches targeting cases of alcohol-related violence were conducted, and ultimately produced at total of 826 alcohol-related assault cases. 649 of these occurred between the hours of 8pm-6am. As the subject of this study was the effect of ID-scanners on alcohol-related assault frequencies in licensed venues in Geelong, this data-subset – including only cases most likely to have happened in the night-time economy – comprised the data examined for this report.

The age-range spanned from 15 to 77 with a mean age of 27, and a mode age of 20. The age-group 15-24 comprised over half of the entire set of instances with 54.5% (*n* = 359) of

this age. Males were far more frequently involved in assault cases than were females, with 76.9% (*n* = 507) of triage presentations being male.

Analysis

The analysis was conducted in two stages. Firstly, general descriptive statistics were generated detailing the time of day and day of week of alcohol-related assaults. Assault-rates by year were also presented in time-line graphs for the dates of the obtained data. Secondly, pre- to post-intervention effects were assessed using linear regression analysis.
While a time-series analysis of the data would have been ideal and probably more direct than regression analysis, a fundamental assumption of this technique is the presence of serial autocorrelation and data-stationarity. Durbin-Watson tests, however, indicated no significant autocorrelation in the data (d = 1.866 > $d_{u,\ 0.05}$ = 1.806), and stationarity was unobtainable through differencing or log-transformations. For these reasons, a time-series approach was unfeasible. As a result of using linear regression analysis to assess pre- to post-intervention effects, a causal relationship could not easily be surmised between the implemented interventions and the frequency of assault. The analyses could determine, however, whether assault-rates post-intervention were significantly different to the rates pre-intervention.

Results

Time of day & day of week

The vast majority of alcohol-related assaults took place on weekends with 486 of 659 (73.7%) instances occurring between Friday and Sunday (see Figure 5.7). Further, of weekend cases, 235 (48.4%) occurred on Sundays alone, while 212 (32.2%) presented at triage on Sunday mornings between 12am and 6am - making this time of the week the most high-risk in terms of alcohol-related assault (see Figure 5.8).

Figure 5.7: Frequency of alcohol-related assaults by day of the week

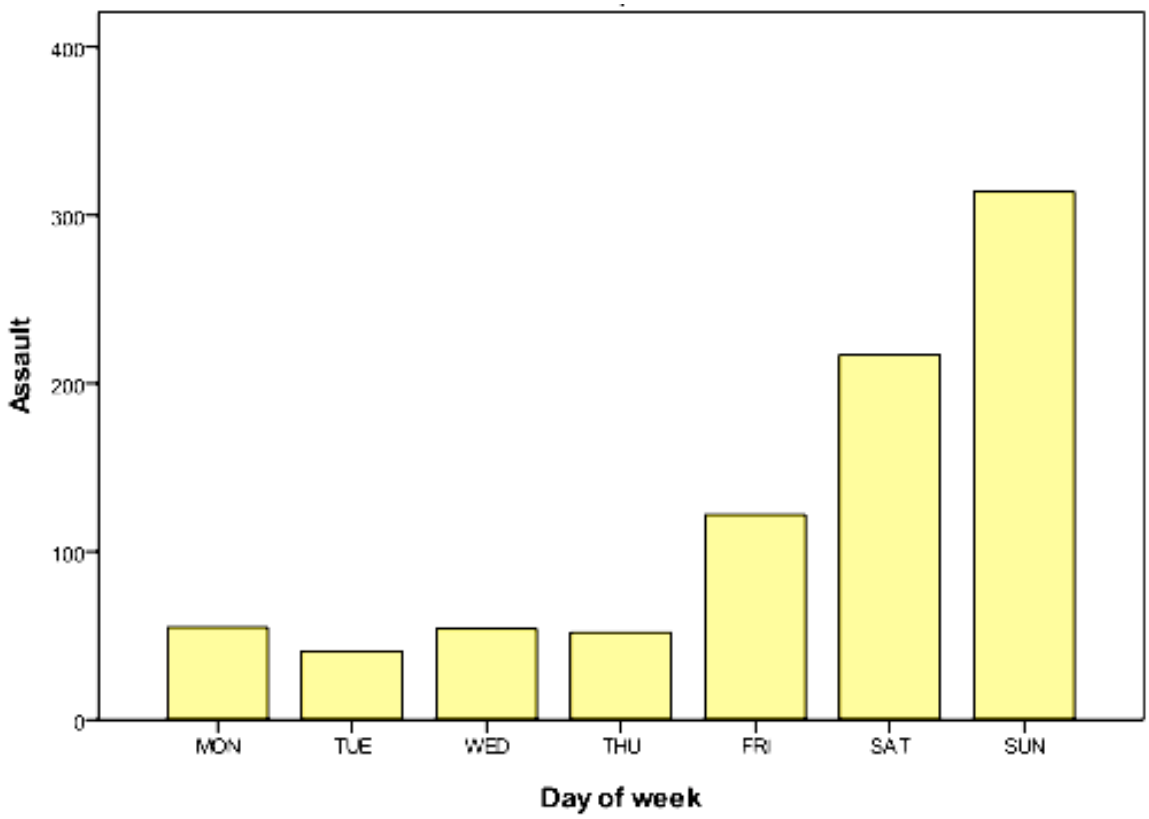
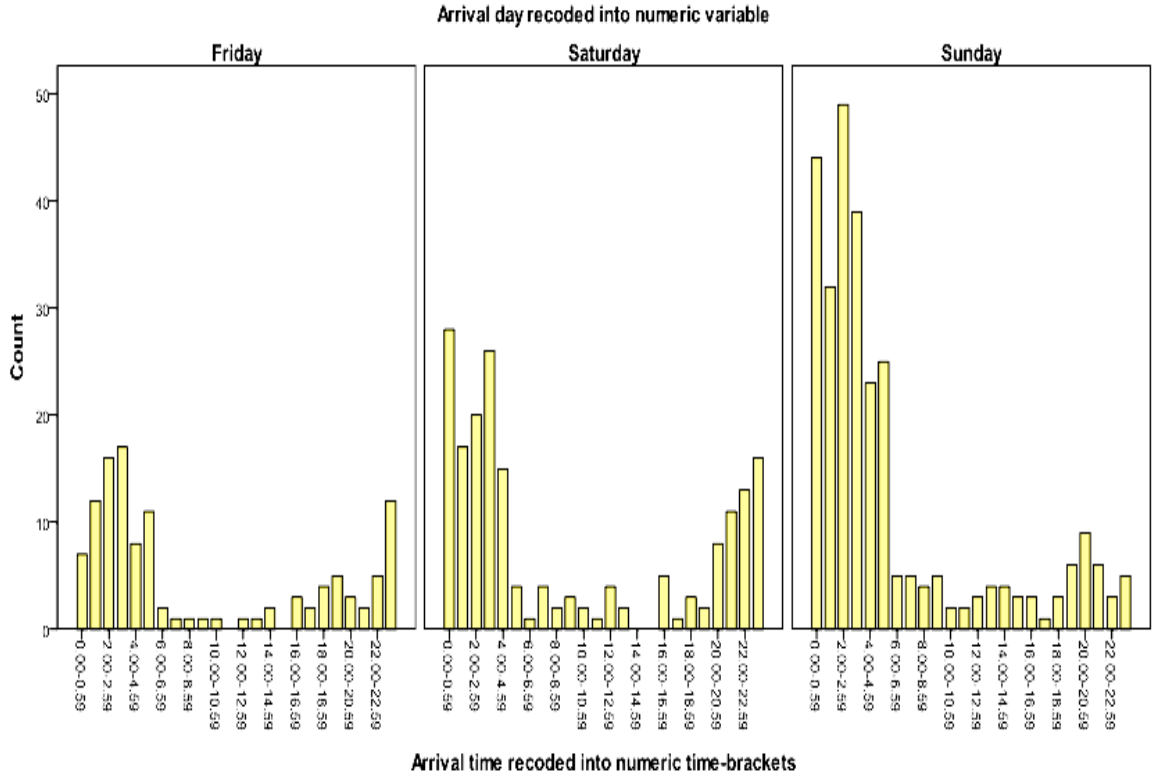


Figure 5.8: Frequency of alcohol-related assaults by hour for Friday, Saturday and Sunday



Alcohol-related assault rates by year

Figure5.99 below reports the frequency of alcohol-related assaults with a reference line for the implementation of ID-scanners. A regression line (Figure 5.4) indicates a clear upward trend in the frequency of alcohol-related assaults over time with positive correlations of R^2 =3.45. Visually, none of the interventions appear to have had a lasting, if any impact at all on assault rates. Indeed, as indicated in Figure 5.10, an increase in mean number of alcohol-related assaults during high alcohol times is apparent from pre- to post-intervention.

Figure5.9 Frequency of alcohol-related assault by month and year.

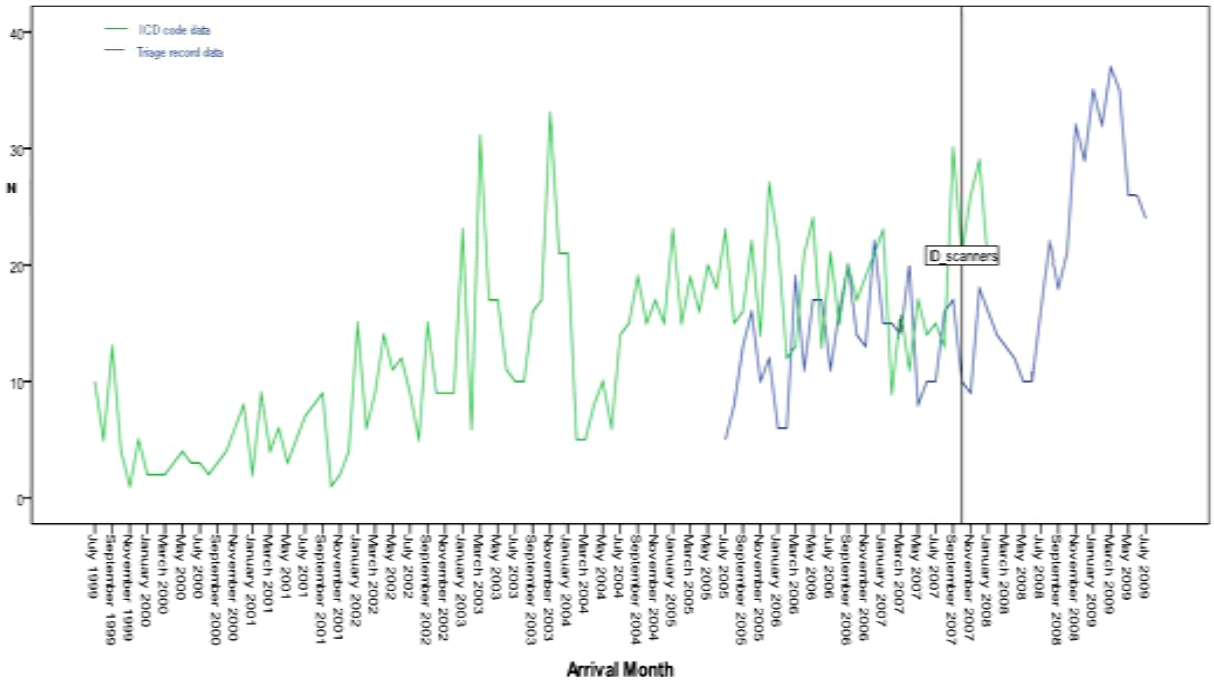
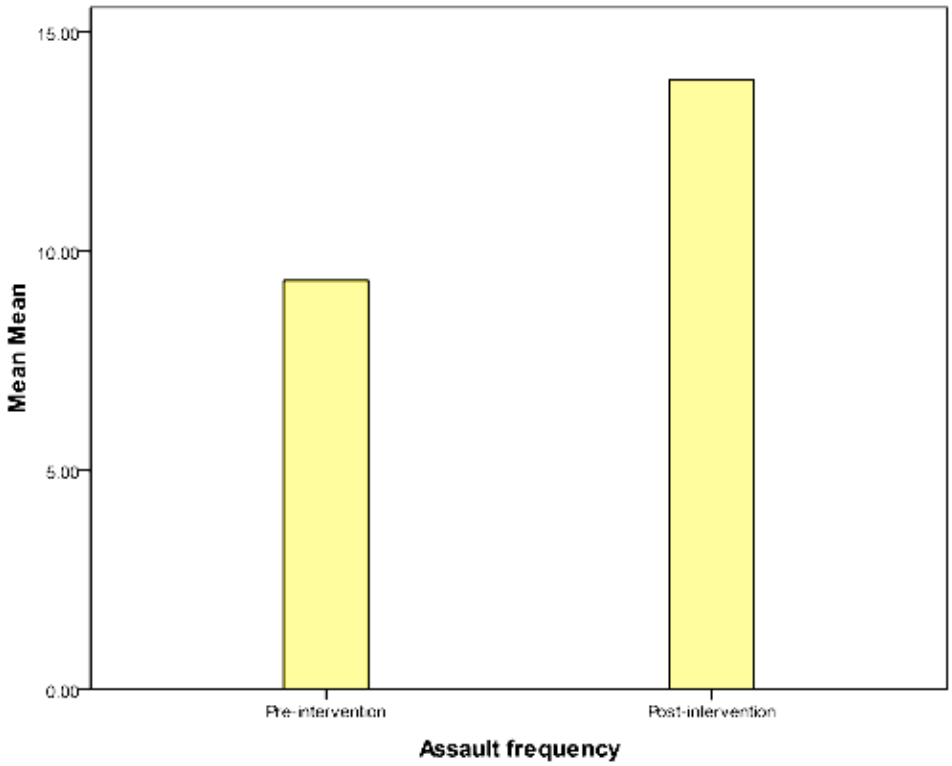


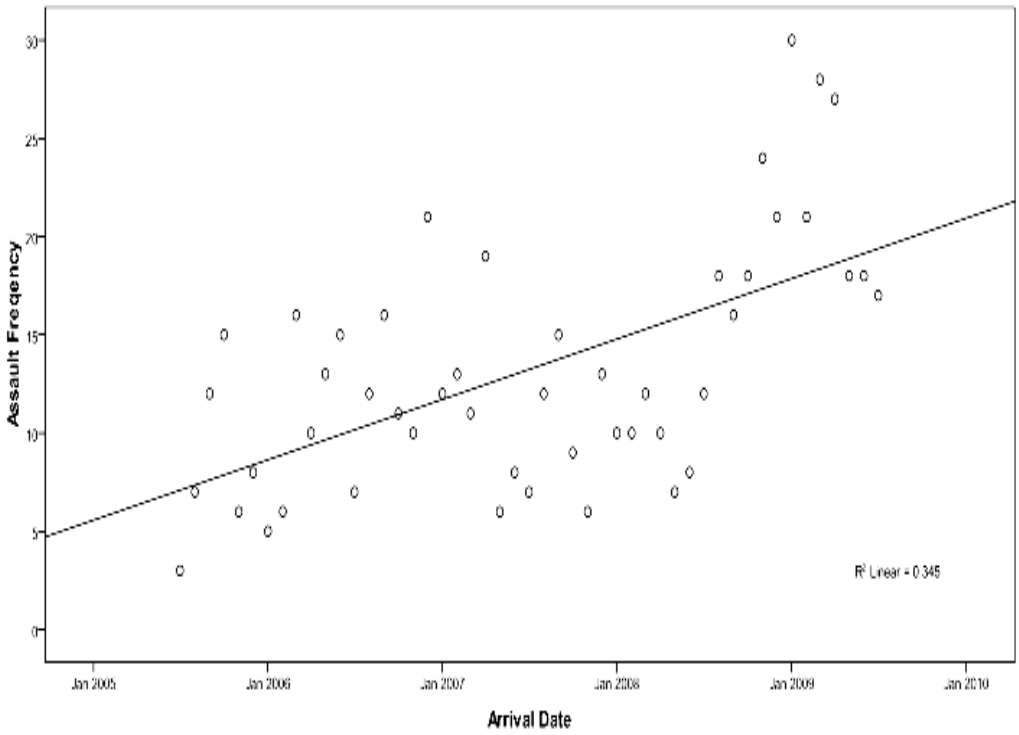
Figure 5.10 Mean frequency of alcohol-related assault during HAH 21 months pre- and post-intervention



Regression analysis

Linear regression analyses of the data were conducted to help ascertain the practical influence of the implementation of ID scanners (IV) on alcohol-related assault rates (DV). IVs were represented by dummy variables coded 0 = pre-intervention, and 1 = post-intervention. The analysis was performed using SPSS Regression, and SPSS Frequencies was used for evaluation of assumptions.

Figure 5.11 Triage data. Frequency of alcohol-related assaults by date with regression line.



To obtain enough cases for the regression analysis, the time-series was aggregated by week instead of month, and thus consisted of 214 data points through the time-frame of 1 July, 2005 to 31 July, 2009. An examination of Z-scores revealed two outliers, which were recoded to the second-most extreme value.

Assumptions of linearity and homoscedasticity of residuals were met. As assault-frequency was negatively skewed, logarithmic transformation was used to normalise its distribution. No significant differences between analyses using the transformed and non-transformed variables were evident, however, and analyses are thus reported using the non-transformed variable to facilitate interpretability.

Controlling for other interventions implemented that had been implemented prior to ID-scanners (including media campaigns, police campaigns, and community alcohol accords), the regression model revealed an R^2= .139 (.123 adjusted) which was significantly different from zero with $F(4, 212) = 8.559$, $p < .000$. The regression model overall thus explained only 13.9% (12.3% adjusted) of the variability in alcohol-related assault rates. ID-scanners correlated negatively with assault-rates, although they did not contribute significantly to the model, meaning they had no significant impact on the underlying trends.

Limitations

The results and conclusions generated from this data source do have limitations. ED-data most likely significantly underestimates the actual frequencies of alcohol-related injury. This assumption is based primarily on the reality that injuries sustained as a result of alcohol

intoxication do not always require medical attention. Such cases would therefore not be represented in this data. Another related issue pertains to the fact that ED-data is recorded by nurses or administrative staff whose main objective is patient assessment and immediate treatment, rather than noting alcohol consumption or alcohol-related injuries. For these reasons, it seems likely that a proportion of alcohol-related cases go undetected.

As the ED-data did not provide a specific location of where the assault took place, it was difficult, if not impossible to accurately ascertain which incidents occurred in the night-time economy and which did not. This limitation was counteracted somewhat, however, by only using alcohol-related assault cases which occurred within the high alcohol hours timeframe, meaning that the occurrences were most likely to have taken place in night-time entertainment districts. This well tested and validated method of assessing alcohol-related harm is the best possible method available without having EDs collecting data on where people have consumed alcohol (Chikritzhs et al, 2003).

Discussion

The findings presented in this section suggest that alcohol-related injury emergency department presentations in the Geelong region have risen consistently since 2005. Further, based on the time-series results for this study, it would appear that the ID-scanner initiative was associated with statistically significant effects, but instead of being related to a decrease in injury rates they were associated with a rise (Figures 5.4-6). However, regression models demonstrated that the ID scanners did not contribute significantly to the regression model, meaning that they did not seem to be a significant influence on the underlying increasing trends. While definitive causal attributions cannot be made in this context, it certainly seems clear that the interventions investigated have not had the desired effect - or at least not one great enough to significantly curb alcohol-related injury frequencies.

The reasons underlying the ostensibly negligent effects of these interventions are open to speculation. One explanation might be that violent people who attend licensed venues, but are violent regardless of alcohol consumption, may choose to initiate fights away from such surveillance. Similarly, the system of banning from central nightclubs may mean these people have been displaced to venues outside the main entertainment area. In each of these scenarios, it would be expected that while rates of violence within nightclubs would decrease, the number of people attending the emergency department would not be affected. Another possibility is that having your ID scanned at the door may raise anxiety levels and foster an overzealous interpretation of innocent events as threatening. This could in turn warrant some form of counter-aggression or defensive action ultimately ending in violence and injury. Further, having your ID scanned at the door as a measure to reduce mainly alcohol-violence could actually have the opposite effect. That is, while the ID scanners might stop repeat offenders entering the premises and influence people intent on fighting from fighting within a venue, it may be that these people are engaging in the same level of violence, but doing so on the street or in private residences. These remain speculations and require empirical testing.

Chapter 6

Victoria Police Assault Data

Victoria Police data was provided by the Corporate Statistics Division. Incident level data was supplied for all assaults in the Geelong Local Government Area (LGA) between the dates 1 July 2004 and 30 June 2009. Data was drawn from the Victoria Police Law Enforcement Assistance Program (LEAP) database system which captures information on crime reported to Victoria Police. Information is available across various crime categories including reported assault and family incidents. Data have been collected through the LEAP system since the 1993-94 financial year. LEAP was designed primarily for operational policing purposes and is a dynamic database. That is, Victoria Police updates existing records with new information as it becomes available. Records are also revised when investigations identify additional information. The Central Data Entry Bureau also amends records when quality control checks identify inaccurate or incomplete information. Because of the dynamic nature of LEAP, data extracted over time for the same time period can feasibly give rise to varying results. Data on alcohol-related assaults and family incidents from the LEAP database are used in this report.

Assaults

Assaults in the LEAP database can be variously defined – victim assaults, offenders, incidents and police assaults. Victim assaults equate to those who have been assaulted—there can be many victims involved in one incident or per offender. Police assaults relate to where members of Victoria Police have been assaulted. Victim assaults, offender and incidents are included in this report. Police assault data are excluded owing to the potential biased nature of these data.

The involvement of alcohol in assaults is not reliably captured in the LEAP database. To overcome this issue, we are able to estimate the level of alcohol involvement in assaults by deriving a surrogate measure. This measure has been determined on the basis of the time at which the assault occurred and is referred to as alcohol related time of high, medium and low alcohol hours (Dietze et al., 2001)(Table 6.1: Alcohol hours used in the selection of alcohol-related assaults in Victoria). High alcohol hours (HAH) are used in this report.

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Table 6.1: Alcohol hours used in the selection of alcohol-related assaults in Victoria

	Alcohol-related times	
High alcohol hours	Friday or Saturday	8pm – 6am
Medium alcohol hours	Sunday to Thursday	8pm – 6am
Low alcohol hours	Monday to Sundays	6am – 8pm

(Source: Dietze et al., 2001)

Overall, 5064 assaults were recorded in the Geelong LGA over the study period. Overall, there were 4054 offender and 4817 victims (See Table 6.2).

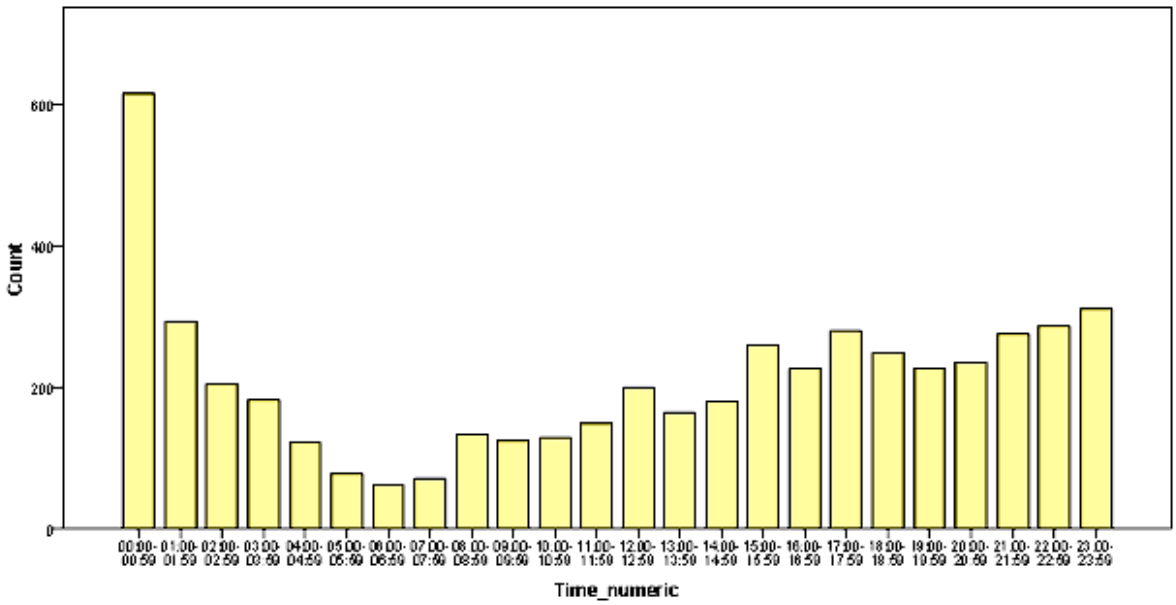
Table 6.2: Offenders and Victims by year, Geelong LGA.

