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NDLERF

**Understanding and responding to  
alcohol-related social harms in Australia.  
Options for policing.**

A discussion paper prepared at the request of the  
Conference of Commissioners of Police of Australasia  
and the South West Pacific Region.

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## EXECUTIVE SUMMARY

This Executive Summary provides an overview of the key findings of the paper. It does not include references to the evidence from which the findings are drawn. These appear in the body of the paper.

There is now a robust literature concerning a range of measures from early childhood interventions to treatment programs that reduce the social harms associated with alcohol consumption. This paper is confined to the consideration of measures that would either involve, or impact upon, policing in the shorter term.

This paper is structured as follows. It:

- first explores some international and macro-economic factors that represent influences which have the potential to increase the social harms associated with alcohol consumption in Australia;
- outlines the research concerning the extent of social harms associated with alcohol consumption in Australia;
- summarises the policing-focussed strategies that are most likely to reduce the social harms associated with alcohol consumption; and
- provides a menu of non-exclusive options for policing to reduce alcohol-related harm in Australia.

Reducing the social harms (as distinct from the health harms) associated with alcohol consumption has received considerable prominence in the current iteration of Australia's National Alcohol Strategy. Police have a prominent role in this. The social harms associated with alcohol consumption have not received the same level of research attention as have the health harms, nevertheless the toll that they exact on the Australian community is considerable. Indeed, arguably, alcohol has a very unusual place in the Australian community. There are few, if any, other commodities which exact such social and health costs, which are tolerated by the Australian community to the same extent as is alcohol.

The responsibility for addressing many of these alcohol-related social harms falls to police. Indeed recent research has indicated, for example, that the NSW Police Force spends the equivalent of the salaries of approximately 1,000 full-time constables dealing with alcohol-related issues. This gives rise to consideration of the alternative uses for this resource if levels of alcohol-related social harms could be reduced.

An important factor that is currently impacting upon the regulation of the alcohol industry in Australia is the National Competition Policy (NCP) arrangements. These arrangements are the Australian manifestation of a worldwide trend towards the liberalisation of international trade, which has been occurring since the end of the Second World War. NCP represents a pressure to liberalise the restrictions on the sale of alcohol. This is problematic because there is very strong evidence that the social and other harms associated with alcohol consumption increase as availability increases. This pressure from NCP can be resisted, however, if evidence-based mechanisms can be developed to show that this liberalisation is not in the public interest. As a result, the ability of police and other agencies to gather this evidence will become more critical as time goes on.

This paper describes several domains of alcohol-related social harms. These include alcohol:

- -attributable crime;
- -attributable road trauma;
- -related assaults and other violence;
- -related family violence; and
- -related reductions in public perceptions of safety.

The evidence discussed in this paper indicates that the social harms associated with alcohol consumption in Australia across all of these domains are very substantial indeed. One area of alcohol-related social harms that is of particular interest to policing, that is little understood, is the impact of alcohol misuse on public perceptions of safety. There are preliminary indications that this impact is likely to be substantial.

Measures aimed at restricting the availability of alcohol, with a view to reducing the associated social harms, can be divided into two groups. These are measures which affect:

- the physical availability of alcohol, which relates to the ease with which individuals can obtain or come into contact with alcohol in their local environments; or
- the economic availability of alcohol, which refers to the price of alcohol in relation to the disposable income of drinkers.

Although they do not impact upon the availability of alcohol, also important are measures which directly reduce the social harms associated with alcohol consumption. Each of these is discussed in turn

## **1. Measures which seek to reduce social harms by reducing the physical availability of alcohol include:**

- having adequate liquor licensing legislation. Arguably some liquor licensing legislation in Australia is hampered by such issues as inadequate definitions of intoxication (which curtail the ability to prosecute licensees for serving intoxicated patrons) and inadequate scope;
- restrictions on the hours and days of alcohol sales. There is strong Australian evidence that points to links between extending trading days/hours and increasing levels of social harms;
- increasing the minimum legal drinking age or minimum legal purchase age for alcohol, or at least developing more robust barriers to limit young people's access to alcohol;
- restricting the sale of specific beverage types. Cask wine and full strength beer sales, for example, are strongly associated with social harms such as assaults, drink driving, road crashes, falls, suicide, and acute alcohol-related hospitalisations;
- reducing or at least not increasing the density of licensed premises. There is clear evidence that as the density of licensed premises increases so too do levels of a range of alcohol-related harms;
- identifying problematic licensed premises. Most of the alcohol-related harm that is associated with licensed premises stems from a minority of these premises. Identifying these premises is critical to policing efforts to reduce the social harms associated with alcohol consumption. Most important are policing intelligence processes that link alcohol-related incidents with the last place of drinking of those involved. Also critically

important is the knowledge concerning the level of alcohol sales to individual premises;

- ensuring that liquor licensing enforcement activities are focussed on undertaking activities that are most likely to reduce alcohol-related social harms. There is some evidence that liquor law enforcement in Australia is more focussed on the patrons of licensed premises, rather than on the errant licensees. Even when this effort is directed towards licensees, it may not be focussed on breaches of legislation which are most associated with alcohol-related social harms. It is therefore important for policing to better understand whether this is the case, and if so, what the barriers are to better practice;
- implementing licensing accords. While the evidence concerning the efficacy of licensing accords is not strong, they can serve as a means of promoting communication between licensees and those with a role in reducing alcohol-related harms. The success of these accords appears to be largely dependent on the associated level of enforcement activity;
- implementing 'dry' Indigenous communities involving a combination of community control and statutory authority. This approach has been shown to reduce alcohol-related harms. Far less promising are local 'dry area' bans which tend to lead to problem displacement; and
- implementing responsible beverage service programs which are intended to minimise problematic serving practices and create safer drinking environments. These can have some impact on reducing social harms, but only in the context of adequate liquor licensing enforcement.

## **2. Measures which impact on the economic availability of alcohol**

Foremost among these measures is the imposition of taxes on alcohol. There is a wealth of evidence that suggests that alcohol is a price sensitive commodity and that, when alcohol taxation increases, rates of drink driving, car crashes, rape, robbery, assaults, motor vehicle thefts, and physical family violence all decline. In the Australian context there are taxation anomalies which result in cask and fortified wine being sold cheaply and low alcohol ready to drink products (RTDs) being taxed at the same rate as high alcohol RTDs. Arguably, these anomalies act to increase the social harms associated with alcohol consumption in Australia. Also worthy of consideration is the imposition of hypothecated tax in which a tax is applied to alcohol and then spent on programs which reduce alcohol-related harms. The most spectacularly successful example of this was the Northern Territory's Living With Alcohol Program.

## **3. Measures which directly impact on the social harms associated with alcohol consumption**

Important in this regard are sobering-up units and night patrols. Although they have not been extensively evaluated, these services appear to be a valuable alternative to police custodial arrangements and can reduce the social harms associated with alcohol consumption, particularly in Indigenous communities. Sobering-up units in particular are important because they can provide an entry point into treatment and other health services for disadvantaged Australians.

## A MENU OF OPTIONS FOR POLICE TO REDUCE THE SOCIAL HARMS ASSOCIATED WITH ALCOHOL CONSUMPTION IN AUSTRALIA

The menu is divided into three areas:

- measures for which police have major responsibility;
- measures which impact on policing, but which police would not have primary carriage in implementing; and
- potential research that would enhance our understanding of the role of police in reducing alcohol-related social harms in Australia.

### Measures for which police have major responsibility

#### *Ensuring that appropriate liquor licensing legislation is in place and enhancing the enforcement of this legislation*

Legislation that gives police and other agencies the capability to reduce alcohol misuse is fundamental to reducing the social harms associated with alcohol consumption. This paper argues that in some jurisdictions the liquor licensing legislation may not have sufficient descriptive powers (particularly as far as definitions of intoxication are concerned), may lack 'sufficient teeth', or have insufficient scope to effectively reduce social alcohol-related harms. There might also be some benefit in the institution of a national process to develop model national legislation. Particularly important in this regard is the definition of 'intoxication'. This need not result in total overhauls of jurisdictional legislation to model them on national model legislation. Rather, this could simply result in the insertion of key parts of nationally consistent legislation (such as a definition of intoxication) into jurisdictions' legislation. Police could play an important leadership role in bringing this to the attention of legislators.

The key factor that underpins enhancing the enforcement of liquor licensing legislation is the intelligence base that supports it. Without comprehensive information on which licensed premises are associated with high levels of social harms, liquor law enforcement efforts can become unfocussed. This intelligence base is also important from the perspective of making representations to liquor licensing authorities concerning licensing matters. There are three aspects to this intelligence base. The first is the ability to draw links between the alcohol-related incidents which police attend and specific licensed premises. The second is the ability to have access to information concerning the wholesale sales of alcohol to specific licensed premises. This is because there are clear links between the levels of sales of certain forms of alcohol (especially full strength beer) and levels of alcohol-related social harms. Access to this information is critically important to better understand and regulate the environments on licensed premises. Currently not all jurisdictions collect and/or make this information available. The third is the ability to form closer links between police, and emergency departments (EDs). Most alcohol-related assaults are not reported to police and overseas research has shown that EDs can provide police with a much richer understanding of the extent, nature, locations and aetiology of alcohol-related violence. This, in turn, enables them to develop more comprehensive approaches to reduce it.

### ***Establishing a national mechanism to focus on liquor licensing law enforcement issues***

There are a number of differences in the detail between the ways in which police at the jurisdictional level respond to liquor licensing enforcement and related issues. It is probable, however, that there are more similarities than differences between the liquor licensing activities of police in Australian jurisdictions. At present, there is no centralised national capacity for Australian policing agencies to build on the commonalities of approach to liquor licensing issues. In the area of illicit drugs, the Australian Government Attorney-General's Department, Customs and the Australian Federal Police act as the national agents dealing with these drug issues and liaising with states and territories. Yet there is no corresponding national capacity to deal with alcohol-related drug law enforcement problems.

Details concerning what this mechanism could involve appear in the body of the paper. It is possible that Australian and New Zealand Policing Advisory Agency (ANZPAA) could be well placed to facilitate the development of such a mechanism.

### ***Ensuring that alcohol-related issues are included in corporate strategic planning processes***

Given the extent to which the social harms associated with alcohol misuse impact upon policing, it is important that the issue is incorporated into corporate strategic planning processes. It is also important that benchmarks are established against which agencies can measure their performance. This is particularly important as far as proactive measures are concerned.

### ***Controlled test purchasing of alcohol and strategies to address the secondary supply of alcohol to minors***

A potentially useful strategy to enhance the enforcement of liquor licensing is the controlled test purchasing of alcohol in which underage people enter licensed premises under controlled conditions and attempt to purchase alcohol. If they are successful, then the accompanying police can lay appropriate charges against the retailer. Equally, NSW has implemented legislation to reduce the secondary supply of alcohol to minors. This is an approach that may warrant consideration by other jurisdictions.

