

REVIEW OF CODES ESTABLISHED UNDER THE *LIQUOR LICENSING ACT 1997*

Late Night Trading Code of Practice General Code of Practice

Final Report by the Internal Consultancy Services Group
to the Minister for Planning

30 April 2015



Government of South Australia
Office of Public Employment and Review

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The Hon John Rau MP
Minister for Planning
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ADELAIDE SA 5001

Mr Dini Soulio
Commissioner for Liquor and Gambling
GPO Box 1719
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Dear Minister and Commissioner

Review of Codes under the *Liquor Licensing Act 1997*

On 9 December 2014 the Minister for Business Services and Consumers asked the Internal Consultancy Services Group (ICSG) to conduct a review of the Late Night Trading Code of Practice and General Code of Practice, pursuant to section 11B of the *Liquor Licensing Act 1997*.

Please find enclosed the final Report of the Review of these Codes.

In submitting this Report I would like to acknowledge the excellent work of the Review team:

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- Yvette Booth (Analyst);
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- Sophie Ransom (Senior Research and Evaluation Officer, Office of Crime Statistics and Research (seconded)); and
- Margaret Foster (Executive Assistant, ICSG).

Thank you for the opportunity to undertake this Review.

Yours sincerely



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LIST OF ABBREVIATIONS

Abbreviation	Organisation
ACC	Adelaide City Council
ACT	Australian Capital Territory
AGD	Attorney-General's Department
AHA SA	Australian Hotels Association of South Australia
BOCSAR	Bureau of Crime Statistics and Research
CBD	Central Business District
CBS	Consumer and Business Services
CCTV	Closed Circuit Television
DASSA	Drug and Alcohol Service South Australia
ED	Emergency Department
Flinders	Flinders Medical Centre
ICSG	Internal Consultancy Services Group
LEB	Licensing Enforcement Branch
NCETA	National Centre for Education and Training on Addiction
NDLERF	National Drug Law Enforcement Research Fund
OCSAR	Office of Crime Statistics and Research
RACS	Royal Australasian College of Surgeons
RAH	Royal Adelaide Hospital
RAMPs	Risk Assessment Management Plans
RSA	Responsible Service of Alcohol
SAPOL	South Australia Police
WEVA	West End Village Association
WHO	World Health Organisation

EXECUTIVE SUMMARY

In 2012 and 2013 following extensive stakeholder consultation, a Late Night Trading Code of Practice and a General Code of Practice were established under the *Liquor Licensing Act 1997*.

The Codes regulate the drinking environment and aim to encourage responsible service and consumption of alcohol, and, ultimately, to reduce the impact of alcohol-related harm.

The *Liquor Licensing Act 1997* requires a review into the operation of these Codes after 12 months. This Report provides the findings of the Review, as well as a series of recommendations for improving the operations of the Codes. Although there is a focus on the Late Night Trading Code and its 3:00am lockdown provision, the provisions of both codes were reviewed.

The methodology of the Review included six main activities: collection and analysis of health, police and licensee compliance data; consultations including focus groups, interviews and written submissions with 23 stakeholder groups; online surveys; a literature review; jurisdictional comparison; and general research. The findings are organised around five themes; effectiveness, unintended consequences; level of support; suggestions for change and compliance and implementation.

The analysis confirmed trends in earlier data that since the introduction of the Late Night Code there has been a statistically significant decline in alcohol-related offending and hospital presentations in the CBD. The Code has had a positive impact on this decline. However, because it is likely that other factors were in play in the same period, it is not possible to determine with certainty the extent of this impact.

A clear majority of stakeholders expressed a high level of support for the Codes. These included representatives from the health sector, police, local government, universities focusing on alcohol research, social services groups and people who work or reside in the CBD.

A number of unintended consequences following the introduction of the Code were raised, particularly by respondents to the community survey. These are set out in the body of the Report.

People who reported working at and/or going out to late night venues, and to a lesser extent licensees, showed a low level of support for the Late Night Code overall. Support was especially low for the lockdown, but there was more support than opposition to many of the other provisions.

The data revealed a high level of compliance with the Codes by licensees.

In Chapters 5 and 6 the research literature is reviewed and similar provisions in other jurisdictions in Australia and overseas are examined.

Drawing on the analysis, stakeholder submissions and responses to the community survey, the Report concludes with a number of recommendations on how the Code might be amended to improve its operation in the future.

The overall conclusion is that both Codes should continue to operate (with some amendments if the recommendations are accepted) for at least another 12 months at which time a further review should be commissioned. It can be confidently expected that trends in the data will become clearer and more reliable after two years of operation allowing firmer conclusions to be drawn.

CHAPTER 1

INTRODUCTION

OVERVIEW

We should be able to have a vibrant and exciting city – but a city free from alcohol-fuelled, antisocial behaviour.¹

The Late Night Trading Code of Practice (Late Night Code) was introduced in 2013 under the *Liquor Licensing Act 1997*, with the aim of reducing late-night alcohol-fuelled violence and antisocial behaviour in the Adelaide Central Business District (CBD).

This Review was instigated to find out whether the Late Night Code and General Code of Practice (General Code) have achieved their aims, and in particular whether the Late Night Code has reduced alcohol-related antisocial behaviour in the CBD in the early hours of the morning.

REFERRAL

On 9 December 2014 the Minister for Business Services and Consumers, the Hon Gail Gago MLC, asked the Internal Consultancy Services Group (ICSG) to conduct a review of the Late Night Code and General Code. The Minister asked for a final report to be delivered to her and the Liquor and Gambling Commissioner by 30 April 2015.

Please note that, during the life of the review, responsibility for administering the *Liquor Licensing Act* transferred to the Minister for Planning. Accordingly this report has been submitted to the latter Minister.

PURPOSE AND SCOPE OF REVIEW

Under its Terms of Reference, the Review was required to:

- assess whether and to what extent the Codes, in particular the Late Night Code, has been implemented as intended;
- assess whether and to what extent the Codes, in particular the Late Night Code, have achieved the objective of reducing alcohol-related harm and alcohol-fuelled violence in and around licensed venues in the Adelaide CBD, particularly late at night;
- assess whether the Codes have resulted in any unintended consequences; and
- provide recommendations, if any, based on assessment findings for amendments to the Codes that would enable them to better achieve these objectives.

¹ Office of the Liquor and Gambling Commissioner SA, *A Safer Night Out: Review of the Liquor Licensing Act 1997 to address some elements of alcohol-related crime and antisocial behaviour in and around licensed premises* (2010), http://www.lga.sa.gov.au/webdata/resources/files/OLGC_Discussion_Paper_-_A_Safer_Night_Out.pdf, p. 3, accessed 10 April 2015.

STRUCTURE OF REPORT

After this introductory section, a Background Chapter gives a brief overview of the liquor licensing framework in South Australia, and a profile of licensed venues in the State, particularly those in the CBD affected by the Late Night Code.

The Report then presents the Review's findings based on data analyses, stakeholder feedback, survey responses and the literature. This is followed by a critical interpretation of the findings and the implications of the findings for the Codes.

Lastly, the Report examines a way forward, including recommendations for whether to retain, abolish or amend the various provisions in the Codes. Although not within scope, the Report also makes some suggestions for potential reform on a few matters directly relevant to the operation of the Codes.

METHODOLOGY

A full description of the Review methodology is at Appendix 1.

The Review consisted of six main activities:

1. Data collection

There were three main sources of data:

- South Australia Police (SAPOL) – including data on 'offences against the person' and 'offences against good order';
- SA Health – including data on emergency department presentations at the Royal Adelaide Hospital (RAH), Lyell McEwin Hospital and Flinders Medical Centre (Flinders); and
- Consumer and Business Services (CBS) – data on the results of its compliance inspections of licensees.

2. Stakeholder consultation

Consultations were held with selected stakeholders to hear about experiences with, and views of, the Codes. Consultations included a series of in-person meetings, focus groups and written submissions.

3. Online surveys

A community survey took place in late February and early March 2015 to gather experiences and views about the Code. This was open to the public and, accordingly, drew a self-selected sample. The full community survey questionnaire is at Appendix 2 and the licensee survey questionnaire is at Appendix 3.

There was a licensee survey around the same time. This was open to all licensees in South Australia, who were invited to participate by letter.

4. Literature review

A literature review examined Australian and overseas studies on the relationship between alcohol and violence, as well as measures to reduce alcohol-related violence in cities.

5. Jurisdictional comparison

The Report includes information on current liquor licensing regimes in other Australian states and territories, and in particular approaches to regulating late-night licensed venues.

6. General research

The Report also includes some general research on the history of liquor licensing in South Australia, details of the current liquor licensing regime, and popular media on alcohol use and violence in the State.

Caution in interpreting the data

It is important to keep in mind the limitations of the data when reading and interpreting the findings in this Report. As mentioned earlier, the community survey used a non-random self-selected sample, and the majority of respondents reported being 34 years of age or younger and patrons of late-night venues. Only a small number of respondents said they lived or worked near late-night venues and were not patrons. Both perspectives are important, but neither group is represented proportionately in the survey results.

The response rate for the licensee survey was very low (less than 2%) and therefore the responses cannot be taken to represent all licensees.

CHAPTER
2

BACKGROUND

LIQUOR LICENSING FRAMEWORK IN SOUTH AUSTRALIA

Legislation

South Australia's *Liquor Licensing Act 1997*, like similar acts interstate, regulates the sale, supply and consumption of alcohol in the State for the benefit of the community.² It is basically a framework that governs liquor licence applications, approvals and compliance, and the activities of licensees. The Act's objects are at Appendix 4.

Section 8 of the Act establishes the Liquor and Gambling Commissioner as the person responsible for administering the Act. Sections 8 and 9 allow the Commissioner to be supported by an office and staff. Consumer and Business Services (CBS), a unit within the Attorney-General's Department (AGD), fulfils this role.