	2004/05	2005/06	2006/07	2007/08	2008/09
Offenders	**587**	**782**	**808**	**924**	**953**
Victims	**758**	**929**	**947**	**1080**	**1103**

Assaults by time of day & day of week

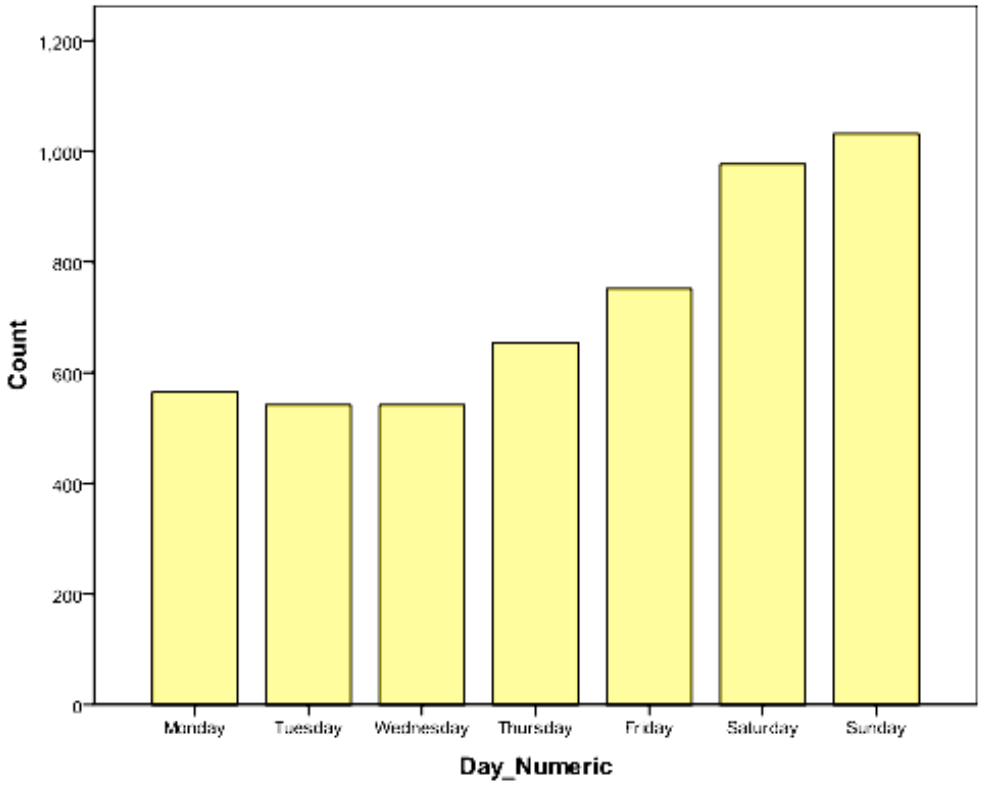
Figure 6.1 reports the distribution of assaults over the day. Clearly, there is a substantial peak between the hours of 12 midnight and 1am.

Figure 6.1: All assaults frequency by time of day



As with assaults attending ED department, most assaults occur on Sundays and Saturdays (see Figure 6.2).

Figure 6.2: All assaults frequency by day of the week



There only appears to be one noticeable seasonal trend in either high alcohol times or other times (see Figure 6.3: Monthly means for all assaults and assaults during HAH across 2004-2008.), which is a predictable peak in December and January.

Overall, 30% of assaults occurred during high alcohol times, suggesting high levels of violence within the community outside these times.

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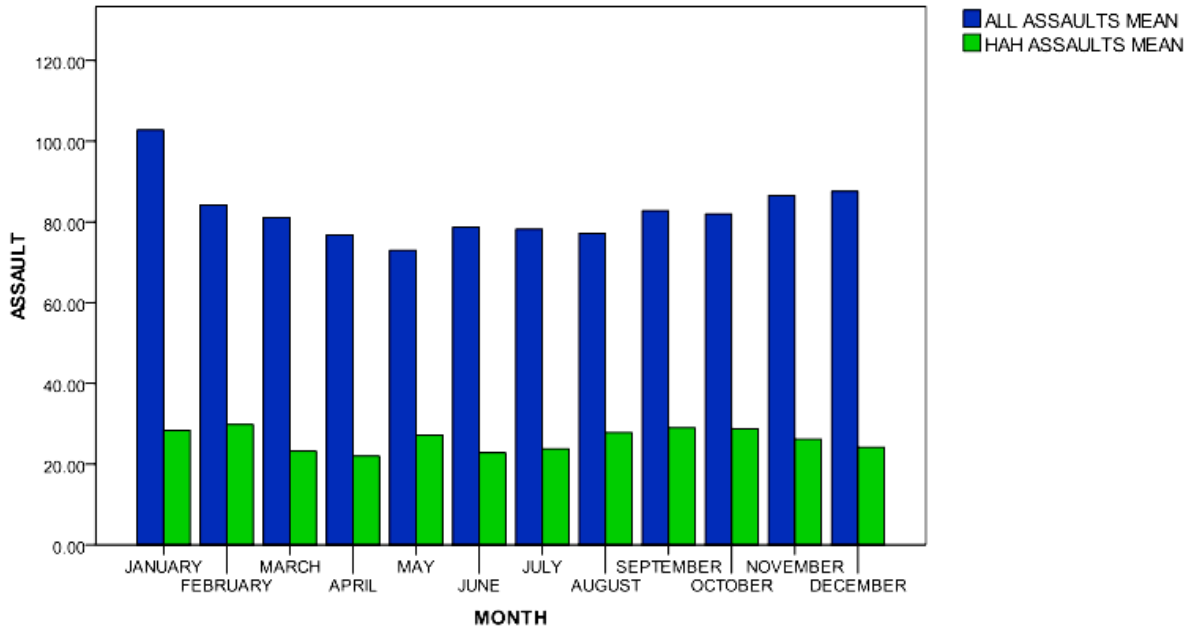
Figure 6.3: Monthly means for all assaults and assaults during HAH across 2004-2008.



Postcode

Most assaults in Geelong occurred in the central business district postcode 3220, closely followed by the suburb of Corio (See Figure 6.4). Figure 6.5 reports postcodes for assaults occurring during high alcohol hours (HAH) and demonstrates that to determine the effect of ID scanners, the 3220 postcode is of most interest.

Figure 6.4: Police data assault by post-code-All assaults

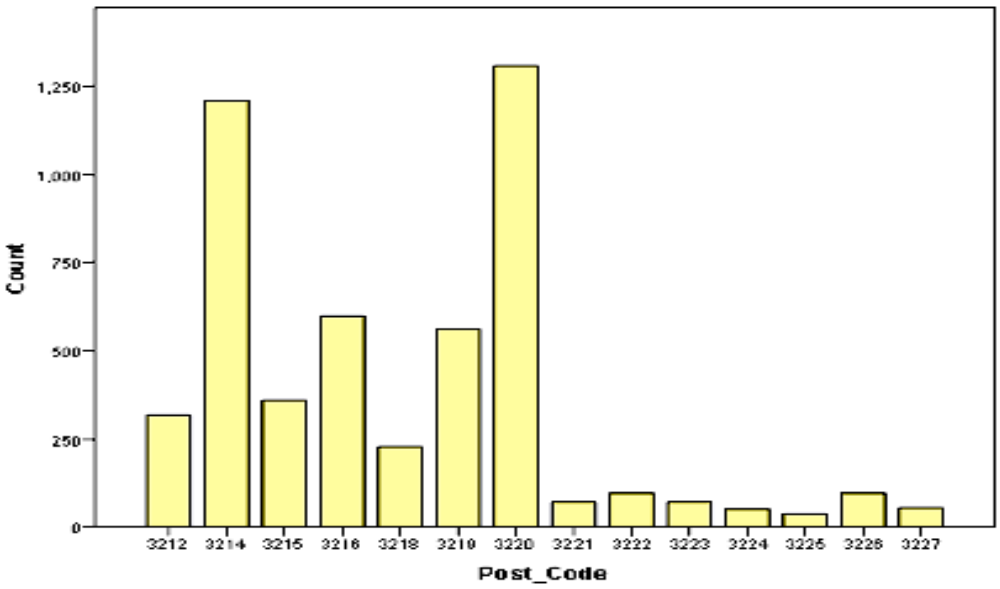
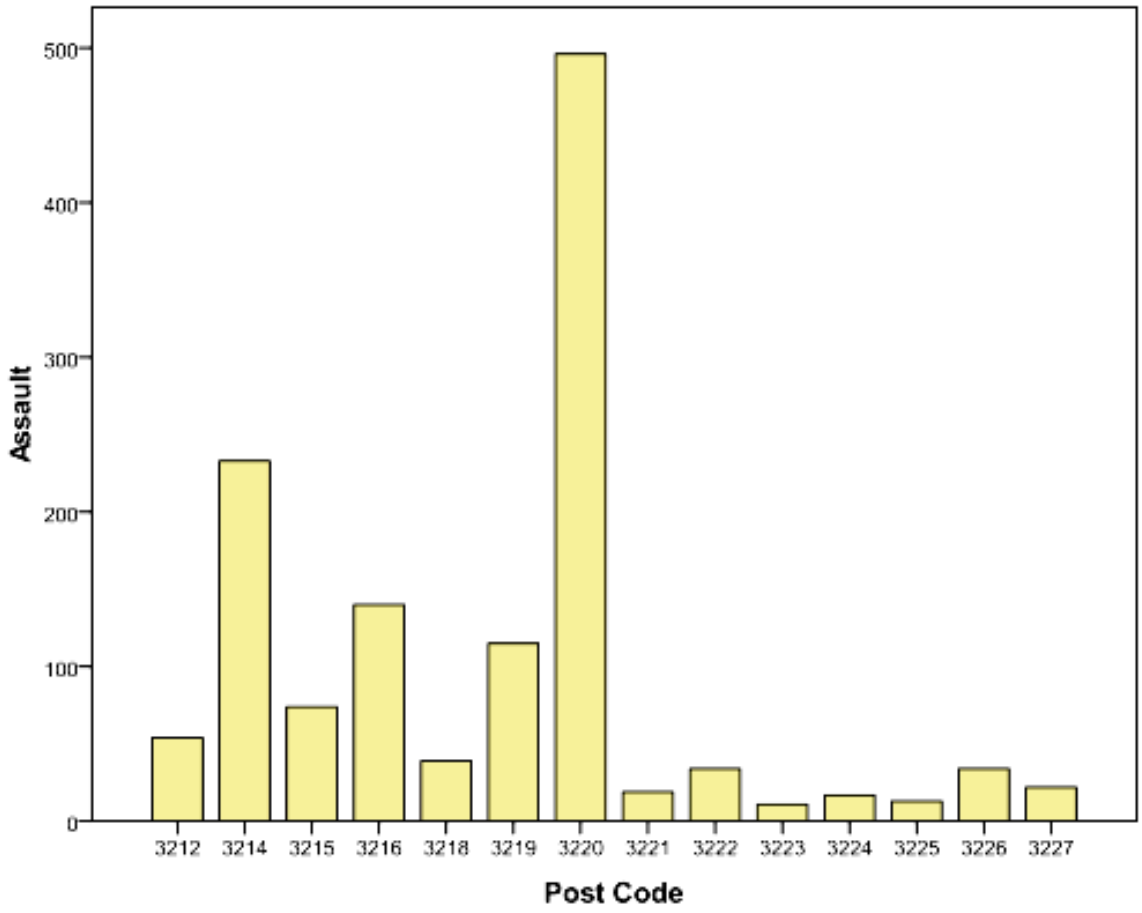


Figure 6.5 Assault frequency by postcode - HAH



Location

Figure 6.6 reports the location type in which assaults occurred across Geelong LGA. Over the 5 year period, 271 (5.4%) of all assaults occurred in licensed premises, compared to 1839 (36.3%) in private residences and 1428 (28.2%) on streets/footpaths. Figure 6.6 reports the location type in which assaults occurred across Geelong LGA for HAH, indicating how licensed premises and streets become proportionally higher during these times.

Figure 6.6 Assault frequency by location – All assaults

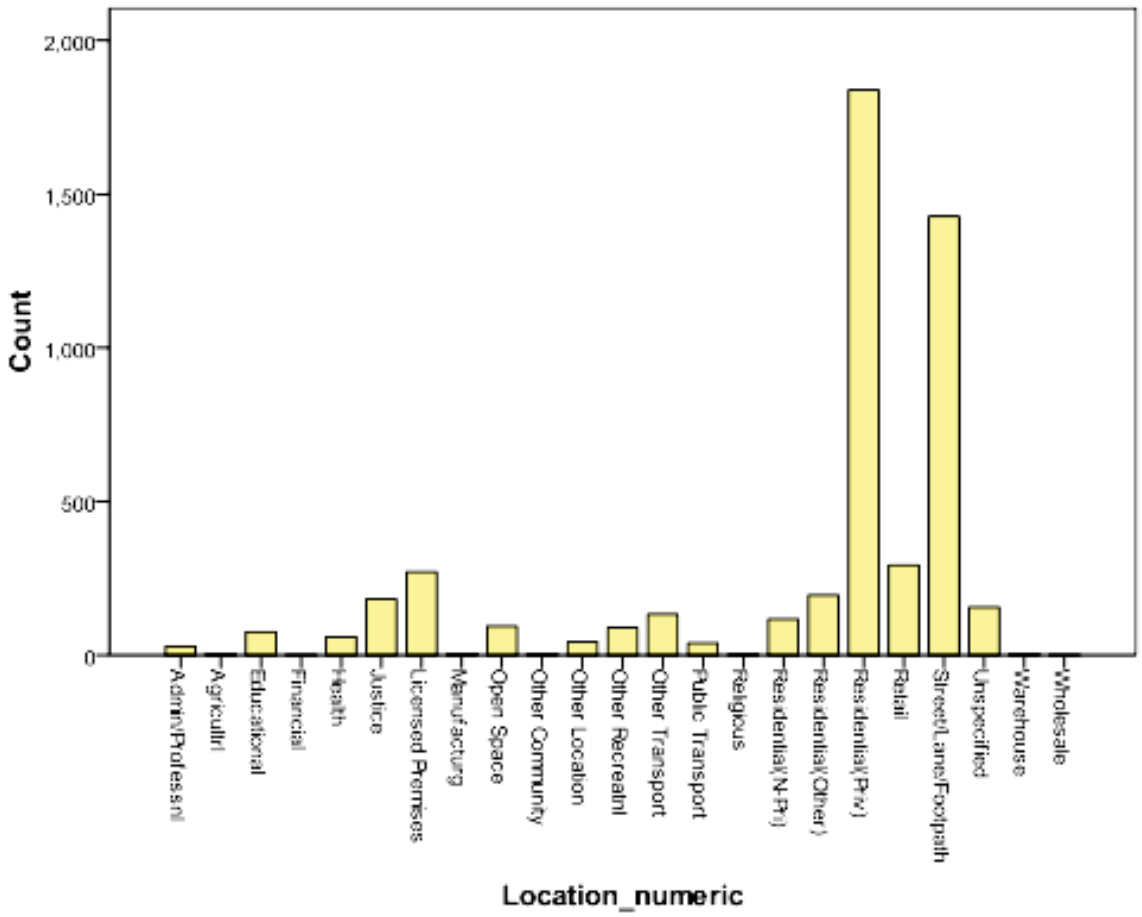


Figure 6.7 Assault frequency during by location - HAH

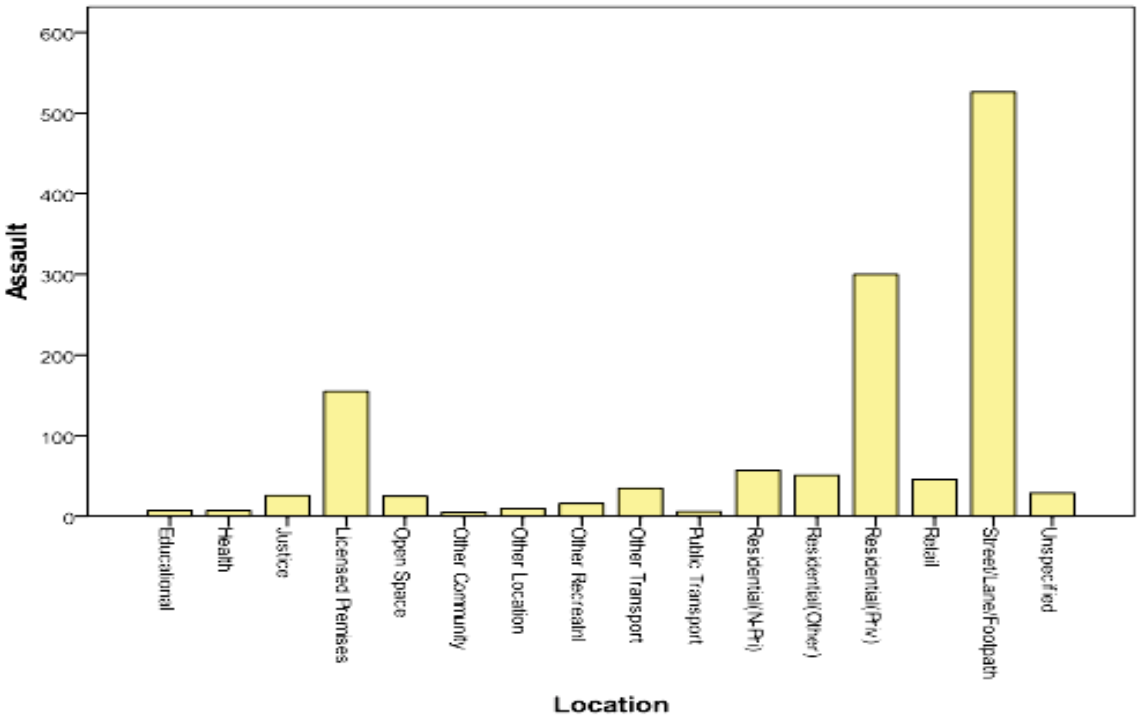


Figure 6.8 suggests that there have been notable shifts in terms of the number of assaults which occurred on the street in the CBD following the introduction of ID scanners. Figure 6.7 further highlights an increase in overall assaults post ID-scanners.

Figure 6.8 Pre- to post ID-Scanner mean monthly assaults occurring on the street within postcode 3220 from 04/05-08/09 – HAH

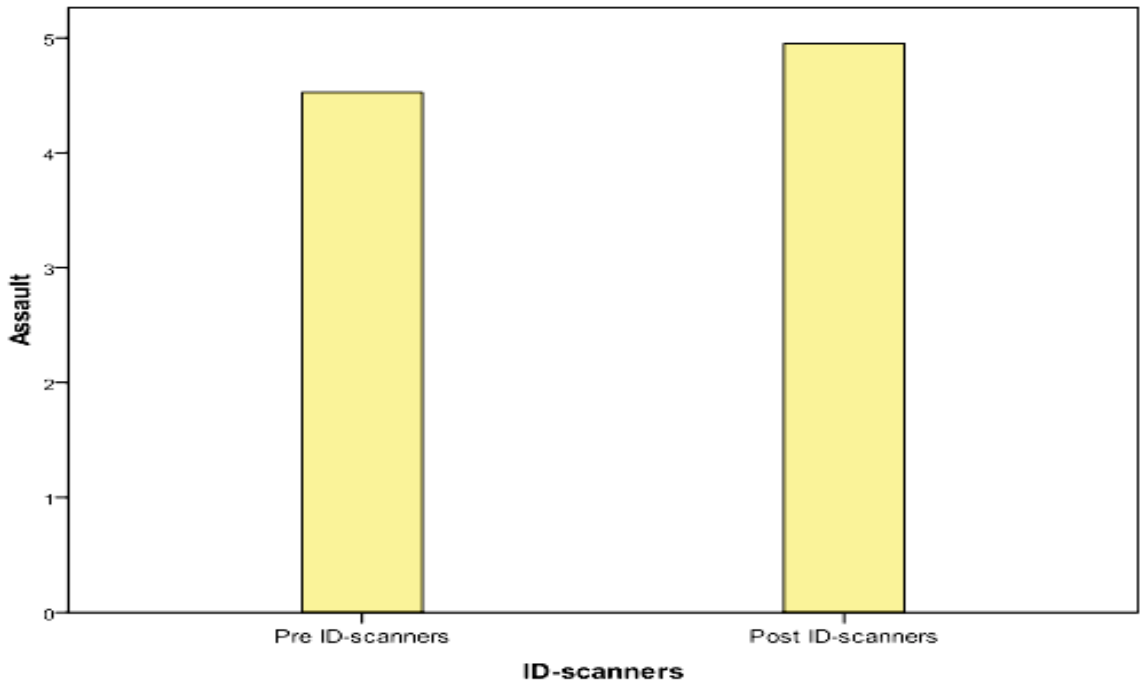


Figure 6.9 Pre to post ID-scanner monthly mean assault frequency – all assaults

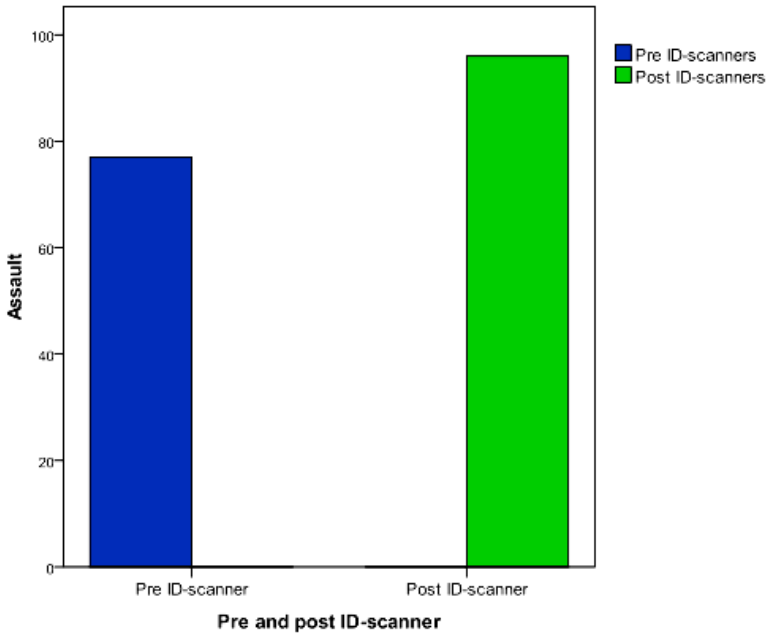
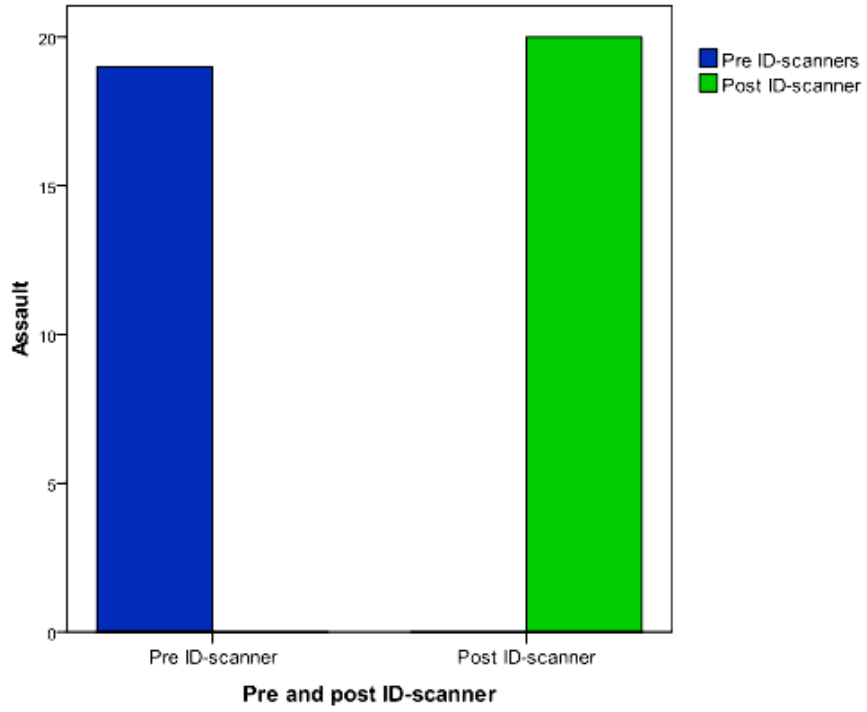


Figure 6.10 Pre- to post-ID-scanner monthly mean assault frequency - HAH

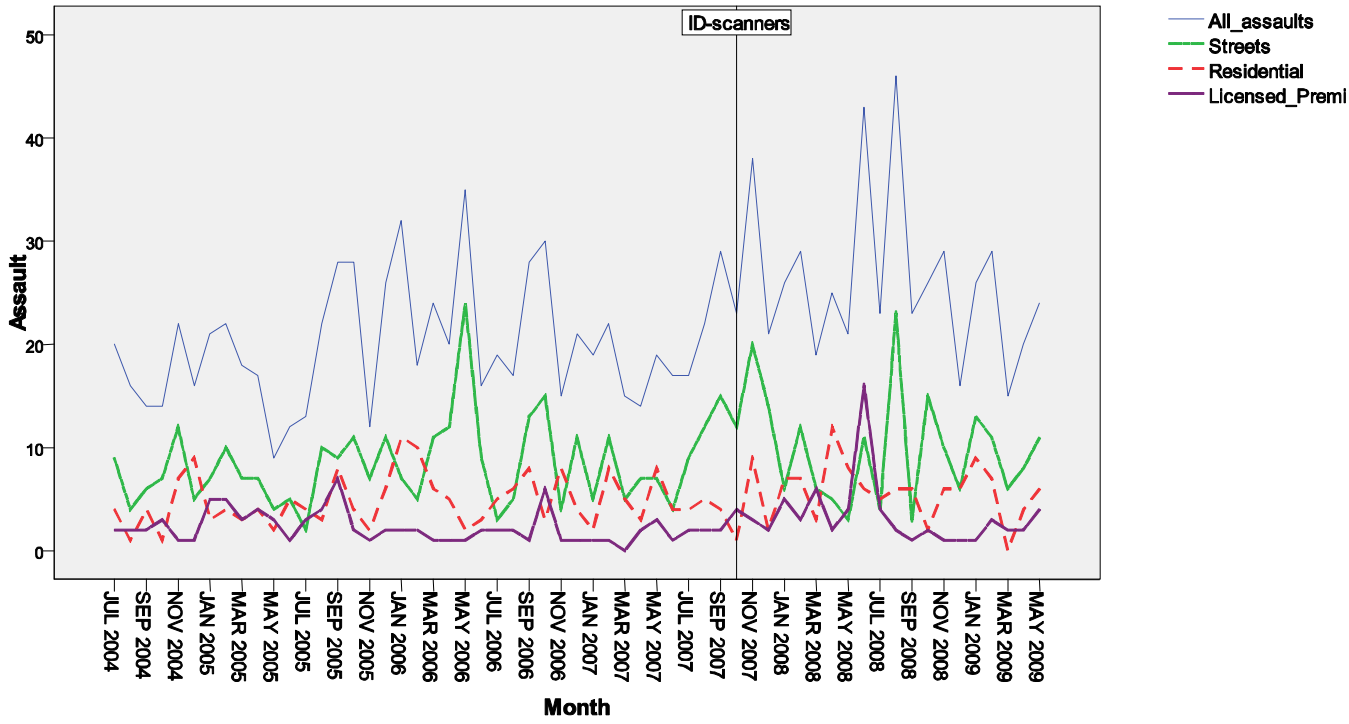


Assaults trends over time

The following section investigates assault trends over time. Figure 6.11 shows that, overall, assaults across Geelong have trended upward over time.