### ***Ensuring that policing efforts aimed at reducing problems associated with licensed premises are appropriately focussed***

There is evidence that police liquor licensing activities have historically tended to focus on the patrons on licensed premises, rather than on breaches of liquor licensing legislation that are most likely to be associated with increasing levels of alcohol-related social harms (such as serving intoxicated and underage patrons). There may be benefit, therefore, in jurisdictions undertaking reviews of the existing profiles of liquor licensing enforcement activities to ensure that they are focussed primarily on the cause of alcohol-related public disorder, rather than its effects.



***Up-skilling operational police in the policing of licensed premises and creating centralised areas of expertise***

There may be some benefit in policing agencies examining the workforce development strategies that may be required to ensure that their general duties and specialist officers are able to perform this role.

***Monitoring the trends in the proliferation of vertical drinking establishments and their impact on alcohol-related crime***

A concerning trend in the United Kingdom and increasingly Australia is that of vertical drinking establishments in which patrons are forced to stand while drinking and have nowhere to place their glasses. Anecdotal evidence from the United Kingdom suggests that these establishments are associated with an increased pace of drinking, and increased levels of alcohol-related social harms. This is a trend that clearly requires monitoring and if necessary intervention at a regulatory level.

**Measures which police could have a role in lobbying for**

***Supplementing the existing national Illicit Drug Diversion Initiative (IDDI) to include alcohol***

The primary objective of the Illicit Drug Diversion Initiative is to increase incentives for illicit drug users to identify and seek intervention for their illicit drug use problems early. Yet there is no equivalent nationally-funded program to divert alcohol-related offenders from the criminal justice system. Given the extent of harms stemming from alcohol consumption, it may be opportune for police to lobby the Australian Government with a view to extending the IDDI to include alcohol.

***Enhancing the accessibility of sobering-up units and other places of safety to which intoxicated people can be taken, as well as the means by which they can safely be taken home***

Although they have not been subjected to extensive evaluations, on face value, sobering-up units and other places of safety for intoxicated people represent an important investment in reducing the social harms associated with alcohol. The same applies to night patrols. Therefore, there is likely to be considerable merit in police agencies lobbying Australian and jurisdictional governments to enhance the provision of these services.

***Supporting an examination of approaches to alcohol taxation in Australia, including the potential for a hypothecated tax to reduce the social harms and other harms associated with alcohol consumption***

There are three aspects to this. The first is the need to examine the appropriateness of the existing *ad valorem* tax on wine which is based on the price of the product, and takes no account of its *alcohol content*. The second is the need to examine anomalies in the current taxation system that mean that there is no incentive for manufacturers of ready to drink products (RTDs) to produce and promote low- and mid-strength RTD products, or for drinkers to consume them. The third is the need to consider the possibility of a national hypothecated tax on the sale of alcohol. One potential use for the funds from a hypothecated tax would be expanding the scope of the Illicit Drug Diversion Initiative to include alcohol.

## **Potential areas of future research which are likely to enhance the capability of police to reduce alcohol-related social harms in Australia**

1. A systemic examination of the impediments to police agencies enforcing liquor licensing legislation.

As Doherty and Roche (2003) and Nicholas (2006) pointed out, there is, in many instances, a substantial gap between what is known about best practice in the policing of licensed premises and what actually occurs. A systems-focussed examination of policing agencies' approaches to licensed premises would reveal any blockages to this improvement.

2. Research to better understand the role of crowd controllers in reducing the social harms associated with licensed premises.

As has been mentioned in this paper, crowd controllers play an important role in regulating behaviour on licensed premises, yet remarkably little research has been conducted into this role. It is likely that further research in this area could not only shed light on what is (or should be) the role of crowd controllers in licensed premises, but would assist jurisdictions in their efforts to better regulate and 'raise the bar' for this industry.

In conclusion, policing agencies in Australia have primary carriage of dealing with many of the alcohol-related social harms present in Australian society. They are also well placed to intervene in many of these harms. At present there is significant interest in this issue at the federal political level. It is therefore highly opportune that the ANZPAA Board is considering this issue at this point in time.

# 1. INTRODUCTION

This paper was prepared following a request to the National Drug Law Enforcement Research Fund Board of Management from the Conference of Commissioners of Police of Australasia and the South West Pacific Region. The Conference asked that a paper be developed for the forthcoming Australian and New Zealand Policing Advisory Agency (ANZPAA) Board meeting. The Commissioners requested that the paper explore the evidence concerning levels of alcohol-related social harms in Australia as well as providing a menu of potential options to enhance the capability of police agencies in Australia to reduce these harms.

Excessive alcohol consumption has long been associated with a range of health harms. As Chikritzhs et al. (2003) reported, at least 40 potentially fatal conditions are caused in whole or in part by alcohol consumption. In the ten-year period between 1992 and 2001, they estimated that 31,133 Australians died as a result of their patterns of alcohol use. The leading causes of deaths were alcoholic liver cirrhosis (6,825 deaths), road crash injury (5,489 deaths), cancer (2,874 deaths) and suicide (2,495 deaths).

The morbidity and mortality associated with alcohol consumption represents a major problem facing the community. Nevertheless, although public discussion has often focussed on the health impacts of excessive alcohol consumption, the harms associated with alcohol consumption that occur in the social domain are equally important. Indeed, these harms have been described as ‘the forgotten dimension’ of alcohol-related harms (Klingman and Gmel, 2001 as cited in Babor et al., 2003). As Babor et al. (2003) pointed out, this category of harm includes issues such as violence, vandalism, public disorder, family and other interpersonal problems, financial problems and educational difficulties. It is these problems, particularly those in which police have a key role in responding, that are the major focus of this paper.

The health problems that are associated with excessive alcohol consumption are generally considered to be as a result of longer-term, high levels of alcohol consumption. Likewise the problems that occur in the social domain (particularly those in which policing has a key interest) are generally considered to occur as a result of acute bouts of alcohol intoxication, which may not be associated with longer-term misuse. Yet in their examination of Australian alcohol-related deaths, Chikritzhs et al. (2003) reported that from 1992 to 2001 more alcohol-related deaths occurred as a result of the effects of acute alcohol intoxication (16,756) compared with those that occurred as a result of the longer term or chronic effects of alcohol. This is reflective of the more common pattern of drinking to intoxication in Australia. This emphasises the point that efforts to reduce the social impacts of alcohol consumption (for example, by reducing the extent to which licensed premises serve patrons to intoxication) are also likely to have beneficial effects in the health domain.

The increased emphasis that is now being given to the social problems associated with alcohol is reflected in the current iteration of Australia’s National Alcohol Strategy 2006–2009 (Ministerial Council on Drug Strategy, 2006). Previous versions of the Strategy have more heavily emphasised the health impacts of excessive alcohol consumption. The current strategy has four aims. These are to:

- reduce the incidence of intoxication among drinkers;
- enhance public safety and amenity at times and in places where alcohol is consumed;
- improve health outcomes among all individuals and communities affected by alcohol consumption; and
- facilitate safer and healthier drinking cultures by developing community understanding about the special properties of alcohol and through regulation of its availability.

As is evident, the first, second and fourth aims relate directly to areas in which policing has major responsibilities, namely:

- the enforcing of laws relating to the refusal of service to intoxicated patrons on licensed premises;
- enhancing public safety and amenity; and
- regulating the supply of alcohol.

Consequently, policing efforts to reduce the social harms associated with alcohol consumption are entirely consistent with the primary areas of focus of Australia's National Alcohol Strategy.

It is worth noting that research supports a large number of strategies that can reduce the harms associated with alcohol consumption. This paper, however, only focuses on those strategies in which police have a direct role or strategies that could be introduced by other sectors which would impact upon the role of police.

This paper first explores some international and macro-economic factors that are impacting on the regulation of alcohol sales in Australia and represent a force which could potentially increase the social harms associated with alcohol consumption. Then, the research concerning the extent of social harms associated with alcohol consumption is outlined. This is followed by a summary of policing-focussed strategies that are most likely to reduce the social harms associated with alcohol consumption. Finally, a menu of non-exclusive options to reduce alcohol-related harm is provided.

## 2. THE INFLUENCE OF MACRO-ECONOMIC FACTORS AND THE LIBERALISATION OF INTERNATIONAL TRADING ARRANGEMENTS ON ALCOHOL SALES IN AUSTRALIA

As Roche et al. (in press) pointed out, an important factor that is currently impacting upon the regulation of the alcohol industry in Australia is the National Competition Policy (NCP) arrangements. These arrangements are the Australian manifestation of a worldwide trend towards the liberalisation of international trade, which has been occurring since the end of the Second World War. Since that time, a variety of international trade agreements have been instituted, which seek to promote the free flow of goods, services, labour, and investments, especially through the reduction of obstacles to free trade and production (Babor et al., 2003). These obstacles include tariff barriers, quantitative trade restrictions, state or private monopoly arrangements, and state subsidies to domestic industries. As Babor et al. pointed out, in these international trade agreements and economic treaties, alcoholic beverages are almost always treated like other consumer goods. Even when alcoholic beverages like wine are treated as special commodities, this is usually because they fall within the category of important agricultural products, not because they are harmful to health, or are associated with significant social disruption. Furthermore, these authors made the point that the strategies that have shown to be most effective at reducing alcohol-related harms (such as those which reduce the availability of alcohol) are also those most likely to be threatened or weakened by international trade agreement disputes. As they noted, to the extent that alcohol is considered to be an ordinary commodity, these agreements and treaties often become severe obstacles for conducting purposeful and efficient alcohol control policies.

As Roche et al. (in press) reported, in 1995, the Australian Council of Australian Governments (COAG) agreed to review legislation and regulations across a range of areas considered to impede competition between businesses. Subsequently, some 1,800 pieces of legislation were identified and scheduled for review. By 2005, 85% of this legislation had been reviewed, and, where appropriate, reformed (National Competition Council, NCC, 2005, as cited in Roche, in press). As Roche et al. reported, under the COAG agreement, the Commonwealth makes yearly payments to the states and territories which are dependent on this legislative reform taking place. The NCC has the ability to recommend to the Commonwealth that these payments be partially or fully withheld if insufficient progress is being made in specific areas.

As Roche et al. (in press) highlighted, one area being addressed by the NCC is liquor licensing legislation, and the NCC has particular concerns in relation to the impact on competition, of restrictions on trading hours and in the number and density of licensed premises. Importantly, however, the NCC can exempt jurisdictions from the requirement to change legislation where this can be shown to not be in the public interest (for instance, in relation to legislative reforms that increase levels of public harm) (Marsden Jacob Associates, 2005, as cited in Roche et al., in press). The NCC's principal concern is that some Australian liquor licensing legislation restricts competition on commercial grounds, rather than public interest grounds. Specifically, the Council is concerned that, historically,

restrictions have been placed on the entry of more liquor retailers into the industry, primarily to protect the profits of incumbent license holders (Feil, 2006, as cited in Roche et al., in press).