Decisions under the Act are made by either the Liquor and Gambling Commissioner or, for more complex and contested matters, the Licensing Court.

There are 14 licence classes under the Act. More detail about the State's liquor licensing framework, including the licence classes, can be found at the CBS website. More details and comparisons with other states can be found in the National Centre for Education and Training on Addiction (NCETA) publication *Liquor Licensing Legislation in Australia: A Jurisdictional Breakdown*.³

Codes of Practice

Section 11A of the Act empowers the Commissioner to publish (by notice in the Gazette) Codes of practice approved by the Minister. The purpose of the Codes is to give practical guidance to stakeholders on how to comply with the legislation.

There are currently two codes under the Act: the General Code of Practice (the **General Code**) and Late Night Code of Practice (the **Late Night Code**).

² Social Development Committee, Parliament of South Australia, *Inquiry into the Sale and Consumption of Alcohol, Final report* (2013), Report No 36, Adelaide. This report described the Act and regulations as instruments that 'provide a vehicle for the community to restrict and shape the supply of alcohol and minimise potential harms associated with the misuse and excessive consumption of alcohol.'

³ Allan Trifonoff et al, *Liquor Licensing Legislation in Australia: A Jurisdictional Breakdown* (2011), <http://nceta.flinders.edu.au/society/liquor-licensing-in-australia>, accessed 2 March 2015.

General Code

The General Code applies to all licensees licensed under the Act (currently 6,230) and includes measures on:

- promoting the responsible consumption of alcohol on licensed premises;
- mandatory Responsible Service of Alcohol (RSA) training for staff involved in the service or supply of alcohol;
- not serving alcohol to minors, and not letting them go into barred areas;
- preventing drink spiking;
- preventing or dealing with intoxication and disorderly, offensive, abusive or violent behaviour;
- preventing or dealing with disturbances;
- conducting risk assessments and developing risk management plans; and
- induction and refresher training.

The General Code began on 18 January 2013. It had a similar predecessor, entitled the 'Code of Practice', which ran from 1997 (when the current Act began) until the start of the General Code.

Late Night Code

The Late Night Code is a new Code that began on 1 October 2013. It was developed in 2012 and 2013 as a direct response to community concern about a series of late-night, alcohol-fuelled violent incidents in Adelaide.

The Code's main aim is to reduce the amount of alcohol-related violence and antisocial behaviour in and around licensed premises late at night. The Code also aims to minimise the social and economic harm caused by excessive drinking, and encourage a culture of responsible service and consumption.

Unlike the General Code, the Late Night Code is aimed at a very limited range of licensees, namely *venues that sell alcohol to drink on their premises, trading past 3:00am*. These are primarily hotels, bars and nightclubs. It does not apply at all to producers (eg wineries), residential operators (eg motels and backpacker hostels), or direct sales (eg mail order operations). Limited licences (eg one-off parties) or limited club licences (eg one-off sporting club events) are also generally exempt from the Late Night Code unless the Commissioner places a specific condition on a licence, requiring them to comply.

Of the remaining venues the Code only applies in limited circumstances, the main one being that the venue **trades at some point between 3:00am and 7:00am**. This is the essence of the 'late-night trading' aspect.

The Late Night Code has 11 measures, captured in the following box:

LATE NIGHT CODE – Summary of measures

All venues open at some point between 3:00 and 7:00am:

- **Information about transport** (after 9:00pm): licensees must provide information about nearby taxi ranks and public transport services.
- **Queue management** (after 12:00am): licensees must make sure queues outside their venues are 'orderly and continuously monitored and managed'.
- **No drinking on footpaths** (after 2:00am): licensees must not allow drinking on footpaths or other outdoor areas that the general public can access.

All venues open at some point between 3:00 and 7:00am, except restaurants and the Casino:

- **Lockout** (after 3:00am): people cannot enter or re-enter a venue after 3:00am
- **Larger venues** (200+ capacity) open at some point between 3:00 and 7:00am:
- **Drink marshal** (after 12:00am): at all times at least one staff member must be a drink marshal.
- **First aid officer** (after 12:00am): at all times at least one staff member must be a first aid officer.
- **Metal detectors** (after 12:00am, CBD venues only): licensees must use metal detectors to screen customers as they enter their venue.
- **Closed Circuit Television (CCTV)** (all times, CBD venues only): licensees must record CCTV footage of activities in their venue, particularly at entries and exits.

All venues open at some point between 4:00 and 7:00am:

- **No free drinks** (after 4:00am).
- **No drinks promoting rapid/excessive consumption** (after 4:00am): licensees cannot sell 'shooters', 'doubles', 'laybacks' and similar types of drink.
- **No glassware** (after 4:00am): licensees cannot supply drinks in glassware unless it is 'tempered' or 'polycarbonate'.

The most high-profile and high-impact measure has been the 3:00am lockout, introduced specifically to prevent 'bar-hopping' which some say has contributed to late-night alcohol-related violence.

TACKLING ALCOHOL-RELATED VIOLENCE IN SOUTH AUSTRALIA SINCE 2008

There is no single solution for addressing alcohol-related harm. Australian governments and non-government organisations have trialled a range of measures. Some can be categorised as ‘hard’ – for example legislation, enforcement and punishment of offenders; others are ‘soft’ such as educational campaigns and support services for problem drinkers.

South Australia's Strategic Plan includes a target to ‘Reduce the proportion of South Australians who drink at risky levels by 30% by 2020’⁴. This equates to reducing the level of risky drinking to 21.4% by 2020. The level decreased from 30.5% in 2007 to 26.4% in 2011 but increased slightly to 28.5% by 2013.

In Australia, community concern and media attention about this issue has increased over the last six or seven years, particularly in response to a number of fatal ‘one-punch’ hits.

This section provides a chronological overview of such incidents and selected initiatives to tackle the issue from 2008 to the present. It focuses on South Australia; however one should note that similar events and initiatives have occurred in other Australian jurisdictions.

2008

Sammy D Foundation

On 3 May 2008 17-year-old Sam Davis died after being coward-punched at a house party in Brighton. No one has yet been convicted of causing his death. Legislative Council member John Darley described Davis's death as ‘the beginning of a crisis point’⁵ for alcohol-related violence.

Davis's death led his parents – Neil Davis and Natalie Cook – to start the well-known Sammy D Foundation. The Foundation is a not-for-profit education and advocacy body whose aim is to educate young people about the triggers and risks of violence and antisocial behaviour, and advocate for policy changes to further minimise the risks of youth violence.

Part of the Foundation's core business is to design and run presentations and workshops for use in schools, higher education institutions, training centres, off-campus learning groups, community centres and a range of other government and private bodies. The sessions cover topics such as bullying prevention, cyber-bullying, being ‘party-wise’, youth leadership and parental role-modelling.

Stronger barring powers

In late 2008 State Parliament passed changes to the *Liquor Licensing Act* to give police the power to bar problem patrons from licensed venues (up to 72 hours for a first offence, longer for subsequent ones). Licensees were already able to bar patrons on a number of grounds, however they were often reluctant to exercise these powers for fear of retribution.

⁴ Government of South Australia, *South Australia's Strategic Plan* (2011), <http://saplan.org.au>, accessed 25 March 2015.

⁵ South Australia, *Parliamentary Debates*, Legislative Council, 16 October 2013, p. 5220 (John Darley MLC).

2009

In late 2009 the Government introduced further amendments to the Act. Key changes included broadening the potential scope of a Code of practice that may be established under the Act, and clarifying the definition of 'intoxication' to make it easier for licensees to identify when someone is drunk (and therefore refuse service). The amendments also featured an additional power to remove or refuse entry to people who supply liquor to an intoxicated person.⁶

The broadening of the Code-making power was critical. Previously the Act allowed the Commissioner to publish only one Code. The changes also broadened the scope of Codes to include any matter promoting compliance with the Act, such as training, banning ads to appeal to minors or minimising disturbance to residents.

2010

The then Minister for Consumer Affairs and the Attorney-General announced a review of the *Liquor Licensing Act* in late 2009. This focused on measures to reduce alcohol-related crime and antisocial behaviour in and around licensed premises in entertainment areas, and generally promote the responsible service of alcohol.

Significant consultation for the Review occurred throughout 2010 via two discussion papers: *A Safer Night Out* (focused on legislative changes) and the *Review of the Code of Practice for licensed premises*. The consultation led to the *Liquor Licensing (Miscellaneous) Amendment Bill 2011* and (later) a new Late Night Code.

In May 2010 South Australian Police released a report entitled *Alcohol and crime: late-night liquor trading and the real cost of a big night out in the Adelaide CBD*. This report highlighted the cost to police and other emergency services patrolling the CBD, and particularly pinpointed Hindley Street and the West End as hotspots for late-night antisocial behaviour.

2011

The *Liquor Licensing (Miscellaneous) Amendment Act 2011* passed Parliament in late 2011. The Amendment Act further expanded the scope and powers of the Code and the powers of the Commissioner to issue public order and safety notices in respect of a licence. The amendments had a new expiable offence for offensive or disorderly behaviour, including the use of offensive language in or near licensed premises. They also increased penalties for serious breaches or offences.⁷

The original Bill included a compulsory 'break in trade' between 4:00am and 7:00am, proposing that no licensed venue could trade between those hours. This would have imposed a latest closing time of 4:00am. However, the proposal was removed due to significant opposition from stakeholders and in the Legislative Council of Parliament.

From November 2011 to May 2012 a number of State Government Agencies partnered with the Adelaide City Council to deliver 13 separate initiatives in and around Hindley Street. These included managed taxi ranks, After Midnight Bus Services, additional transit police, additional CCTV surveillance and a West End Hub of social support services.