Monthly trends (see Figure 6.11) suggest continuing fluctuating rates of assault with no clear or significant trends emerging.

Figure 6.11: Monthly assault frequency during HAH by location



Regression Analysis

Linear regression analyses of the data were conducted to ascertain the practical influence of the implementation of ID-scanners (IV) on assault rates (DV). The IV was represented by dummy variables coded 0 = pre-intervention, and 1 = post-intervention. The analysis was performed using SPSS Regression, and SPSS Frequencies was used for evaluation of assumptions.

To obtain enough cases for the regression analysis, the time-series was aggregated by week, and thus consisted of 261 data points through the time-frame of 1 July, 2004 to 31 May, 2009. Assumptions of linearity and homoscedasticity of residuals were met. As assault-frequencies for Residential Assaults, Street Assaults, 3220PC high alcohol hours, and 3214PC were positively skewed, square root transformations were successfully used to normalise the data. Logarithmic transformations were used to normalise data for the aggregates of street assaults by 3220 postcode as well as street assaults by high alcohol times.

Analyses on data which were aggregated by postcode, high alcohol hours and specific location (residential, street) were unfeasible as data pools were too small, and as a result unable to meet the assumption of normality through square root transformation, logarithmic transformation or inverse transformation.

The regression analyses generated statistically significant differences between pre- to post-ID-scanner intervention for all assaults, assaults during HAH in postcode 3220, street assaults, and residential assaults. All differences were associated with moderate increases in assault-frequency (Table 6.3).

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Table 6.3. Significant regression results by overall assault frequency, assault frequency by location, and during HAH

	R^2	Adjusted R^2	F	B	β
All Assaults	.83	.80	23.49**	4.00	.29**
- Post code 3220	.02	.02	5.78*	.86	.15*
- Post code 3220 at HAH	.02	.02	3.78	.10	.15
- Post code 3214	.00	-.00	.76	.07	.06
All Street Assaults	.05	.05	14.09**	.32	.23**
All residential assaults	.17	.13	4.32*	.18	.13*

Note. *p < .05, **p<.001; All df = 1, 252.

As noted in previous discussions, and confirmed by regression analyses, there was a significant increase in assaults overall and assaults on the street after the introduction of ID scanners. However, visual inspection of the trend graphs demonstrates that this reflected a continuing upward trend that appeared unaffected by the introduction of ID scanners and was seen to begin declining around 1 year later.

Figure 6.12 describes the trends specifically in the CBD for high alcohol times and suggests significant fluctuation over time with no significant trend in any direction.

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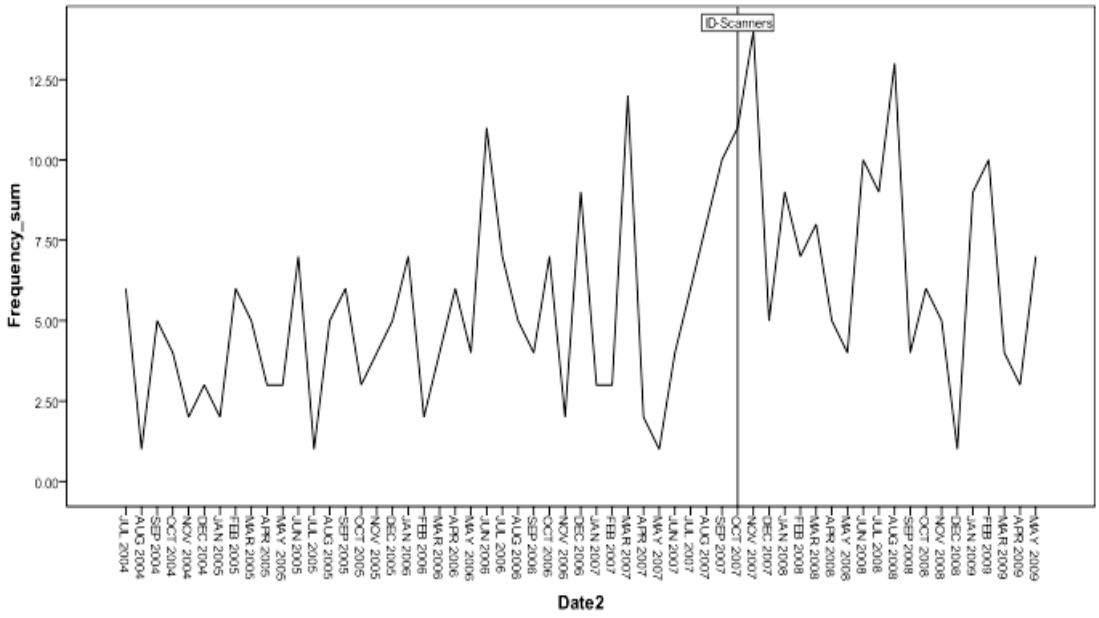
Figure 6.12 Assault frequency during HAH within post code 3220



Limitations

While the data presented allows for some insight into what has been happening in relation to the introduction of ID scanners in Geelong, there remain some substantial limitations inherent in the data, due to limitations on what data is being collected by Victoria Police, and what data they are willing or able to release.

Data that is collected relies on incidents being reported to police or on police observing acts in progress and then their decisions regarding whether to proceed formally or informally. Current estimates suggest only around one in ten events are reported to police in the Geelong area (personal communication). The most recent Crime Victimisation Survey data indicates 45 per cent of physical assaults were reported to police (see Figure 39, Australian Institute of Criminology 2011).

The level of data that is provided by police also limits information described above. Currently, data is only released by Victoria Police at a postcode level for incident data and at local government area data for victims and offenders, primarily for concerns about privacy. If data was available for incidents at a street address level, incidents could be better attributed to areas in which there are licensed venues. However, this information would also be flawed because although an incident may occur near a venue, this does not mean the venue was in any way associated with the incident. This demonstrates a fundamental flaw in the data collected by Victoria Police.

The major limitation with Victoria Police data relating to alcohol-related harm is its inability to systematically relate incidents to specific venues. Western Australia and NSW have simple data collection that systematically record information on where an offender or victim last consumed alcohol and where they consumed most of their alcohol. In NSW, the

collection of this data and subsequent evidence-based interventions with licensees effected a 30% reduction in assaults across the region of Newcastle (Wiggers et al., 2004 ; Wiggers, 2007). While such data is not systematically collected by police and released to the public in an open and timely fashion, it will be difficult to gain further information into the crime trends being described.

Discussion

The findings presented above show that ID scanners had no significant effect on level of assaults reported police or alcohol-related injuries presenting at the Geelong Hospital emergency Department. Trends in both indicators continued to rise at a similar rate to that before ID scanners were introduced and assault rates continued to fluctuate throughout the study period, both inside and outside licensed venues.

While there were no changes in trends related to outcomes associated with licensed venues, a number of changes were noted in regard to the nature of alcohol-related harm in the Geelong region associated with the introduction of ID scanners. These include an increase in the proportion of assault occurring on the street.

It should be noted that there have also been a substantial reduction in the proportion of alcohol-related events occurring in licensed venues. Studies carried out in the 1990s found that 50-60% of all street offences and assaults occurred in or around licensed venues (Buss et al., 1995 ; Lang, 1997 ; Rumbold et al., 1998). The findings presented above found that less than 5% of all alcohol-related assaults occurred within licensed venues, although the poor level of information kept in police records does not allow for an estimation of the how many assaults occurring on the street actually started on licensed premises, or on the street outside which has been found to be a major proportion of assaults when arrest data can be linked to specific venues (Wiggers et al., 2004). On the other hand, an increase in the proportion of incidents occurring in private residences since the 1990s, particularly outside the CBD, suggest that there have been major shifts in the sites of consumption in the community and the consequent levels of harm experienced. This is particularly seen in this data by the very high levels of assaults during high alcohol times in the 3214 postcode, despite there being few licensed venues, excluding a number of substantial packaged liquor outlets. In light of the very steadily increasing numbers of alcohol-related injuries presenting at the Geelong Hospital ED, these findings suggest a need for interventions that address whole-of-community alcohol consumption and specific intervention targeting alcohol-related domestic violence and parties.

Chapter 7

Patron Interviews and Venue Observations

This chapter reports on patron interviews and observation of venues. Trained research assistants conducted patron interviews longitudinally over a 6-month data collection period at ten venues on a fortnightly basis. In agreement with licensees, a team of between four and eight research assistants, identified by wearing Deakin University clothing, attended up to four venues in Geelong on allocated evenings between the hours of 10pm and 2am.

Individual agreements with each venue provided for a location to be reserved for conducting the patron interviews. The location was usually in an environment where interviewers could talk easily and were not hindered by loud music. The ideal locations were a slow moving queue outside the venue or a lounge or smoking area. The time spent in or around a venue depended on the number of patrons attending each venue. However, most interview sessions were concluded within a one hour period at each visit.

In order to obtain a random selection of patrons frequenting the Geelong entertainment area, the research assistants approached every second person spotted in each venue queue or inside the venue. However, it should be noted that some people expressed a wish to participate in the patron survey and were generally also interviewed to engender good relations with patrons. At the point of identifying a potential interviewee, an individual record was created to establish a 'agree to participate-rate' by recording if the individual accepted or refused to participate. Once accepted the interviewer pointed out that the participant could stop the interview any moment. The interviewer could also decide at any moment to discontinue the interview at any point and for any reason (for instance if they felt uncomfortable with the questions). Similarly, an interviewer could end the interview if they felt the answers being given were not honest.

Given the environment in which these interviews were conducted, participants were given business cards outlining the details of the research including contact information and a web address for questions regarding research ethics, and contact details for the principal researchers in case they wished to know more about the study. A unique identifier was also created for each respondent by incorporating their first name, year of birth, postcode and occupation. This web-based information also enabled each respondent to retract their consent to participate in the study if they desired.

The interviews took on average 5 minutes to complete. Variation in time was mostly due to the participant's state of mood and/or level of intoxication (i.e. it took longer when someone was heavily intoxicated or the interview was discontinued by the participant, because of irritation or boredom). Table 7.1 provides a brief chronological overview of the patron interview questionnaire administered within each of the participating venues, related to the ID scanners. All data from on-site interviews was entered immediately into a Personal Data Assistants (*PDA)*, with the use of data management program '*HanDBase*'.

Table 7.1. Items and Outcomes Included in Patron Interview Questionnaire Related to ID Scanners

Item	Data Obtained	
Agreed to participate	Yes/No	
Demographics	first name, gender, year of birth, postcode and occupation	
Locations in previous 12 hours	e.g. different licensed venues, home (with friends), party, sport club etc.	
Have you witnessed a (physical) fight in the last 12 months whilst going out in Geelong?	Yes/No	
Have you been involved in a fight in the last 12 months while going out? If yes: Had you been drinking? If yes: Had one of you been taken drugs?	Yes/No Yes/No Yes/No/Don't know	
Has your ID been checked tonight? If yes: how?	Yes/No Scanned (no face rec.) Scanned with photo Checked by security	 Checked by bar staff Other
Self rating level intoxication	Scale 0-10, 10 being very drunk	
Effectiveness of ID scanners	Scale 0-10, 10 being very effective	
Impact of ID Scanners on behaviour	No Go home earlier Go home later Drink less Drink more	Drink before going out Take drugs initiated Take drugs-increased Other
How safe do you feel inside the venue (where interview was held)	Scale 0-10, 10 being very safe	
Location	All participating venues Geelong	

Patron Interview Questionnaire Findings

Overall, a very high response rate (95%) has been achieved (see Table 7.2). A bit over half of the sample was male (54.5%), the mean year of birth was 1985 (approx age 25yrs old; SD=6.015) and over two thirds of interviewees lived in the Geelong region.

Nearly two thirds of the sample had witnessed a fight in the last 12 months in the Geelong entertainment district and 13.6% had actually been involved in a fight. Nearly every one of these people (86.4%) had been drinking alcohol at the time.

Of the patrons who had been in one or more licensed venues within the last 12 hours of the interviews (n=169), 68.6% of his or her ID had been checked, nearly half of them (47.3%) by an electronic ID scanner. Checking ID's was not dependent on gender; around the same percentage of males as females (68.5% and 68.8% respectively) had their ID's checked on the night of the interviews.

The interviewees reported that they believed the scanners were effective at reducing alcohol-related violence. However figure 7.1 (see below) shows a wide distribution of answers on the scale of effectiveness. There was a minor, but significant (p=0.41), difference between mean levels of reported safety amongst people who thought ID scanners were effective (m=8.6, sd=1.7) and who thought these are not effective (m=8, sd 2.5) (see table 7.3). Additionally an independent T-test was done to see if there were significant differences between feelings of safety of the participants in venues with or without ID scanner. The mean level of safety was higher (m=9.3, sd=1.1) at venues that didn't have ID scanners, than venues with an ID scanner (m=8.22, sd=2.1) (t(200)=5.6, p=0.000).

This seemingly paradoxical outcome might be due to the fact that safer venues didn't feel the need of installing an ID scanner in the first place. Similarly, it may be that venues which were perceived as dangerous are those which are larger and operate later at night, therefore requiring additional security measures such as ID scanners.

Table 7.2 Patron Interviews - ID scanner outcomes

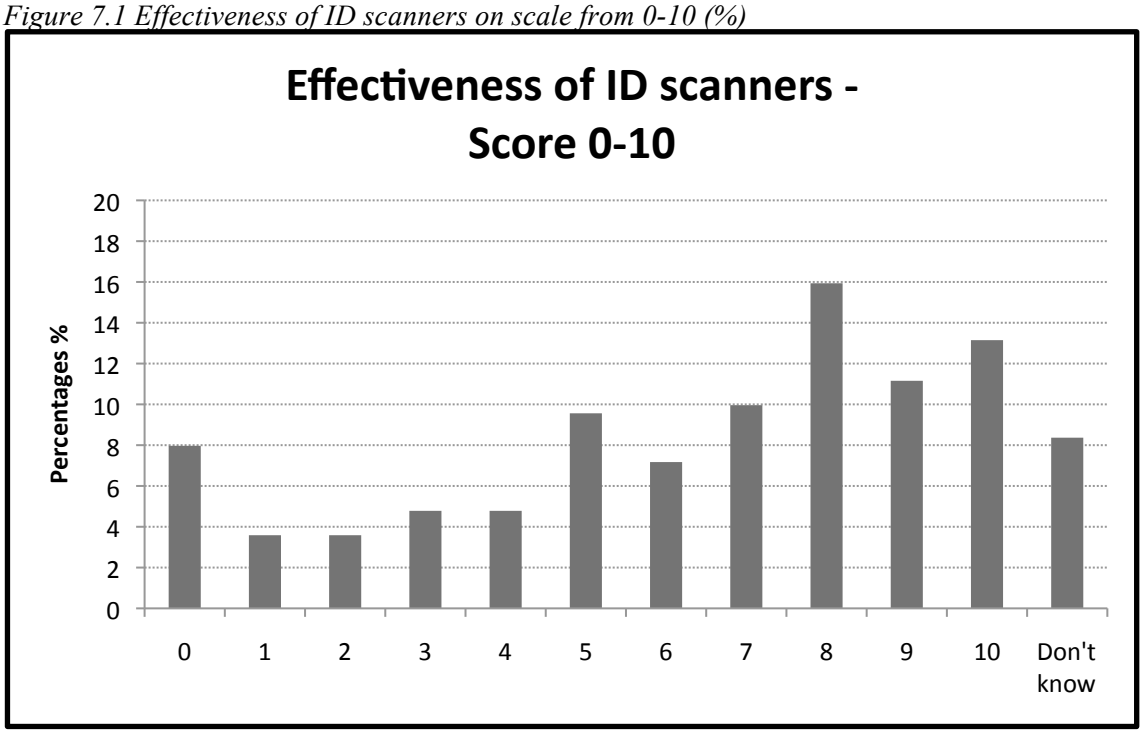
Item	Freq (n=341)	%
Agreed to participate	324	95.0
	Freq (n=324)	**%**
Gender (male)	186	54.5
Postcode Geelong (3211-3231)	221	68.2
Witnessed fight	206	63.6
Involved in fight	44	13.6
Had been drinking at the time of the fight? (yes)	38	86.4
Had one of the parties been taken drugs?		
Yes	16	34.1
Don't know	10	20.5
No	20	45.5
Patrons who were in LV before:	N=169	
ID checked	116	68.6
ID Scan	25	14.8
ID Scan Face Recognition	55	32.5
Check by security	64	37.9
Check Bar staff	8	4.7
Self rating level intoxication	N=285	Mean = 3.5
Patrons who were in LV before and had their ID checked:	N=169	
Male	63	68.5
Female	53	68.8
Are ID scanners effective?	N=251	
Yes (6-10)	144	57.4
No (0-5)	86	34.3
Don't know	21	8.4
Impact of ID Scanners on behaviour	N=236	
No	214	90.7
Go home earlier	3	1.3
Go home later	2	0.9
Drink less	5	2.1
Drink more	6	2.5
Drink before going out	0	0
Take drugs initiated	0	0
Take drugs-increased	0	0
Other	6	2.5

Table 7.3 Patron Interviews - ID scanner outcomes (T-Test)

Think ID scanner is effective?	Score of safety in venue 0-10 (mean; SD)
No	8 (SD=2.5)*
Yes	8.6 (SD=1.7)*

*significant difference between means (*p=0.041)*

Figure 7.1 Effectiveness of ID scanners on scale from 0-10 (%)



Observation Outcomes

In this study, a group of trained research assistants, working in teams of two or three, entered the premises according to each venue's established dress code. The aim was to ensure their appearance was innocuous. The observation teams entered the venues during peak trading times between Thursday and Saturday nights, commencing after 10 pm.

Each team visited three venues per night, with observers completing one survey per venue. Results were entered into a hand held PDA (*HP iPaqs*), with data being stored on the data management program '*HanDBase*'. Data files were subsequently transferred to Microsoft Excel and SPSS for further analyses.

The observation survey was developed from information gathered during Stage 1 of this study. Table 7.4 provides a chronological summary of the key elements (regarding ID scanners) of the observation survey material entered into the HanDBase program.

Table 7.4. Items Examined in Observation Survey

Item	**Data obtained**	
Venue	All participating venues Geelong	
ID check How often was ID checked at the door? Was your ID checked at the door?	 Everyone Every few Only who looked underage Not checked Yes Yes, scanned with face recognition Yes, scanned without face recognition No	
Queue - Did you have to wait in line to enter? If yes, how long?	Yes/No	
Security - Was anyone turned away for one of the following reasons?	Intoxication No ID Underage Violent/aggressive Carrying alcohol	Inappropriately dressed None of the above Other
Intoxication of Patrons - Overall intoxication of patrons during peak time. Estimated percentage of patrons looking too intoxicated to be in the venue	No sign Slight %	Medium High

In total, 53 observations were carried out over a 4-month period (Table 7.5). Ten venues were observed an average of 5 times each. In just over half (58%) of the occasions the observations were held in the 10 different venues, everyone's ID was checked. In one fourth of the observations none of the observers had their ID checked. Observers' IDs were scanned on 57% of visits and in 14% of the time the observers were not checked with ID scanners in venues using ID scanners. There was a higher patron intoxication level in venues with ID scanners than in venues without ID scanners (Table 7.6). However, venues with ID scanners close later, and observers were in those venues later as well, both factors meaning the general intoxication level inside venues would be naturally higher.

Table 7.5. Observations ID scanners

Item	Freq (n=53)	%
How often was ID checked at the door?		
Everyone		58
Every few		14
Only who looked underage		4
Not checked		24
Was your ID checked with an ID scanner?		
Yes, scanned with photo		43
Yes, scanned without photo		14
No		43
ID scanners in venue		66
ID scanners in venue (yes) -		
ID NOT checked with an ID scanner		14
Did you have to wait in line to enter? (yes)		28
Did you observe anyone get turned away for one of the following reasons?		
Intoxication		0
No ID		3
Underage		0
Violent/aggressive		5
Carrying alcohol		0
Inappropriately dressed		0
No		108
Other		0
Overall intoxication of patrons during peak time:		
No sign		8
Slight		29
Medium		37
High		26
Percentage of patrons looking too intoxicated to be in the venue (%)		8

Table 7.6. Interview ID scanner outcomes

Electronic ID scanner in Venue?	% of people showing any sign of intoxication (mean)	% of people looking too intoxicated to be in venue (mean)
No	32.2%	3.3%
Yes	64.1%	10.3%

Discussion

The findings above suggest that the patron interviews and observations were successfully conducted. Interviews reach a representative sample of patrons in the night-time economy and the majority were familiar with ID scanner and had opinions on their operation and effectiveness. The large sample of interviewees reported that they believed the scanners were effective at reducing alcohol-related violence, with a mean score of 8 out of 10 given by men and women.

Of interest, there was no reported difference in terms of the gender of interviewees reporting having their ID scanned. Similarly, no differences were reported in the scanning practices used with male or female observers, although overall numbers of observations are probably too small to detect trends.

Another interesting finding was that reported safety levels were higher in venues without ID scanners and that the observed intoxication levels were higher in venues with ID scanners. These findings might be due to the fact that ID scanners were only installed in late night venues which operate at High Alcohol Hours, precisely the time of peaks in alcohol-related violence.

Observations showed that around 30% of observers entering venues were not checked for ID. Very few cases of 'differential' scanning, where some people were scanned and others were not, were reported. Just over half the observers had their ID scanned, which also reflects the practices of some licensed venues that shut before 1am and do not use ID scanners. While differences were noted in the intoxication levels between venues that used ID scanners and those that did not, this also reflects different trading hours and clienteles.

Overall, the observations and interviews suggest that ID scanners are well received and most people believe they are effective. While ID scanners appear to be used consistently, the finding that around 30% of people interviewed had not had their ID checked in the previous licensed venue they attended remains of significant concern. This is supported by observations which found observers did not have their ID checked around a quarter of the time when entering licensed venues.

Chapter 8

Key Informant Interviews

From the outset of this report a number of key stakeholders participating in the ID scanner trial in the Geelong CBD were identified and invited to participate in this study. This Chapter provides a detailed account of the perspectives of a range of key stakeholders including ID scanner manufacturers, Liquor Accord members, Liquor Licensees, security personnel and ancillary interviewees.

Table 8.1 provides a breakdown of the numbers and classes of key stakeholders interviewed in this project.

Table 8.1. Key Stakeholder Sample

Stakeholder category	N
Scanner Manufacturers	N = 4
Liquor Accord Members	N = 5 (3 in Geelong; 2 in another regional location where scanners are used)
Liquor Licensees	N = 17 (11 in Geelong; 2 Surf Coast Shire; 4 = other
Door and Security Staff	N = 3
Ancillary Stakeholders	N = 3 (ambulance; AHA representative; Canadian licensee)

The interviews used a standard question schedule, which was adapted to cater for the different roles of each class of stakeholder. Each respondent provided their full and informed consent as stipulated by the Deakin University Human Ethics Committee, and all respondents were informed that they could terminate the interview at any time. Interviews ranged from 40 to 120 minutes duration and were transcribed in full. The interviews were then coded and narratives clustered under prominent headings including the motivations for using ID scanners, their operation in practice, their benefits, their problems and their overall effectiveness in light of other initiatives aimed at reducing violent behaviour in the Geelong night-time economy.

As the research progressed, it became clear from discussions with respondents in Geelong region that several venues in Victorian and New South Wales regional areas were also

deploying this technology, either as part of a coordinated trial or as an independent measure to regulate patron entry. The continued reference to the successes of the Geelong ID scanner trial as the basis for the adoption of this technology elsewhere was notable, given the Geelong trial had yet to be formally evaluated (Jones & Newburn 2002). Therefore, while the primary aim of this investigation involved examining the rationales and progress of ID scanner trial in the Geelong region, the transfer of this strategy, or policy convergence (Bennett 1991) into other late-night environments across Victoria and New South Wales became a secondary focus. As a result, a small sample of key stakeholders outside of the Geelong region was interviewed. The numbers are listed under each category in Table 8.1.

There were some general and uniform themes emerging in each of the key stakeholder interviews relating to the benefits and problems of ID scanners to regulate participation in the Geelong night-time economy. However, there were also some divergent views associated with this technology, depending on the vantage from which certain key stakeholders were associated with this technology. In some respects, the views of security personnel actually using this technology provided some of the richest information about certain themes. This underscored a more complex relationship between claims regarding the successes of this technology in reducing disorder in and around licensed venues, commonly expressed by licensees of venues participating in the Geelong ID scanner trial. Moreover, local council officers raised some additional questions relating to data security, not commonly cited by other key stakeholder groups. This divergence of views highlights the contested terrain in which discussion on the effectiveness of ID scanners in reducing violence in and around the Geelong CBD and surrounding areas where this technology is deployed, and provides a rich source of information to assist in the formulation of new policy initiatives associated with this technology.

Scanner Manufacturers

There are currently two different ID scanning systems that dominate the night-time economy market and both were interviewed for this research. One manufacturer has considerable security industry experience [Manufacturer 1, involving a focus group with three interviewees] whereas the other has no prior experience in the security industry [Manufacturer 2). The motivations for introducing ID scanners in part reflect the different backgrounds of the manufacturers. The interview with Manufacturer 1 involved three participants and all participants had previous experience in managing a major nightclub with a capacity of around 3 500 patrons. It was this experience that led to their innovative development of a fingerprint scanning mechanism and accompanying data security software.

> Collecting people's private information is not necessary for the conduct of your business. Our argument … was well yes it is because what we are doing is securing, or ensuring the safety and security of our patrons by collecting this data and ensuring that troublesome patrons are kept out [Manufacturer 1].