Roche et al. (in press) also reported that, on the advice of the NCC, the Commonwealth has withheld significant proportions of NCC payments to jurisdictions. In 2003–04 the Commonwealth withheld almost \$51 million from NSW as a result of that jurisdiction's failure to meet its obligations under NCP agreements. This represented almost one-fifth of that jurisdiction's competition payments for that year. Of this penalty, \$12.7 million was for incomplete reform in relation to liquor licensing legislation (New South Wales Parliament, 2005, as cited in Roche et al., in press). As is evident, there is a strong incentive for jurisdictions to comply with NCP and to amend liquor licensing legislation and free up competitive forces in the alcohol industry.

As will be discussed, there is a close relationship between the availability of alcohol (which is, in turn, influenced by the number of venues selling alcohol and their hours of trading), and levels of alcohol-related social harms. It has been suggested that any increase in the number and density of licensed premises which could be associated with the influence of NCP could adversely impact on alcohol-related harms (Alcohol and other Drugs Council of Australia, ADCA, 2004). In addition, the ADCA was concerned that the benefits that accrue as a result of greater competition between those who sell, and seek to sell, alcohol would be more than offset by the costs associated with the subsequent harms.

In summary, the introduction of NCP is likely to continue to be a powerful influence on the liberalisation of Australia's liquor licensing laws. This has sharpened the focus on the need for robust evidence bases to inform public interest tests concerning whether additional alcohol licenses should be made available or trading hours extended.

In addition, it is important to be mindful that the national push toward eliminating anti-competitive practices throughout Australia has arguably created some incompatibilities between the Commonwealth and the jurisdictions that administer liquor licensing laws (Chikritzhs, 2006).

### 3. THE EXTENT AND NATURE OF SOCIAL HARMS ASSOCIATED WITH EXCESSIVE ALCOHOL CONSUMPTION

The research that has been undertaken concerning the extent and nature of the social harms associated with excessive alcohol consumption is no where near as extensive as that undertaken into the medical harms associated with alcohol consumption. The social costs associated with alcohol consumption accrue in a number of domains. These are outlined below.

#### 3.1 Alcohol attributable crime.

Collins and Lapsley (2008) conservatively estimated that the cost of alcohol-attributable crime in Australia in 2004-05 was \$1.735 billion. This was made up of:

- policing costs \$747.1 million;
- criminal courts \$85.8 million;
- property \$67.1 million;
- prisons \$141.8 million;
- insurance administration \$14.3 million;
- violence \$187.5 million;
- loss of productivity of prisoners while incarcerated \$368 million; and
- loss of life (violence related) \$124.4 million.

The researchers asserted that this represents 0.2% of Australia's gross domestic product. It should also be noted that these estimates do not include the costs associated with crime attributed to alcohol in combination with other drugs. For this, and a range of other reasons based on the methodology used by the researchers, these estimates are likely to be highly conservative.

Mouzos, Hind, Smith and Adams (2007) reporting on the 2006 Drug Use Monitoring in Australia (DUMA) program, found that 40 % of police detainees believed that their drinking had contributed to them committing the crime for which they had been detained. In addition, almost a third of the detainees were found to be dependent on alcohol. Alcohol dependency was more common among male detainees, whereas illicit drug dependency was more common among females. The authors noted that compared with previous years, the percentage of detainees deemed to be dependent on alcohol appeared to be increasing, whereas the percentage of detainees dependent on illicit drugs appeared to be decreasing.

#### 3.2 Alcohol-attributable road trauma.

The link between alcohol use and road crashes is well established. Collins and Lapsley (2008) examined the costs associated with alcohol-related road crashes in Australia. They concluded that in 2004-05 the human costs amounted to \$1.8 billion, the vehicle costs

\$821.6 million, and general costs (travel delays, insurance administration and police) \$496 million. The total cost of alcohol-related road crashes was \$3.12 billion.

The Australian Transport Council (2007) reported that in Australia:

- more than 20% of drivers and riders killed have a blood alcohol level that exceeded the legal limit;
- approximately 1 in 300 drivers tested at random breath testing stations exceeded the legal alcohol limit;
- casualty crash risk doubles when driving with an alcohol level just in excess of 0.05mg%; and
- a high proportion of recidivist drink drivers have clinical alcohol dependence problems.

Equally, in their study of attendees at the Royal Adelaide Hospital Trauma Service Griggs et al. (2007) reported that motor vehicle crashes were the most common cause of injury and 22.6% of injured drivers tested positive to alcohol. Of those trauma patients who were involved in car crashes and who tested positive for alcohol, 65.4% had a blood alcohol level above 0.05mg%, 50.4% had a blood alcohol level of 0.11mg% or greater, 30% had a blood alcohol level of 0.16mg% and 15.4% had a blood alcohol level of greater than 0.2mg%.

The Australian Institute of Health and Welfare (AIHW, 2005) reported that, 21.4% of males and 10.4% of females over the age of 14 years reported driving while under the influence of alcohol in the previous year.

### 3.3 Alcohol misuse and assaults

Like the links between alcohol and road crashes, the link between alcohol use and assaults is well established. The AIHW (2005) reported that Australians were almost twice as likely to be physically or verbally abused or intimidated by an alcohol-affected person, than by a person affected by other drugs. The authors reported that in 2004 almost a quarter of Australians aged 14 years or older were verbally abused, 4.4% were physically abused and 13% were put in fear by a person affected by alcohol. In all, almost a third of Australians aged 14 and over had experienced an alcohol-related incident of this type. Interestingly, of those who experienced these incidents, 58.5% reported that they had not themselves been using alcohol (or other drugs) at the time of the incident. Also, among this group 90% did not report these incidents to police. Even when they experienced physical abuse, almost 72% did not report it to the police. While many of the respondents regarded the incidents as being too trivial to report to the police, it is probable that the incidents impacted upon the victims' perceptions of their personal safety. This will be discussed in more detail later.

Chikritzhs et al. (2003) reported that between 1993–4 and 2000–01 there were 76,115 hospitalisations in Australia as a result of alcohol-attributable assaults. Young people were far more likely to be hospitalised for alcohol-related assaults than were older people. The authors attributed this difference to a higher prevalence of binge drinking among younger Australians.

In their examination of alcohol-related violence in Australia between 1995–96 and 1998–99, Mathews, Chikritzhs, Catalano, Stockwell and Donath (2002) reported that Australia-wide the estimated rates (per 10,000 of population) of alcohol-caused assaultive injuries were much higher in non-metropolitan regions compared with metropolitan regions. This held true for alcohol assault hospitalisation rates as well as police-reported assaults.



Griggs et al. (2007) reported that, among patients attending the Royal Adelaide Hospital Trauma Service or Emergency Department who were affected by interpersonal violence, almost 48% tested positive to alcohol. Of all the assaults, the most common place of assault was at home, followed by on the street, then within a trade or services area (generally a hotel). As the authors noted, the assaults that occurred in street settings may reflect individuals who had just left a trade or service area (such as licensed premises).

In their examination of alcohol-related violence and disorder in New South Wales (NSW) in 1999–2000, Briscoe and Donnelly (2001) reported that NSW Police flagged 23% of assaults as being alcohol-related. Fifty-eight percent of offensive behaviour incidents were recorded as alcohol-related. While only 6% of incidents of malicious damage to property were recorded as being alcohol-related, this is likely to stem from the fact that these incidents would usually have been reported some time after the event had occurred. As a result, the degree of influence that alcohol misuse has on these incidents is unclear.

Following their examination of those presenting to the Emergency Department of St. Vincent's Hospital in Sydney, Poynton, Donnelly, Weatherburn, Fulde and Scott (2005) reported that 14% of attendances were for injuries that resulted from interpersonal violence. Almost two-thirds of the assault patients interviewed reported drinking alcohol in the six hours preceding the assault incident, and 75% of these reported that they had been drinking at licensed premises. Forty-one percent of those interviewed reported that they thought the other person involved in the incident had also been drinking alcohol. Indeed one-third of all injured patients reported consuming alcohol before being injured and almost two-thirds of these stated that they had been drinking at licensed premises.

Teece and Williams (2000) conducted secondary analysis on data from the 1998 National Drug Strategy Household Survey. Following this, they too reported that alcohol-related violence is widespread and that younger people in particular, reported high levels of alcohol-related assault victimisation. Hotels and clubs were the most common site for victimisation, followed by the street, and over half of the victims had been assaulted by strangers. Nearly a quarter of victims suffered their assaults at home.

Further evidence concerning the extent of this problem comes from the Alcohol Education and Research Foundation (AERF, 2008). The AERF commissioned a study to examine the extent to which the misuse of alcohol impacted on Australians over the Christmas/new year holiday period 2007–08. The research was conducted by Quantum Research with 1,000 respondents aged 14 years and above. Extrapolating from this research, AERF asserted that:

- over 2.2 million Australians over the age of 14 experienced physical or verbal abuse during the holiday period from someone under the influence of alcohol;
- almost 700,000 claimed they had initiated verbal or physical abuse towards others after drinking alcohol during this period; and
- over 2.6 million Australians know someone who was injured or harmed as a result of the misuse of alcohol over this period and 45% of 14–17 year old Australians knew someone who had been injured and harmed.

In summarising the international literature on this issue, Babor et al. (2003) reported that both individual and aggregate-level studies indicate a causal relationship between alcohol consumption and violence. The strength of this relationship does, however, appear to be culturally related. Specifically, for those cultures in which the predominant pattern of alcohol consumption is one of drinking to intoxication (such as that of Australia), they found that there is a much stronger link between alcohol consumption and violence.

### 3.4 Alcohol misuse and family violence

In considering the issue of the impact of alcohol sales from licensed premises on levels of alcohol-related assaults, there is a tendency to focus on those assaults which occur in, or near licensed premises or in street settings. As Chikritzhs, Catalano, Pascal and Henrickson (2007) pointed out, most alcohol-related assaults occur in private premises. In addition, increasing the availability of alcohol in a given area increases assaults in private premises (which are more likely to be family-violence related) to a substantially greater level than it increases assaults in licensed premises. In this way, it is important to consider not only the impact of alcohol sales on assaults in public settings, but also in private settings.

While not all assaults that occur on private premises are family-violence related, examining the links between alcohol and family violence does shed some light on this issue. In his examination of the research concerning the links between alcohol and family violence, Nicholas (2005) reported that these links are complex. While there is little doubt that alcohol does feature in many incidents of family violence, much family violence also occurs in the absence of alcohol use by either perpetrators or victims. Two factors are particularly salient in considering policing responses to alcohol-related family violence. First, there are indications that it is more likely for police to become involved in incidents of family violence when alcohol is involved. This may give police the impression that alcohol plays a greater role in all family violence incidents than is actually the case. Second, family violence is significantly under-reported to police and, as such, the extent to which alcohol contributes to violence and to fear of violence is largely unknown.