⁶ *Liquor Licensing Act 1997* (SA), s108.

⁷ *Liquor Licensing (Miscellaneous) Amendment Act 2011* (SA) – refer in particular to the insertion of s128B (Power of Commissioner to issue public order and safety notice).

2012–13

Public debate on the potential link between alcohol and violence was reignited in 2012 and 2013 with a series of violent incidents in Adelaide's CBD and metropolitan areas. This resulted in considerable media attention and mounting pressure for 'something to be done'.

Proposed annual licensing scheme

During 2012 the Government proposed an annual licensing scheme for licensed premises. This would have featured significant fees to help recover the costs of liquor licensing compliance and regulation.

The Government's intention was to tie annual fees more closely to a venue's level of risk, as represented by hours of operation and patron capacity. However due to significant opposition from some stakeholders (in particular licensees) and in the Legislative Council, the proposal did not proceed.

New Codes

In two key developments in 2012–13, the Government used the expanded section 11A of the *Liquor Licensing Act* to develop the General Code and Late Night Code.

The General Code replaced the pre-existing and similar 'Code of Practice' which had been in place since 1997. The Late Night Code was new.

Liquor Licensing Act changes

In late 2013 the *Liquor Licensing (Miscellaneous) Amendment Act 2013* passed through Parliament. The amendments were part of the same package of measures to tackle alcohol-related violence.

Citing statistics on the costs to police and hospitals (and ultimately the taxpayer) of managing alcohol-related violence, the Government essentially argued for more responsibility to be shifted to licensees.

The key amendments were to:

- change the objects of the Act to specifically include the minimisation of intoxication and associated violence and antisocial behaviour;
- include for the first time a definition of 'intoxicated', to clarify that it means intoxication by alcohol or some other substance (eg a drug);
- give the Commissioner stronger powers to change licence conditions and take action against licensees who do not manage their premises properly;
- broaden the Commissioner's power to publish Codes of practice, as well as the scope of matters contained within the Codes; and
- restrict the sale of alcohol for public order, safety, health or welfare.

Broader Code powers

The change to the Codes of practice (to section 11A(2)) was critical. While it had already been broadened in 2009 and 2011, it was quite prescriptive about the topics on which a Code's measures could be based. There was no general 'catch-all' provision. This meant that topics not listed were potentially out of scope.

The old subsection for example allowed the Commissioner to impose special requirements on licensees for the purpose of reducing alcohol-related crime and antisocial behaviour, however the requirements could only apply between 4:00am and 7:00am. This was the legislative constraint referred to earlier, and the reason three of the measures in the Late Night Code – namely the restrictions on glassware, free drinks and drinks promoting rapid consumption – only apply after 4:00am (note that the Late Night Code was developed before these amendments came into force).

The 2013 amendments introduced a much shorter and more flexible provision, authorising the Commissioner to include any 'measures that can reasonably be considered appropriate and adapted to the furtherance of the objects of this Act'.

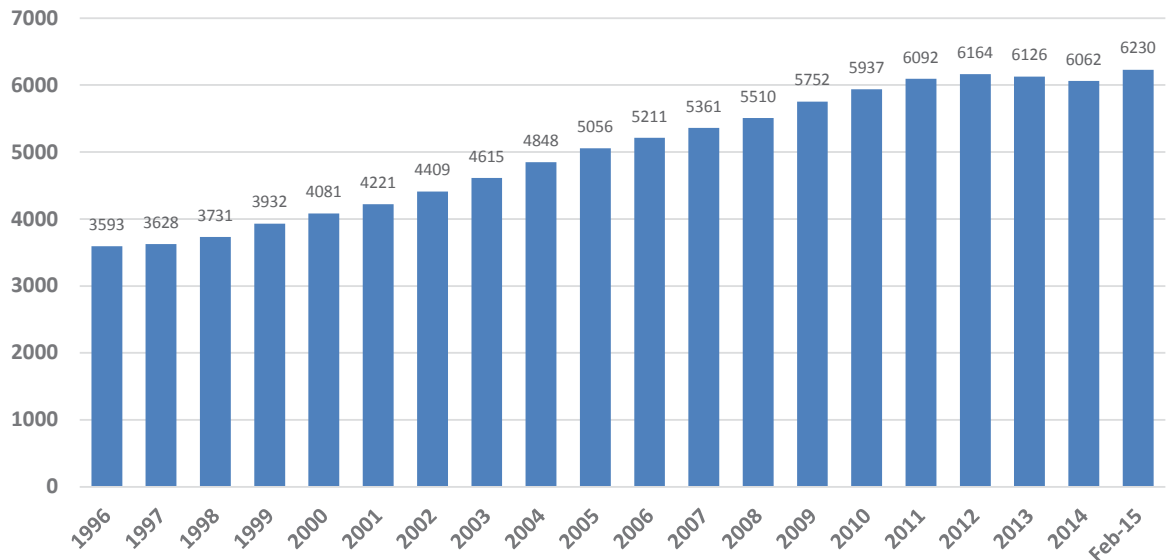
Review of Codes requirement

Also introduced as part of the 2013 amendments was new section 11B. This requires the responsible Minister to launch a review of any Codes of practice published under section 11A after the first anniversary of the new section. The Review Report must be provided to the Minister within six months of the first anniversary of the section. The Minister must then table the report in both houses of State Parliament within 12 sitting days of receiving it.

PROFILE OF VENUES

As at 26 February 2015 there were 6,230 licensees in South Australia.⁸ The number has increased by about 65% since 1996. The graph below illustrates the steady growth in the number of licensees over this period.

Figure 1: Number of licensees in South Australia, 1996–2015



The largest growth occurred between 2000 and 2009, with a 41% increase.⁹ There was a slight plateau and fall between 2012 and 2014, however the latest figure from CBS shows that all of the decrease has been reversed, and is the highest number of licensees on record.

The following table compares South Australia to other states and territories as at 2010, both in absolute terms and on a per capita (18+) basis:¹⁰

⁸ Consumer and Business Services, Attorney-General's Department, *Current Liquor Licences as at 30 June 2014* (2015).

⁹ Allan Trifonoff et al, *op. cit.*, p. 54.

¹⁰ *ibid*, p. xv.

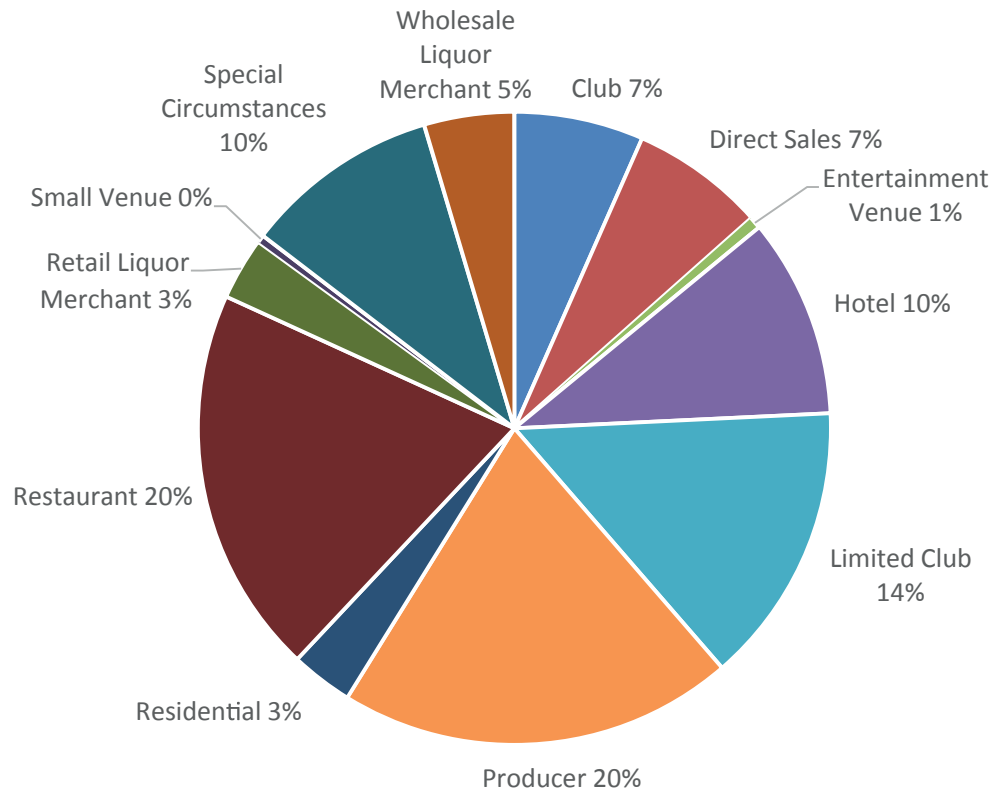
Table 1: Number of Australian Liquor licences by number of persons aged 18 years *and over*

Jurisdiction	Number of current liquor licences	Australian population ≥ 18 years old	Australian population ≥ 18 years per licensed premises
Australian Capital Territory	650	279,273	430
New South Wales	15,193	5,601,746	369
Northern Territory	622	166,626	268
Queensland	6,770	3,428,226	506
South Australia	5,752	1,288,256	224
Tasmania	1,433	388,984	271
Victoria	18,872	4,316,946	229
Western Australia	4,241	1,757,448	414
AVERAGE			317
TOTAL	53,533	16,948,232	

The table shows that in 2010 South Australia had the lowest adult-age population (224) per licensed premises of any state or territory – in other words the highest concentration of licensed premises per capita.