Manufacturer 1 provides a different rationale:

> It has got to a point where something has had to happen and someone had to take responsibility for it and … that is wasn't so much a government issue as an issue for the establishment's themselves
>
> The answer from everybody was that it was the government's problem that it was council's problem, but it's a social problem, its society's problem. It is the establishment's problem and they have to fix it and if they didn't, then government would introduce legislation to fix it because it was market failure. I believe it was true market failure because they weren't taking responsibility for it, that was scoffed but now you'll find they are putting them in and they have accepted responsibility for it. It's been very difficult for government or society to get the establishments to accept it because they haven't had to in the past and they didn't want to now

As the media reports in Chapter 3 depict, ID scanners provide another means of enhancing the safety of patrons in and around licensed venues. This was the principal impetus behind the development of the biometric fingerprint scanning system, which is currently in operation in several Australian nightclubs. For these system developers, the problem of violence in and around licensed premises is a fairly simple one to comprehend and provides sufficient justification in itself to warrant the development and implementation of scanning technologies.

> … 98-99% of kids or patrons that go out to a nightclub are actually good kids that go out and have a good time, go home and don't cause anyone any problems. It is 1 or 2% of idiots who create mayhem for everyone else [Manufacturer 1].

The problem of controlling underage drinking was equally prominent in the thinking behind this biometric system. Interestingly, in the following lengthy quote below, underage drinking is conceived as 'bad for business'. Hence, biometric scanning is seen to offset the business liability caused by underage people attempting to enter environments that are marketed to an older clientele. Indeed, the sneakiness of underage people also validates an equally sneaky countermeasure to overcome the tendency for the system being 'tested'. Hence, biometric scanning became a relatively foolproof method of ensuring underage drinking could be curtailed in late night entertainment venues.

> Being 17 and getting into a licensed venue is a national sport in Australia … and that's the reality. And if you want to test any system, stick it out the front of a nightclub and watch what the 17 year olds are doing because they are testing it. So day one, hired a project manager, hired two software guys, hired privacy consultants to help us step by step, but the outcome was going to be the same. We need to identify the patron, kick them out after they've been identified. Stop them from handing on ID's and it really became very quickly adamant that the only way we can stop kids handing on ID's is hire the best security guard there is with a photogenic memory or put a biometric attachment to that ID that they handed over so that the next time they come, or if someone else tried to use it … it would get picked up. So

> initially we set out with a biometric attachment to … to stop the handing on of ID's because it's not only older sister wanting to get younger sister in, and older cousin wanting to get younger cousin in … because every venue has a scenario when someone goes in with an ID, goes out to the balcony, throws it over the balcony to the other kid … And the venues, I've been associated with … (over) 25 years … I don't know any venue … that likes having under agers in their room. It's bad for business. So everyone has always looked for a solution to that [Manufacturer 1].

Insider knowledge of patron movement also ensured that an efficient scanning system needed to be developed. So, for this manufacturer, biometric technology offered a combination of speed and technology, to offset the limitations of manual scanning of identification documents by security personnel, or the conventional ID scanning process indicative of the Geelong ID scanner trial. In addition, the integrity of the scanning process has the capacity to improve the integrity of the venue adopting it. Therefore, astute business principles provide the best justification for developing an innovative scanning system.

> The other thing also was to make it quick. The venue became very busy very quickly and that was coupled not just because of ID scanning, it was quality venue, quality management, quality security staff. This was just an insurance policy for all the other things working together. It's not one thing that makes a nightclub or pub successful, its 100 little things. It's not one thing that makes them unsuccessful, its 100 little things. So this on it's own in the hands of a bad operator isn't going to save his business. This in the hands of a good operator is just the best insurance policy you could ever have [Manufacturer 1].

Despite the relative simplicity of the idea, it was clear from the outset in developing a biometric scanning device that privacy considerations would need to be addressed. Again, the experience of these manufactures in the liquor industry informed the approach to negotiating the privacy requirements through appropriate data storage and software management development. The following lengthy quote illustrates the process associated with accommodating privacy requirements in developing the biometric scanning system. Again, it is clear that from a business development perspective, it was crucial for these manufacturers to liaise closely with privacy regulators, to ensure their product conformed with relevant legal requirements.

> But we then got into issues about how the data was collected, who had access to that data, security of that data … There was really quite complex correspondence between us and the Privacy … we'll get the privacy lawyer in right at the beginning, help, work with us to design a system that complies with the Privacy Act and has the necessary safeguards and precautions built in so at the end of the day we're not going to have these issues. We were already alive to the issues, but it was just how do we design a system that takes into account of all of the things that come up … The fundamentals are correct … how the data is stored, who looks at it, who's touched it, who has access to it, all those things, the audit trials, complying with the Privacy Act are all there. Informing the public prior to entry all that sort of stuff, all those things are there … [Manufacturer 1].

Indeed, conforming to privacy requirements has not only informed the development of the technical elements of the biometric scanning system, but is also a marketing tool in its own right. Again, the issue is a question of developing and marketing a product with integrity. Therefore, the approach is to link that element of integrity with conformity to recognised privacy requirements, and open communication with regulators and lawyers to ensure that conformity. This is particularly crucial in an industry where there are many impediments built into the issue of integrity, which are inextricably linked to the problem of alcohol-related harm, the conflict with profit motives, and the extent of regulation governing both issues.

> But the reality, we are a business … the collection of data isn't the issue … the issue was … you're a hotel, what are you doing collecting data? Well we're trying to be just as professional as any other industry, because every other industry has been doing it for ages. So there's an old saying – 'If you can't measure it, you can't manage it, and to measure it you need to record it' … So … yes, there were concerns, and all the way along we've had these little hurdles that we've had to jump, that we're quite happy to jump because at the end of it we want a product that stands out [Manufacturer 1].

Developing an innovative product aimed at curbing alcohol-related conflict and underage drinking is one impediment facing these manufacturers. Selling it to nightclub precincts as a desirable method of governing patron entry is another. In this respect, market forces again provide the best measure to maximise uptake and convince businesses this technology is not only viable, but is also necessary in managing a contemporary late-night entertainment venue. The net result if one venue in five excludes 200 unruly patrons, those patrons will frequent other venues. As such, while ID scanners might displace problematic behaviour to venues that are reluctant to take up the technology, the market nature of this development leads to a competitive advantage in terms of safety for those venues that do adopt scanning systems.

> … at that time there were 5 nightclubs in (our region) … We all got on very well together and we're talking about some people that had no involvement in the industry at all, new to the industry (compared) to people that were 30 year veterans in the industry and had nightclubs … So … after one of our Association meetings that we have, accord meeting … I said to the 5 of them look I've got this project manager to come up with this idea of ID scanning and taking it to the next level. You've all seen our little black box out the front, but now we're going to spend some serious money and do it properly. Who wants to jump on board, so that we can all use the machine and promote (this region) as a safer place to go out …? Because not only do you fight against each other for trade, like any other business, but yet precincts fight … The reaction I got at that meeting was … 'you've lost your marbles. No one is going to give you their ID, no one is going to give you their fingerprint' … I said I know the concept works because I've had this little black box out there for a while. I know the majority are just good kids that want to go out and have a good time. I think it works. If you don't want to jump in, I'll go it alone. By 2007 there is 2 nightclubs left in (our region) … because that is the power. Someone who has been in the industry

> for 30 years … run very successful venues for 30 years. Why? It's very simple. Once a venue identifies that there are 200 people that they don't want back, well those 200 people don't just stay and home and tuck themselves into bed on Saturday night, they choose another venue. Now that venue also has 200 patrons going in there. You've just given him another 200, all of a sudden his 0.75% becomes 1.5% [Manufacturer 1].

The manufacturers provided a first hand demonstration of how the system operates. The first time a person enters a venue, a digital image of the person's driver's license or passport is scanned into the system. Then, at the same time, the patron is asked to place their thumb on a scanner, and a digital image of the thumb print is taken and matched with the identification document. From there, the technicalities of the system depend on the software used to process the data for further entries by that patron into the venue, or further modifications to the person's record by the software managers. For this system, the data integrity is contingent on the software management system, with venue managers having no capacity to access the data. Rather, they inform the system administrators of any changes to a patron's record that are required after an incident has been reported.

> So now the critical information has been sent off to our central server. No one at the venue gets to see (the document) … unless of course he's been banned from the premises. The reason for that is that … management has decided that you need to take a holiday for the next six months – you were fighting here last week … So then we can say … 'okay, lets have a look at your ID', we've got the right guy, 'see you later' … You also have to remember that it is only the banned ID that gets sent down from the terminal. All the other ID's remains secure unless someone bans them entirely – but they don't get to see it. The file only gets unlocked if the person is physically standing there with their fingerprint [Manufacturer 1].

Ultimately, the discretion on who to ban from a participating venue rests with the owner. Therefore, the third party relationship of the system manufacturer is confined to administering and storing the data in electronic form. This ensures that people administering the system on the ground – such as door staff and individual security personnel – have no ability to manipulate the data for their own ends. Any data administration issues are confined to direct communications between the venue owner and the system administrators.

> With us we advise security go to the owner and pleads his case to the owner – the owner decides who gets banned. When I'm out there putting my machines in we do not give authority to ban people to security staff, to door girls. They come plead their case, you sit and watch the video, you ban them, whoever needs to be banned, it comes back to you … Limiting the availability for anybody in that venue to abuse it. Generally people that are smart enough to go with us generally wouldn't leave that decision to lower staff members anyway [Manufacturer 1].

All access to the database is password protected. The manufacturer provides regular weekly summaries of patron data in statistical form, which is marketed as a research service that can improve business performance for venues adopting the system. In addition, the

language expressed in this interview highlighted the system is not only aimed at banning people and preventing disorder. It is also designed to reward orderly behaviour, loyalty and good patronage.

> Not only can the machine be used to ban people, it can also be used to reward people. So I can highlight this entry as a VIP customer, okay, gets a discounted cover charge or whatever. But in this particular exercise, I want to ban him. I click ban from venue. I put in a reason why I'm banning him and a time or a life ban, and each venue gets to decide the severity of the offences in their venue. Fighting in venue, click a date, put in 3 months, 6 months, a year. The next time this gentleman here puts his finger on the machine is going to come up red with a copy of his ID on the machine, only because he is standing there putting his finger down [Manufacturer 1].

The respondents in this interview reinforced that the primary relationship is a commercial one between their company and the venues adopting this system. As such, when managing data collected on the central server, there is a reluctance to provide that information to police unless there is a significant reason for doing so. The venue manager and those maintaining the database off site ultimately mediate the relationship between police and the data obtained. However, the venue manager does not see the identification details recorded into the system, even if the patron is banned or has engaged in a criminal act leading to a formal investigation. Throughout, this material is only available to the software managers at the company.

> We provide a service to the venue. We do not release the information required by the police officer unless all of this is filled in ... When the police gets what he needs, the venue manager is notified that the request was made at your venue for the personal details of this person and what he produced to get in with on the night has been sent to the police. Even after a police incident, the venue still don't get to see who it is. It comes through to us as a formal request. This is what is emailed to the police. Basically this was the ID produced on that night he was standing there with that shirt on, this is how our machine read it and the venue is informed that the police have what they need. Complete audit trail to the minute the guy handed over his ID, to the minute it was distributed to the police officer investigating a crime … we might get two police requests for a week because the system does really minimise the amount of scenarios … from a security … point of view … [Manufacturer 1].

A persistent theme in this interview was the nature of the service provided, both to the venue and to the patron who provides no risk of misbehaviour. As such, the 'marketing of privacy' has been at the forefront of this innovative biotechnical method of social ordering, even if it means preventing the police from having full patron records if an incident occurs.

> We not only provide a service to the venue, we also provide a service to the patron because we do protect the patron's privacy and their personal details to the best of our ability with what we have. And that means a lot of things. Not everybody gets to see the ID. Secondly, the release of information has a very strict protocol to follow before it is released … that is, a police officer cannot come in (and say) … 'Saturday

> night, there was a fight, I want the names and addresses of all 391 patrons that were at the venue. It's not available through us, because if you … came in at 10 o'clock and left at 11pm and the incident was at 2 o'clock in the morning, you'd have nothing to do with that incident what so ever. So we do have some very strict protocols in place [Manufacturer 1].

The benefits of this system are considered 'Immeasurable' and 'Beyond profit'. This is because of the useful data the system can store and generate relating to patronage trends. In this sense, the biometric system is simultaneously a security device and business investment, providing trend data on patron characteristics that can be used for general marketing purposes.

> Each venue receives a detailed statistical report of what's happening. It's a weekly report. Its 27 pages long … First of all you can see things like male and female break up, customers' entry, so … on Friday night we had 122 new males and 106 new females, a total of 228 people ... Add to that the normal fingerprint entries of people that are already in that venue's database, so it gives you the break up of male female, new customers. Also what it gives you is of the new customers that came to my venue this weekend, what's the age break up? Of the new customers, where are they coming from? … What is the age break up of my customers that came in last weekend? Time of arrival? What time did each group of people arrive? New males? new females? It gives a point to analyse my business … We really don't know what the venue is like before we get there, so all we can really do is take a four week average and say measure that venue's traffic flow for four weeks and draw a line in the sand. This particular venue here, we draw a line in the sand at 1315 people over three night's trade. This is how it has traded within the 12 months it's had (the system). This is another venue ... We took the first four weeks average and we draw a line in the sand. It was trading over two nights of 2853 people coming through the venue. 12 months later 3818. The increase in trade far outweighs the cost of (the system) … It was quite a popular venue. It had a fair bit of rubbish (patrons) in there. So in the first couple of months as you can see things went down slightly. When they got rid of the rubbish … from then on [Manufacturer 1].

It is clear that the benefits of security are viewed by this manufacture as primarily marketing benefits. However, there is also a human dimension to safety that has the capacity to reform some young people who cause trouble in late night venues. This is that young people place importance on their capacity to socialise in licensed venues. Hence, anything that makes that socialisation safer and easier to monitor is considered worth the investment.

> On numerous occasions I had 19 year old kids in my office crying because I have destroyed their social life. Well hang on a minute, you destroyed my toilets, knocked three teeth out of someone and I've destroyed your social life? [Manufacturer 1].

This interview is significant to document for several reasons. First, it highlights that security is one dimension of the business of ID scanning technologies, and this is clear in the manufacturing and marketing process. Second, both interviewers who conducted this interview were impressed by the concern to conform to privacy principles. It was clear that

ongoing liaison with privacy experts was crucial in developing the software and data management practices, to ensure venue managers have limited access to sensitive patron data. Finally, there is a novelty behind this development that transcends many of its practical security and business applications. It seems patrons are more than willing to provide their biometric data to gain entry into venues entering this system. Maintaining security of that data therefore makes business sense, in an environment where most people engaging in the night-time economy are young people, just out for a good time. The novelty of a biometric method of entry, or its dimension of 'fun', is perhaps equally important to the various security and business applications of the combined scanning and software package.

Manufacturer 2 provides similar reasons for the uptake of ID scanners albeit expressed in quite different terms, indicating that the benefits of ID scanners is:

> [T]he safety of venues, it's as simple as that. That is the primary thing. It is the key thing. If you come under that you are talking about the ability to identify miscreants and the benefit for people that have them in all cases their business has increased because more people want to go to the places because they feel safe …
>
> By removing the anonymity, those who are prone to bad behaviour, and not necessarily just because of alcohol, there are plenty of people who don't drink that are just nasty pieces of work, but the fact that they know, that they're not anonymous, it's pretty much a surety that they are going to be caught, be able to be identified and then caught, so they don't do it. They'll go elsewhere. Those who are inclined to get untidy when they are drinking are aware of the system when they are sober [Manufacturer 2].

The issue of deterrence is related to this removal of anonymity as providing the primary benefit, with an additional, though secondary benefit deriving from the capacity to identify offenders.

> [T]he deterrent is the primary factor. And I say that because incidents drop when [ID scanners] go in … so that is the primary…. Those that don't care; we can't stop the psychopath or those that are so impaired that they don't know where they are and doing something stupid – we can't stop that and that is where the identifying factor comes in. But that is definitely secondary, but for identifying crime it is an invaluable tool [Manufacturer 2].

An additional dimension of Manufacturer 2 is that they have already been able to introduce ID scanners across the country with a significant expansion in late 2009 and early 2010 into WA, Victoria and Queensland. This gives rise to questions concerning data management and data networks. This system works on a tiered access model involving an operator, a duty manager, and a supervisor/administrator. The nomenclature relates to log in authority and access to ID scanner functions. An 'operator' can only scan an ID. An 'operations manager' can enter patron bans and conduct searches of the database while the 'supervisor'/'administrator' can access all functions including determining 'system settings and creating log ins'.

In terms of data networks, many interviewees see sharing of information across venues as an important aspect of ID scanning and in particular the ability to be informed about patrons banned from other venues, potential beyond a specific city and potentially to a national level.

> ... we always believed that it would be extremely effective in changing the social behaviour of miscreants. We wanted to do it right at the beginning, but Geelong after they got comfortable using the system. We didn't do it straight away, until they were comfortable using it. Now it is pretty well standard – you get the system, you get the network. The obvious benefit is that if someone is banned from one location, they are probably going to flip you the bird and walk off and go to the next one. If they are banned from nine or ten, and when I say banned it comes up flagged at nine or ten and they elect to not let them in either, then they sit on the couch and have a hard look at themselves and decide to change. Because they can't go where their friends are going.
>
> So its social exclusion brought about by the networking of the scanner technology.
>
> .. it depends what you want… Within that database every state and territory is flagged within the database so we know every unit and where they are located. An individual location can elect to go on no shared ban list, or a state-wide ban list, or two states or three states or the lot [Manufacturer 2].

An additional dimension of data networking concerns the interface between the police and ID scanning systems held by private entities (nightclubs). Geelong piloted a trial in late 2009 in which police were given a portable ID scanner to use on the streets to enter banning information that would then enter the nightclub ID scanner network.

> It is portable, so it can go in the police car at night and be used on the street or it could be kept at the station … I pulled that … they wanted to keep it. I was frustrated with changes in personnel, lack of use and that sort of stuff so I pulled it …
>
> … we hope for [significant expansion] within Melbourne .. as I said Darwin and even all of the Territory looking to link the alcohol management system that they've got up there through bottle stores through an ID-eye system also. So we'd have a shared database going through both. So if you are banned from alcohol it will pick that up at the bottle store and the pub.

However, this manufacturer has also identified the need to address concerns about the accountability of the system and the need to protect against inappropriate use of bans or poor security practises and the desire to highlight the privacy dimensions shaping the operation of the system.

> We control the central banned list. They can ring up and challenge the ban. We will ask them first if they have gone to the venue and spoken to the individual who's given it or we can tell them which individual issued the ban, once I've identified if they really are who they say they are and obviously we have enough information to

do that. If there is a dispute we will take that up with the – I've never had to do a dispute but it is well known that we will take that up with the venue and we will make a judgement call on it. I've only ever had two calls where people have contacted us directly. It happened to be that I took those calls at that time. One was the guy couldn't remember what he'd done and he wasn't told at the door and he should have been. We say you tell them everything. Turn it around and show them. Here's your picture, here's your details. Because usually if you turn around and say what you did, the hands go straight in the air and they go oh yeah, and they cop it because they can't argue with that. But in this case it was a person banned. They guy phoned me and said I'm banned from all these locations and I can't get in anywhere and I want to know why. And I said what do you mean? Didn't they tell you why they wouldn't let you in? No, they couldn't tell me. I said, okay, I'll tell you, so I established that he was who he said he was, went on the server and the editing on the server is done every 48 hours right, every second day. And for some reason this guy's data, there was nothing in the notes about what he'd had done. In that case it's pretty clear with the operators, if I see that the ban is lifted immediately. So I just told him that it was his lucky day and deleted it. We couldn't tell him what it was, so we couldn't prove justification for being there.

So when the new signs came out it has on the bottom the privacy statement where our last line is if there is any questions or queries to contact the manager of the venue in writing and the address and we also include our contact details via email or by writing.
[Manufacturer 2].

But this does not necessarily translate into support for broader regulatory standards or requirements or at least not from an external regulator but rather by setting industry standards via the market.

The fact that there are no protocols … leaves the use of these things vulnerable. They have been highly effective and the misuse of one could bring down a lot of good work and that worries me quite a bit. So in terms of is regulation needed for it? Yes, but the problem is when you get regulators involved in doing it they are largely going to come from an angle that is myopic and not a balance of what the real objective is; and that objective is making it safe. And making places safe there has to be some surrendering of privacy. And for that to be managed properly that data needs to be accurate. So there are some concerns regarding it being regulated because I think a lot of them will just miss the whole big picture but also I have concerns about some of the systems that are out there…

So that is one of the reasons why we are looking at being able to open up our banned list system to others because when we do that it forces a level of compliance, even though it's not a government compliance [but] our protocols … so that is largely why we would do it and the sharing of information … if a venue takes it on – they will benefit. There is no question about it. They will reap the benefit from it. The area, the social impact on the area benefits when they are networked. A lot of people say I don't want to do it unless everyone else does it because they think

people won't come to them, well the reverse has happened actually. More people go to them. Especially young people, they are quite fascinated by it, so they do get more. So do it for yourself first … but you need to be able to ban someone from more than one venue so they are impacted. It's not punitive, I'm not looking at it from that way at all, but they are impacted enough to change. They have got to have reason to change and you'll only get that if you put it across a wide range of venues. The other thing I'll say is that that some people on that banned list should never be allowed in any of those places … and venues I believe need to know [banned patrons] to give their own duty of care responsibility and for the safety of people that work in their venues; the contractors that work on the door and the patrons that are in it. [Manufacturer 2].

Liquor Accord Members

A total of five extended interviews involved members of the Geelong regional committee charged with developing crime prevention initiatives and monitoring the local liquor accord. One of these respondents was a senior police officer in the Geelong district, while another three are local council staff operating in the Geelong district. A further council staff member from a neighbouring jurisdiction that has implemented ID scanners in two major venues was also interviewed. Notably, all key informants in this section have no direct interest in the liquor industry.

Each of the Liquor Accord informants agreed that violence associated with licensed premises and the night-time economy has increased markedly in recent times. Each respondent indicated the need to better understand the causal influences, in order to develop appropriate and holistic responses that target the problem in an appropriate way. This was a uniform feature amongst this informant group, which was conscious of ensuring harm reduction strategies are targeted appropriately to the right causes. However, most of the perceived causes of violence were equally acknowledged as requiring additional research. Therefore, there is a significant void in the information base, which impedes the development of targeted or appropriate alcohol-management strategies.

As the following quote indicates, various reasons contribute to the belief that violence is an increasing problem in the Geelong night-time economy, fuelled by a variety of factors that necessitate more rigorous research. Possible causal factors in this response include a growing desensitisation to violence, cultural differences with minority populations, gender, and a greater readiness to become involved in violent behaviour and the use of weapons when displaying aggression.

> I think desensitization with games and other things. Perhaps other cultural groups that come in that use weapons and violence that's perhaps been more normal in their upbringing. I think girls getting involved. It's not the common thing I say compared to when I was young – girls didn't fight. It was really, really, really rare.

> Whereas now girls sort of really demonstrating aggression, really fighting is serious. Use of weapons. Guys used to just punch. Now they kick and glass. Gangs are more. Again, it used to be between individuals, now there is gangs and retaliation. So there will be a fight and then there will be a get back. Quite often the stuff that got reported in the … (past) was … 'You hit me' but I come back two hours later with five mates and some nun-chuckers and finish you off … [Liquor Accord Informant 2].

A lack of collective respect amongst people engaging in violence and increased anonymity between young people were also considered a contributing factor. As the following quote illustrates: 'I think the reality is about not respecting each other and not knowing each other' [Liquor Accord Informant 3]. This causal issue is important, because it is commonly seen as complicating the development of appropriate solutions to the problem of violence in and around licensed venues.

All Accord informants also acknowledged the greater diversity of new cocktails of drinks popular amongst young people, and the consumption of different illicit substances had the capacity to magnify the problem of violence in the night-time economy. As the following quote demonstrates:

> I think if anything, it probably needs research … energy drinks. I just think that if you mix, and they are coming in shots now of guarana, gingseng, caffeine, all mixed together with a high sugar content and throw alcohol in. Without alcohol you drink these things and you can feel yourself twitching. So if you've got a touch of anger there. I just think those mixed with alcohol and/or mixed with other pills is probably as bigger reason as anything to increase levels of anxiety, or anxiousness that doesn't take much to trigger off (aggressive or violent behaviour) [Liquor Accord Informant 2].

For the following respondent, young people are exposed to more diverse types of alcohol 'across the board'. In this respect, there are more choices of drinks available, with more potency, and a greater willingness amongst parents to expose young people to dangerous drinking practices. However, the tendency for teenagers to drink to excess is not new. Rather, it is the contexts of that drinking, and the increased choices of alcohol that are available, that appear to be the source of current problems.

> I think their parents often buy it, there's a lot of pressure on parents to buy alcohol for young people. You know, … I think a lot of parents my generation who've got teenage kids, we all drank when we were 16, 17 or 18 and look at us, we're fine. I think there's an assumption by parents that we used to go out and get drunk at 17 and it didn't hurt us … but I think what's happening now is the Vodka based drinks and spirit based drinks. The other concern is that there is some anecdotal evidence of young people buying bottles of Vodka and mixing themselves or drinking it straight and what's being done to young bodies? [Liquor Accord Informant 1].

The combined lack of concrete evidence about the causes of alcohol-related violence, and the public perception of the scope of this problem, therefore necessitates holistic policy strategies. Hence, the need to view ID scanners as part of a coordinated strategy that

involves many elements, is crucial in examining their impact in preventing alcohol-related harm.

> I think any strategy that is not a part of a bigger picture is ineffective. I think strategies that are based around being punitive alone are not very effective. I think we do need to accept that people do drink and are going to drink to excess and its how we make sure that happens in a safe and secure environment. And lockouts and all those sorts of things don't necessarily change that. Having said that I'm not going into town in the middle of the night [Liquor Accord Informant 3].