Nicholas (2005) reported that alcohol use does not create the underlying mind-set of perpetrators that leads to family violence. Rather, it is the underlying expectations that the drinker has about the effects of alcohol on their behaviour (for example, believing that alcohol makes them more violent or excuses violence) that has the primary influence. Also important in this regard is the underlying belief structure of perpetrators concerning the appropriateness of their use of violence, and their right to control and subjugate their partners. This is at the heart of much family violence. There is, for example, no evidence that suggests a causal link between alcohol consumption and non-physical violence patterns of abuse (such as economic control, intimidation and possessiveness) that are often concomitant features of physically violent relationships. Nevertheless, there are indications that the use of alcohol by perpetrators may facilitate a change from verbal patterns of control to physical or violent patterns of control or subjugation. This is probably the most appropriate way of considering the links between alcohol and family violence. That is, alcohol acts to shape patterns of family violence towards more physical manifestations.

### 3.5 Alcohol misuse and public perceptions of safety

As was discussed earlier, a significant proportion of Australians are physically or verbally abused, or placed in fear by a person who is affected by alcohol. The AERF (2008), for example, reported that during the 2007–08 Christmas/new year period, more than 30% of teenagers surveyed claimed they feared for the safety of their family and friends as a consequence of being in the presence of drunk people.

Equally, the Australian Government Productivity Commission (AGPC, 2008) in its Review of Government Service Provision reported that 81.4% of Australians believed that drunken and disorderly behaviour was 'a major problem' or 'somewhat of a problem' in their state or territory in 2006–07. It should be noted, however, that in all Australian jurisdictions in 2006–07, there were significant improvements in the proportion of Australians who felt

'safe' or 'very safe' while either walking or jogging locally after dark or catching public transport after dark. As the AGPC reported, there is a tendency for perceptions of the extent of crime to fall, as survey respondents focus on their local neighbourhood rather than the state or territory in which they live. Consequently this higher perceived level of local safety may not reflect the extent to which they feel safe in areas which are not 'local' such as precincts which contain licensed premises.

As is evident, one of the ways in which police agencies measure their performance is the perceptions which their citizens have in relation to their own safety. Alcohol-related behavioural offences are likely to significantly impact upon these perceptions of safety, even though they often do not appear in police statistics because of under-reporting. The extent to which alcohol-related social problems adversely impact upon public perceptions of safety is unclear, but it is likely to be very significant.

### **3.6 Alcohol misuse and other social harms**

Following their authoritative review of the international literature concerning the impact of alcohol on a range of other social harms, Babor et al. (2003) came to the following conclusions.

#### **3.6.1 Divorce and marital problems**

The authors reported that the epidemiological evidence for any causal relationship between alcohol consumption and marital problems such as divorce is weak. They concluded that the proposition that alcohol consumption is a cause of divorce lacks confirming or refuting evidence from epidemiological studies.

#### **3.6.2 Child abuse**

The authors concluded that the systematic empirical evidence for any causal relationship between alcohol consumption and the incidence of child abuse was also weak. The exception to this was in the case of very heavy drinking or alcohol dependence where the relationship was substantiated.

#### **3.6.3 Work-related problems (other than work accidents)**

The authors reported that the research has demonstrated that a relationship exists between alcohol consumption and problems in the workplace. The causal direction of this relationship is, however, not clear. In this way, work problems may lead to alcohol problems or alcohol problems may lead to work problems. They reported that most findings suggest that there are complex interactions between individual characteristics and environmental (including work) characteristics.

In summarising the issue of the relationship between alcohol consumption and social harms, Babor et al. (2003) concluded:

*Although direct causality is not established unequivocally for some of these consequences, the conclusions for alcohol policy are the same, whether alcohol is the sole causal factor for a consequence, a causal factor among many others, or a factor mediating the influence of another causal factor. In all cases alcohol contributes to social burden and policy must strive to reduce this burden, as well as the alcohol-related burden of disease. ... from the point of view of minimizing the social harm from drinking, the general conclusion is that the lower the consumption, the better (p. 85).*

## 4. WHAT DO WE KNOW ABOUT EFFECTIVE MEASURES TO REDUCE THE SOCIAL HARMS ASSOCIATED WITH ALCOHOL USE?

There is a wide range of factors that have been demonstrated to reduce the social harms associated with alcohol. Early life-stage interventions and other broad-based preventive interventions as well as programs that target adolescents and adults experiencing high levels of alcohol-related harm have been demonstrated to have a range of beneficial outcomes (Loxley et al. 2004). Given that the focus of this paper is on policing, most prominence will be given to strategies that take place within the regulatory / law enforcement environments. This refers to the ways in which police (and their partner agencies) can shape the way in which alcohol is sold, so as to impact upon alcohol-related social harms. Also included is a discussion of some regulatory and other strategies which police may be well placed to lobby for.

As the National Drug Research Institute (2007) reported, there is a range of ways in which regulatory controls can be used to influence alcohol consumption and related harms. These include the imposition of taxes and levies; limits on numbers, types and trading hours of outlets; controls on the types of alcoholic beverages being sold; responsible service requirements; and government control of liquor outlets. As the authors noted, these can usefully be divided into measures which affect:

- the physical availability of alcohol, which relates to the ease with which individuals can obtain or come into contact with alcohol in their local environments; or
- the economic availability of alcohol, which refers to the price of alcohol in relation to the disposable income of drinkers.

It is worth noting that in the Australian situation these two measures are dealt with by differing levels of government, with the Australian Government being responsible for the taxation of alcohol and the states and territories being responsible for its regulation. This means that, at times, the possibility exists for a misalignment of the policy objectives of the two levels of government. These two measures are considered in turn.

### 4.1 Measures which impact on the physical availability of alcohol

There are several aspects to the physical availability of alcohol that warrant consideration. Each of these is considered in turn.

#### 4.1.1 Adequacy of liquor licensing legislation

As was noted above, the control over the sale of alcohol is vested with state and territory governments. In the past, a key aim of this licensing legislation has been to promote the alcohol industry and ensure that the industry remained viable (Chikritzhs, 2006). While this legislation did, to some extent, take account of the negative social impacts of alcohol consumption, there is little doubt that it was weighted towards protecting both the interests of the alcohol industry and the alcohol-related revenue stream that it generated for government. In this regard, it should be remembered that the retail alcohol industry is a major taxpayer and employer of Australians. Further, the hospitality industry more

broadly is a major component of the tourism industry. In this sense, historically at least, liquor licensing legislation was arguably driven and shaped by economic, financial and employment factors, rather than by social or community concerns regarding safety and wellbeing.

Over the past decade, Australian jurisdictions have made substantial legislative changes to reflect the need to reduce the harms associated with alcohol consumption (Chikritzhs, 2006). Reducing the harm associated with alcohol consumption has become the prime objective of liquor licensing legislation in several jurisdictions. Nevertheless, she reported this legislation is often hampered by inadequate definitions of intoxication (which curtail the ability to prosecute licensees for serving intoxicated patrons), and inadequate legislative scope. Chikritzhs (personal communication, 2007) suggested that liquor licensing legislation in Australia generally lacks the legal 'teeth' to ensure the systematic, ongoing and wide-ranging application of harm minimisation principles. Arguably, therefore, there is scope for improvement in the legislative tools which are available to police in several jurisdictions to reduce the social harms associated with alcohol consumption. The adequacy of the legislative tools available, coupled with a commitment to their enforcement by the police and other regulatory authorities, is fundamental to reducing the social harms associated with alcohol in Australia. As is evident, a major commitment to enforcement by police and regulatory authorities in the absence of appropriate legislation is likely to be a futile exercise.

#### ***4.1.2 Restrictions on hours and days of alcohol sales***

Following their review of the literature on this issue, NDRI (2007) reported that almost all Australian studies that have examined the impact of increased trading hours on levels of alcohol-related harm have concluded that extending trading hours increases levels of alcohol consumption and related harms. This trend is, for example, evident in terms of the extent and timing of alcohol-related violence (Chikritzhs, & Stockwell, 2002), and drink driving crashes (Chikritzhs & Stockwell, 2006).

Babor et al. (2003) reported that the international evidence on this issue is not entirely conclusive as a result of methodological problems with the research. Nevertheless, they concluded that restrictions on hours of alcohol sales and service, if used strategically, have the potential to reduce alcohol consumption and problems. Loxley et al. (2004) were more emphatic in their finding that restricting the times during which alcohol is sold significantly reduces alcohol-related harm.

In summary, the Australian research on the relationship between trading hours and the extent of social harms is very strong. As Chikritzhs, Catalano, Pascal and Henrickson (2007) concluded from their study into the impact of outlet density on levels of alcohol-related harm, as a general rule, the greater the physical availability of alcohol, the greater the level of alcohol-related harms. Therefore, any leverage that police could apply to jurisdictional authorities responsible for determining the times during which alcohol is able to be sold is likely to be highly beneficial in terms of reducing alcohol-related social harms.

#### ***4.1.3 Measures that restrict the minimum legal drinking age and the minimum legal purchase age for alcohol***

As NDRI (2007) asserted, it is important to differentiate between the minimum legal purchase age for alcohol and the minimum legal drinking age, as they have different public policy implications. The public policy instruments that impact upon the legal purchase

age are directed primarily towards the retailers of alcohol. The policy instruments that impact upon the minimum legal drinking age encompass the measures directed at alcohol retailing, but also include measures directed at those involved in reducing secondary supply of alcohol to minors.

Babor et al. (2003) highlighted that, as a general rule, increasing the age at which young people can obtain and drink alcohol reduces the level of alcohol-related harms they experience. This is most pronounced in the realm of road crashes. Much of the research that supports this claim emanates from the United States where the minimum drinking age for alcohol was increased from 18 years to 21 years in the 1970s and 1980s. As the authors pointed out, increasing the age at which alcohol can be purchased, generally decreases the level of associated harms. This is, however, contingent on adequate legislative enforcement. While increasing the minimum drinking age is, perhaps, not an issue that is currently on the mainstream political agenda in Australia, there are other measures that could help reduce the access that young people have to alcohol.

The first of these is the enforcement of laws relating to the sale of alcohol to underage people. A potentially useful strategy in this regard is controlled test purchasing of alcohol. This involves underage people entering licensed premises under controlled conditions and attempting to purchase alcohol. If they are successful, then the accompanying police can lay appropriate charges against the retailer. These operations have been successfully used in New Zealand (see, for example, Kirby, 2005) and in the United Kingdom. This is a strategy being considered in some Australian jurisdictions but may require legislative amendment in some instances.

The second approach involves the provision of legislative powers to curb the secondary supply of alcohol to minors. Given the fact that much of the alcohol consumed by underage young people is provided by their friends, acquaintances or parents (AIHW, 2005), this gives rise to consideration as to how this could be addressed. One such option is legislation dealing with the secondary supply of alcohol to minors. NSW has already implemented such legislation and other jurisdictions are considering following suit.