The following pie chart illustrates the spread of South Australian licences across the 14 licence classes in 2014:¹¹

Figure 2: Liquor licences in South Australia by licence class, 2014



The spread has changed somewhat over the last 20 years. The proportion of Hotels, Residential operations and Wholesale Liquor Merchants has gradually fallen. Restaurants, Entertainment Venues, Limited Clubs and Special Circumstances venues have maintained their share. Producer numbers have tripled and their share of licences increased, reflecting the growth in the wine and craft beer industries. Direct Sales operations have grown from almost zero to their current level, reflecting the growing use of the internet as a 'shopfront'.¹² There are now 23 Small Venues, all of which have emerged in the last two years.

All licensees are bound by the General Code. Only a much smaller number (about 1%) are subject to the General Code and Late Night Code (see next page).

¹¹ Consumer and Business Services, Attorney-General's Department, *Current Liquor Licences as at 30 June 2014* (2015).

¹² Consumer and Business Services, *op. cit.*

Licensees bound by the Late Night Code

To be caught by the Late Night Code a venue needs to trade at some point between 3:00 and 7:00am. The exact number of venues fitting this description could not be identified. While CBS keeps records on the number of venues *authorised* to trade after 3:00am, this number is vastly greater than the number who *actually* trade between these hours. Further, venues open and cease trading all the time, and it is difficult to keep a close track on numbers.

Based on its own research, the Review concluded that as at February 2015 there were about 60 to 70 licensees of regular venues¹³ in the State caught by the Late Night Code. It appears they are all located in the CBD. A clear majority (70%+) are on or next to Hindley Street. A few each are on Rundle Street, Gouger Street and North Terrace, with a few elsewhere.

A list of known late-night regular venues is at Appendix 5. A map showing the geographic spread of these known late-night regular venues is at Appendix 6.¹⁴

In addition to the regular venues, there are many other licensed venues in the State (mainly hotels) solely or primarily set up for gaming. In addition, hundreds of regular venues have set up specialised gaming rooms that can be physically separated from the rest of the venue and often operate under different rules (for example extended opening hours).

According to information provided by CBS and the Australian Hotels Association of South Australia (AHA | SA), 23 of these gaming-focused venues or rooms trade after 3:00am. They are scattered across the Adelaide CBD, metropolitan areas and country towns. These venues/rooms are in a special situation. They are all technically caught by the Late Night Code, however the Liquor Commissioner has granted all of them exemptions from the lockout requirement and 20 of them additional exemptions from the polycarbonate glassware requirement. The respective licensees still have to comply with the other aspects of the Code in relation to their venues or rooms.

The ground for the exemption is that the venues/rooms operate primarily for gaming and not the other regular aspects of hotels and bars (eg drinking, socialising, dining, and entertainment) on which the Late Night Code is more focused.

¹³ In this sense 'regular venue' means any licensed venue set up for activities regarded as regular or typical for these venues – such as drinking, dining, socialising and/or entertainment. Gaming may be one such activity. However the definition excludes venues set up *solely or primarily for gaming*.

¹⁴ Note that this only includes the late-night venues the Review could identify, as per the list at Appendix 5. There are likely 10 or so more than this, and the list at Appendix 5 may not be fully accurate or current.

CHAPTER 3

FINDINGS ON THE LATE NIGHT CODE

INTRODUCTION

As outlined in the Methodology, the Review adopted a six-pronged approach, including data analysis, stakeholder consultation and two online surveys.

This Chapter presents the findings from all sources and arranges them according to each element in the Terms of Reference, namely: effectiveness, unintended consequences, suggestions for change and the degree of compliance and implementation.

Although not specifically mentioned in the Terms of Reference, the Findings Chapter also covers level of support for the Codes and their specific provisions, as this is obviously relevant to the Review.

EFFECTIVENESS

The second element of the Terms of Reference is to 'assess whether and to what extent the Codes, in particular the Late Night Code, have achieved the objective of reducing alcohol-related harm and alcohol-fuelled violence in and around licensed venues in the Adelaide CBD, particularly late at night.'

To make this assessment the Report focuses in particular on SAPOL data on selected 'offences against the person' and 'offences against good order', and SA Health data on hospital presentations at the RAH. The quantitative and qualitative feedback from the two online surveys was also analysed, along with stakeholder feedback via the written submissions, meetings and focus groups.

SAPOL data – offences

At the outset, before presenting the SAPOL data findings, it is important to make a point upfront about the scope of the selected data and the capacity for such data to be used as proof of causation behind crime trends. Particular caution must be exercised here.

In short, the Review focused on SAPOL unit record data on selected offences recorded between 12:00am and 7:00am, over a three-year period (1 October 2011 to 30 September 2014), noting that the Late Night Code commenced in October 2013. The offences in scope were selected 'offences against the person' (Division 1 offences) and 'offences against good order' (Division 5 offences) considered most likely to be alcohol-related and therefore of potential relevance to the operation of the Code. Note that this is a different approach to previous SAPOL analyses which used police statistics to accurately analyse actual offending in and around licensed premises in Adelaide, in accordance with national counting rules. For more detail on the Review methodology refer to Appendix 1. A full listing of selected offences, by JANCO code, is at Appendix 7.

Nevertheless, no matter how carefully targeted the data and analysis are in this area, inevitably a number of factors influence overall crime trends in the State aside from the Code. Although a detailed analysis of other influences is beyond the scope of the Review, it is clear that a range of Government laws, policies and programs could be reducing crime in a number of areas. SAPOL's adaptive policing practices, and changes to these, in order to enforce the law could be reaping more rewards than before. Non-government agency initiatives to improve safety and amenity in the city may also be playing a part. Finally there may be a number of subtle but powerful long-term trends in the South Australian community that are acting (and interacting) to reduce crime rates.

Overall the data selected for this Review, given its inherent nature and scope, should only be used for an appropriate purpose – no more and no less – and considered in its wider context.

Dataset 1: Incidents reported to police

HEADLINE RESULTS

Late-night CBD incidents for likely alcohol-related offences:

- **12.2% lower** in Oct 2013 to Sep 2014 compared to previous year
- **19.5% lower** compared to Oct 2011 to Sep 2012
- Assault trends similar
- **Glassings 48.8% lower** in Oct 2013 to Sep 2014 compared to previous year (31 down to 16)
- **Similar decreases across all hours except 2:00–3:00am**

Late-night incidents in Gawler for likely alcohol-related offences:

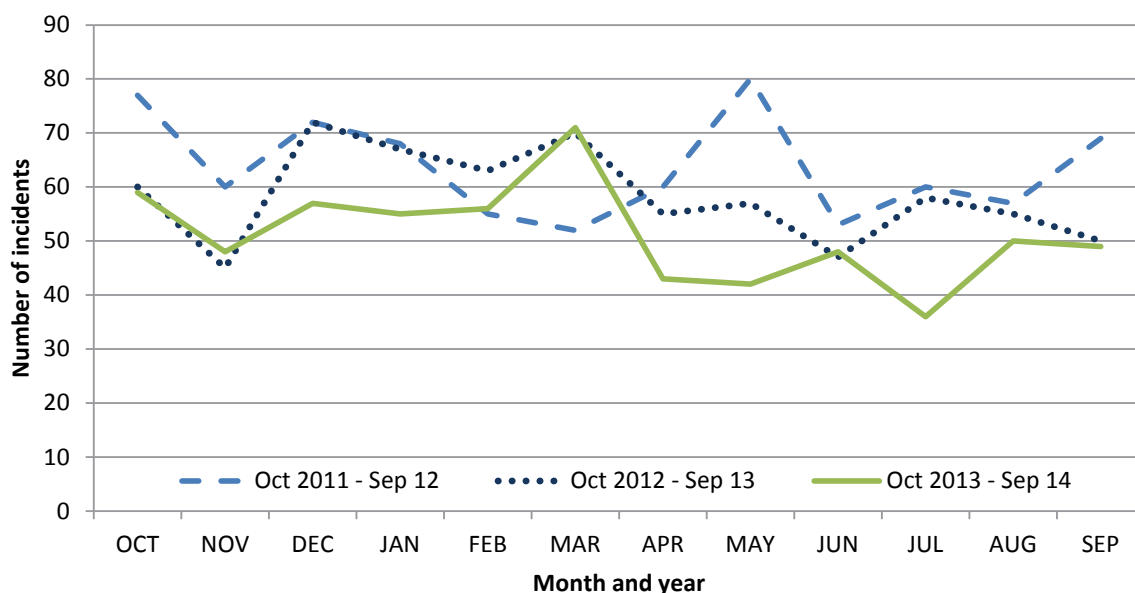
- **Gawler incidents 57.7% lower** in Oct 2013 to Sep 2014 compared to Oct 2011 to Sep 2012 year (Gawler has 12:00am lockout).

Conclusion:

- **There has been a decline in late-night CBD incidents since the introduction of the Code.**
- **The Code has had a positive impact on this decline. Because of the presence of other factors, it is not possible to determine with certainty the extent of this impact.**
- **Promising signs with glassings and Gawler figures.**

Figure 3 shows the number of incidents involving selected offences against the person and good order¹⁵ reported to police between 12:00am and 7:00am in the CBD, one year after the start of the Late Night Code as well as each of the previous two years.

Figure 3: Number of police incident reports for offences recorded between 12:00am and 7:00am in the CBD, by month, October 2011 to September 2014.



The Figure shows that incidents reported to police in the CBD in the October 2013 to September 2014 period were **12.2% lower** than in the previous year (614 compared to 699), and **19.5% lower** than the October 2011 to September 2012 period (614 compared to 763).¹⁶

The most notable decrease happened in the second half of the 12-month period (April to September) rather than the first (which immediately followed the start of the Late Night Code). July 2014 was the month with the lowest number of incidents (n=36) in the three-year period.

Overall, the statistics show a decline in CBD incident rates when comparing 2012–13 to 2013–14 as well as 2011–12 to 2013–14.

¹⁵ See Methodology (Appendix 1) for full details about the scope of offences captured and rationale.