Perhaps the most crucial quote in the entire series of key informant interviews involves the admission that the problem of alcohol-related violence in the Geelong region is poorly understood, and poorly reported in official police sources. There is a general perception that more alcohol-related violence is reported in the Geelong region, however access to accurate assault data is extremely limited. This is seen to inhibit the development of informed harm prevention strategies geared to local trends and requirements.

> I just had a look at the police data for this area and there's been an increase in assaults but it's not broken down into assaults by area … And when you go to Liquor Accord meetings they sort of report back and say there's been a 30% decrease, at one point there was a 30 odd percent decrease in assaults around licensed premises which I was trotting out everywhere, but because it's not officially released data it's very hard to put in reports. So I'd love some of that to be more concretely recorded so we do know whether there's been (a substantial increase or decrease). Anecdotally the police say there's been less but I don't know about that. I'm writing a report now for a Parliamentary Committee and I can't find data that says there's been a reduction in assaults at that level unless you go through the process of applying for that data and buying it and whatever you have to do [Liquor Accord Informant 1].

Added to this is the inherent contradiction in the liquor industry between business considerations and safety. This contradiction not only complicates the policy development role, but also seems to place undue reliance on invoking quick-fix measures to overcome the problem of violence in the night-time economy, given the inability to develop more targeted, evidence-based harm reduction methods. In this respect, the liquor accord provides one avenue for competing businesses to come together and develop strategic methods to improve the region's night-time economy at a more holistic level.

> I guess some venues have a very particular interest and they would argue that they've had more of their fair share of attention but they are in commercial competition with each other. So it's a really difficult balance for them to strike and I think they've done a very good job to come together and form an association and advocate for improvements and lots of them have been willing to commit. It's lots of money and lots of time to engage in these processes. Some of these who are putting in the ID eye scanners, they are 11, 12, 13 grand. Some people have just put in two, and train staff and ongoing training. That is a significant investment so I think they've been good to do that. But at the end of the day they're there to make money.

> They're not charities. They're there to make money and they are in competition and if they see that they've invested all this money but the crowds are going to the discount liquor joint up the road, they're going to have to do something. How long do you expect a business to suffer financially? So I think there are some issues and some concerns that some venues would have about the operations of other venues … I've heard other arguments that venues that do offer a safe environment, that do operate well, that have a good attention to detail and run a really top class venue will attract the crowds back. But then you talk to those venues and they say 'Yeah but if we're selling $8 drinks and they're selling $2 drinks we know where people are going and we don't really want to get into the $2 drink market, but we want to have people in our venue. We've hired all the right security, we've got top DJ's, it's costing us a lot of money to be opening the doors every night. We want everyone through the door.' I think some of the difficulties too for some of the very, particularly the very late-night venues [Liquor Accord Informant 1].

One notable theme here sits as a contrast to the scanner manufacturer interview. This relates to the issue of ID scanners as a measure of venue safety. As the above quote illustrates, there is an underlying perception that sensible business does not necessarily equate with greater provision of safety. Rather, it equates with cheaper drinks offered to more clients. As such, managing that dimension of the night-time economy, and potentially relying on scanning technologies as the principal method through which safety can be promoted, might be counter-productive. This is because when a youth market is concerned, cheaper drinks that are supplied readily, at the risk of greater venue 'in'-security, is likely to be a more palatable social option.

In this context, there was a general sentiment expressed in this cluster of key informant interviews that conventional policing methods, such as improved and more visible street policing, has long been required to minimise alcohol-related violence in the Geelong region. However, there is also a concern that street policing has mixed success in terms of consistency of the police presence and patron attitudes towards the formal law enforcement presence. This issue has been researched at council level, and has led to an increase in foot patrols in recent years, but this policing method requires more ongoing assessment to ensure it has the desired preventative impact.

> When we asked young people a couple of years ago in the forum, certainly they said police on the streets makes a difference. Not police in cars driving around corners, looking straight ahead and not seeing too much, but physically walking the beat – foot patrols. Foot patrols in and out of venues, identifying problems early … There has been periods of time where there's been quite a saturation and flood of people out and then we won't see them out for a couple of weeks so it tends to be sort of a bit in waves and not quite as consistent as some people would like to see. Sometimes the venues have said there's been too many. They've said if we've got police walking through every hour it sort of puts a bit of a dampener on the atmosphere, but I've been out with the police on some of the night tours and people, particularly drunk young girls, come up 'It's great to see you guys'. They actually talk to them and tell them they feel safe because the police are there. If

> something goes pear shaped, there's the police, they're out, they're visible, they're seen [Liquor Accord Informant 1].

This belief appears to contradict the perception that surveillance technologies can improve public safety. The following key informant indicates there has been a general improvement in the nature and coordination of police responses to alcohol-related disorder in recent years, and offers a similar point relating to the benefits of a coordinated human enforcement strategy would assist greatly in improving safety levels within the Geelong night-time economy.

> I think probably over the last ten years the openness of the police to work more broadly with the licensees and the local government has really enhanced some of that overall response stuff. Probably for them one of the challenges always is sharing that information through the rank and file and having some sort of consistency in response [Liquor Accord Informant 3].

In this context, ID scanners were considered as simply one form of technology coexisting with others to provide a holistic response to alcohol-related disorder. However, the following quote indicates liquor accord informants are sceptical about the lack of uniformity underpinning the current ID scanner trial in the Geelong region. Part of this inconsistency involves the range of ID scanning technologies being implemented at different venues. This makes networking the data as was originally intended by the trial impossible, and therefore undermines the effectiveness of ID scanners as a genuine harm reduction strategy.

> I think the venues will say it has allowed us to very quickly to identify people that are causing problems. It's all very well to have people on the camera, but if you don't know who they are you could be looking for them for months. So it's meant that people can go 'Yep, that's the photo of the person who did that assault or glassing or whatever and there's their ID and there they are.' I think there have been great benefits in being able to do that. I think particularly those very late venues, you've got that much higher potential for stuff to happen and I think they're best place in those very high risk venues. I like to ones that pick up the fake ID's. My concern about them is we have venues that some have the networked ID-eye, that have got some good security provisions and do pick up fake ID's and so forth and then you've got a couple of venues that have just got the black box scanner ones and the problem is they are sort of riding on the coat tails of the other program a little bit, and I worry that people go to those other venues and think I'm scanning my ID it's all okay and people don't know. We don't advertise the fact that these aren't networked. But what are the security provisions, are they effective, how well can you use it and people can get into those venues with any ID, it's not picking up a fake ID [Liquor Accord Informant 1].

Despite these limitations, this group of key informants agreed with most others that the major benefits ID scanners relate to their value as a technological deterrent to anti-social or violent behaviour, and their potential benefits in detecting fake ID documents. The following two quotes illustrate these intersecting and consistent themes identified across each major key stakeholder interview conducted for this research.

> Deterrent. Same as security cameras, I just think that if people are aware that they are being tracked, hopefully nothing ever happens and we never have to use it but if people actually think that they know who I am. But I guess if something does happen, being able to track that person [Liquor Accord Informant 2].

> I guess they take away the problem of people coming in on fake licenses and ID's which is quite a large problem. I suppose they are always traceable back are they? [Liquor Accord Informant 4].

However, liquor accord participants employed by local councils did not always view ID scanners favourably. In particular, there were concerns over information privacy, storage and the capacity of any technological measure to induce substantive behavioural change. The following quote illustrates each of these concerns.

> I don't think the information is that secured. I think that there are times that we have to have some responsibility about what we do and movement around the place, so I'm not sure that I want my child's every move monitored. And I don't know that it actually does a lot towards to contributing to people taking responsibility for their actions. Sure, it might mean that people think twice but we all know that a drunks a drunk …. [I] have an objection on the grounds that I don't see that it instils anything in someone to take more responsibility for their actions. It leaves me with some disquiet … I think … it instils a false sense of security … [Liquor Accord Informant 3].

There was also the need for consistent standards to improve the effectiveness of the Geelong ID scanner trial. In this respect, there was an important analogy drawn with the haphazard roll-out of CCTV systems in late-night entertainment venues and precincts, which appeared to be mirrored with the roll out of the Geelong ID scanner trial. The causes behind this lack of consistency in standards remain unclear, but are implied by the differing nature and uptake of various systems by establishments participating in the trial. One possible solution to this problem would be to enable police to play a greater coordinating role in synthesising the information and implementation of disparate scanning systems across the Geelong region. However, for this respondent, the lack of a consistent standard of scanner administration was seen as a significant downside to the Geelong initiative with the potential to undermine any benefits the scanners could produce in reducing alcohol-related disorder or underage drinking.

> I feel confident that if people use the right software… There seems to be a couple of systems running at the moment. Whilst I would encourage competition to get the right price and product, I think that if you have a good quality system that is managed by a set of standards that people sign off to, then you should be able to eliminate that. It's the same as the data that we collect on CCTV. We're council and in theory we collect it so we could go and have a look at a whole lot, but we just say we do not own the data, it's owned by the police. And I think at a venue or with the ID scanners, it should be owned by the police basically. I don't know whether that would be practical if they need to know stuff but you can just say to all your door

> staff that are collecting it they don't have access or you might pick one person – it's resolvable. But the potential down side is far outweighed by the benefits I think [Liquor Accord Informant 2].

Apart from police coordination, this group of key stakeholders generally endorsed the Integration of ID scanners into licensing conditions for late night or high-risk venues. The benefits of this process would be to tie potential misuses of the scanning system into an enforcement regime that relates to overall trading conditions and restrictions applicable in the liquor industry.

> I think that would probably be quite helpful. I think it's been tied to outcomes in terms of the negative stuff in terms of breaches of your liquor license, if you get lots of tickets you're going to pay more, but it might be good also to be rewarded for doing the right stuff too [Liquor Accord Informant 1].

In addition, there was widespread acknowledgement of a variety privacy concerns associated with ID scanners. Associated with this point is the general complexity associated with information privacy and data security arrangements, which is compounded by a degree of complacency amongst young people in relation to internet privacy issues more generally.

> When they were first released there were certainly a lot of people around my age that said they had privacy concerns and last year we won the 2008 award for excellence in alcohol management and I remember when we went to Canberra to present, the panel was all blokes in their 50's and 60's and one of the blokes was just horrified and said, 'Do you mean if I come to Geelong and I want to go out for a beer I have to give someone my ID? No way … and he was very very offended by that. But if you talk to young people, they just go 'Oh yeah', very few young people even blink an eye. They are used to every time they scan their library card … they know information is being collected. I think there is an issue around that. I like the fact that some of the ID scanners we have here have some very strict privacy provisions and so forth. I think that is really important and I do worry about what will happen … one day … it's an interesting ethical debate about the privacy of the ID scanners [Liquor Accord Informant 1].

Nevertheless, there was some approval for the widespread implementation of ID scanners to reduce alcohol-related disorder outside the Geelong region. As the following key informant from a regional area neighbouring the City of Greater Geelong indicates, there is a level of approval for the scanning system despite the various concerns associated with privacy, data management, and limited networking capacity indicative of the Geelong trial. In particular, to mandate ID scanners in all venues in this region would help to ensure consistent standards of technical capacity and use.

> One of the best initiatives that has been talked about but hasn't been implemented here, but I think that it would work very well, is everyone has an ID scanner and on that ID scanner if Joe Smith wants to go into a venue and he swipes his card and he's a serial offender, beep, and he is not … allowed in a venue in the CBD. Because they are doing some research here, very loosely in the fact that in the 5% of people who

> are serial offenders, they create 95% of the problem. So they are saying that they can change anti-social behaviour in the CBD by banning 5% of people or even less. We haven't implemented that yet. They've got a few problems, but they're working on it [Liquor Accord Informant 4].

One final model canvassed in these key informant interviews, involves a model currently adopted in the Geelong CBD in administering open street CCTV systems. In this case the costs of ID scanners could be subsidised by local government, and administered by Council, rather than police or liquor licensing regulators. This would have the potential to ensure local administration of the system if the money could be raised to subsidise the implementation of a consistent scanning system to overcome some of the networking and practical impediments with their current use in the Geelong CBC. However, the risk with this model relates to the haphazard implementation, which is often contingent on finance, and available technical options at the time the system is instigated and supplemented. The following quote demonstrates the complexity of the CCTV model, which risks replication unless a concerted and coordinated approach is adopted in administering ID scanner implementation at Council level.

> We've since realized that … to have the potential to have 12 cameras, it only has 12 sites. The idea is to have 6 cameras around and move between sites. I thought it had the potential to have 12 cameras. As soon as we added the 7th it overloaded the system and I wondered why it kept crashing. But it was very poor advice in setting up. It was just a good idea at the time. There was no one in Council that really did it. They got a contractor to come in and I inherited this system … at the police station there was 1 CRT monitor. We now have 7 or 8 large plasma screens. Two down in the watch house, one or two in the detectives unit and I think we've got 5 and we're adding another one. We've now got 20 cameras. One of the inspectors this morning asked if I could put up two more. And because we've got so much system now we had extra data so we put a fibre optic cable between the collection point at the police station. That was a $50 000 fibre optic cable. Now we've got one person monitoring the cameras. If you put 22 bits of information across 5 or 6 screens, there is a point where it is too much so as soon as we have to double the monitoring, well there is an extra $30 000 a year. Where do you stop? And this is just the city centre. We've got people saying now that we should have a couple in Pakington Street. It's an interesting discussion … people will expect too much from them and they'll think we've got cameras and all is good and he was very right in that it is an important part of a whole conglomerate of things; education and lighting and transport and cleaning and all that sort of stuff. But … there will be no turning … [Liquor Accord Informant 4].

General view of those charged with coordinating local government strategies to combat alcohol-related disorder is that any technological initiative, regardless of whether it is CCTV or ID scanners, needs to be part of an integrated response to have a genuine impact in dealing with problems it is purporting to combat. This was a uniform perspective amongst Accord informants, which is directly related to their role, and their concerns to encourage more targeted research on the causes of disorder to generate targeted responses. The following statement best exemplifies the perceived need for coordinated, evidence-based

strategies, that are not reliant on piecemeal or singular initiatives, dominated by any single agency. Indeed, much of the responsibility for educating young people about responsible alcohol consumption rests ultimately with their parents.

> It has to be a whole of community response. You can't just say the government should do more or the police should do more. I think there's some stuff there around empowering parents to actually be parents. You're not your kids best friend, your actually their parents, they've got friends, they don't need more friends, they need parents who set clear consistent boundaries and are able to stick by them. I do family mediations and some people who get a 13 or 14 year old in the room and say we've never really had a lot of boundaries – and you wonder why your 14 year old is off the rails – I wonder why? Your kids need to know what the boundaries and things like that are. I think it's a whole of community response … but one of the difficulties, one of the challenges … there's a lot of money to be made around the selling of alcohol and so you've got this competing commercial interest against this public health issue. So who's funding these sorts of interventions? … Whatever people might say about Drinkwise, but the recent ads they had about young people absorb your drinking. It's true, these kids haven't learnt binge drinking from each other. They've learnt it from watching the adults around and even the messages that adults use. 'I've had a shocking day at work I need a wine' … your kids pick up on this. So I think it's sort of government funding awareness campaigns, but also putting money into what works … It's about venues really taking responsibility. It's about licensing. Making sure we actually do some research around density and harm and identifying where we think it's gone wrong and that we support young people. And lots of young people don't drink and lots of young people do stay safe and all that sort of stuff, so it's about supporting those young people. So I don't think there is just one easy fix and I don't think we've arrived here overnight in a magic carpet. I think it's been a long slide into where we're at at the moment. I don't know if we're at the bottom of the dip or are coming out of it, but I think we just need to be clear, use evidence and get on with some interventions that will hopefully work [Liquor Accord Informant 1].

This view runs counter to many of the media reports, and other key stakeholder interviews, that suggest ID scanners on their own have had a discernible impact in reducing alcohol related violence, or generating a more responsible drinking culture in the Geelong region. However, the distinct lack of empirical evidence to inform alcohol harm prevention strategies in general, means that single initiatives are likely to have only limited practical or strategic policy-related effects in this area.

Liquor Licensees

Liquor licensees bear the brunt of criticism for their role in supplying alcohol in the night-time economy, and reaping extensive financial benefit, often at the expense of patron safety. It is therefore understandable that licensees displayed a fairly high and uniform degree of approval for ID scanners in regulating patron entry into Geelong's CBD region. The

main findings from interviews with licensees participating in the scanner trial, and those resisting their implementation, are divided under the following nine core and consistent themes. These themes reinforce the overall perception that ID scanners have led to a discernible shift in venue patronage, which has had an impact in reducing violence and anti-social behaviour within participating venues.

1. Uniform acceptance that scanners are good

The most salient finding from this cluster of key informant interviews is the virtually uniform perspective that ID scanners are a valuable an add-on or supplement to a raft of additional measures to reduce alcohol-related violence in the Geelong CBD that have been implemented in recent years. The combination of initiatives include increased public and private CCTV surveillance, reconfiguring social movement through the implementation of a safe taxi rank system, enhanced communication between venue security and police via a shared radio network, environmental changes in the form of urban renewal projects and improved street lighting and opportunity reduction measures, such as the use of plastic rather than glass drinking receptacles. In light of this range of initiatives, there is a perception that ID scanners promote the idea amongst patrons that a venue is safer than it would be without the scanning devices.

> It just helps I think with managing trouble. It promotes a safe venue. Even if it wasn't to work, you've got to get ID scanned to get in, therefore if nothing else it's a good way of promoting a safe venue [Licensee 1].

In this sense, the very presence of ID scanners is considered by proponents as a 'sign' or 'signal' (Innes 2004a; 2004b) to potential troublemakers that their behaviour is subject to an extra layer of technical surveillance. This justifies creating a digital record of patron ID data, because it helps to provide additional knowledge to venue managers, security personnel, and investigating police after an incident has been reported, of who attends major venues. In addition, the use of scanners seems to enhance the development of a regular clientele base of known patrons that is easier to monitor.

> [The] key objectives I suppose of the ID scanner is (sic) to know who is in your venue basically. If they're doing the right thing, the venue, by making sure they scan everyone whether a persons 18 or 58, least they know who's in the venue and if an issue evolves they know who's done it and can identify when that person's arriving [Licensee 8].

This latter point is particularly prominent in a community such as Geelong, which is experiencing an increase in itinerant visitors. However, while '[p]retty much most of the guys that come in here to muck up are from out of town anyway' [Licensee 2] (usually from Melbourne), which in turn justifies the use of scanners to monitor less familiar patrons in the short or longer terms, the peculiar regional characteristics of a community where people often know each other can equally be the source of interpersonal conflict in the night-time economy. Here, ID scanners are seen to add to the existing range of measures

that can help to more effectively identify both outsider and local community groups that are likely to interact in a geographically contained precinct where the chance of engaging in violence or conflict might be relatively high.

> Geelong is like a melting pot. It's not like Melbourne with lots of places to go. They all congregate in one area so that's where the conflict starts. If they've played footy against each other during the day, they go out and they see each other out. They are all coming to the central district [Licensee 10].

2. Perceived reductions in levels of antisocial behaviour

There is an awareness of the impact of new surveillance technologies creating obvious displacement effects by shifting any violence from licensed premises to the street. This commonly cited limitation of CCTV (Wilson & Sutton 2005; Sutton & Wilson 2004) is offset by an overlying logic of reliance and dependability that supports the adoption and extended use of these surveillance technology, even if they are inherently limited in producing genuine reductions in violent behaviour.

The same logic supports the introduction and further roll-out of ID scanners in the Geelong region. This is because their technical capacity supplements conventional human methods of regulating patron entry, is relatively cost effective and the technology can assist in preventing harm *within* licensed premises. These benefits appear to offset any limitations associated with the current technology used in the Geelong region, such as the inability of scanners to detect fake identification documents used by underage patrons attempting to unlawfully enter licensed venues.

> I think it's a great idea simply because, unless they are using false ID, which they still do, it gives [security to] the people who have good intentions [and] have nothing to hide, but people who want to come out and cause trouble probably have something to hide and are probably reluctant to come in [Licensee 3].

Some respondents went so far as to suggest that the use of scanners had led to substantive behavioural change amongst patrons due to a discernible shift in patronage. As the following licensee of a prominent Geelong nightclub indicates:

> I was apprehensive at first but since I implemented them over two years ago it's probably been one of the biggest tools that I believe has changed the behaviour of the patrons in our venues [Licensee 6].

Overall assessment of licensees using the system is that it is a positive and cost-effective benefit in deterring problematic behaviour and promoting increased safety within late-night venues. This is commonly assessed by the changing patronage at major night-time venues, and the way in which scanning technologies facilitate the banning notices procedure under current Victorian licensing laws, or implemented within individual venues at their own discretion.

> I think the pros far outweigh the cons. The expense wasn't much and everyone feels safe. There are a group of people, particularly the Melbourne crowds [who come from outside Geelong], you can identify them straight away and if someone is banned it comes up with an alert [Licensee 3].

ID scanners can also assist in identifying victims of violent activity when they might be injured. In this respect, there is the dual function of enhancing the prospective prevention of entry where a patron is listed as banned from a venue, or retrospective investigation of a suspected troublemaker where the incident warrants formal reporting to the police. One key informant in this category provided descriptions of two incidents where the details of troublesome patrons were passed onto police. In both cases, the scanners facilitated prompt identity verification to expedite formal processing.

> [The main benefit of ID scanners is] … being able to identify someone if they get injured, cause trouble, injure someone else. We've had a couple of incidents where we've been able to track the person through the venue and then watch them where they've come in and then we can go on find who they were and pass [their details] on to the police. They link up the footage of them coming in, the photo of them scanning in and their license, so they can go back to the person and say 'Right, this was you!' [Licensee 2].

Licensees commonly view ID scanners as a crucial supplement to CCTV by providing a relatively foolproof retrospective crime detection method. This reactive character also has proactive consequences by allowing known patrons to be screened out to prevent out future anti-social or violent behaviour within premises using the technology. In short, the technical capacities of the scanners allow for more efficient and accurate record keeping about the past conduct of identifiable and troublesome patrons.

Even thought the deterrent effects of ID scanners are debatable, it is clear that the data storage mechanism can assist in the positive identification of individual patrons for further police action. In this respect, it seems the value of the system lies in its capacity to enhance the identification of troublesome patrons for formal and retrospective processing by the police either under the criminal law or the banning orders requirements of the Victorian *Liquor Control Reform Act*. As such, ID scanners have some discernible impacts in deterring would-be undesirables from entering licensed premises, but only with only *ex post facto* legal weight after an incident has occurred and the data then analysed and forwarded to police for further investigative action.

> … [W]e were able to identify them [a suspect] through our ID scanners and give that information to police that resulted in an individual being arrested. So it's fantastic. And also an incident in the venue, we are able to quickly identify them, ban them, and if they come to the venue, "Sorry mate! You're banned! You were involved in an incident" [Licensee 6].

3. Deterrence

A prominent theme in the extended interviews relates to the deterrent value of ID scanners. By deterring those who might engage in undesirable behaviour within licensed premises, the profile of patronage shifts to generate a safer environment and richer mix of patrons. As the following licensee indicated, introduction of the scanners has had 'a huge impact' in changing the nature of venue patronage to produce a safer environment. The primary reason for this is the deterrence value it has in preventing 'idiots' from attending the premises:

> I have to say it did impact on our business at the start a lot of so called idiots wouldn't go into the venue, but after 3 months I saw a quick change in our clientele and a lot of people felt safer, particularly girls and women … [Licensee 6].

The discourse of deterrence highlights how licensees view this form of technical surveillance as an important means of enhancing conventional methods of human surveillance, particularly in crowded venues. The technical capacity to store and review the personal details of those entering a venue is, however, equated with the concept of deterrence at a very general level. For the following respondent, improved personal data storage and retrospective access once an incident has occurred are the main deterrent benefits stemming from the use of ID scanners. Less clear are the potential problems associated with inauthentic documentation, or other necessary spatial and human responses to undesirable behaviour when they arise.

> If they want to come in here and start a fight or get involved in trouble and it gets taken to a further step, then we can just go back and check out data and match up the faces to it. It's another safety tool [Licensee 2].

The primary rationale for adopting ID scanners documented in the scant overseas literature on this issue relates to controlling the supply of alcohol and tobacco to minors. In this respect, ID scanning is considered to assist in further deterring underage drinkers from attempting to enter licensed premises and drink illegally. In turn, this can assist in absolving licensees from fines and other liabilities under relevant liquor control legislation. However, despite these benefits, ID scanners provide no assurances that minors with fake identification documents will be detected by the system currently in place in the Geelong CBD. This demonstrates how the lack of coordination of the technical requirements of disparate scanning systems, identified by liquor accord informants as a major impediment to the Geelong trial, might be compromising the overall effectiveness of the scanning system.

> I think it's a great idea simply because, unless they are using false ID, which they still do, it gives the people who have good intentions have nothing to hide, but people who want to come out and cause trouble probably have something to hide and are probably reluctant to come in [Licensee 3].

The inability of the Geelong ID scanning system and networked data sharing arrangements to positively identify false identification documents is a clear limitation of this technological initiative. As the following quote highlights, this can have potentially discriminatory effects, driven by the perception that some 'creative' minors are determined to circumvent the system. Notably, the selective use of the technology is equally circumventing the intention of the system, which ideally requires all patrons desiring entry into participating venues to have their drivers license or other identification documents scanned.

> There are a lot of creative 16 and 17 year olds who think they can circumvent the system … They'd love it in here if they could get in! We tend to target them more. We'll judge it. The majority of, say 90% of our customers get scanned. If there is a group we will say just stand next to your mate, so we know he's come with you [Licensee 6].

The disproportionate targeting of young people underpins another concern about the limitations of this technology in promoting greater and more effective social control in licensed venues. As the following quote illustrates, regardless of the benefits ID scanners appear to provide in promoting safety in Geelong's licensed premises, the mere fact this is done through technical, rather than interpersonal means, suggests that those determined to engage in unruly activity will simply not be affected by the deterrence value of this initiative.

> If they are out for trouble, they are not worried about an ID scanner, they are not worried about the camera. They are just out to achieve whatever goal they've set for the night. I don't understand the mentality of some of the people that come out and do what they do [Licensee 2].