#### ***4.1.4 Measures which restrict the sale of specific beverage types***

There is significant evidence that the consumption of different types of alcoholic beverages influence levels of social harms. NDRI (2007), for example, reported that there is strong research evidence linking beer consumption with drink driving. Equally, Stockwell et al. (1998) reported that consumption of cask wine and full strength beer are associated with higher rates of night-time assaults. They also found that cask wine and full strength beer consumption were strongly associated with hospitalisations for acute alcohol-related injury (stemming from assaults, road crashes, falls and suicide). At the same time, they found that low strength beer sales were negatively associated with assault rates.

Equally, Chikritzhs et al. (2007) reported that the strongest single predictor of police-reported assaults, positive drink driving tests, alcohol-attributable hospitalisations and alcohol-attributable deaths in Western Australian local government areas was the level of full-strength beer sales.

Therefore, policing or regulatory measures that reduce the consumption of cask wine and full strength beer sales are highly likely to reduce the social harms associated with alcohol consumption.

#### **4.1.5 Measures that restrict alcohol outlet density**

As Chikritzhs et al. (2007) reported, there is strong evidence pointing to the relationship between alcohol outlet density and levels of assault. That is, as outlet density increases, so do levels of assault. The authors also reported that there is a wealth of recent research that demonstrates positive associations between outlet density and road crashes and drink driving (although these associations were not always evident in earlier studies, perhaps as a result of problems with study design). They also reported that the associations between outlet density and other harms such as homicide, child abuse and neglect, self-inflicted injury, and alcohol-related morbidity and mortality tend to be less well established. They indicated that this was largely due to a paucity of research in this area. Nevertheless, they noted that the research does show a linear and positive relationship between outlet density and these problems.

As Chikritzhs et al. (2007) pointed out, the major difficulty in drawing links between the density of licensed premises and levels of social and other harms is the inherent assumption that all licensed premises are equivalent in terms of the sale and supply of alcohol and levels of associated harm. While there is a clear relationship between alcohol outlet density and the level of a range of social harms, outlet density may not be the best way to predict levels of alcohol-related harm. Alternatives to this approach are discussed in more detail later.

#### **4.1.6 Measures directed towards individual licensed premises**

In considering measures that are aimed at reducing social harms associated with licensed premises, it is critically important to appreciate that a minority of these premises account for the great majority of these harms. Considine et al. (1998), for example, found that only 5% of 400 licensed premises in NSW had a higher than average number of alcohol-related incidents. Similarly, Briscoe and Donnelly (2003) reported that in:

- inner Sydney, 12% of hotels and nightclubs accounted for almost 60% of all assaults at hotels and nightclubs;
- inner Newcastle (NSW), 8% of licensed premises accounted for almost 80% of assaults on licensed premises; and
- inner Wollongong (NSW), 6% of licensed premises accounted for 67% of assaults on licensed premises.

Further, Catalano and Stockwell (2002) reported that these problematic premises are often co-located in the same suburbs, localities or even complexes.

The fact that a minority of licensed premises are associated with the majority of licensed premises-related alcohol-attributable social harms represents a major opportunity for police in that it facilitates a focus on a limited number of premises.

How then, are police to determine which licensed premises are associated with the greatest number of social harms? There are two ways of achieving this.

The first is to target premises that research demonstrates are most likely to be associated with high levels of alcohol-related harm. Nicholas (2006) outlined some of the features of licensed premises that are most commonly associated with alcohol-related harms. These included:

- types of licensed premises (hotels, especially late-trading hotels with a predominantly

male clientele, where dancing takes place and where alcohol continues to be served to intoxicated people);

- the practices of premises management (having permissive attitudes towards patron behaviour);
- the serving of alcohol to already intoxicated patrons;
- the behaviour of crowd controllers;
- extended trading hours;
- overcrowding;
- poor lighting and ventilation;
- the physical design, comfort, attractiveness and cleanliness of the premises, the quality of entertainment, the provision of food and the presence of pool tables;
- other security and reporting measures; and
- the presence of drugs other than alcohol on licensed premises.

While this can provide some pointers to licensed premises that are most *likely* to be associated with alcohol-related social harm, it does not provide an intelligence base about the *actual* nature of links between specific licensed premises and the occurrence of these harms.

A number of Australian jurisdictions have implemented, or are in the process of implementing, intelligence systems which assist in the identification of licensed premises that are associated with the highest levels of alcohol-related harm. These are probably the most crucial measures which police can implement to reduce the social harms associated with alcohol consumption. These initiatives include the Liquor Enforcement and Proactive Strategies (LEAPS) project in Queensland, the Alcohol Information Reporting (AIR) project in South Australia, and the Alcohol-Related Crime Information Exchange (ARCIE) in NSW. These initiatives seek to identify the licensed premises or licensed events where those involved in alcohol-related incidents last consumed alcohol. This facilitates the development of profiles of licensed premises so far as their impact on alcohol-related harm is concerned. This then means that these premises/events can be targeted for liquor law enforcement activities. It also provides an evidence base for the prosecution of errant licensees, or for objections to applications to alter license conditions. The ARCIE system in NSW is relatively unique in that it represents the combination of intelligence from three databases – the NSW Police Force, the Office of Liquor, Gaming and Racing (OLGR) and the Office of State Revenue. The system aims to capture information on liquor- and gaming-related infringements and offences, court proceedings and outcomes related to licensed premises and licensees. This centralised database will enable the NSW Police Force and OLGR compliance inspectors to identify problematic premises, and develop effective and strategic responses to target the small numbers of licensed premises responsible for a disproportionate amount of alcohol-related crime.

Over the past decade, researchers have sought to provide evidence to police that would assist them to mount arguments to liquor licensing authorities against the establishment of new licensed premises, or the extension of the trading hours of existing licensed premises. Much of this work has revolved around identifying the density of licensed premises that is consistent with low and high levels of alcohol-related harm. Outlet density has typically been expressed as the number of outlets per geographic land area, the number of outlets per estimated private population, or the number of outlets per kilometre of roadway (Chikritzhs et al., 2007). As these researchers pointed out, there is a wealth of evidence



that suggests that a higher density of licensed premises is associated with a higher level of alcohol-related harm. However as was also mentioned earlier, not all licensed premises are associated with the same level of alcohol-related harm. In essence, it is not the alcohol license per se that is at issue, it is the nature of the license and the ways in which alcohol is sold.

Recent research (Chikritzhs et al. 2007) has highlighted that, rather than using outlet density per se as a predictor of levels of alcohol-related harms, a far more accurate way of considering this issue is to use an approximation of alcoholic beverage sales made to retailers by wholesale traders. Indeed, the researchers reported that there was a direct correlation between the level of wholesale purchases of full-strength beer and the harms that they measured (police-reported assaults, drink driving breath tests, alcohol-attributed hospitalisations and alcohol-attributable deaths). In other words, as full-strength beer sales go up, so do the social and other harms. Indeed, the researchers developed a model to predict the impact of increasing full-strength beer sales on levels of assaults in local government areas. Adding 65,000 litres of wholesale full strength beer purchases to a local government area (LGA), for example, would result in an additional 8.4 assaults per year for that LGA. This is an amount of beer that would be equivalent to the sales from a single Western Australian hotel. Interestingly, the increases in assaults as a result of increased full strength beer sales were far more likely to occur on private premises compared with licensed premises.

This information is profoundly important as far as providing an evidence base for police, community interest groups, and liquor licensing authorities to mount objections to additional licenses or the extension of trading hours.

The Chikritzhs et al. (2007) research was undertaken in Western Australia, because that jurisdiction has ready access to alcohol consumption data (wholesale sales to individual licensed premises) as well as access to information on alcohol-related harms. Western Australia and the Northern Territory are the only jurisdictions that collect information on wholesale sales to individual licensed premises. Therefore, these jurisdictions are the only ones that currently have the ability to use the correlation between the level of full strength beer sales and social harms to influence public alcohol policy. As Chikritzhs et al. noted, up until 1997, state and territory liquor licensing authorities were responsible for the annual collection of wholesale alcohol purchase data as a means of determining state/territory alcohol licensing fees. When the High Court of Australia ruled in 1997 that these fees were illegal under the Australian Constitution, for most jurisdictions the incentive for the ongoing collection of this information no longer existed. Consequently, a major component of an important tool to reduce alcohol-related social harms is unavailable to most police jurisdictions. This is clearly a major obstacle.

A further reason why the collection of this data is so important is the influence of National Competition Policy (NCP) upon the number of alcohol licenses and the hours during which alcohol can be sold. As was discussed earlier, the NCP represents a pressure to liberalise the availability of alcohol in Australia. This pressure is able to be resisted in circumstances in which the liberalisation of liquor availability can be shown to not be in the public interest. In Australia this is becoming increasingly dependent on some kind of public interest test (i.e. a test to determine whether a particular new license or extension of trading hours is in the public interest). Relying solely on arguments concerning the density of licensed premises means that, in many circumstances, all liquor license applicants have to do to achieve their desired outcomes is to convince liquor licensing authorities that *their* alcohol sales practices are such that they would not contribute to levels of harm. This does

not take account of the effect of the addition of a large volume of extra alcohol sales into any given local government area or precinct *regardless of the alcohol sales practices of licensees*.

Therefore, important priorities for police to reduce the social harms associated with alcohol consumption are: the enhancement of intelligence collections concerning those premises which are actually associated with the majority of problems; and the reinstatement of the collection of wholesale alcohol sales data at the individual licensed premises level.

A further factor that warrants consideration as far as the enforcement of liquor licensing legislation is concerned is the precise nature of the target of that enforcement. The key issue in this regard is whether the existing practices of liquor legislation enforcement focus on issues that would have the maximum impact on reducing alcohol-related social harms. Briscoe and Donnelly (2003) undertook an examination of liquor licensing activity that occurred in NSW in 2001. They found that most actions initiated for breaches of liquor laws were initiated against *patrons, rather than premises*. In that year, for example, over a quarter of all liquor law breaches were for patrons refusing to leave licensed premises when requested to do so. A further 14% were for offences committed by minors. The authors reported that even when action was taken against licensees, managers or secretaries, the action frequently involved technical breaches of licensing laws, such as failing to display a particular sign. Findlay, Sheehan, Davey, Brodie and Rynne (2002) came to similar conclusions in their study of liquor law enforcement practices in Queensland. These technical breaches do not, in all probability, make a substantial contribution to levels of alcohol-related social harms.

Likewise, in their examination of the short-term costs of police time spent dealing with alcohol-related issues in NSW, Donnelly et al. (2007) reported that, of the total amount of time spent addressing alcohol-related issues, only approximately 9% was spent engaging in proactive alcohol-related strategies that addressed licensed premises. This was made up of dealing with licensing matters (3.9% of alcohol-related activities), walking through licensed premises (3.6%), meetings (1.9%) and public events (1.2%).

The extent to which this research is representative of current liquor law enforcement practices across Australia is unclear, but this is certainly an issue that warrants closer examination. Also important is the identification of any legislative, policy, or operational impediments to proactive policing, or focussing on the enforcement of parts of liquor licensing legislation that are most likely to impact upon levels of alcohol-related social harms.