¹⁶ Paired samples t-tests of weekly data indicated that overall Year 3 (following the start of the Code, October 2013 to September 2014; M=11.8, SD=3.9) was not significantly lower than Year 2 (October 2012 to September 2013; M=13.3, SD=5.0) ($t(52)=-1.68$, $p=0.1$), but that it was significantly lower than Year 1 (October 2011 to September 2012; M=14.6, SD=4.5) ($t(51)=-3.49$, $p=0.001$). Years 1 and 2 were not significantly different ($t(51)=-1.34$, $p=0.187$). This means that although a decrease in offences was observed, the possibility that this was due to chance cannot be ruled out.

Type of selected offences reported to police

Table 2 shows the number and type of offences recorded on police incident reports in the CBD one year after the start of the Code, and for the two previous years. Note that this table presents individual offences listed on incident reports, whereas the graph on the previous page presents separate incident reports. At times more than one offence will be listed on an incident report, and therefore the total numbers in this table will not match those in the graph. The method of counting offences is different to that used in SAPOL crime statistical reporting.

Table 2: Number and type of selected offences recorded on police incident reports between 12:00am and 7:00am in the CBD, October 2011 to September 2014.

Offence type	Oct 2011 – Sep 2012	Oct 2012 – Sep 2013	Oct 2013 – Sep 2014
Selected offences against the person:	<i>No. of offences</i>	<i>No. of offences</i>	<i>No. of offences</i>
Homicide	1	1	0
Assault	692	640	558
Sexual assault and offences	39	33	35
Other offences against the person	16	16	11
TOTAL – Selected offences against the person	748	690	604
Selected offences against good order:			
Offences against police, conspiracy	0	3	0
Offences against justice procedures and enforcement of order	2	2	2
Unlawful possession, use and/or handling of weapons	1	1	0
Other offences against good order	20	11	14
TOTAL – Selected Offences against good order	23	17	16

This breakdown shows that offences on selected police incident reports were almost solely offences against the person, with most of these being assaults (about 90% in each of the three years). This is expected given that incident reports generally involve a victim.

There was very little change in the mix of offences recorded on the incident reports. For example the proportion of assaults compared to other offences remained fairly constant from year to year.

In the October 2013 to September 2014 period assaults reported to police in the CBD were **12.8% lower** than in the previous year (558 compared to 640), and **19.4% lower** than the October 2011 to September 2012 period (558 compared to 692).

Use of a weapon in incidents reported to police

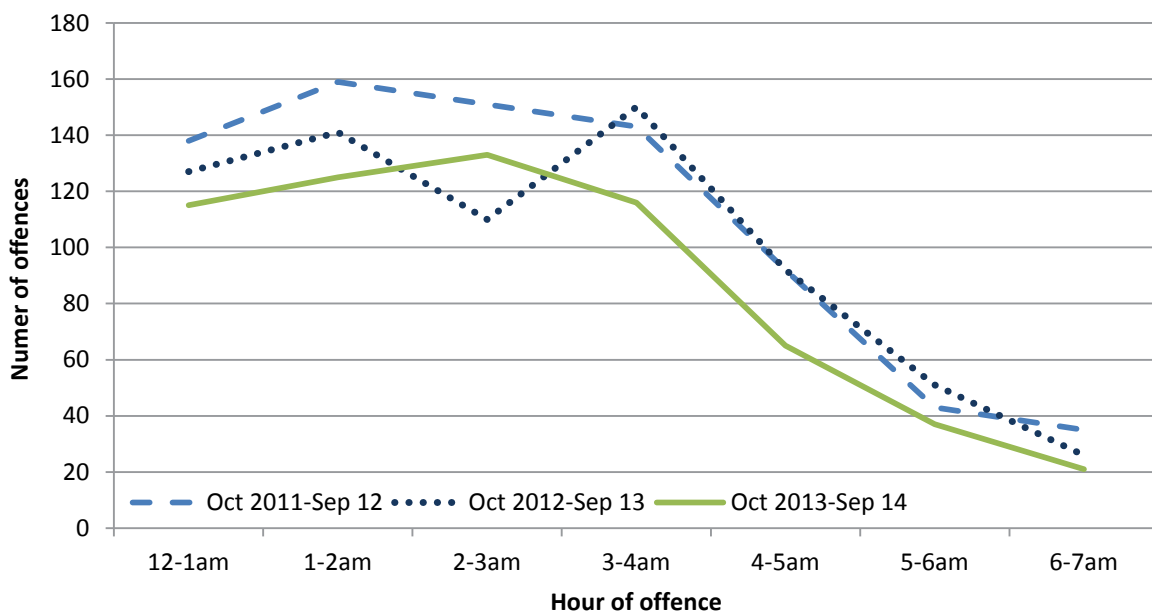
Of all the selected offences against the person recorded in the CBD between midnight and 7:00am, 91.3% did not involve a weapon in the year following the Code¹⁷, which was similar to the proportion recorded in the two years preceding its implementation (89.6% in the first year and 90.4% in the second year).

Where a weapon was involved in an offence against the person, the most common weapon during the three years overall was a bottle or glass. However the number of offences involving a bottle or glass fell substantially in the year following the introduction of the Code, with 16 compared with 31 in the previous year (a 48.4% decrease) and 27 in the October 2011 to September 2012 period (a 40.7% decrease).

Late-night/early-morning incidents reported to police by hour

Figure 4 shows the number of selected offences on incident reports in the CBD recorded by police for all the three years combined, broken down by hour of offence.

Figure 4: Number of selected offences on police incident reports occurring in the CBD recorded between 12:00am and 7:00am, by hour, October 2011 to September 2014.



As described previously, the total number of incidents for October 2013 to September 2014 were 12.2% lower than in the previous year, and 19.5% lower than the October 2011 to September 2012 period.

What Figure 4 shows is that the 12.2% and 19.5% decreases occurred fairly smoothly across most time bands. In every hourly band except for the 2:00 to 3:00am band, the October 2013 to September 2014 offences were slightly or moderately lower than in each of the two previous years. The size of the decrease was relatively similar. Visually this is illustrated by the solid line sitting neatly under the other two lines.

The reasons for the lack of a decrease in the 2:00 to 3:00am time band are unknown. However it is possible the late-night lockout is a factor. For example general late-night activity (eg volume and movement of people moving around late-night precincts) may be peaking earlier than before the start of the Code, and this in turn may be causing a small shift in offences away from the 3:00 to 4:00am band and towards the 2:00 to 3:00am band.

¹⁷ Excluding offences where information on a weapon was not recorded by police (3% of offences in October 2013 to September 2014 period).

Gawler lockout

In September 2012 the Liquor Commissioner imposed a 12:00am lockout on all three venues open after that time in Gawler. This was a direct response to the death of Henk Van Oosterom outside a Gawler hotel. As indicated in the Venue Profile earlier, the Late Night Code lockout does not affect Gawler as it has no non-gaming venues that trade after 3:00am.

Although not in scope, this Chapter includes an analysis of the SAPOL incident reports dataset, using the same methodology, to look for trends in Gawler and investigate whether that lockout may have had an effect.

The analysis of police incident reports for relevant offences in the postcode of 5118 (Gawler) occurring between 12:00am and 7:00am showed a reduction in total numbers from 52 in the one year prior to the lockout to 36 in the following one year period (a 30.8% decrease) and 22 in the next year (a 57.7% decrease from the one year prior to the lockout). These figures were broadly consistent with the results from earlier reviews.

Summary – police incident reports dataset

There was a decrease in police incident reports for relevant offences occurring between midnight and 7:00am in the Adelaide CBD compared to the two years prior. There were also declines from 2011–12 to 2012–13 and 2011–12 to 2013–14, indicating a downward trend overall.

The decrease was for all offence types, including assaults, and occurred across all hours of the late-night/early morning period except the 2:00am to 3:00am timeslot.

All in all, the Code has had a positive impact on the reduction in police incident reports in the CBD. As discussed earlier in this Report, because it is likely that other factors were in play over the same period, it is not possible to determine with certainty the extent of this impact.

The Gawler lockout statistics also show promising signs, albeit from a much smaller data subset. There have been two considerable annual decreases in two years, with a total decrease of 57.7% in incident reports over the two-year period. Although many unknown factors could have also accounted for this trend, it is quite possible the Gawler lockout has been influential in reducing late-night alcohol-related offending in the area.