Therefore, while there is general approval of the use of scanners, the lack of consistency associated with their implementation, and the inability to network data adequately across venues, and with relevant police sources, compromises its effectiveness in practice. This supports the need for further review of the technical capacities of each system adopted in the Geelong region, and the use of other spatial and environmental methods to help reduce alcohol related violence and disorder.

4. Police Pressure to Implement Scanners

Several licensees interviewed for this project indicated they only adopted the ID scanning system after persistent advice from police advocating the benefits in participating in the Geelong trial. This issue relates to the process of implementing scanners under the local liquor accord. As the following quote indicates, the accord process is the product of incremental negotiation between competing stakeholders. Despite the intention of producing an agreed set of standards to minimise violence in and around licensed premises, as with any organisation with diverse interests, there are elements of compromise that undermine the ideal development of coordinated strategies. For this respondent, there was discernible pressure from police to adopt the scanning system. This conforms to Canadian

evidence outlined in *Cruz Ventures* (2008), where liquor industry bodies and police chiefs have advocated the benefits of a range of scanning technologies to promote shared objectives in violence prevention.

> The scanners were implemented as a counter measure when the police were putting pressure on to introduce the lock out. So as a group (Geelong Nightlife Association) we used the scanners so that we were seen to be doing the right thing, to hold off the lock out. This was one of the methods to counter measure the lock out [Licensee 11].

In the Geelong region ID scanners have been strongly advocated by police, even though the implementation and use of the technology rests with individual proprietors of licensed venues. The key stakeholder interviews indicate that police favour this technology to assist with improved retrospective detection of offenders, and to encourage licensees to undertake more proactive harm reduction on their premises.

> The local police I suppose really did push it. They're like what are you going to do [about the violence]? Guys you need to do something, let's do it, come on, come on, and this went on for probably 6 to 12 months and then I decided to bite the bullet. It was a cost of over twenty thousand dollars, but it's more than repaid itself [Licensee 6].

In other regions where scanners have been adopted, a more informal network of influence emerges. This is demonstrated by the following quote from a licensee in the Victorian Surf Coast region, who has adopted an ID scanner based on discussions with colleagues in the Geelong region. This highlights the issue of policy transfer, or policy convergence, even though the Geelong ID scanner pilot has yet to be formally evaluated.

> [The ID scanner is] probably something I'd heard about through … the Geelong Liquor Accord. We were one of the first … in the region to get it. Definitely the first on the Surf Coast and one of the first even in [the broader] Geelong … area … [I]t was just something passed on through the grapevine I guess [Licensee A4].

The impact of police in facilitating the promotion of ID scanners, and the legal weight such endorsement can have in promoting its rollout and enhancing perceptions of deterrence, legitimacy and effectiveness, were prominent in the extended interviews with licensees. Police endorsement adds authoritative weight to the use of scanners to offset concerns by patrons about the possibility their personal data will be misused for a purpose other than maintaining good order in the Geelong night-time economy. As the following respondent indicated, the key issue here is the support of the police helps to promote broader public legitimacy for the use of ID scanning technology, which in turn heightens their value as a means of promoting good order in the Geelong CBD.

> … the police thought it was a good idea. We agreed with them … We are not using it for promotional purposes or anything like that. We don't want to know where they [the patrons] live … it's for security. We just say it's the law [Licensee 2].

5. Cost efficient

The improvements in patronage and reduced levels of violence that appear to have accompanied the introduction of ID scanners in Geelong, translate into an overall net financial gain for businesses involved in the CBD trial. There was general agreement that ID scanners are a relatively inexpensive technology to adopt, which enhances a venue's overall profit margin as venues develop a reputation amongst the broader population that they are promoting increased patron safety. Again, this issue helps to shape a new client base amongst participating venues.

The costs might be prohibitive for smaller premises with a lower financial turnover, but in absence of a consistent system using unified technology across the different venues, and the immense range of technologies on the market, it can be relatively cheap for a venue with low turnover to adopt a workable ID scanning system. Whether a low cost system of the nature described below can be compatible or networked with other more expensive systems, nevertheless remains unclear.

> There was a prototype scanner that [one venue] was using at the time which cost around $7000 including a laptop. With a little research online we found the same hardware with software included for around $750 AU [Licensee 11].

6. Selective scanning

While ID scanners help to provide licensed venues with greater knowledge of the dynamics of a local patron base, this system can produce some problematic costs. It was widely reported that licensees and security staff adopted innovative measures to offset the problem of delays in patron entry and long queues forming outside licensed premises during peak times or major event promotions. To encourage quicker entry, one respondent indicated that 'we tend to target them [young people] more …[but t]he majority of, say 90% of our customers get scanned'. For others, it is common practice at peak times on Saturday evenings to only scan male patrons.

> When it gets busy or sometimes, it's an older system, so sometimes it gets jammed up and if it needs recalibrating it can take longer, so we would then usually just do males. You take your odds that if there is going to be trouble it will be mostly males – not all the time though. It [the system] probably needs to be upgraded [Licensee A2].

This selective use of the system demonstrates Manning's (2008) concern about new technologies adding to the administrative burden of law enforcement work more generally. For Manning, any burdens associated with the use of new enforcement technologies tend to be offset by preserving their efficiency through selective their selective rather than uniform deployment. Therefore, traditionally vulnerable, visible or particularly troublesome populations, such as young men in the case of ID scanners, become the main or only subjects to which new forms of technological surveillance applies in practice. Not only does this defeat the intention of using ID scanners to supplement human methods of identity

checking as a condition of entry into licensed premises, but it also creates an additional gap in both the proactive and reactive dimensions to the technology by focusing its application one sector of the venue population. This discriminatory application is of concern to some licensees because 'we have had [order maintenance] dramas with females as well'.

> I can speak freely about this now as I don't have to worry about the police using their 'Big Stick' (which equates to fines) … (it) wasn't a licensing requirement to scan everybody but the police can easily find something else to fine you for. Sometimes if you had bus loads, really busy night, if you knew the group, regulars, or group of girls (girls because 99% of the time its the guys causing trouble) then you would send them through without scanning because of the mighty dollar ;) it takes time to scan people which when you have a window of approx 5hrs of busy trade the quicker you process the patrons the more money you make [Licensee 11].

The ready admission of selective scanning practices undermines the intention behind implementing this technology. Even though certain classes of patrons, such as VIP nightclub members or people clearly over the legal drinking age, could viably be exempt from the scanning requirement, those who are left are disproportionately targeted due to their potential high-risk status. This means that selective scanning produces discriminatory outcomes in practice, with the potential to reshape the profile of those participating in the nightclub setting.

7. Privacy

While licensees reported some concerns amongst venue patrons over the use of ID scanners, this was offset by a broader perception that scanners had produced a discernible improvement in patron behaviour and reduced levels of violence in participating venues. However, it could equally be that the lack of complaints from members of the public is indicative of the same sorts of 'privacy ambivalence' identified by Hollerman and Ponder (2007) in the United States. In principle, as Figure 1 in this report indicates, the privacy dimensions are largely beyond the direct control of individual licensees, unless there is no agreement for data maintenance from the company installing the systems. In this respect, any privacy limitations of the Geelong ID scanning system could be offset by a more sophisticated, albeit expensive, form of biometric scanning documented by the key informant interview with one major manufacturer of this technology.

The issue of privacy appeared not to produce few concerns amongst patrons, or liquor licensees administering the scanning system on their premises. This very lack of concern can be interpreted in two main ways. First, issues involving data security appear not to be of direct concern to licensees, but are more a question for the manufacturers and security consultants who administer the technology 'behind the scenes'. Second, the lack of substantial public resistance to having personal data scanned on entry into licensed premises suggests the public endorse the technology, its effectiveness in promoting safety and the trust associated with accessing and maintaining personal data within the system,

are unaware of the potential implications of data misuse, or are simply willing to accept this additional control as a pre-condition for engaging in the Geelong night-time economy.

> The first week we had a couple of people ring up complaining about where it [the scanned data] is going to be used, but there are only 2 people at both ends that have got access to the scanner information, so we don't use it for any marketing purposes and we were told quite specifically from [the security consultants] [Licensee 6]

Given the widespread endorsement of ID scanners by licensees participating in the Geelong trial and local police, it seems inevitable that informal networks are crucial to the expansion of this technology in venues in other geographic regions. Nevertheless, police advocacy of this technology within a legal framework yet to formally clarify or limit its use, indicates a possible over-reliance on its enforcement benefits in the face of a more pressing governance deficit over the privacy implications of patron information, storage and use.

> When we first implemented it, probably my age people, I'm 40 odd, found [ID scanning] … probably affronting. 'Hang on … that's an invasion of privacy.' Once you explained to people that it was really in their interests, that if something happened we could easily identify the person [or] maybe if they were assaulted in the venue or had something stolen in the venue, once it was explained that it makes it very easy to identify that person, probably the attitude changed a little bit. Generally still to this day there are people that find it a little bit affronting or an invasion of privacy [Licensee A4].

Privacy is an acknowledged limitation associated with ID scanning technology, but generates limited public resistance. The general response to patron questions over privacy by licensees and security personnel using the technology in practice is to reassure patrons about the benefits to venue security, or to reinforce that 'it's the law' in the Geelong region because other venues participating in the trial and the police have sanctioned its use. However, most respondents indicated concerns over data maintenance and privacy are limited, and are generally managed by the scanner company rather than individual licensees or security personnel.

> Every 28 days everything gets deleted unless the person has been put on the banned list and that gets stored on the server in Melbourne. I can't access any of that stuff. I can't do anything with it. I can only ring the people up in Melbourne and say I've actually put this person on the banned list for a year [Licensee A2].

The data management process associated with ID scanners adds a new variable to the problem of security in night-time economies. This involves the marketing, installation, management and maintenance of the technology and the information it generates by scanning companies. This shift to corporate responsibilisation creates a series of additional governance deficits, which appear to explain limited public resistance to the deployment of ID scanners in the Geelong region. Given the largely self-regulating industry-based privacy framework in Victoria (*Information Privacy Act* Victoria 2000) and various concerns over the limits of current federal privacy laws (Australian Law Reform Commission 2008), it is possible that much patron compliance with ID scanning is a symptom of the broader

uncertainty over whether licensees, security personnel within licensed venues, ID scanner installers or police are accountable for how the technology is administered in practice.

The common practice in participating venues is to display clear signage at the point of entry that illustrates the data storage policy. In most cases, licensees considered an effective method of reassuring patrons who questioned the viability and data storage practices associated with the Geelong trial.

> We had clear signage at the front of the premise explaining that the patrons details were kept for 28 days and then destroyed … We aimed to store it for 28 days which was the same requirement for video footage for our liquor license, then deleted to ensure computer didn't get overloaded with data [Licensee 11].

While no licensee respondents stated the point in direct terms, the implied nature of venue signage enables patrons to consent to their information being scanned and stored. However, the consent dimension has several problems, when it is considered the alternative to not agreeing to have ID documents scanned might be denial of entry to the venue.

8. Mandatory Use

In practice, it was considered that ID scanners used by individual venues would have little impact in reducing 'bar-hopping' and associated violence in the Geelong CBD region. Rather, the effectiveness of the scanners rested with their capacity to be networked to other Liquor Accord participants, including other licensed venue operators and the local police to proactively enforce banning orders or relay the movements of troublesome patrons evicted from any participating venue. The ability to share the scanned data generated the view of most interview respondents that there should be uniform, or even mandated, use of this technology to promote safety in the Geelong CBD.

> If you can get it implemented on a grand scale in the CBD at least it has some sort of impact because if they were to be banned from [one venue] … they [unruly patrons] used to be able to walk into any other venue they can. But now it impacts on all the CBD venues so if they're banned they're banned everywhere just about [Licensee 6].

However, preferred models for mandating the implementation of ID scanners were seldom proposed. Presumably, as most participating licensees are members of the local Liquor Accord, this would provide the key vehicle for determining an appropriate regime to support their mandatory implementation.

9. Some resistant to using it

A minority of venue owners are highly sceptical of this innovation and question its effectiveness as a measure to reduce violent or antisocial behaviour. For the following respondent, who is not participating in the ID scanner trial despite running a venue in close proximity to the Geelong CBD, this initiative cannot stop anti-social or violent behaviour.

Nor can it improve venue amenity or replace properly implemented methods of enhancing physical or human security in licensed premises.

> They [violent patrons] don't care. The people who cause violence, how do I put it? It is such a spur of the moment [thing]. It's almost that flight or fight type mentality that wild animals have. It's that instant – "You've dissed me in some way, bumped my shoulder, chatted up my girlfriend so I'm going to have to beat you to a pulp and when you are down, glass you and kick you", which I don't know, is a little bit of an overreaction perhaps ... I'd liken it to the death penalty. How many crimes has it stopped? This is exactly the same thing. It's a great way the police can feel warm and fuzzy, but it's doing nothing, and not to mention creating lines [of people] in pouring rain … I hate lines here [Licensee 10].

In addition, even though there was considerable support for the deterrent effects of ID scanners, there is some scepticism associated with how young people process messages associated with surveillance and technology. For the following respondent, the attitudes of young people towards social software programs on the internet, and mobile phone technologies, have the capacity to undermine any positive deterrent effects associated with ID scanning technologies.

> With younger ones today big brother is always watching no matter what they're doing. Mobile phones and stuff they don't care. Half the time they video themselves doing shit … I don't think kids care … about police. Like if a copper used to say to us 'Get here!' you'd shit yourself. Nowdays they're like, 'What do you want?' They don't care and they know the police can't make them do anything … [Licensee 5].

For the following respondent, the benefits of ID scanners as a means of reducing violence in their own right are questionable. However, this does not necessarily undermine the viability of this technology in promoting the idea that there are greater levels of patron or venue safety. However, one issue in the following quote relates to the possible displacement of violence. In this respect, those venues adopting ID scanners might be experiencing reduced violence in their premises, but this does not necessarily equate to reductions in violence throughout the broader Geelong CBD area.

> … it may have made some people think twice (about engaging in violent behaviour). I just don't think that the people that cause trouble are really thinkers!!!!, We always had a pretty good track record regarding violence but naturally where there is alcohol / drugs / loud music / dark environment / different nationalities … there will unfortunately always be incidents / disagreements and violence. For the minority that think about causing trouble they may choose to drink where a venue doesn't have ID scanners, but for the young kids that frequented my venue majority of incidents would be heat of the moment incidents … It is another measure or tool against violence which in turn makes people think, if you know what I mean? Its like marketing?? The best thing that would reduce violence is simply, harsher penalties in courts … If they were a requirement on liquor license then they would have a lot more merit, obviously

> there would then have to be technology / database standards associated with this [Licensee 11].

While over 90% of licensees endorsed the use and effectiveness of ID scanners as a new way of managing patron behaviour in the night-time economy, a small number of licensees and security personnel remained sceptical about their real impact in promoting greater venue security. This suggests the deterrent effects of ID scanners are potentially illusory or matter little to new generations of venue patrons, while long-standing deficits associated with managing and overseeing human security in licensed premises could indeed remain to be addressed. The concern over the level of approval and support of ID scanning by licensees interviewed for this project reflects Lucia Zedner's concern that overstating the effectiveness of new commercial and technological methods of addressing long standing social and behavioural problems:

> … may induce behaviour focused more upon complying with the technological requirements of regulation than with the actual task of providing [human] protection (Zedner, 2006, p. 277).

This concern is reinforced in the next series of key stakeholder interviews amongst door staff and security. Their views about the effectiveness and desirability of ID scanning technologies offer a pertinent counterpoint to the 'smooth' acceptance of these technologies in substantially changing patron dynamics or reducing violence in and around Geelong's late-night venues.

Door and Security Staff

Police representatives involved in liquor accord and local safety committee activities consistently indicate that rates of officially reported assault in Geelong's night-time economy had declined by up to 25% since 2005, bur provided limited hard evidence to support this claim. Despite these assurances, liquor licensees and security personnel were fairly unanimous that a perceived increase in alcohol-related violence, often due to relatively mundane or unspecified conflicts between patrons, had emerged in recent years to justify revised security and alcohol supply methods. One prominent shift was the perceived willingness of young men to use violence to challenge the authority of security personnel or police.

> … [W]hen can you remember that a patron would go and hit a security guard? It never, ever happened. Never. When has it happened that people have retaliated against police? That never happened, but it does now. The laws that they are putting down now are laws to help police and not [security personnel] … {Security Manager 1].

Venue door staff and security personnel suggested there was one clear cause of this perceived increase in violent activity. The combination of more diverse types of alcohol

consumed, and the ready availability of illicit drugs, were considered the primary reason in fuelling the willingness in young people to engage in violent or anti-social behaviour.

> … A lot of young (people), even with the women, they get a little bit of drink in them and then all of a sudden they are very brave. They just grow extra muscles when they get a bit of drink in them. They've got a bit of Dutch courage and get into a bit of trouble … You see a lot more people drug affected. I mean there is so much you can drink to act a certain way but you put drugs into it and you can see the difference [Door Staff 3].

This context helped to validate the view that more surveillance technologies, such as public CCTV, should be introduced and subsidised by local government in the CBD area due to its perceived deterrent effect. This view appears to be widely endorsed regardless of the actual proactive impact of CCTV in preventing violent activity. This could is also a symptom of new liquor licensing regulations affecting most venues, which require the installation of high-resolution internal CCTV systems to promote increased safety in and around the immediate vicinity of late-night venues (*Liquor Control Reform Act* 2009 s 18B; *Liquor Control Reform Regulations* rr 7-8). More CCTV cameras would help to offset the displacement effect when a patron is evicted from a licensed venue, then allowed to wander the streets without human or technical supervision.

> … [W]hy doesn't the local government … put in more cameras … outside the pubs? They say Geelong in itself doesn't have a lot of surveillance and I just think why don't they put cameras on every corner. Because a lot of the time, if there is going to be violence at a pub we kick them out. The violence is going to happen around the corner in a dark street where no one can see. So if they have vision of people leaving our premises 200 metres away, we've got to make sure we've got the cameras installed here inside so we know where they've been … [Security Manager 1].

Security personnel and door staff also echoed the concerns expressed by licensees that many 'troublemakers' come to the Geelong region from other regions, including the Melbourne metropolitan area. This increases the level of anonymity amongst those attending late-night venues, which is seen to add to the potential willingness of some patrons to be more willing to engage in violent behaviour.

> They would come from Werribee, they would come from all different random areas and that area in Melbourne that has all those kind of ethnic people, they would come to (this venue) every weekend … I know that some of the ethnic crowd kind of likes that … for the fights I guess. A lot of them come down because they actually like to fight I reckon [Door Staff 2].

Given their location at the point of entry into a venue, door staff face particular risks and are potential targets for violence. This helps to explain the presence of security guards to supplement the hosting role, the latter of which is usually undertaken by self-confessed female 'door-bitches'. The following quote provides insight into the types of risks facing door staff on a routine Friday or Saturday evening.

> I went up to this guy and I go sorry mate you can't wear those shoes in this club. This was when the club was pumping. And I said no you can't wear those shoes in here and he's like 'why'? F this and F that. I said because I'm doing my job, please don't yell at me because I get paid to do this so I'm not just being a bitch. He was like rah, rah, rah and I walked off and he walked off and then he came back. He must have got really angry because he's come back and gone (spitting noise) and spat on me and just walked off. The bouncers got him [Door Staff 1].

There are always security personnel to supervise patron entry given these common risks in the hosting role. The conventional security function at the door is slightly different to security functions undertaken within the venue. It also requires promoting the venue and recognising VIP customers who might be given preferred access. The diversity of door security roles is explained by the following quote:

> There are a lot of skills at the door. You've got to be able to communicate with people. I'm a good size for it, you've got to have that presence there and you've got to be able to recognise when someone's had enough to drink and before you scan them and try to let them in and … you've got to explain to them that they've had enough, come back another night. People get upset. Sometimes you have to ark up. Sometimes they have a go and you and you have to defend yourself … and you've got to recognise and be good with licenses and memory. My memory is quite good so I can memorise this person. You've got to be good with faces and get to know regulars and sort of promote the club as well. Say if you come in every week you don't have to line up. You come and see me and we'll let you in VIP and your friends or whatever. It's just to sort of promote the club as well. So you are sort of there to protect the venue from drunkenness and people coming in but you are also promoting the place as well. It's a bit of a different role from being inside [Door Staff 3].

Within this backdrop, door staff have been trained to operate the ID scanning equipment to gather patron data at the point of entry into each participating venue. Security personnel working at the door help to provide a physical presence aimed at ensuring orderly entry. Door staff explained the scanning requirement as part of 'hosting role' associated with managing patron entry into the venue. Those undertaking this role were usually trained in using the scanning equipment by 'my boss, the venue manager' [Door Staff 1]. However, this individualised training only dealt with the basic operation of the scanning system, and door staff were generally unable to use certain functions associated with the ID scanning software, such as annotating individual patron records in the computer system, or developing an understanding of how the data is stored either on or off the premises. This invariably affects the ability of door staff invoking the equipment to provide advice to patrons on how the system operates or data is maintained, while often forcing door staff to make manual notes to identify potentially troublesome patrons. The following quote from a former door host illustrates the scanning process.

> … they would just come in, the patrons and give you the ID and I would put them in the scanner and then I would give it back to them and they'd go inside [Door Staff 2].

This is elaborated by the following description by a more 'animated' 'door-bitch':

> … Well you've got your computer screen obviously and you've got something that looks like that recording thing. It's got a thing where you put the card on it. You press the button until it goes blue and then their picture, their full picture and all the information goes up on the screen. And then the next one and the next one and then each night we made a folder (in the computer). So say the 11th of whatever, we had that folder [on the computer] and we had all the folders [on the computer] from every night [Door Staff 1].

In addition to the scanning of the person's ID documents, most venues photograph patrons at the point of entry. This ensures the computer system can match their data with their identity.

> … There was a big computer thing next to it where you'd have the camera on top of it and you could take a photo just by pressing the scan thing. It would just come up on the screen [Door Staff 2].

While the process of scanning the documents of each patron is relatively easy, there is more complexity associated with the hosting role and administering the scanning process in practice. The following quote explains how this process operates since the introduction of ID scanners.

> I sit there and they come up and I say $10 and ID's. I scan the ID's, take the money. I always have to check whether the ID's have scanned, then they go in. If there is a problem with the ID, if it's broken or something I always double check and ask if they've got something else … I play host as well ... they didn't want to put me outside because I was a girl but then the guy left who used to stand outside and then they were like well you can go outside as long as there is security guards there … I had to check dress code, talk to people, welcome them in, say see you later, all that kind of stuff. Just be friendly out the front and get people in [Door Staff 1].

The door staff who participated in extended interviews were aware that data entered in for each evening was routinely backed up to trace the identity of people 'because of fights and stuff and deals, like drug deals' [Door Staff 1]. This allowed for subsequent verification of a person's identity if a further record needed to be entered into the system. However, those operating the scanning system clearly indicated they had no additional role in accessing or annotating patron records. Each of these functions were confined to venue managers, or software administrators under the licensing arrangement with the scanning company. However, one respondent indicated that data in one scanning system operating in the region was not password protected. This highlights the need for consistent standards in administering scanned data expressed in the interviews with liquor accord respondents. In this example, the only password protection that was necessary was requested at the time the program was opened. Venue managers were also aware that door staff could have full access to this ID scanning system.

> … It was fairly open. Sometimes when they stuffed up, sometimes when they froze and stuff like that you could get back to them really easily [Door Staff 2].

Door security strongly approved ID scanners as an important supplement to regulate patron entry and behaviour within venues. The following quote highlights why ID scanners to supplement existing security practices and the retrospective detection of trouble makers in late-night entertainment venues.

> I think it's great because if something happens inside the club, you can go through the records and spot the person. We've got a lot of ID's that come up banned from other venues .... So … if someone's going to play up in another venue you don't want them in your venue … it's fantastic. If someone gets hurt or if the police want to go through tapes and records of it they can go through and spot this person. We can go through if something happens on the night. We can go through them and ban the patron so in that sense it's really good. It's stopped some of the shit that can come into the place [Door Staff 3].

Both door hosts and security personnel reported numerous complaints by patrons reluctant to have their ID documents scanned as a condition of entry. The common response to this was to explain the purpose of scanning, and the process for retaining scanned information for a 28 day period. As the following quote indicates:

> I'd just explain to them that they only keep them for 28 days legally. They only keep them for 28 days after that it sort of disappears I believe. And that's what I tell them. I tell them that its part of entry you need to scan your ID otherwise I can't allow you onto the premises [Door Staff 3].

The frequency with which people contest the ability of door staff to legally scan personal documents occurs more frequently than licenses would suggest. One 'door-bitch' indicated that refusal to be scanned happens 'all the time' especially when '(p)eople have had a few drinks' and 'just want to be annoying' [Door Staff 1]. This respondent indicated that about 'about 30' patrons per night would challenge the requirement to have their ID documents scanned [Door Staff 1]. Older people clearly of legal drinking age were usually the most resistant to the scanning process.

> When they came in they'd go I'm frigging 40 years old or I'm bloody 27 and I'd go it's not because of that – it's because of danger things. We need to know your details if something happened. F this and F that and this is bullshit, I don't come out for you to get my stuff all on your computer. You don't need to know my details! I was like whatever [Door Staff 1].

However, another respondent indicated they never came across anyone who blatantly refused to have their IDs scanned and entered into the system. So, the interview data indicates the distinction between questioning the scanning process, and actively resisting it through non-compliance.

> … They always questioned it and they always said is there a photo that comes up? And we'd say stand still for the photo and they always asked if there was a photo and we'd say yes but they are usually pretty drunk at the time anyway so they don't really notice what's going on [Door Staff 2].

Most people who are resistant to being scanned do not understand that the system is introduced to regulate violence. Rather, the common perception amongst patrons is that ID scanning is related to age restrictions on entry into licensed premises. As a result, the common complaints about ID scanning emerge from older patrons, who believe they have a 'right' to enter a licensed venue without providing proof of age. As the following quote indicates, this can cause tension between patrons resistant to the idea of ID scanning and door staff.