Doherty and Roche (2003) suggested that some of these barriers include:

- social attitudes that permit greater deviance while intoxicated than would normally be acceptable;
- poor police knowledge, understanding and confidence in policing licensing laws;
- police preferences for apprehension (reactive) rather than crime reduction (proactive) activities;
- inadequate personnel allocation for police responses;
- perceptions of insufficient penalties for liquor law breaches;
- a lack of knowledge about the effects of alcohol and a failure to see the potential for harm from drinking; and
- a shift away from a centralised (or squad) approach to policing licensed premises.

To this list, Chikrihtzs (2007) added:

- difficulty in establishing guilt, particularly in the case of the existence of imprecise definitions of ‘intoxication’ and the levels of intoxication required to constitute an offence;
- the development of close relationships between police and licensees;
- police ambivalence concerning interfering with people’s enjoyment; and
- concerns held by some police about the threats to the viability of some licensed premises, particularly in small communities.

As Nicholas (2006) reported, a further aspect of licensed premises environments about which little is known is the role of crowd controllers. These individuals are, in many ways, pivotal to the management of violent, or potentially violent, incidents in licensed premises. Prenzler (1998) cited examples of fraud, infiltration by criminals, poor service provision and a strong potential for abuse in all areas of the industry. He also indicated that it was too easy for criminals to enter the security industry, for poorly trained staff to be issued with firearms and for unprincipled opportunists to set up businesses. In addition, Lister, Hobbs, Hall and Winlow (2000) reported that, in the United Kingdom, not only were assaults around licensed premises very under-reported to police, but assaults perpetrated by crowd controllers in these environments were particularly under-reported. There have also been suggestions that crowd controllers may play a role in the distribution, or in facilitating the distribution, of illicit drugs on licensed premises (pers. comm. Inspector Steve George, WA Police).

In recent years most jurisdictions have moved to ‘raise the bar’ as far as permitting individuals to become licensed crowd controllers is concerned. Nevertheless, little is known about their role in affecting the levels of social harms associated with alcohol consumption in Australia. This is an important area for future research.

As Roche et al. (in press) reported, a trend that has emerged recently in Australia, and elsewhere, is *vertical drinking*. This refers to licensed premises which have few chairs, shelves or other furniture for the use of patrons. As a result, patrons are forced to stand (vertically drinking) and hold their drink in their hands. As they reported, a variation of this found in the United Kingdom is *maximum volume vertical drinking bars* (Plant & Plant, 2006). Many such premises hold large numbers of patrons in settings that are noisy and large with a predominantly anonymous atmosphere. Reports suggest that this not only fosters excessive drinking but encourages far more extreme behaviours than would occur in smaller hotels (for example, see British Broadcasting Corporation, 2006). Roche et al. also reported that in vertical drinking establishments the relative absence of furniture means that patrons have more direct access to the bar, which in turn facilitates faster bar service. They also suggested that the lack of comfort-enhancing features in these premises also encourages drinking, so as to anaesthetise the patrons from the effects of their discomfort that occurs as a result of the noise, smoke and lack of seating. This is clearly a trend that warrants close monitoring in the Australian context.

#### ***4.1.7 Measures involving the implementation of licensing accords***

As NDRI (2007) pointed out, the term ‘liquor accord’ is mainly used in Australia to identify local, community-based initiatives which involve licensees, other businesses, local government authorities, community representatives and police. These are implemented and largely co-ordinated by police with a view to reducing alcohol-related harm in late-night drinking environments. Liquor accords generally entail a ‘voluntary’ agreement

between stakeholders. They usually establish harm minimisation practices and codes of conduct to improve safety and reduce alcohol-related violence and anti-social behaviour in and around licensed premises. Accords encourage collaboration between members, with a common goal of implementing practical solutions to alcohol-related problems and improving community safety and amenity, without the need for mandatory legislation and enforcement.

NDRI (2007) reported that despite their widespread popularity few Australian accords have been formally evaluated and, among those that have been evaluated, most have been unable to demonstrate effectiveness in either the short- or (particularly) long-term reduction of alcohol-related harms. They asserted that the appeal of accords probably rests more in the development of local communication networks, the facilitation of local input, a sense of local 'control', and improving public relations through open negotiations, than in the actual reduction of harm. Even so, improved communication and participation may also be perceived as desirable and worthwhile outcomes in some circumstances.

Loxley et al. (2004) had a slightly more positive view of these agreements, indicating that they can contribute to significant reductions in alcohol-related violence in the short-term, especially when accompanied by liquor law enforcement, but it has proved difficult to sustain these gains for longer than a few months.

In all, it appears from the evidence that accords can have beneficial effects in terms of enhancing communications between licensees and other key stakeholders. Overall, however, their ability to reduce the social harms associated with alcohol consumption, particularly in the absence of adequate liquor law enforcement, remains unproven. In addition, if accords rely on adequate liquor law enforcement to effectively reduce alcohol-related social harms, this raises the issue of the extent to which accords actually add value to underlying sound practices of liquor law enforcement.

#### **4.1.8 Dry community declarations and local 'dry area' alcohol bans**

As NDRI (2007) reported, some remote Indigenous communities in Western Australia, the Northern Territory and South Australia have declared themselves 'dry' using provisions of various pieces of state/territory legislation. The key element of such dry community declarations is a combination of Indigenous community control and statutory authority. They reported that there is evidence to suggest that although there are shortcomings (e.g. sly grogging) and associated costs to this approach, overall outcomes for communities are positive (e.g. reductions in consumption and alcohol-related harms). They found that police enforcement of restrictions is particularly important for ensuring that dry community declarations reach their potential.

As NDRI (2007) noted, local dry area alcohol bans are distinct from the 'dry community' declarations described above, as they relate specifically to restrictions on the consumption of alcohol in designated public places or areas. They are usually imposed in areas in which there are high rates of alcohol-related public disorder. These may be broad in scope, such as those under the Northern Territory's 'Two Kilometre Law' or more specific in application, such those imposed in South Australia under provisions of the South Australian Liquor Act. Following an examination of the evidence, they found that local dry area bans have been found to decrease public order problems in designated areas, but have not led to overall reductions in public order offences, alcohol-related hospitalisations or police detentions of intoxicated persons. They reported that, in most cases, apparent reductions in public order problems in designated areas are due to drinkers moving away to other areas where there are no, or fewer, restrictions. They also noted that dry area declarations

have also been described as inherently discriminatory and as having negative impacts upon Indigenous people who are already at risk of alcohol-related harms.

#### **4.1.9 Responsible beverage service programs**

As NDRI (2007) noted, responsible beverage service (RBS) programs aim to develop policies and procedures for individual establishments which are intended to minimise problematic serving practices and create safer drinking environments. Bar staff and management are trained to meet the appropriate responsible service standards developed for each licensed premise. RBS programs generally address a range of issues, with most focusing on reducing both the incidence of intoxication, and the harm that intoxicated people can cause to themselves and others. As the authors noted, more recently, responsible server practices have been developed as part of a harm reduction approach, with the aim of modifying the drinking environment to reduce a variety of negative consequences associated with excessive alcohol consumption in bars, pubs and restaurants.

NDRI (2007) concluded that research evidence for the effectiveness of RBS programs is two-sided. Enforcement is a crucial factor in determining whether RBS will have a meaningful impact on alcohol consumption and related harms. Without concerted efforts by police and/or liquor licensing authorities to enforce existing liquor laws, the imposition of policies and/or training – while potentially raising awareness of relevant issues – has limited impact on the behaviour of servers or on the intoxication levels of patrons. They have also not been shown to reliably reduce levels of alcohol-related harms. The authors also reported that, when highly publicised, the threat of substantial financial penalty has been shown to be particularly effective at motivating behaviour change among licensees which has in turn resulted in reduced levels of alcohol-related harms. It is, however, not clear whether such financial penalties remain effective in the long-term without frequent and highly visible examples of enforcement.

In some ways, the evidence concerning RBS programs is much like that which concerns liquor accords. They can both be effective, but only in the presence of adequate levels of enforcement. Like the evidence surrounding liquor accords, the issue that arises, therefore, is whether RBS programs add substantially to the underlying value of adequate enforcement.

## **4.2 Measures which impact on the economic availability of alcohol**

The major way in which governments can impact upon the economic availability of alcohol is via taxation. As Babor et al. (2003) asserted, among the various strategies that states and nations use to control alcohol-related problems, the regulation of alcohol taxes and prices has been by far the most popular. As they pointed out, this is not simply because governments need the associated financial resources, but these arrangements are also easy to establish and enforce. They also noted that in many countries the real cost of alcohol has declined over the past few decades as a result of the fact that excises are commonly set at a fixed amount of local currency, so that inflation automatically reduces their value unless alternative legislation is introduced.

As NDRI (2007) and Babor et al. (2003) pointed out, the evidence concerning the relationship between consumption, harm and the real cost of alcohol is strong and consistent. As Babor et al. (2003) noted, there is a wealth of evidence that points to increases in alcohol taxation leading to decreases in drink driving, fatal and non-fatal youth car crashes, homicides and other crimes, including rape, robbery, assaults, motor vehicle

thefts, domestic violence and child abuse. They reported that what was most striking about these studies is their convergence on a single theme: raising alcohol taxes leads to reductions in a host of undesirable outcomes related to alcohol use.

NDRI (2007) summed up the evidence on this issue succinctly.

*There is substantial research evidence to demonstrate that the sale of alcohol is price responsive. That is, a rise in the price – due to increases in production costs, profits and or taxation – results in reduced per-capita alcohol consumption. Conversely, a reduction in price results in an increase in consumption. Higher alcohol prices have been shown to reduce both acute (e.g. traffic accidents, violence and suicide) and chronic (e.g. alcoholic liver cirrhosis, and alcohol-related cancers) alcohol-related death and morbidity. We have concluded, as have others before us, that as an efficacious supply reduction strategy, the regulation of the economic availability is of the highest order (p. xii).*

As NDRI (2007, citing Kenkel and Manning, 1996) reported, the imposition of taxes on the sale of alcohol may not necessarily increase government revenue. This is because of the extent to which alcohol is price sensitive. That is, as the price increases as a result of taxation, this leads to a drop in demand and therefore taxation revenue.

As Roche et al. (in press) pointed out, as it currently stands, the Australian pricing system for alcohol products is driven largely by the taxation regime imposed upon it. The current system has been described as an unruly mix of taxes with significant shortcomings that impact adversely on high-risk subsets of the population, such as young people and Indigenous people (Stockwell, 2004). This has resulted in pricing structures that place more vulnerable groups in the community at risk of greater harms from alcohol.