Dataset 2: Apprehensions recorded by police

HEADLINE RESULTS:

- **4.7% lower** in Oct 2013 to Sep 2014 compared to previous year
- **13.0% higher** compared to Oct 2011 to Sep 2012
- **Assaults slightly increased** in CBD
- Notable decrease in apprehensions between 5:00am and 7:00am in the last year, but offset by increases in earlier hours

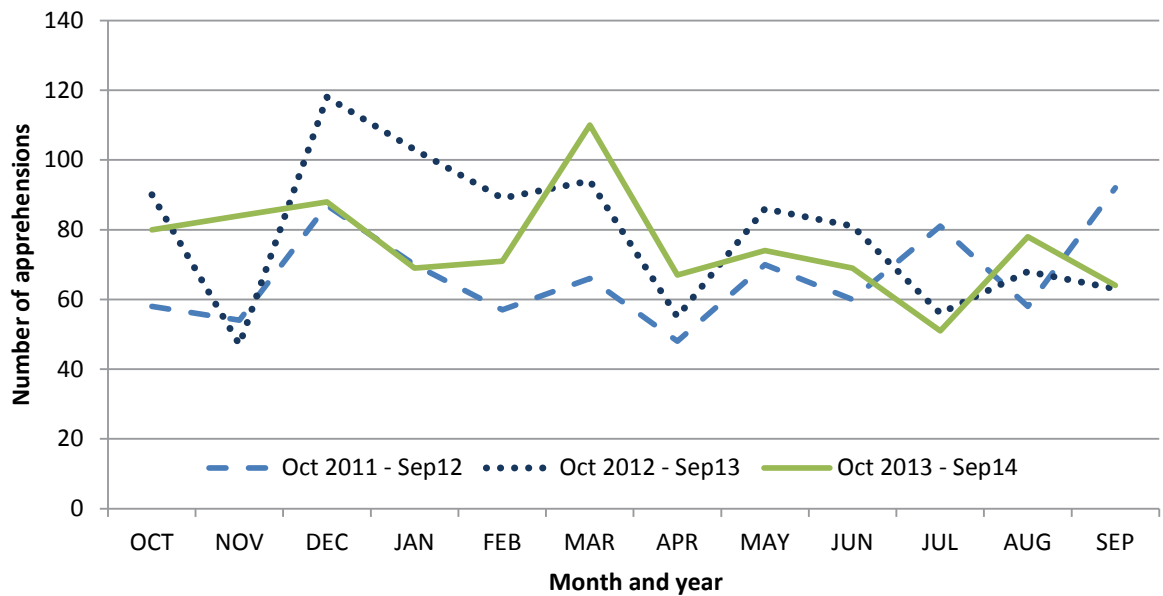
Conclusion:

- **There has been a decline in late-night CBD apprehensions since the introduction of the Code.**
- **The Code has had a positive impact on this decline. Because of the presence of other factors, it is not possible to determine with certainty the extent of this impact.**

This section presents the same information as in the previous section, except based on police apprehension data.

Figure 5 shows the number of apprehensions for offences recorded between 12:00am and 7:00am in the CBD, one year after the start of the Late Night Code, and for two years prior.

Figure 5: Number of apprehensions recorded for offences between 12:00am and 7:00am in the CBD, by month, October 2011 to September 2014.



The Figure shows a moderate increase in apprehensions from 2011–12 to 2012–13, then a small decrease to 2013–14.

Specifically, police apprehensions in the CBD in the October 2013 to September 2014 period were **4.7% lower** than in the previous year (905 compared to 950), but **13.0% higher** than in the October 2011 to September 2012 period (905 compared to 801).¹⁸ The increase from 2011–12 to 2012–13 was 18.6%.

The results are quite volatile from month to month in all years, sometimes shifting up or down more than 20 apprehensions. If anything can be read into these month-by-month results it is that there were fewer CBD apprehensions in summer 2013–14 compared to the previous year. Otherwise there are few if any trends.

¹⁸ The statistics were converted into weekly totals for significance testing, and was found to have a sufficiently normal distribution for parametric testing. However, paired samples t-tests did not reveal any significant differences between any of the three years.

Type of offences recorded on apprehension reports

Table 3 shows the number and type of offences recorded on police apprehension reports in the CBD over the three-year period. As indicated in relation to Table 2 on incident reports, note that this table presents individual offences listed on apprehension reports, whereas the graph on the previous page presents separate apprehension reports. At times more than one offence will be listed on an apprehension report, and therefore the total numbers in this table will not match those in the graph. This method of counting offences is different to that used in SAPOL crime statistical reporting.

Table 3: Number and type of offences recorded on apprehension reports between 12:00am and 7:00am in the CBD, October 2011 to September 2014.

Offence type	Oct 2011 – Sep 2012	Oct 2012 – Sep 2013	Oct 2013 – Sep 2014
Selected offences against the person:	<i>No. of offences</i>	<i>No. of offences</i>	<i>No. of offences</i>
Homicide	0	0	0
Assault	194	188	200
Sexual assault and offences	8	12	11
Other offences against the person	3	9	6
<i>Total – Selected offences against the person</i>	<i>205</i>	<i>209</i>	<i>217</i>
Selected offences against good order:			
Offences against police, conspiracy	199	226	178
Offences against justice procedures and enforcement of order	6	5	6
Unlawful possession, use and/or handling of weapons	56	59	55
Other offences against good order*	610	723	686
<i>Total – Selected offences against good order</i>	<i>871</i>	<i>1,013</i>	<i>925</i>

* This includes; Returning to/ failing to leave premises or transport; Found with intent to commit crime; Disorderly behaviour, Loitering, Offensive behaviour, and Indecent or offensive language.

This breakdown shows that the majority of selected offences in the CBD on apprehension reports were 'good order' offences. These accounted for 925 of the 1,142 offences on apprehension reports (80.9%) in the October 2013 to September 2014 period. The majority of the selected offences in this category were 'other' selected offences (n=686), which included disorderly behaviour (n=569) and loitering (n=73) (the table does not show these two figures).

The fact that good order offences are much higher in the apprehensions data compared to incidents data is normal, and is simply a reflection that apprehensions are offender- and not victim-based, and most good order offences do not have a victim.

In the October 2013 to September 2014 period apprehensions for all selected offences against good order in the CBD were 8.7% lower than in the previous year (925 compared to 1,013), and 6.2% higher than the October 2011 to September 2012 period (925 compared to 871).

In the October 2013 to September 2014 period selected offences against the person in the CBD were 3.8% higher than in the previous year (217 compared to 209), and 5.9% higher than the October 2011 to September 2012 period (217 compared to 205).

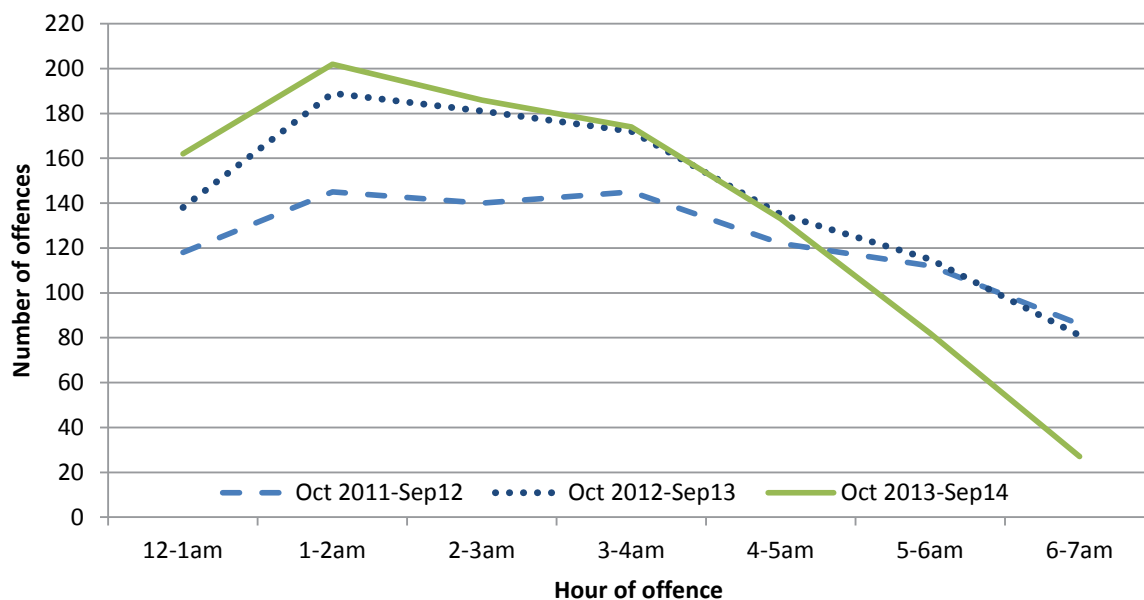
The vast majority of selected offences against the person on apprehension reports were for assaults, with 200 in the October 2013 to September 2014 period (an increase of 6.4% from the previous year).

As with the incident reports, there was very little change in the mix of offences recorded on the apprehension reports.

Late-night/early-morning apprehensions by hour

Figure 6 shows the number of selected offences on police apprehension reports occurring in the CBD, by hour of offence, for the year following the start of the Code and the two years prior.

Figure 6: Number of selected offences on apprehension reports for recorded between 12:00am and 7:00am in the CBD, by hour, October 2011 to September 2014.



The graph shows that for the year after the start of the Code, there was a clear shift in the timing of offences recorded on apprehension reports. In the latest year there was a substantial decrease in offences between 5:00am and 7:00am, but a higher number in the earlier part of the night, compared to the previous two years.

This suggests that while the overall number of apprehensions has not changed much, the timing of offences has shifted to earlier in the evening.

Summary – police apprehension reports dataset

SAPOL data showed a decline in the number of apprehension reports in the October 2013 to September 2014 period for selected offences in the CBD between midnight and 7:00am, compared with the previous year (although not 2011–12 which was lower than both).

There was a clear decline in CBD apprehensions for offences occurring between 6:00am and 7:00am, and a corresponding small increase in apprehensions for offences occurring earlier in the night, which could be considered evidence that the Late Night Code has resulted in fewer offences occurring in the very early morning.

All in all, as with the incident reports, the Code has had a positive impact on the reduction in police apprehension reports in the CBD. As discussed earlier in this Report, because it is likely that other factors were in play over the same period, it is not possible to determine with certainty the extent of this impact.

Dataset 3: Expiations for urinating or defecating in public

HEADLINE RESULT

- Significant 2012 spike in expiations due to change in law.
- Cannot determine whether Late Night Code had any effect.

The offence of urinating or defecating in a public place became expiable in July 2013. After this point it stopped being recorded in the overall 'police incident' or 'police apprehension' datasets. As this change may have affected overall offence numbers, analysis on data for this offence was undertaken separately to analysis on other SAPOL data.

Before July 2013 urinating or defecating in a public place was a regular offence for which police would have to apprehend and charge alleged offenders, and issue summonses to attend court for prosecution. Making the offence expiable meant that alleged offenders could now expiate the offence in the same way as, say a traffic fine, rather than be prosecuted. This change made it much easier for alleged offenders to finalise matters, but also much easier for police to issue notices.