> Like I'm like twenty years older than you, you little ... and you're asking me for my ID?! And that is exactly what they'd used to say. And I'd be like I'm not doing it because I think you look young, but no one understood that. They always thought it was because of the age. Not many people unless they ask know that it's for violence or to keep safe or something like that [Door Staff 1].

The common response in these situations was to state 'it is illegal for me to let you in without getting your ID scanned' or, 'if something happens to you we need to know your details' [Door Staff 1]. This explanation usually leads to compliance by a person who is initially resistant to having their IDs recorded in a nightclub computer system.

Since 2007, formal liquor control bans and exclusion orders, and internally imposed bans implemented at the discretion of individual venue managers, appear to have increased markedly in the Geelong region. The following quote explains the process when a banned patron attempts to enter a venue and their record within the scanning system is tainted.

> … You just call for security and then you just show them and then either the patron says look it's been over a year now, that's why they thought they could come in because they thought they were only banned for a year and then you'd have to talk to managers … or someone and then they'd take the ban off or they'd just try to sneak in so then they get kicked back out again, but it's security that handles it [Door Staff 2].

Door staff were asked whether the computer system provides an indication of why a patron might be banned. Usually, descriptions of the reasons for a banning warning were brief, but sufficient to enable door staff and security to explain the situation to the banned patron. One system also stores 'caution' notices, which are less serious than formal bans. As the following quote indicates, caution notices were usually for minor infractions and were generally ignored by door staff.

> … It would just come up in the descriptions area and would just say a small description like sometimes people would pick up the picture frames and break them just for something to do and things like that or they got into a big fight or something

> like that … but if they only just put caution notices in it wouldn't come up with the banned so you wouldn't really take notice of it anyway [Door Staff 2].

A formal ban would usually be imposed for a serious incident, such as fighting or drug dealing. Bans were usually imposed for an initial period of three months, then increased for further infractions. The following quote explains the graded system imposed by the internal processes of one Geelong nightclub.

> … (Bans are usually imposed if you) play up in the place, get kicked out or something serious. If you are fighting in the place we'd probably usually give you three months. Then after that if you keep continuing; six months, a year. If it is a serious assault we'd usually give it a year [Door Staff 3].

In most cases, where a patron has a banning order from a venue, they will attempt to negotiate it being waived, particularly when they are attempting to enter the venue with the knowledge they have a mark against their digital record. As the following quote indicates, this is part of the standard 'give and take' strategy adopted by young nightclub patrons simply wanting to enter a venue.

> (It) is usually up to them whether they try and get back in and they can like talk about their case I guess and try and get it off and try and reason with them but usually it's up to the patron. I don't think that management would call them in a hurry and say you can come back to us [Door Staff 2].

Licensees participating in extended interviews indicated selective scanning was inevitable, particularly during busy periods when long queues were developing outside venues. Door staff and security reiterated that selective scanning was commonly implemented to prevent the development of long queues outside venues. One commonly reported practice was to scan only male patrons during busy periods to expedite patron entry.

> What I do is pretty much check all the males and the females at the front. The males get scanned inside. The females don't. We are pretty much supposed to do everyone but they can't physically do it. There are two girls scanning, and if you are going to do girls as well... history tells us it's more males that cause trouble so that is why we only scan the males [Door Staff 3].

While VIP patrons were usually scanned, personal friends or the friends of venue managers would be allowed to enter without having their identities recorded. As the following quote demonstrates, some people were not scanned despite express instructions from venue managers to scan all patrons:

> A friend of (the managers) or you know, my brother, you know something like that … I used to scan friends and family of the other staff, but I didn't used to scan my friends though … it was okay but then like they say make sure you scan everybody and I was like yeah okay, that's fine [Door Staff 1].

Regular or well-known patrons were also rarely scanned. In some cases, a manager might allow a patron to enter the venue through a side door, which would also avoid the scanning system at the main point of entry.

> If they were coming through the other side with a manager or something like that they wouldn't get scanned so some people don't get scanned. And a lot of people come in every week as a regular, you don't usually scan them you just do the money [Door Staff 2].

Selective scanning was considered a necessity during peak periods. The common practice was to demarcate classes of people to be scanned by gender. Young men are usually scanned because they are considered to cause 'more trouble' inside the venue. This was less apparent with young women, who simply present their identification documents for manual inspection during busy periods, such as long weekends or major venue promotions.

> … When it was really busy we would do a thing where just to get people through we wouldn't scan girls, we'd only scan boys. so we'd pretend, we'd get their ID and just like pretty much give it back to them straight away so we'd kind of pretend that we were scanning them, but we'd definitely scan all the boys in because the boys kind of make more trouble anyway. We'd definitely have to scan them but with all the girls we'd just pass them through most of the time just to get people in when it was really busy [Door Staff 2].

As the scanning systems have been implemented in the Geelong region since 2007, there is general awareness amongst nightclub patrons that their ID documents must be scanned prior to entering a venue. So, over time, this general knowledge of the process amongst patrons has ensured the system works more efficiently during peak times. Nevertheless, selective scanning occurs at several levels, and generally the scanning requirement will be waived if a patron has forgotten to take their identity documents to the venue but is known by door staff.

> Everyone knows they have to be scanned but if they haven't got ID and I know them quite well then it's not a problem because you know their details, you know where they live. If you know them that well you've got their number, but if it is a random male I say no [Door Staff 3].

This indicates that if a person does not have their ID, door staff exercise discretion as to whether or not to allow entry. Usually, patrons that appear to be innocuous, 'like a woman and a man couple or they look presentable' [Door Staff 1], will not be scanned. However, one 'door-bitch' indicated that in some cases, rough looking people would simply barge through the main entrance and avoid being scanned, or would be routinely let through by door security. When this occurs, it creates the dilemma for door bitches on whether to report the incident to venue managers. In one case, this practice led to the dismissal of door security personnel who were clearly flouting the scanning system.

> The really scary ones weren't. They weren't they just actually let them through. Actually the ones that the bouncers knew, the people that the bouncers knew they'd

> kind of just let them through the side and you wouldn't think anything of it. Obviously you couldn't ask questions about it or anything [Door Staff 2].

Despite reports from licensees that police had placed considerable pressure on venues to adopt ID scanning systems, according to door staff it was rare for police access to scanned data. Usually, this was only done if a serious assault, which usually occurred outside of a venue, was reported to the police. In most cases, if a request was made to access scanned data stored in a computer system, it was usually matched with recorded CCTV images to verify the identity of a patron or to examine the nature of a reported incident occurring outside of a venue.

> They do once in a while if there's been an assault or something outside the venue on the street and … the camera show(s) that they came out of a certain club. They'd come back and have a look at the video … when they ask for their licensing stuff … maybe they do that just to see what time the guy came in, but in details they probably don't need it [Door Staff 3].

Door staff indicated that ID scanners had limited impact in reducing violence since their introduction in 2007. This contrasts markedly with the views of licensees. The following quotes highlight the scepticism of door staff in the relationship between ID scanning and overall levels of violence in the late-night economy. The main benefits for the following door host was to prevent bar hopping when a person was evicted from another premises in the Geelong CBD, or for retrospective identification of a suspect once an incident had been reported.

> The only benefits I saw from them would be if another club kicked them out and they had the same scanner thing, they could tell us not to let that person in. Or if something had happened previously that night they could look up like blue top and it would have everyone in a blue top or something like that … but that's really the only thing that I really knew it was for if there was fights or something bad had happened and they had to locate if that person was in the club [Door Staff 2].

For the following respondent, ID scanning has had no bearing in stopping fights in and around Geelong CBD venues.

> It kind of hasn't stopped the fights and stuff in Geelong though really. They are just as bad since the scanners have been brought in [Door Staff 1].

For the following respondent, it was clear that security guards working at the door would not always know a patron who had previously been banned. Thus the scanning system had a positive impact in identifying banned patrons to ensure they were unable to enter a venue during the duration of the ban. This element of the technology is one of its few perceived benefits, although it is acknowledged that the system is working better now that patrons are accustomed to the scanning process.

> When they came through the club and they'd be banned from the club it would come up as banned so then sometimes the bouncers at the front don't know they've

> been banned because obviously they can't remember everybody … but when they come up on the scanners it would come up on the computer as banned so we'd have to kick them back out after they'd already been scanned … but I think that when people are really really drunk they forget things like that and everyone's so used to being scanned into clubs anyway that people don't really take much notice, they just think it's just what you have to do [Door Staff 2].

However, the same respondent indicated the specific relationship between ID scanners and reduced levels of violence were at best tenuous. This was because the scanning system had not fully removed the discretionary judgements governing selective entry into licensed venue commonly exercised by door staff and door security. In addition, the mere fact of being scanned does not necessarily change a patron's behaviour and reduce their tendency to engage in violence.

> Like they let some really bad crowd in there and … the bouncers do let in people that they know, like bikies, really rough people, and those kinds of people can make everyone else feel intimidated and stuff like that. But there was always fights. It seemed to always kind of be the same kind of people as well that would fight. Like they kind of just went there for fighting … I don't think it really makes a difference. I really don't. I think they are going to do it anyway because most of the time they are wasted so they are not going to think about the scanners are there, I'm not going to do this. They are always going to do it [Door Staff 2].

However, it was acknowledged that ID scanners are effective in deterring underage entry into late night venues. This was endorsed by at least two door staff interviewed for this project. However, as the following quote indicates, underage people attempting to enter a venue illegally can usually be spotted well in advance of reaching the door. ID scanners can assist in verifying whether a fake ID is going to be used by an underage person to gain entry into a venue.

> I can pretty much spot one from a mile away and it is just ridiculous how some of them come up with it. I don't know if you've seen any of them, but they scrub out the date and put a plastic one on top with the new date and a lot of people use other people's ID's as well. We are not allowed to take licenses off them. We are allowed to take them if they are, because they are a legal document. But if they've been tampered with they are not a legal document anymore. So if one has the scratching on it I definitely take those and rip them up, break them, crop them in half [Door Staff 3].

The following door host indicated that ID scanners made it easier to detect underage drinkers. This overcomes the reliance on manual techniques for scanning proof of age documents employed by most door security staff.

> … I always used to be the one to catch underagers because the bouncers didn't really – they did their job, but you know. And usually I knew the person who was on the ID anyway. I always used to look at them anyway even though that wasn't really my job. I always used to go oh yeah, that's not you. Come on, come down and I always

> used to get them. It does because they are so scared. They think, a lot of younger people think that they get their face scanned as well to match up. So they are always like where to I stand? Where do I stand? I'm like oh just there and you can tell they are shitting themselves [Door Staff 1].

However, there were contradictions on whether or not ID scanners helped in detecting underage drinkers. For the following respondent, security personnel detected most underage drinkers before they reached the main entrance to the venue.

> … Its more they try to come in and the bouncers see their license and then they come in so we don't really notice it so the bouncers really acknowledge whether they are underage or not before they use the scanners [Door Staff 2].

Several limitations were identified in the Geelong ID scanning systems. The main limitation identified by the following response related the inability of the technology to provide an accurate record of patrons who were banned from other venues. The failure of the system to be networked across the participating venues ensured details about patrons banned from other venues were manually circulated to door staff.

> There were photos of them on the back wall but it didn't pop up on the scanners. Do you get what I mean? So if I scan their ID it didn't go this person is banned. I'd just have to know them by photo. They still have to get through the bouncers down the bottom and me so one of us has to. Or if they did get let in management … hopefully would notice that they are banned or a bar staff or something like that. But nothing ever popped up and I always wondered about that, why it didn't [Door Staff 1].

The introduction of ID scanners has little impact on security roles outside of the venue. This is because security staff do not have access to the data stored within the computer system. Despite the promise of greater efficiency in patron management, there is still a considerable amount of manual recording to moderate patron entry into Geelong's licensed venues.

> It's alright for the managers and that to have a look up there and the police if they need to. But for us we were just relying on our skills to weed out all the fake ones and underagers [Door Staff 1].

There was a general view that the disparate scanning technologies operating in different nightclubs should be networked. For the following respondent, this would be a more effective process to prevent bar hopping.

> … It would cut out the idiots from coming into each club. If they get kicked out of one they go to another one and cause a ruckus and then they go to another one. They are just going everywhere and causing shit [Door Staff 1].

This view about the benefits of networked scanning technology was reiterated by the following comments.

> Because we can say, can they send it to them and say don't let this person in or something like that or they can say the guy is wearing this and this so don't let him in [Door Staff 2].

One of the most prominent benefits of ID scanning related to the retrospective detection of troublemakers once an incident had occurred. However, this view is tempered by the view that ID scanners have not had a discernible impact in reducing the level of violence witnessed by door hosts and security.

> I mean it's good for the fact that if they are trying to find someone and they can find them. They can look up to see if they were at that club the night before or something like that but other than that I don't think they made much of a difference [Door Staff 2].

One respondent expressed strong approval for the ID scanning system operating in Geelong and advocated for their mandatory roll out. This endorses the perception of many licensees, who indicate the benefits of networked technology would ensure greater efficiency in managing patron movements throughout the night-time economy.

> In town if something happens at another venue and they are heading our way the camera lets us know they're coming, but if we didn't have these scanners and stuff they'd be going into venues. Making trouble in one venue and going down to the other venue. So these scanners let us know that this guy has stuffed up at this place and he's been banned from there so automatically he's banned from our place [Door Staff 3].

One respondent indicated there have been numerous technical problems associated with the scanning system installed in one nightclub. The most common problem relates to the computer system crashing or freezing, particularly during peak periods when long queues are developing at the door. This exacerbates the problems of delaying patron entry, which can contribute to increased volatility at nightclub entrances. Freezing can also ensure that banned patrons might be allowed entry, due to the lack of manual records kept at some nightclub entrances.

> … they can be a pain in the arse when they freeze up and stuff like that because that can obviously take time in letting people come in and stuff but I think that because you can see if someone comes up as banned and stuff like that that it helps them in that way because they are obviously going to forget who's been banned [Door Staff 2].

Interestingly, door staff said little about the presence of signage at the point of entry into late night venues. One respondent indicated there was no signage at one nightclub advising patrons of the scanning process, but doubted patrons who were commonly intoxicated would read or understand the signs if they were present.

One clear problem associated with the scanning system related to information access and security. Although this point was only raised by one respondent, it was significant as it was

difficult to communicate the storage practices to questioning patrons because door staff were not trained in understanding the information storage process. However, this respondent also indicated that only venue managers should have access to stored data. 'Its just not professional at all' to allow all staff access to such an extensive body of patron information [Door Staff 1].

Ancillary Stakeholders

Three ancillary stakeholders were interviewed for this research. An ambulance officer working in the Geelong region during the implementation of the ID scanner trial provided some insight into the benefits and problems of the system, but most information was based on anecdotal second-hand experience of this technology. This respondent reiterated the view that ID scanners probably had little bearing in reducing violence in the Geelong region. However, this respondent also considered this technology is potentially beneficial in managing patron entry into licensed venues.

One respondent from the Australian Hotels Association (AHA) reinforced the idea expressed by licensees, that ID scanners help to promote positive behavioural change amongst nightclub patrons. The significant element of the quote below is the analogy between ID scanning technologies and CCTV in deterring untoward, anti-social or violent behaviour.

> I think again they are a good one in terms of making the individual hopefully have a bit more of a think about their actions. Just like CCTV or we are looking at the little pencil cameras that the security wear on them. That is another one where the patron knows that their details are there and if that has any effect on their subconscious about maybe having to behave myself a bit better because they'll know who I am, well then it's not a bad initiative. But as you would know from Geelong you have to weigh that up with privacy implications and storage of the information etc, etc, but we've got venues around NSW who have voluntarily put them in themselves and they feel that it is something that works well for their business [Ancillary respondent 1].

This respondent was concerned to ensure that licensees were aware of the legal and privacy implications associated with ID scanning and storage. It was felt the best approach is for licensees seeking to implement scanning systems to obtain legal advice or to consult with privacy regulators to prevent possible legal breaches associated with data storage.

> We've had to get legal advice on it because I do worry for the licensees. I don't want them as a result of trying to be proactive and put in place something like this that they inadvertently wind up in court so we are very cautious of making sure members are using them properly and know the relevant rules and legislation around it … it's storage for 28 days or something like that and then after that you are guaranteed that it will be deleted [Ancillary respondent 1].

However, while the AHA informant indicated there were discernible benefits to ID scanning technologies, it was also considered unwise to mandate this technology across the industry. Part of the problem is associated with cost. The other dimension is a general reluctance of mandating any strategy for harm reduction in an industry as diverse as the liquor industry. In short, for this respondent, ID scanners can only have a positive impact in reducing violence, if it is combined with other initiatives, such as responsible drinking campaigns or increased penalties for those engaging in violence. Therefore, as a stand alone initiative, ID scanners appear to have limited positive impacts in reducing violence, and should only be rolled out selectively, rather than being mandated across the liquor industry.

> I'm extremely cautious about mandating anything. I just think that if you say you're going to use the pencil camera initiative why should you have to do the ID scanner. Or if you're going to spend $100 000 on having 98 CCTV cameras around your venue why should you? … So the overriding initiative we are looking at is personal responsibility, education campaigns and finding penalties that address the individual and don't sort of penalise the majority ... Again, the ID scanners whilst I think they are a great idea, they are a great idea for particular areas. They are not a great idea to be rolled out across the whole state [Ancillary respondent 1].

The final ancillary respondent is the co-licensee of a Canadian venue, which has implemented ID scanning to prevent underage entry into the premises. This interview provided an interesting supplement to the Geelong key stakeholder data, as this respondent could draw on years of industry practice in implementing ID scanners within a venue that attracts many prospective underage drinkers crossing the United States/Canada border. The general motivation for introducing ID scanners was to mitigate legal liabilities for licensing infractions in serving underage patrons. In Canada, such breaches lead to heavy financial penalties.

> The amount of young people, underage drinkers who were getting in and we were getting heavily fined for having underage drinkers in our bar so we wanted a way to avoid the fines [Ancillary respondent 2].

The following quote provides insights into the lengths underage drinkers will go to conceal their true age and to share their fake ID documents with other underage drinkers. The end result is that electronic age and identity verification has significantly eroded the temptation for underage people to attempt entry into this particular venue. Importantly, the licensing requirements impose both fines and restricted trading conditions for serving alcohol to underage people. ID scanners provided the key solution to avoiding these fines and trading restrictions.

> If someone was underage and got into the bar, once they got in, they would either throw out the fake ID or hide it mysteriously somewhere on them. So when the police officer asks them for their ID – they couldn't produce any – we get charged. If they produced fake ID they got charged. So they kind of cottoned on to what they shouldn't do, hid the ID, and then we were getting charged. So for us that was like our biggest thing … if the patron got charged they got removed from the premises, got charged and dealt with by the cops. If we get charged we get like a surrender

> notice on our front door that says this bar has been closed down for Friday night and it will say the date. You're closed for business, you can't open so you loose profit. Initially it starts with a fine. I think our very first fine was probably ten thousand dollars … the highest fine we had was one hundred and twenty thousand dollars and we were closed for eight weekends … we went up the offence list basically and because we weren't squeltering the problem they just kept charging us more and more and it just got to the point where we were like we can't afford to open a bar because we can't afford to keep paying these fees and it was just an infiltration of underage drinkers and we had no way of stopping it [Ancillary respondent 2].

In Canada, the extent of data stored in an ID scanning system is contingent on the information stored in a magnetic strip on the back of a driver's license. The scanner operated in this venue accesses the data stored in the magnetic strip. The owner's photograph on the license is also manually checked by door staff to ensure the scanned data from the magnetic strip displayed on a computer screen at the point of entry, matches the data recorded on the front of the license. If a fake ID document is detected, it is retained by the venue and the patron is invited to leave.

> The back of our drivers license has a credit card swipe and you swipe it and it comes up with the name on the card … It'll say the birth date that is on that swipe, so that way you can turn the drivers license over and look at the front of the card and make sure that the names and the birth dates match. And if they do, and they are of age, they let them in, and if the two dates don't match we have the authority and the right to retain the drivers license with false information on it and then tell the patron to leave the bar or not allowed access into the bar [Ancillary respondent 2].

This venue has implemented a three-tiered banning system, which activates warnings in the computer database. There is also an information sharing system identifying patrons banned from neighbouring venues.

> We developed a three tier system. So if your name shows up in green that means you've never been on a banning system on our list, you're fine to come in, you're of age … If it shows up yellow or orangey kind of colour it means that you've been banned by one of the other pubs or clubs or nightclubs around our area and we've just done a share of information – so that's an orange list. And if you've come up red it means you're either underage or you've been already banned from our club –so we keep that on file [Ancillary respondent 2].

The networking of data between venues is undertaken on a voluntary basis. Information on banned patrons is, however, shared manually, and entered independently into each venue's system, rather than through a coordinated network of linked computers.

> (Its) like a friendly neighbour policy amongst the bar owners so we basically just go to the other bar owners, we pretty much all know one another. There is really eight of us that own the major clubs in my city. So we go in and say okay these are the ones that got banned from the bar this week or for underage drinking or for fighting

> in the club or some reason and we kind of just share that list of names [Ancillary respondent 2].

For each new ban imposed, the venue operators engage an information technology consultant to make the appropriate graded entry into the system alongside the patron's data. Formerly, the owner retained and entered all banning records, but as the technology has been upgraded, it has been necessary to specialise the data entry and annotation function. This particular system also provides a notification to the owners of the expiry of any patron's ban. All information is then linked to a computer located at the point of entry to warn door and security staff that a patron has been banned and should be denied entry into the premises.

> … A the owner, (I) used to hand type in all of the names, but now with the little scanner the names come up in there and then we just have a computer guy who organizes it all for us into the right colours and if the ban has been lifted usually we say it to someone, okay you can't come back to our bar for 12 months or until you are of legal age and he has a way of putting a little reminder on there that once the ban is lifted, they turn into a green person instead of a red person … It's like a big computer system basically and you just type it in and put it in the file and away it goes and it links to the scanners, so if Joe Smith got banned tonight and I go into the office and type it in, it is automatically at the door where the guys are standing scanning in, where the bouncers are standing, so if they give them a fake ID and it's Joe Smiths or something like that or even a real ID, as soon as he scans it, it will say I'm sorry you are a red person, you can't get in [Ancillary respondent 2].

This system is developed purely for this particular venue and is not mandated under Canadian liquor licensing or criminal law. In response to concerns over selective scanning, this venue has implemented a policy of mandatory ID scanning for all patrons, regardless of their legal age. However, it was necessary to develop an incentive system that ensured bouncers would not subvert the system and permit entry to certain patrons without being entered into the computer system.

> Everybody get scanned I believe because we pay incentives to our door people to kind of ensure that because we just don't want to get nailed with fines anymore. So we kind of say well if you save us one hundred thousand dollars by not letting these people in, we'll cut you extra in your next Christmas bonus and we found that that actually works quite nicely. So I do feel that everyone is getting scanned but I know for a fact that we had a problem with one of our bouncers who, if they scanned and the information on the scan didn't match the information on the card and the girl was cute enough with big enough boobs, he was letting them in – so he know longer works for us. So we do try and keep an eye out and I think its just one of those mutual respect between owners and employers and if one of the bouncers knows that another one is doing that, they let us know and we just get rid of them [Ancillary respondent 2].

Given the heavy financial penalties associated with breaches of Canadian liquor licensing regulations, the ID scanning system has had enormous commercial benefit for this venue.

This also produces a deterrence effect, as the sophistication of the technology encourages underage patrons to find another venue to test their fake IDs. Associated with this is the confiscation policy invoked where a fake ID is detected. This additional strategy adds to the deterrence impact of the ID scanning technology.

> Financially it's had a great effect because we've saved a heap of money. I would say it's actually kept some of the underage drinkers out because they are thinking twice about showing their ID because they know that if we scan it and the ID doesn't match that we can actually take their ID away and then they're screwed because they can't go to the next bar, because not all the bars have scanners. So usually what they do is say well that bar has scanners, stay away from there and they use the fake ID somewhere else where they can't scan it. Whereas if they use it on us and the information doesn't match we take away their license. They have no more ID to go to the other bar that doesn't have a scanner. So we've kind of found that it's actually kept the underage drinkers out of our premises which has been fabulous and financially it's been great for us [Ancillary respondent 2].

As indicated in Chapter 4, Canada has a sophisticated privacy law structure, which nightclub patrons are willing to enforce. Therefore, conforming to rigorous privacy requirements has been a key concern for this key informant, evidenced by detailed scrutiny of the relevant privacy provisions, and incorporating secure data encryption into the computer system. In addition, all data on non-banned patrons is deleted within twenty-four hours of it being entered. This is in contrast to the 28 limit currently used in the Geelong region.

> All of the information on our data base is deleted within 24 hours unless you're on the orange or red people list. They stay on for 12 months. We were sent the Privacy Act and it's very extensive and you definitely have to read over it and read over it with your lawyer and go okay how do we not screw up? But I think we just manage it well … We have security encrypted our computer. All the main information is stored in an office computer which is locked ... We have a computer guy who kind of does all that kind of computery, techy stuff for us. So I think the privacy is managed really well because we're not printing out lists of everyone that gets into the bar every night and stuff like that. It's a pretty extensive Security and Privacy Act and I think it's fabulous because we haven't had a major sharing of information, we haven't had anyone rock up onto our premises and say we need a list of everyone who's been here last night so and honestly we wouldn't be able to even provide it because we get rid of it within 24 hours [Ancillary respondent 2].

There is clear signage at the point of entry outlining the nature of the scanning process. The signage instructs patrons that all patrons will be scanned, they must produced their identification card on request, and that this entry requirement is a means of promoting greater levels of safety within the venue. However, it is also clear that the contents of the sign do not necessarily have to match the motive for implementing the ID scanning requirement.