Roche et al. (in press) outlined the anomalies of the current alcohol taxation system and why they are relevant to risky patterns of consumption. As they reported, the Australian alcohol taxation regime is based on type of beverage, not the alcohol content of the beverage. While a Goods and Services Tax of 10% applies to the retail sales price of all alcohol, a (Commonwealth) excise levy is also applied to:

- cans and bottles of low strength beer (< 3.0%) at the rate of \$6.54 per litre of pure alcohol<sup>1</sup>;
- cans and bottles of full strength beer (> 3.5%) at the rate of \$38.20 per litre of pure alcohol;
- brandy at the rate of \$60.42 per litre of alcohol; and
- other spirits at the rate of \$64.72 per litre of alcohol (Australian Taxation Office, 2007, cited in Roche et al. in press).

As Roche et al. (in press) reported, wine, on the other hand, is not subject to excise but is subject to a Wine Equalisation Tax (WET) which is not based on its alcohol content, but upon its wholesale value. This *ad valorem* tax is currently applied at the rate of 29% (Australian Taxation Office, 2007). Cask wine contains a relatively large number of standard drinks but has a relatively low wholesale price per standard drink. Consequently, the

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<sup>1</sup> Calculated on the alcohol content of that alcohol product by which the percentage volume of alcohol of the goods exceeds 1.5%

existing taxation regime substantially favours low-cost cask and fortified wines by placing a relatively low impost upon them because of their relatively low wholesale price. As they found, the non-GST tax per standard drink is therefore as follows:

- packaged full-strength beer 33 cents;
- packaged mid-strength beer 30 cents;
- packaged low strength beer 22 cents;
- ready to drink products (full strength) 44 cents;
- spirits, 75 cents;
- semi-premium bottled wine 22 cents; and
- cask wine, 7 cents (Alcohol and other Drugs Council of Australia, n.d., cited in Roche et al., in press).

As Roche et al. (in press) noted, this regime of taxation is problematic in two respects. Firstly, RTDs are not taxed as other spirit products, but at the same rate as full strength beer. The differential excise rates that apply to low-, mid- and full-strength beer do not apply to the equivalent low- and mid-strength RTD products. As a result, there is no incentive for RTD manufacturers to produce and promote low- and mid-strength RTD products, or for (especially young) drinkers to consume them. Secondly, the tax applied per standard drink to cask wine is approximately one-tenth that applied to spirits, and a quarter of that applied to full-strength beer. This is particularly problematic in the context that there is strong evidence that the consumption of cask wine (in addition to full-strength beer) is associated with higher levels of violence and injury compared with the consumption of other alcoholic beverages (Stockwell et al., 1998). This low level of taxation on cask wine, coupled with the production economies of scale that are present in modern wine production, provides a very cheap source of alcohol for those who might otherwise have limited financial access to it. As Stockwell and Gruenewald (2004) pointed out, these taxation anomalies are particularly important as far as increasing levels of harm among young people and among Indigenous Australians are concerned.

Consequently the current regime of alcohol taxation is likely to be a significant contributor to the level of social harms associated in Australia, inasmuch as it enhances the economic availability of alcohol.

Police may therefore be well placed to lobby for the development of an alcohol taxation regime that more accurately reflects the social and health harms that stem from the consumption of different types of alcohol.

Also worthy of consideration are hypothecated taxes in which a levy is placed on the sale of alcohol and these funds used to provide services to reduce alcohol-related harm. Perhaps the best known example of this in the Australian context is the Northern Territory's Living with Alcohol (LWA) Program. As Chikritzhs, Stockwell, Pascal and Catalano (2004) reported in their evaluation of this program, it commenced in 1992 and involved the imposition of a levy on alcoholic beverages with more than 3% alcoholic content. This resulted in an increase of approximately 5 cents per standard drink of alcohol. These funds were then channelled into the provision of education programs, increased controls on the sale of alcohol, and expanded treatment and rehabilitation services. Chikritzhs et al. reported that LWA resulted in significant decreases in alcohol-related deaths and financial costs to the NT Government. Of particular interest in the context of this paper was the decrease in acute deaths (from such causes as violent assaults and road crashes) that occurred following the implementation. Stockwell et al. (2001) in an earlier evaluation of the program estimated that there was a 34.5% reduction in road crash deaths and a 23.4%

reduction in road crash injuries requiring hospitalisation following its implementation. Police may well wish to lobby for the imposition of such a levy in Australia.

### **4.3 Measures that reduce the harm associated with alcohol intoxication**

As well as activities which impact upon the alcohol regulatory environment, also important are measures which enhance the safety of intoxicated people. Key strategies in this regard are night patrols and sobering-up shelters. As Blagg (2003) noted, night patrols provide non-coercive community intervention services or order maintenance services designed to prevent or stop harm, and maintain community peace, security and safety. These patrols carry out a form of community-based policing, but they should not be confused with the police or private security. The service they provide generally includes a mobile-patrol of some form (on foot or by vehicle), and attempts to assist a target group of people in need, or at risk, by offering options other than those principally available to the police. These patrols generally emerge to serve and protect the interests of a particular community, and are usually initiated by members of that community. As the author pointed out following his examination of night patrols in Australia, the research indicates that, when appropriately established, resourced and managed, these patrols and similar services fulfil an important function in their communities. He also reported that international trends also suggest that, in some form at least, community patrolling will become an accepted feature of future crime prevention and community policing strategies.

In many Indigenous communities across Australia, night patrols are already an important community justice mechanism, allowing communities to monitor and control their own social environment and reduce unnecessary contact with the criminal justice and related systems. Gray, Sputore, Stearne Bourbon and Semple (2002, as cited in Loxley et al. 2004) reported that there were 69 patrols operating in various locations in Australia in 1999/2000. Most were designed to reduce alcohol-related conflicts and harm. Loxley et al. were cautiously supportive of these patrols, concluding that further evaluation was required.

As Loxley et al. (2004) noted, sobering-up shelters are places that provide a temporary, supervised haven for intoxicated people who are at risk of harming themselves or others. They also divert intoxicated people from police custody. After examining the limited literature on these shelters, the authors concluded that they are promising interventions which require more evaluation.

In a subsequent case study of a sobering-up unit in rural South Australia, Brady, Nicholls, Henderson and Byrne (2006) concluded that sobering-up shelters fulfil a crucial acute-care function that diverts extremely intoxicated individuals from custodial care, protects them from accidents, self-harm and harm to others in the community and helps to avoid conflict. They also highlighted the importance of transport services to support the sobering-up units. In addition, they reported that sobering-up centres usually have widespread support from the communities they serve. Some of these shelters are managed by Indigenous people themselves, and community-based programs such as mobile pick up services, night patrols and health services should ideally work collaboratively with them on a daily, and nightly, basis. The authors' case study provided an illustration of harm reduction in an area of alcohol policy and intervention that directly affects Aboriginal communities.

Although there has been limited evaluation of night patrols and sobering-up shelters, the evidence that is available suggests that they can make a significant contribution to reducing the social harms associated with alcohol consumption, particularly (but not exclusively) in Indigenous communities.



## 5. A MENU OF OPTIONS FOR POLICE TO REDUCE THE SOCIAL HARMS ASSOCIATED WITH ALCOHOL CONSUMPTION IN AUSTRALIA

This section of the paper draws together the findings about the extent and nature of social harms associated with alcohol consumption in Australia and the findings about what the evidence suggests are most likely to be effective strategies. The latter is synthesized under the headings of:

- measures for which police have major responsibility;
- measures which impact on policing, but which police would not have primary carriage in implementing; and
- potential research that would enhance our understanding of the role of police in reducing alcohol-related social harms in Australia.

### 5.1 Measures for which police have major responsibility

#### *5.1.1 Ensuring that appropriate liquor licensing legislation is in place and enhancing the enforcement of this legislation*

Legislation that gives police and other agencies the capability to reduce alcohol misuse is fundamental to reducing the social harms associated with alcohol consumption. As has been argued in this paper, in some jurisdictions the liquor licensing legislation may not have sufficient descriptive powers (particularly as far as definitions of intoxication are concerned), may lack ‘sufficient teeth’, or have insufficient scope to effectively reduce alcohol-related social harms. There might also be some benefit in the institution of a national process to develop model national legislation. Particularly important in this regard is the definition of ‘intoxication’. This need not result in total overhauls of jurisdictional legislation to model them on national model legislation. Rather, this could simply result in the insertion of key parts of nationally consistent legislation (such as a definition of intoxication) into jurisdictions’ legislation. Police could play an important leadership role in bringing this fundamental need to the attention of legislators.

The enforcement of liquor licensing legislation is not only valuable in its own right, it can boost the effectiveness of other strategies such as liquor accords and responsible alcohol service programs.

As has been mentioned, a small number of licensed premises in Australia account for a very large proportion of alcohol-related harm. Enhancing the intelligence base about which licensed premises are responsible for this harm represents the fundamental cornerstone of policing’s potential contribution to reducing the social harms associated with alcohol consumption in Australia. In this way alcohol-related incidents which come to the attention of police can be used to trace back to the premises where those involved obtained their alcohol. This not only affords police the opportunity to target problematic licensed premises, but it allows them to take a leadership role in submissions to liquor licensing authorities concerning the granting of additional alcohol licenses, or to the extension of trading hours. As a general principle, the richer the sources of information concerning the

activities of licensed premises, the more able police will be to implement evidence-based measures (Chikritzhs, et al. 2007). In this regard, the intelligence model recently adopted by New South Wales (ARCIE), which combines intelligence from three databases – the NSW Police Force, the Office of Liquor, Gaming and Racing (OLGR) and the Office of State Revenue – is potentially worthy of consideration.

Collecting this additional information will represent an additional burden on operational police. It is therefore critical that mechanisms are developed to provide feedback to these officers on the aggregated results of the data they have collected, how this data has influenced operational policing and the ways in which this data is being used to better target problem premises and geographical areas of need.

A further factor that would considerably enhance the ability of police to target problematic licensed premises and to make evidence-based submissions to liquor licensing authorities is the provision of wholesale alcohol sales information. As has been mentioned, this information was formerly collected by state and territory liquor licensing authorities until this practice largely ceased in the late 1990s. Given the recent research by Chikritzhs et al. (2007) that highlights that sales of full strength beer strongly predict a range of social harms, the provision of this information to police agencies is fundamentally important. Also important is the provision of this information to police and other relevant agencies in a timely fashion.

There are two aspects to this requirement. First is the need to actually capture this wholesale sales data at the jurisdictional level. This could, for example, involve jurisdictions resuming their own collections. Alternatively, this could be achieved via the development of a national information collection process which, for example, collected information from the tax records of licensed premises. There may be a requirement for Commonwealth legislation to enable this to occur. Second, it is likely that the efficiency and consistency of the process would be enhanced and that economies of scale could be achieved, by having this data collated at the national level by a single agency and then provided to jurisdictions. This need not impact substantially on the timeliness of the data provision.