Statistics were obtained for apprehensions and expiations in the CBD relating to this offence, and analysed over time to look for any impact the Late Night Code might have had. However the analysis reveals little except a very large and immediate increase in recorded offences from July 2013, when the offence became expiable. There was a gradual downward trend after this point, however numbers remain well above pre-July 2013 levels.

Overall, overwhelmingly the greatest influence on this data was the July 2013 change in law and associated change in policing practice. It could not conclusively be determined whether the Late Night Code had had any effect.

Comparison with SAPOL data released in 2014

On three occasions last year the Government released figures, based on SAPOL data, showing falls in the numbers of some offences since the start of the Late Night Code. The figures in this Report are largely consistent with these in showing a downward trend in recorded offences.

The differences in size of the figures can be explained by the different methodologies behind the data analyses – all of them valid.

There are three main differences. Firstly, the statistics analysed in this Report only feature offences occurring between midnight and 7:00am, and only for *selected offences considered likely to be related to alcohol*, especially when occurring late at night in the CBD.

The statistics behind the SAPOL figures released last year were calculated with different counting rules to accurately analyse actual offending in and around licensed premises in Adelaide, in accordance with national counting rules. It included all recorded offences at any time of the day or night

Secondly, the analysis in this Report compares three consecutive 12-month October-to-September periods. By comparison two of the three data analyses last year examined shorter periods – the first compared a pair of six-month periods (October to March 2013 and October to March 2014), and the second a pair of nine-month periods (October to June 2013 and October to June 2014). This was appropriate given that the dates of those releases were respectively just over six and nine months after the start of the Code.

Finally, there is sometimes a lag between offences occurring and the times they are reported to police and recorded. Because the analyses in this Report used a more recent data extract than previous analyses, there has been more time for recent offences to be recorded on the system, albeit the numbers involved here would be small.

Despite these differences, all the above methods are valid ways to monitor crime trends and assess the impacts of policy change, and all the resultant figures have shed important light on the drivers behind alcohol-related offending in the CBD late at night.

SA Health data – hospital presentations

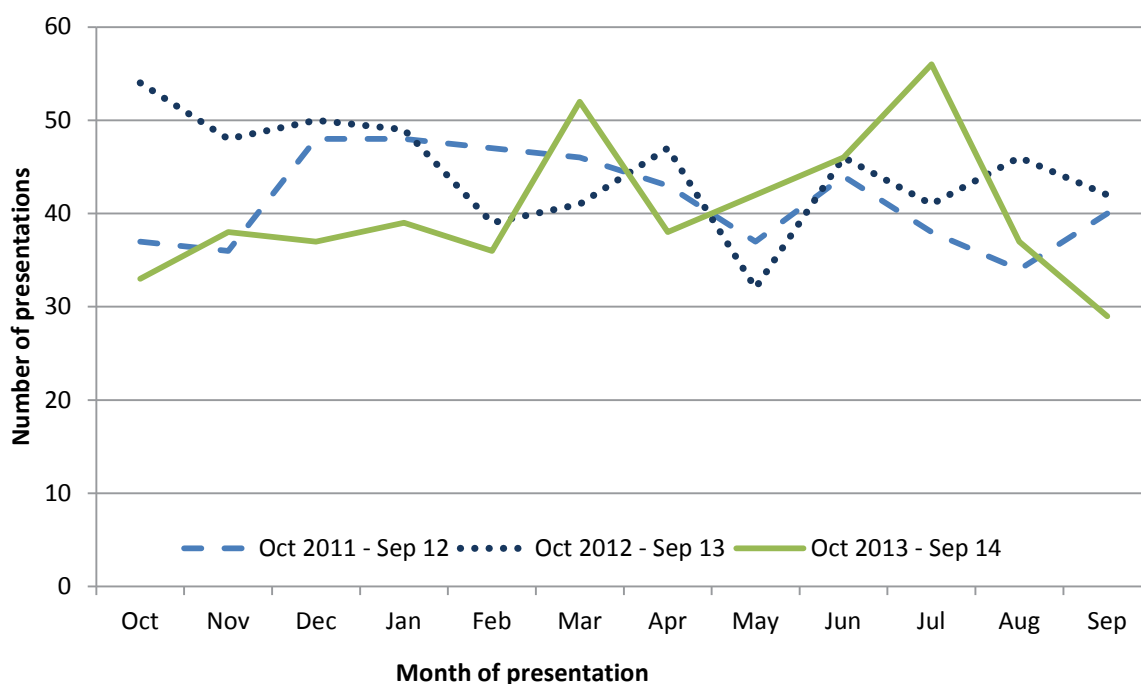
HEADLINE RESULTS:

- Alcohol and body injury presentations at RAH **8.7% lower** in Oct 2013 to Sep 2014 period than in previous year, and **10.2% lower** than in Oct 2011 to Sep 2012 period.
- Slight increases in equivalent figures for 'all other' presentations.
- **BUT** similar results happened at Lyell McEwin and Flinders.
- **Conclusion:** the statistics suggest that the decline in alcohol and body injury presentations at the RAH for 2013–14 is directly related to the Code. However, similar falls at Lyell McEwin and Flinders suggest that other factors may have also played a part.

Alcohol intoxication presentations – RAH

Figure 7 shows alcohol intoxication presentations to the RAH between 12:00am and 7:00am over a three-year period, broken down by month.

Figure 7: Number of RAH Emergency Department presentations between 12:00am and 7:00am for alcohol intoxication, by month, October 2011 to September 2014.



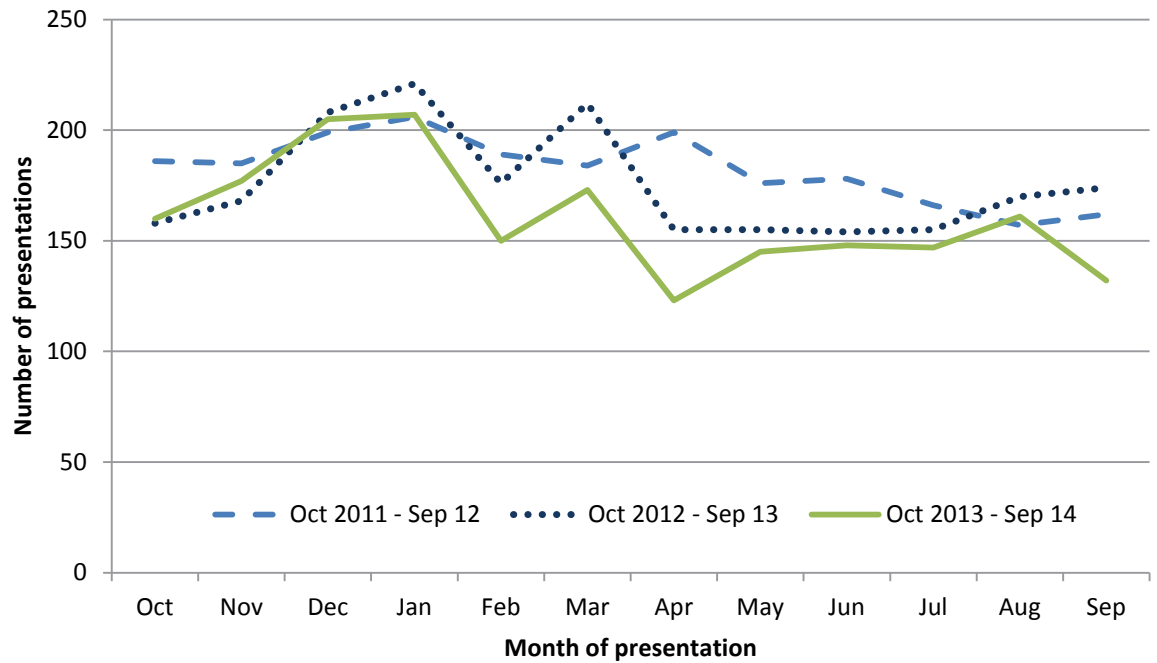
The Figure shows that alcohol presentations in the October 2013 to September 2014 period were **9.7% lower** than in the previous year (535 compared to 483), and **3.0% lower** than in the October 2011 to September 2012 period (535 compared to 498 presentations).

One of the best periods of improvement in 2013–14 was the summer months. September was also a highlight, with the RAH recording the lowest number of monthly alcohol presentations (29) in September 2014.

Body injury presentations – RAH

Figure 8 shows body injury presentations to the RAH between 12:00am and 7:00am over a three-year period, broken down by month.

Figure 8: Number of RAH Emergency Department presentations between 12:00am and 7:00am for body injury, by month, October 2011 to September 2014.