> The sign I believe says you are welcome to come into these premises, all ID will be scanned and if you don't have scannable ID another form of ID must be shown …

> that's pertaining to American customers because we are a border city and it says this is done for your safety and protection which is a little bit of bullshit (laughs) it's done so we don't lose money, but it says something like it's done for your safety and protection, if you have any questions feel free to talk to the owners [Ancillary respondent 2].

To date, there have been no complaints by patrons about having their driver's licensed scanned or personal information stored in the computer system. In other words, the process appears to have been normalised within patron culture, and this is possibly linked to the existence of a magnetic strip on the back of the Canadian driver's license.

> … (T)hey just assume, they get their drivers license and there is this swipe card on the back of it, it's gotta be used for something. They know they can't use it like a Visa card so I don't know if they are just naïve about it. We've never had someone say what are you doing with my data or anything like that. It's just kind of a given. And if you don't want it scanned – go next door [Ancillary respondent 2].

The final issue emerging from this extended interview relates to the disparate uptake of scanning systems in Canadian licensed venues. Given the effectiveness of the scanning system and the close relationships expressed during this narrative between neighbouring venues, this respondent was probed on why some venues might not choose to opt in and adopt a similar system to promote more efficient patron management. The response indicates that the potential financial gains of catering for underage drinkers, even at the risk of incurring considerable fines from licensing breaches, informed the decision of many venues not to adopt similar ID scanning technologies.

> … Underage drinkers you make a lot of money off of them – a lot of money. We did find our profits went down as soon as we brought the scanners in, but now it's almost balanced out, like it's come back to a plateau, whereas when you have the ability to have the underage drinkers in your club you're just making fortunes because people know that's where I can go underage. They do their three drinks and they get out and go to another club, get their three drinks and get out. It's kind of like all the underage drinkers know where to go and where to avoid because they know where the scanners are [Ancillary respondent 2].

Discussion

The diverse views associated with ID scanning systems challenged the prevailing view in the local Geelong media that the trial has been a success in reducing alcohol-related violence. For Liquor Accord informants, the key problem in this area is developing meaningful evidence-based policies aimed at preventing alcohol-related harm, given the lack of available evidence associated with the nature and frequency of such harm from police sources. In light of the limits of available data, ID scanners can only be viewed as one element of a more holistic strategy in combating violence in the night-time economy. Such a strategy would require a combination of measures to understand and challenge the nature

of drinking culture, as well as incorporating a range of situational initiatives within and around licensed venues, such as ID scanners.

In light of the material presented in this Chapter from the variety of key informants who participated in this study, the following core points emerged as issues of concern and require further examination.

- The disparate and conflicting views of effectiveness held by licensees, door staff, and security personnel;
- The impact of ID scanning and its adoption from a public policing perspective;
- Selective scanning;
- Technical problems with computer hardware and software;
- Data networking amongst participating venues and police;
- Information privacy and patron knowledge of privacy principles;
- Potential delays in patron entry due to scanning, and the associated inconvenience this causes;
- Training in the use and communication of storage practices relating to ID scanners;
- Signage;
- Data maintenance and security;
- Password protection;
- The relationship, if any, between scanning technologies and reduced levels of violence in and around licensed premises;
- Lack of coordinated data on the problem of alcohol related violence and disorder from authoritative sources, including police.

Although licensees tend to view ID scanners highly favourably, there are questions relating to how venue managers and door staff share information about their effectiveness. It seems door staff and security consider the introduction of ID scanning systems has had little bearing on the violence and aggressive behaviour they are witness to during peak periods. More concerning is the lack of training on the nature of data storage arrangements, and the general inability of door staff to accurately explain the implications of scanning to patrons raising questions about this condition of entry. Equally, signage at venues does not seem to provide adequate explanation of the process. As such, the disjuncture between licensee approval of ID scanning, and door staff scepticism, suggests any direct correlation between scanning strategies and reduced violence is tenuous.

Beyond these issues, there are a number of questions relating to the ethics and efficacy of selective scanning, either as a strategy to reduce the length of queues during peak entry periods, or as a legacy of some other favourable treatment to friends, relatives or colleagues of door hosts and security staff. As the Canadian respondent indicated, developing a strategy to ensure that door staff do not subvert mandatory scanning of all patrons seems warranted. However, this issue also raises questions as to whether mandatory scanning of all patrons is necessary at all, given the most uniformly agreed benefit of ID scanning was its impact in detecting fake IDs and reducing the incidents of underage entry into participating venues.

Several technical problems are evident in the Geelong ID scanning trial. The use of different scanning technologies in different venues, the inability of scanners to be appropriately networked in the participating venues, the lack of consistent standards in terms of password protection, data encryption and access to data for designated venue staff or police and various technical problems including the crashing or freezing of computers, undermine the efficiency and intentions of the scanning strategy. The issue of data networking is particularly important, as it goes to the heart of the effectiveness of scanning as a measure to prevent bar-hopping. However, the additional privacy dimensions associated with information sharing between venues require further examination.

The final two issues of note relate to the impact of police in generating interest in the ID scanning system, and broader notions of privacy associated with data maintenance and storage. Police favour scanning systems, presumably as an additional means of promoting surveillance and increased behavioural responsibility in the night-time economy. However, the extent to which ID scanners make police investigation and prosecution functions more efficient, at the expense of allocating more resources to foot patrols and other human security initiatives to prevent harm in the night-time economy remain to be explored. Further, police access to scanned data requires further examination, in light of the various privacy concerns outlined in this report. In this respect, the general level of patron approval of ID scanners appears to be informed by a lack of knowledge of applicable privacy requirements in relation to data storage and access. The absence of any clear alternative to scanning implemented in participating venues, or an adequate complaints mechanism, would seem to heighten the view that patrons are generally ignorant of the problems associated with data management issues, and simply prioritise their desire to enter a late-night venue over the possible issues associated with data security breaches, or inappropriate access by night-club staff, police or third parties.

As the concluding Chapter of this report will demonstrate, several important policy initiatives, stemming from the issues presented in this and foregoing chapters, required detailed scrutiny before ID scanners are judged as a success in the Geelong region, or are expanded to other night-club precincts. Each of these concerns was prominent in the key stakeholder interviews depicted in this chapter. The final chapter of this report will elaborate on these issues in relation to developing a systematic strategy for benchmarking and critically reviewing ID scanning strategies in Geelong and other regions where these technologies are likely to emerge in future years.

Chapter 9

Broader theoretical issues

Drawing on the work of Zedner (2007) and Ericson (2007) the desire to enhance interpersonal security in an age of fear and uncertainty is shaping the development of new technological methods to identify, control and prevent activities construed as 'pre-crime'. These behaviours might be minor in nature, but send signals to the community or relevant public or private authorities that an individual 'might' be contemplating more serious and harmful criminal activity (Zedner 2007). The preoccupation with identifying and preventing 'pre-crime' corresponds with the use of 'counter-law' (Ericson 2007), to empower authorised public or private agencies to undertake preventative strikes against 'anti-social' or potentially deviant individuals. Ericson (2007) argues the growing salience of uncertainty produces new forms of regulation or 'counter-law', which exists in two forms. The first involves new laws that breach and counter the traditional principles, standards and procedures of criminal law which, when combined with similarly 'innovative' uses of civil and administrative law undercut the due process limitations placed on investigators and enforcers and enhances 'pre-emptive strikes' against those looking or acting suspiciously while providing minimal legal rights for those caught within an increased surveillance gaze. The second emerges from the 'surveillant assemblage' that reaches deep into everyday life for signs of threats, either deterring would-be-undesirables from certain places/times/activities, or making obvious the need to expel or exclude them from routine social activities.

ID scanners clearly fit within the exclusionary focus of the surveillant assemblage and the enhanced ability to prevent crime though pre-crime techniques. However, Haggerty and Ericson also argue that an increasing feature of surveillance concerns the convergence of what were previously discrete surveillance systems. Put briefly, this convergence of surveillance systems allows data to be abstracted from specific territorial settings and re-assembled elsewhere, producing a 'surveillant assemblage' with its own forms of hierarchies of surveillance, transforming the very purposes of surveillance. This "marks the progressive 'disappearance of disappearance' – a process whereby it is increasingly difficult for individuals to maintain their anonymity, or to escape the monitoring of social institutions" (2000: 619), an emergent feature of ID scanning systems.

ID scanners represent a significant development in the emergent surveillant assemblage. While practical limits are placed on data reassembling it is clear that the creation of significant databases, and the capacity to network information at a national level is an important step in the growth of surveillance and, just as importantly, how that surveillance is conducted. While the local emphasis (for instance Geelong) might remain focused on local security and the use of ID scanners to provide enhanced safety, the capacity of these privately operated systems to operation across Australia indicates that the emergent surveillant assemblage is currently undergoing a significant development. If the law enforcement utility of these databases becomes more evident, then it can be expected that

there will be further pressure for more systematic ID scanning – both in terms of venues currently using ID scanners but also in terms of the requirements for particular types and/or locations of venues to use ID scanners. This is particularly so in a political environment of ongoing concerns to be seen to being doing something about violence in the night-time economy and the need for actions that can be presented materially. Finally, as the interview with Manufacturer 1 indicated, the capacity of the ID scanning systems can then enter into broader surveillance systems with quite different social purposes – from violence in the night-time economy to the surveillance of (and restriction on) the general consumption of alcohol.

In this sense, technologies of surveillance, data storage and retrieval become the means for reconstructing the idea and process of maintaining a *differently moralised* social order, in the hope that their use will lead to a new era of 'perfect enforcement' (Mulligan 2008). However, they also simultaneously produce concerns that 'policing through the lens' disconnects police from their communities (Leman-Langlois 2008).

Three bodies of literature informed the approach to this research, each of which had yet to be applied specifically to ID scanning technology. The first involves literature analysing the role of technology in generating 'perfect enforcement' outcomes (Mulligan 2008). The second relates to exploring the concept of 'responsibilisation' in contemporary justice through the emergence of perfect enforcement technologies. The third relates to overarching trends in governing the night-time economy, where it appears that despite a range of environmental, spatial and legislative reforms to alcohol supply practices and security provision within licensed venues, numerous governance deficits (Shearing & Wood 2003) impede their viable implementation in the Geelong region and elsewhere.

Mulligan (2008) indicates various new digital technologies offer the capacity for perfect enforcement, but suggests perceptions of their effectiveness are often illusory. This is supported by a strong body of literature in Australia and internationally on the limits of closed circuit television (CCTV) in producing genuine reductions in crime and anti-social behaviour, despite the belief that they make problematic social environments safer (Welsh & Farrington 2009; Wilson & Sutton 2005). Manning (2008) extends this analysis to suggest that without a fundamental shift in police methodology to a genuine crime prevention ethos, any new technological innovations will simply add to the administrative and investigative burdens currently experienced in a predominately reactive enforcement culture.

The combination of initiatives aimed at reducing alcohol-related violence in the night-time economy offer a perfect illustration of the increased devolution of centralised policing strategies back to individual businesses or the general public (Palmer & Whelan 2006). The preventative focus of responsibilisation strategies of crime prevention are indicative of a broader trend in contemporary neo-liberal societies, and can be mapped specifically alongside various legislative reforms in the liquor control arena. Therefore, contemporary liquor licensing laws impose greater responsibility on licensees to install CCTV cameras, participate in liquor accords, adhere to responsible service of alcohol provisions and appoint more security personnel. ID scanners offer an additional and potentially appealing form of

perfect enforcement, in a broader context where liquor licensees are already subject to a range of legally mandated responsibilisation initiatives.

However, this more stringent and devolved regulatory milieu also illustrates the prominence of governance deficits in current liquor licensing laws. Under this reasoning, the current level of concern associated with alcohol-related violence is nothing new, and in fact has generated almost two decades of research, reform and devolved responsibility for liquor provision. Yet the basic problem of alcohol-related violence affects the same classes of young male patrons and to a slightly lesser extent security personnel. This suggests that somewhere in the last two decades, the regulation of alcohol provision in the night-time economy has experienced either a series of governance deficits or distorted nodal relationships that somehow sidestep local capacity- and knowledge-building for appropriately regulating the night-time economy (Shearing & Wood 2003). At the same time, a series of new governance deficits associated with how to regulate the perfect enforcement capacity of digital ID scanners also becomes apparent.

Our findings indicate that key stakeholders view ID scanners as the new solution to the problem of alcohol-related violence in and around licensed premises in Geelong. This assumption replicates many of the false claims of success associated with the rapid expansion of public and private CCTV surveillance systems since the mid-1990s, while raising a host of additional governance deficits associated with the regulation of this novel security technology. The perfect enforcement-responsibilisation-governance deficit framework has informed our analysis of the immediate impacts of ID scanners in regulating alcohol-related violence in the Geelong region, and the widespread adoption of scanner technologies in other regional night-time economies based on the perceived success of the Geelong trial.
As will be indicated in the concluding chapter, we argue that there is an immediate need for a review of the regulation of ID scanners

Chapter 10

Conclusions and Policy Recommendations

The lack of supporting evidence to justify the effectiveness of ID scanners, and the readiness for it to be embraced for dealing with alcohol-related problems and the governance of night-time economies, necessitated detailed and critical investigation of the factors shaping the uptake of ID scanners and the impact of their use. The rollout of ID scanning technology raises various issues relating to law reform, public order maintenance, privacy and data integrity. These issues span across the domains of criminal law, liquor licensing law, private security and the law and contemporary state and federal human rights. The intersections between these distinct yet interrelated strands of law is therefore a core component of this research, and reflects the diverse stakeholder interests associated with policing and governing the night-time economy through emerging electronic technologies.

The impact of ID scanners can only be assessed within the broader context of licensing, policing, security and alcohol consumption. As with many 'new' interventions there can be inflated expectations that technology will 'solve' the problem and, whether technology-based or any other forms of intervention that the latest intervention will be effective where other prior interventions have failed. In reality the 'silver bullet' solution is always problematic. This is certainly the case with ID scanners as we have found that pre-/post-ID scanner health and crime data indicate the introduction of the ID scanners did not lead to a decrease in alcohol related assaults. However, this must also be interpreted alongside other research findings such as inconsistent practices in individual venues concerning the use of ID scanners and variability of the quality of scanners, the limits to the data collected and the broader context of multiple and ongoing interventions.

Our findings indicate the perception amongst patrons and key stakeholders is that ID scanners have had a positive effect on preventing crime and violence. However, this is not supported by the health and crime data raising an interesting contrast with a broader problem identified in the criminological literature: growing fear of crime at times of decreases in official crime statistics. In part this is most likely the result of our data collection tools as the focus was directed more towards people who have direct knowledge of the night-time economy as patrons or workers as opposed to general perceptions surveys.

Whatever 'evidence' is preferred, the important privacy and data integrity issues related to the use of ID scanners necessitates immediate action to address the regulatory void that currently exists. Our key policy recommendation was initially seen to be the development of a draft code of conduct for the liquor industry. However, after having completed the research we have determined an alternative path towards robust policy development: the introduction of a national working party to review to use of the ID scanners and the options for regulation. Key issues to be considered include:

- A temporary moratorium on the use of ID scanners until an appropriate regulatory framework is established;
- Private security licensing requirements expanded to cover all personnel involved in using ID scanners and increased and training and accountability to incorporate the use of ID scanners;
- The need to consider information sharing practices, including who has access to scanning systems and the data they store, under what conditions and with what accountability;
- How is consent to be determined both legally and each time a patron's ID is scanned into a system;
- What complaint mechanisms exist or need to be introduced;
- What auditing mechanisms need to be put in place to ensure compliance with existing or proposed legal requirements?
- What needs to be done to foster and build research capacity to conduct local, state, national and international research into ID scanners, surveillance techniques generally, and the links between these developments and the prevention of alcohol-related harms?

Policy recommendations

10. A **national working party** be established with representation from each state and territory and the federal government. The working party should be given specific terms of reference to examine in fine detail the regulatory framework for ID scanners. A discussion paper should be produced in six months with draft code of conduct and a call for public hearings and submissions leading into a final report in 12 months with clear recommendations about the future regulation of ID scanners.

11. **Proportionality and the precautionary principle**: Pending more detailed regulation we recommend ID scanners be limited to venues operating after 1pm and meeting a draft code of conduct produced by the working party.

12. **Private security** licenses need to be extended to include any person with access to the ID scanners, and training needs to incorporate modules addressing ID scanning and privacy principles and practises related to the use of ID scanners (chapter 8)

13. **An audit** of ID scanner databases as well as un-announced audits of operational practice (chapter 4)

14. **Information sharing** across ID scanner systems needs to be documented and system providers to document how the information is constructed, how it is to be shared, with whom and for what purposes and what limits are or should be placed on information sharing.

15. **Consent:** we recommend specific measures to address the issue of consent, including clear signage not only at the point of scanning but also on external walls,

clearly indicating the use of ID scanners. In addition, the signage should also include information about alternative means of gaining entry without have ID scanned.

16. **Complaint mechanisms**: signage indicating use of scanners must also include information and contact details for making any enquiries or complaints.

17. **Complaints authority**: the authorised regulator arising from the working party review needs to be the complaint hearing authority able to receive complaints on a national basis. Further consideration needs to be given to the different forms of complaints and the range of redress mechanisms.

18. **Research Agenda**: what needs to be done to foster and build research capacity to conduct local, state, national and international research into ID scanners specifically, surveillance techniques generally, and the links between these developments and the prevention of alcohol-related harms?

We address each of these policy recommendations in greater detail.

Regulation: the need for regulation on the introduction of ID scanners and the operational practices is a matter of urgency. The comparison with the introduction of CCTV in the absence of regulation, and the associated problems that followed such as inappropriate storage and access to data and the lack of technological standards is salient here. ID scanners can operate in many different forms, with significant variation in internal security protections, potential variation in how the data is stored, how long it is stored, and who can obtain access to the databases. We recommend the introduction of a specific regulator with the responsibility for compliance and accountability. This authority needs to operate at a national level due to the cross-jurisdictional nature of the industry and the increasing likelihood that databases will be shared across jurisdictions. Regulating ID scanners necessarily raises the issue of the relationship between state/territory and national powers and the existing institutional framework of accountability agencies. For some three decades Australian governments have been addressing this issue across a range of domains such as corporate regulation and organized crime. We do not believe vesting this authority within current information or privacy authorities is adequate under current legislation as they are too narrowly constructed. Liquor licensing regulators already cover some aspects of the regulation of ID scanners, though they fall short for two reasons. First, they do not have national coverage. Second, these agencies have a range of responsibilities (and are often also the responsible authority for regulating gambling) and are already emerging as an authority promoting the use of ID scanners. While these issues do not exclude consideration of the possibility of a cross-jurisdictional working party being hosted by liquor licensing authorities we believe that these agencies are too narrowly constructed to be the appropriate authority. Similarly, corporate regulators have a different ambit of responsibility. Nonetheless, without establishing a stand-alone authority it is necessary to ensure that the new regulator has adequate resources and infrastructure so it may be necessary to locate this new regulator a new functional sub-unit within an existing agency.

This new working party could also be located within a broader recommendation canvassed in the health literature that government, in partnership with other stakeholders, forms an

independent governing body for the overarching coordination and centralised resourcing of evidence-based interventions for the prevention of alcohol-related violence. This body could be funded through a specific alcohol advertising levy or through existing licence fees. There is strong community support for such a levy.

However, the rapidly changing landscape of ID scanning demands that a national working party on ID scanners should be established as soon as practicable with representation from each state and territory and the federal government, funded by each government for a 12 month period. The working party should be given specific terms of reference to examine in fine detail the regulatory framework for ID scanners. A discussion paper should be produced in six months with draft code of conduct and a call for public hearings and submissions leading into a final report in 12 months with clear recommendations about the future regulation of ID scanners.

In the interim and absent of an agreement to establish a working party, or conversely issues for the working party to consider, there is a need to address the following recommendations.

2. Proportionality and the precautionary principle: amongst the 'push' and 'pull' factors shaping the uptake of ID scanners one of the key reasons for adopting their use is concern not to be 'left out' and having the threat of displacement from venues with scanners to venues without scanners (clearly stated in recent developments in Perth and Brisbane). However, we argue that this is not a strong justification for the introduction of ID scanners and limits need to be placed on their use. Pending more detailed regulation we recommend ID scanners be limited to venues operating after 1pm and meeting a code of conduct.

3. Private security: the reliance on private security to operate the ID scanning system is inevitable but raises considerable concerns. Within this industry there is a long history of poor ethical standards, identified involvement in criminal conduct such as assaults and drug dealing, and poor accountability standards. In recent years there has also been a concern about the increasing infiltration of organized crime into the private security industry. Access to patron details, as well as the capacity to label a person through the banning powers raise serious matters of operational accountability, the protection of privacy and the capacity to utilize the system for criminal purposes (including the capacity to 'control' competition amongst criminal groups). In part, any policy recommendations concerning private security need to take account of the broader issues concerning the governance of private security. However, ID scanning systems and the associated databases need additional and specific regulations. In the first instance, this requires a review of security license categories across Australia with a view to incorporate a licensing requirement for any person with responsibility for operating an ID scanner system, including venue managers and door personnel, two categories not currently covered by security licensing. In addition, private security training needs to incorporate modules addressing the use of ID scanners and related privacy principles and concerns.

4. Audit: there is a need to establish an auditing mechanism to check on the standards being used by ID scanner system providers. This should include the examination of

databases as well as un-announced audits of operational practice (see for instance the discussion in chapter 4).

5. Information sharing: the increasing use of networks across various policy domains has had to address the issue of information sharing and this is no less an issue, albeit differently constructed, with ID scanning systems. The industry desire to move beyond stand alone ID scanners to city-wide networks and to state/territory and even national databases requires consideration of how the information is constructed, how it is to be shared, with whom and for what purposes. This also needs to examine the interface between the private individual operators, system operators and state law enforcement agencies. The latter is most obviously directed at police agencies but there is no reason why other law enforcement agencies might also want to obtain access to the databases at some point in the near future.

6. Consent: current practice indicates some variability in the ways consent is obtained from patrons entering venues using ID scanners. In line with our broader recommendation concerning regulation of the industry, we also recommend specific measures to address the issue of consent, including clear signage not only at the point of scanning but also on external walls, clearly indicating the use of ID scanners. In addition, the signage should also include information about alternative means of gaining entry without have ID scanned. While ID scanners are often justified on the basis of being able to ensure that there is no underage drinking in licensed venues, the use of scanners for patrons who are unambiguously 'over age', with the associated shift in the justification from age to identity, indicates that the use of ID scanners, and the rapid expansion of their use is leading to a de-facto and informal national identity system.

7. Complaint mechanisms: the ability to make complaints about the operational use of ID scanners is essential. Signage indicating use of scanners must also include information and contact details for making any enquiries or complaints. In addition, the broader regulator needs to be the complaint hearing authority able to receive complaints on a national basis.

8. **Complaints authority**: the new regulator of ID scanning systems needs to be the independent complaints authority. The Working Party should identify the actual model for the complaints authority, including such issues as the powers vested in the authority and whether this fits within a reactive or proactive accountability model. The former would be limited to receiving complaints, the latter having power to conduct 'own motion' investigations. In addition, consideration needs to be given to key distinctions such as those related to individual privacy breaches – e.g. where only one individual's data is misused – usually by a person working on the premises – and a collective breach – where database gets hacked into by outsiders – and data breach notification laws (see Chapter 53 of the ALRC report (2008)

9 A research agenda: the new regulator needs to foster a research agenda linking ID scanners to other interventions in the night-time economy. This agenda needs to address the broad issue of more easily accessible and more detailed de-identified data from existing

databases as well as identifying where new data collection needs to occur to allow for national, state and local research and comparative research related to each of the 8 key recommendations listed above. This would require the working party to consider what needs to be done to foster and build research capacity to conduct local, state, national and international research into ID scanners specifically, surveillance techniques generally, and the links between these developments and the prevention of alcohol-related harms?

The ready acceptance of ID scanners as a method of promoting orderly behaviour in the Geelong night-time economy mirrors the attitude towards another technological response to public order problems in the past decade. The empirical and policy similarities between ID scanners and the previous technological 'solution' – CCTV - are telling. In their early development concerns over individual privacy associated with CCTV were countered by compelling arguments about their effectiveness in controlling undesirable or anti-social behaviour. However, critical evaluations of CCTV have been far from positive about their impact as a crime prevention device, and suggest that at best, CCTV systems simply displace undesirable behaviour to locations that can't be detected by the camera's rotating gaze (Welsh & Farrington 2009; Sutton & Wilson 2004; Wilson & Sutton 2005). Indeed, even after spending considerable funds on introducing CCTV systems, many city centres continue to experience unacceptable levels of anti-social behaviour, leading stakeholders to search for new means of enhancing social order. ID scanners risk replicating this trend whereby funds are used to introduce ID scanners before there is clear evidence that this is an effective and efficient use of resources and before there are adequate operational guidelines and proper regulatory tools to protect against inappropriate use.

While the bulk of our interview data to date provides a glowing assessment of the effectiveness of ID scanners in reducing alcohol-related violence in and around Geelong's licensed premises, hospital attendance data or crime records do not support this. Of particular interest is whether the core benefit of ID scanners relates to their capacity to enhance the ability of police to investigate crime and identify suspects for subsequent prosecution. While there has been some *ad hoc* reporting of these benefits, additional research is needed to be able to determine with any level of confidence the extent to which ID scanners provide additional law enforcement benefits.

Thus, while interviewees believe ID scanners might make people feel safer within licensed premises, current evidence is that their impact in reducing violence in the Geelong night-time economy is minimal. More problematically, this 'pre-crime' initiative might simply be displacing undesirable behaviour from the venue environment to public streets, while simultaneously raising concerns over individual privacy and data security that remain to be challenged by patrons of licensed premises. How ID scanners are impacting on the nature of social interactions within and in the immediate vicinity of licensed premises using this system is subject to further observational research, statistical analysis and theoretical interpretation. Nevertheless, the near unanimous approval of this system by licensees and other stakeholders should be treated with caution.

Finally, in response to the question posed in the title of our research, at this stage ID scanners represent increased capacity for social sorting and exclusionary practises rather than clear evidence that they are contributing to enhancing social order.

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