A final way in which the evidence base concerning problematic licensed premises could be enhanced is by police creating closer links with hospital emergency departments (EDs). As has been established, most alcohol-related assaults are not reported to police. Yet many of those who are injured in these assaults (as well as other alcohol-related injuries) do report to EDs (Newton, Sharker, Pahal, van den Bergh & Young, 2007). This is highly likely to be a valuable source of additional information about the extent and nature of alcohol-related assaults as well as providing a valuable insight into where they occur. Indeed, it is quite possible that existing police data concerning the location of police-reported assaults provides an incomplete picture of alcohol-related assaults. This is because of the tendency to under-report alcohol-related assaults, particularly those which are associated with licensed premises. Establishing these kinds of relationships has clearly been of significant benefit to policing in the United Kingdom (Warburton & Shepherd, 2004) and, in light of this, the National Drug Law Enforcement Research Fund has recently funded a major research project in this area.

In all, enhancing the intelligence base which informs liquor law enforcement by police brings with it two advantages. First, it enables alcohol-related crime and disorder problems to be traced back to the problematic licensed premises that are often at their source.

Second, this enables police to more clearly see the common thread of alcohol across a variety of offence categories.

Overall, having sound legislation and proactive enforcement of this legislation is fundamental for police to reduce the social harms associated with alcohol consumption.

### ***5.1.2 The establishment of a national mechanism to focus on liquor licensing law enforcement issues***

As a result of the fact that responsibility for liquor licensing enforcement rests at the jurisdictional level, there are a number of differences in the detail in the ways in which police at the jurisdictional level respond to liquor licensing enforcement and related issues. Overall, however, it is probable that there are more similarities than differences between the liquor licensing activities of police in Australian jurisdictions.

At present, there is no centralised national capacity for Australian policing agencies to build on the commonalities of approach to liquor licensing issues. At the national level, there are coordinated approaches to issues such as taxation, pricing, packaging and advertising of the products themselves. There is, however, no capacity for police to adopt nationally informed approaches to the social harms associated with these products.

In the area of illicit drugs, the Australian Government Attorney-General's Department, Customs and the Australian Federal Police act as the national agents dealing with these drug issues and liaising with states and territories. Yet there is no corresponding national capacity to deal with alcohol-related drug law enforcement problems.

The jurisdictional Liquor Licensing Authorities hold an annual national conference into which the police may or may not have some input. Police do have input into the National Drug Strategy Processes through their involvement in the Intergovernmental Committee on Drugs and the Ministerial Council on Drug Strategy. Unfortunately, no links currently exist between these two processes.

It is possible that ANZPAA could be well placed to facilitate the development of such a mechanism. Essentially, what would be required is the capacity to act as:

- a knowledge bank of effective strategies in liquor law enforcement;
- an information clearing house;
- a national point of contact for liaison between police and liquor licensing authorities;
- a body that could facilitate the research and sharing of state and territory and international case law and relevant research;
- a body that could assist policing in the development of common enforcement strategies and evidence bases. This could form the basis for arguments that could be placed before liquor licensing authorities to influence decisions regarding the granting of new licenses and alterations to existing trading arrangements; and
- provide a focus for examining the impact of national issues (such as National Competition Policy) on liquor licensing activities in Australia.

This is a further possibility that could warrant consideration by Commissioners.

### ***5.1.3 Controlled test purchasing of alcohol and strategies to address secondary supply of alcohol to minors***

As has been discussed, a potentially useful strategy to enhance the enforcement of liquor licensing is the controlled test purchasing of alcohol. This involves underage people entering licensed premises under controlled conditions and attempting to purchase alcohol. If they are successful, then the accompanying police can lay appropriate charges against the retailer. These operations have been successfully used in New Zealand (see, for example, Kirby, 2005) and in the United Kingdom. This is a strategy that warrants closer consideration in the Australian context.

### ***5.1.4 Ensuring that policing efforts aimed at reducing problems associated with licensed premises are appropriately focussed***

As was mentioned, there is evidence that police liquor licensing activities have historically tended to focus on the (albeit intoxicated, underage, or offensively-behaving) patrons on licensed premises, rather than on breaches of liquor licensing legislation that are most likely to be associated with increasing levels of alcohol-related social harms (such as serving intoxicated and underage patrons). There may be benefit, therefore, in jurisdictions undertaking reviews of the existing profiles of liquor licensing enforcement activities to ensure that they are focussed primarily on the causes of alcohol-related public disorder, rather than its effects. If it transpires that most enforcement activity is directed towards patrons (or towards administrative transgressions by licensees), then there could also be benefit in better understanding why this is the case. It could, for example, be for a range of legislative, resourcing, training, attitudinal or operational reasons. Once this phenomenon is better understood, it would then be possible to develop processes to address this.

### ***5.1.5 Up-skilling operational police in the policing of licensed premises and creating centralised areas of expertise***

As Roche et al. (2003) noted, poor police knowledge, understanding and confidence in policing licensing and a shift away from a centralised (or squad) approach to policing licensed premises has had a detrimental impact on the policing skill base so far as their ability to police licensed premises is concerned. In response to this problem, several Australian police jurisdictions have recently moved to establish centralised liquor enforcement areas to redevelop the body of expertise in this area. In addition to this, however, a base-level of understanding is required among all operational police officers concerning their powers to reduce and respond to alcohol-related problems in and around licensed premises. Therefore, there may be some benefit in policing agencies examining the workforce development strategies that may be required to ensure that their officers are able to perform this role.

### ***5.1.6 Monitoring the trends in the proliferation of vertical drinking establishments and their impact on alcohol-related crime***

As was discussed earlier, a concerning trend in the United Kingdom, and increasingly Australia, is that of vertical drinking establishments in which patrons are forced to stand while drinking and have nowhere to place their glasses. Anecdotal evidence from the United Kingdom suggests that these establishments are associated with an increased pace of drinking, and increased levels of alcohol-related social harms. This is a trend that clearly requires monitoring and if necessary intervention at a regulatory level.

### ***5.1.6 Ensuring that alcohol-related issues are included in corporate strategic planning issues***

Given the extent to which the social harms associated with alcohol misuse impact upon policing, it is important that the issue is incorporated into corporate strategic planning processes and that benchmarks are established against which agencies can measure their performance. This is particularly important as far as proactive measures are concerned.

## **5.2 Measures which police could have a role in lobbying for**

As well as measures to reduce alcohol-related harms for which police have primary carriage, there are measures which, if implemented by other sectors, could significantly impact on policing and alcohol-related social harms.

### ***5.2.1 Supplementing the existing national Illicit Drug Diversion Initiative (IDDI) to include alcohol***

The IDDI is part of the national approach to early intervention and prevention of illicit drug use that has been agreed to by the Commonwealth and all Australian states and territories. Under this approach, police and courts are given the formal power to divert drug users to education, assessment or treatment. The primary objective of the IDDI is to increase incentives for drug users to identify and treat their illicit drug use early. It also aims to decrease the social impact of illicit drug use within the community and to prevent a new generation of drug users committing drug-related crime.

Yet, by any measure, the majority of overall harms, and in particular social harms associated with drug use, stem from the use of licit, rather than illicit drugs (Collins and Lapsley, 2008). As has been discussed in this paper, a very substantial proportion of these social harms stem from the use of alcohol. However, there is no equivalent nationally-funded program to divert alcohol-related offenders from the criminal justice system. Some jurisdictions have established local alcohol diversion programs such as the Rural Alcohol Diversion (RAD) Pilot Program, in Orange NSW, and the Queensland Indigenous Alcohol Diversion Program (QIADP). Given the extent of harms stemming from alcohol consumption, it may be opportune for police to lobby the Australian Government with a view to extending the IDDI to include alcohol.

### ***5.2.2 Enhancing the accessibility of sobering-up units and other places of safety to which intoxicated people can be taken as well as the means by which they can safely be taken home***

Although they have not been subjected to extensive evaluations, on face value, sobering-up units and other places of safety for intoxicated people represent an important investment in reducing the social harms associated with alcohol. They facilitate the removal of intoxicated individuals from public settings where they are likely to come to harm or to harm others, or property. These facilities are also far better equipped to deal with the behavioural manifestations of alcohol intoxication compared with custodial environments. They can also represent important entry points into brief intervention or longer-term alcohol treatment programs as well as services where clients can have other health needs met. While their use is perhaps most commonly associated with Indigenous communities, this is not exclusively the case.

Therefore, there is likely to be considerable merit in police agencies lobbying Australian and jurisdictional governments to enhance the provision of these services.

### ***5.2.3 Supporting an examination of approaches to alcohol taxation in Australia, including the potential for a hypothecated tax to reduce the social and other harms associated with alcohol consumption***

Given the extent to which police are responsible for responding to the social harms associated with alcohol consumption, they are well placed to lobby for changes to the existing system of alcohol taxation. There are three aspects to this. The first is the need to examine the appropriateness of the existing ad valorem tax on wine which is based on the wholesale price of the product, and takes no account of its alcohol content. This makes products such as cask wine (a beverage that is associated with increasing levels of community violence) and fortified wines disproportionately cheap. The second is the need to examine anomalies in the current taxation system that mean that there is no incentive for manufacturers of ready to drink products (RTDs) to produce and promote low- and mid-strength RTD products, or for drinkers to consume them. The third is the need to consider the possibility of a national hypothecated tax on the sale of alcohol, such as that which was introduced in the Northern Territory's Living With Alcohol Program. The revenue from this tax would then be earmarked specifically for programs that reduce the social and other harms associated with alcohol consumption in Australia. One such option in this regard would be the use of these funds to expand the scope of the Illicit Drug Diversion Initiative to include alcohol. As was discussed earlier, the collection of wholesale alcohol sales information at the licensed premises level would facilitate the introduction of measures such as this.

## **5.3 Potential areas of future research which are likely to enhance the capability of police to reduce alcohol-related social harms in Australia**

### ***5.3.1 A systemic examination of the impediments to police agencies enforcing liquor licensing legislation***

As Doherty and Roche (2003) and Nicholas (2006) pointed out, there is in many instances a substantial gap between what is known about best practice in the policing of licensed premises and what actually occurs. This is not to imply that much good work is not being done, rather it suggests that there is capacity for improvement. A systems-focussed examination of policing agencies' approaches to licensed premises would reveal any blockages to this improvement. Such a study could uncover impediments related to educational, legislative, and organisational focus, or alcohol-related crime intelligence needs. Without this knowledge, police organisations could, for example, embark on training strategies for police, when the real problems are legislative or intelligence impediments.

### ***5.3.2 Research to better understand the role of crowd controllers in reducing the social harms associated with licensed premises***

As has been mentioned in this paper, crowd controllers play an important role in regulating behaviour on licensed premises, yet remarkably little research has been conducted into this role. When this is considered in the context of allegations of infiltration of the crowd control industry by criminal groups, this is an issue that warrants closer examination. This is particularly important as several jurisdictions seek to improve standards within this industry.

## 6. CONCLUSION

Policing agencies in Australia have primary carriage of dealing with many of the alcohol-related social harms present in Australian society. They are also well placed to intervene in many of these harms. At present there is significant interest in this issue at the federal political level (for example, see Christiansen & Sandy, 2008). It is therefore highly opportune that the ANZPAA Board is considering this issue at this point in time.

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