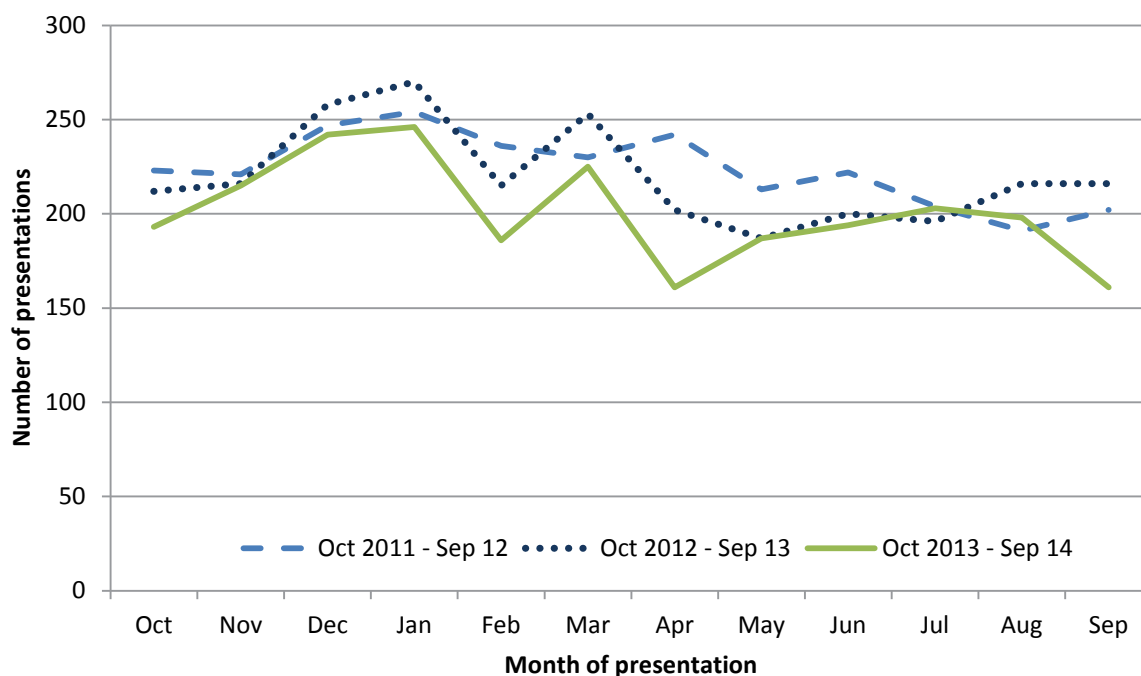
The Figure shows that body injury presentations in the October 2013 to September 2014 period were **8.5% lower** than in the previous year (1,928 compared to 2,106), and **11.8% lower** than in the October 2011 to September 2012 period (1,928 compared to 2,187).

The graph shows that one of the best periods of improvement in 2013–14 was February to April inclusive.

Combined alcohol and injury presentations – RAH

Figure 9 combines data for the two previous groups (alcohol intoxication and body injury presentations).

Figure 9: Number of RAH Emergency Department presentations between 12:00am and 7:00am for alcohol intoxication and body injury, by month, October 2011 to September 2014.



The Figure shows that combined presentations in the October 2013 to September 2014 period were **8.7% lower** than in the previous year (2,411 compared to 2,641), and **10.2% lower** than in the October 2011 to September 2012 period (2,411 compared to 2,685).

These sets of data were divided into weekly periods (instead of monthly) to test for a statistically significant difference between the years. The one year after the start of the Code was significantly lower than the previous two years, but there was no significant difference between the two one-year periods before the Code started.¹⁹

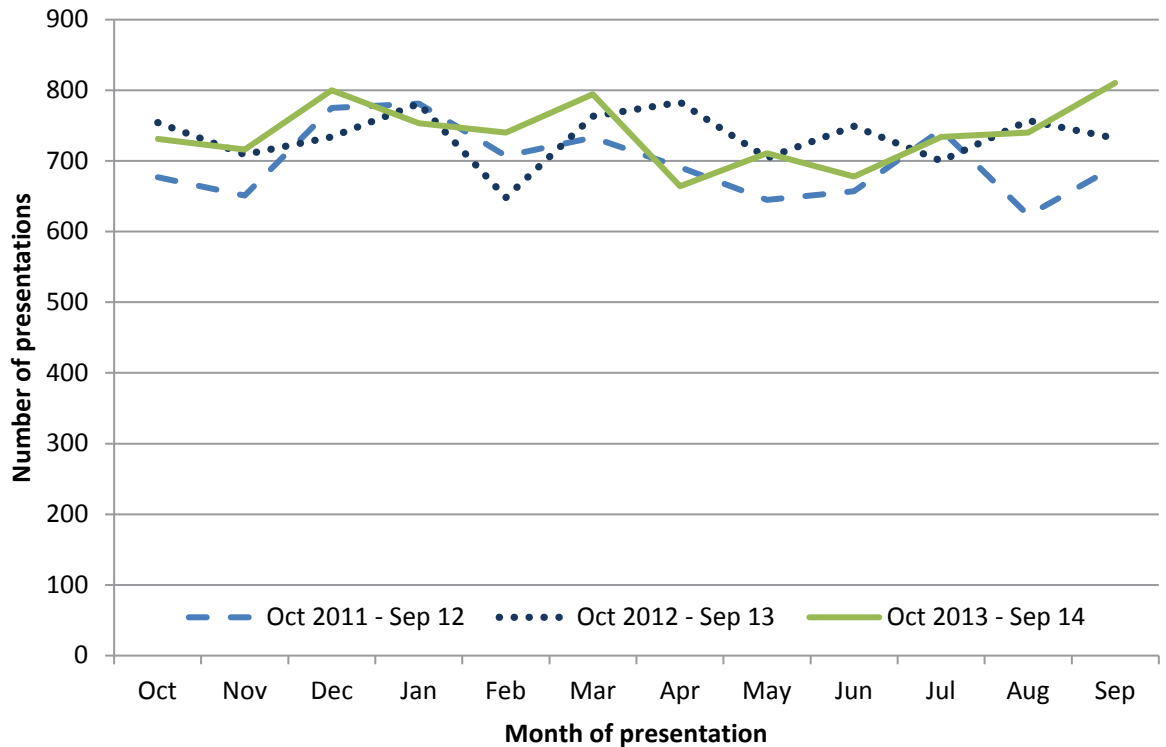
¹⁹ The numbers were normally distributed. Paired samples t-tests were used to compare Year 3 (October 2013 to September 2014) to Year 2 (October 2012 to September 2013), and Year 3 to Year 1 (October 2011 to September 2012). Year 3 (M=46.1, SD=8.5) was shown to have recorded a significantly lower number of alcohol intoxication and injury presentations between 12:00am and 7:00am than Year 2 (M=50.8, SD=7.8; $t(50)=-3.64$, $p<0.001$), and also lower than Year 1 (M=51.5, SD=8.0; $t(50)=-3.63$, $p<0.001$). However, Year 2 (M=50.9, SD=7.9) was not found to be different from Year 1 (M=51.3, SD=8.1; $t(51)=-0.31$, $p=0.755$).

All other presentations – RAH

To compare trends with alcohol-related presentations to broader trends in hospital presentations, statistics were analysed on all presentations to the RAH Emergency Department between 12:00am and 7:00am excluding those for alcohol intoxication and body injury.

This helped determine whether or not the decline in alcohol intoxication and body injury presentations was unique or simply part of a broader decline in presentations.

Figure 10: Number of RAH Emergency Department presentations, between 12:00am and 7:00am excluding those for alcohol intoxication and body injury, by month, October 2011 to September 2014.

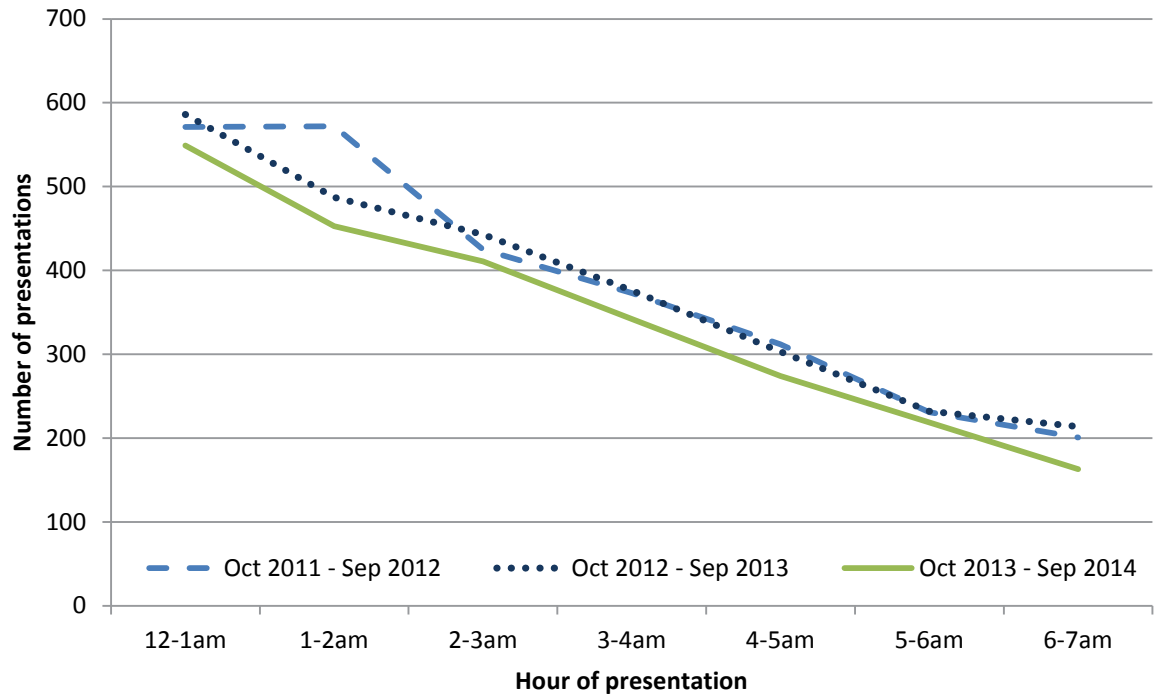


The Figure shows no decline in these other presentations. The number in the October 2013 to September 2014 period was **0.6% higher** than in the previous year (8,871 compared to 8,814), and **5.9% higher** than in the October 2011 to September 2012 period (8,814 compared to 8,376).

Late-night/early-morning presentations by hour – RAH

Figure 11 shows combined alcohol and injury presentations by hour of presentation, for each of the three years used in earlier graphs (namely October 2013 to September 2014 and the two years prior).

Figure 11: Number of RAH Emergency Department presentations between 12:00am and 7:00am for alcohol intoxication and body injury, by hour of presentation, October 2011 to September 2014.

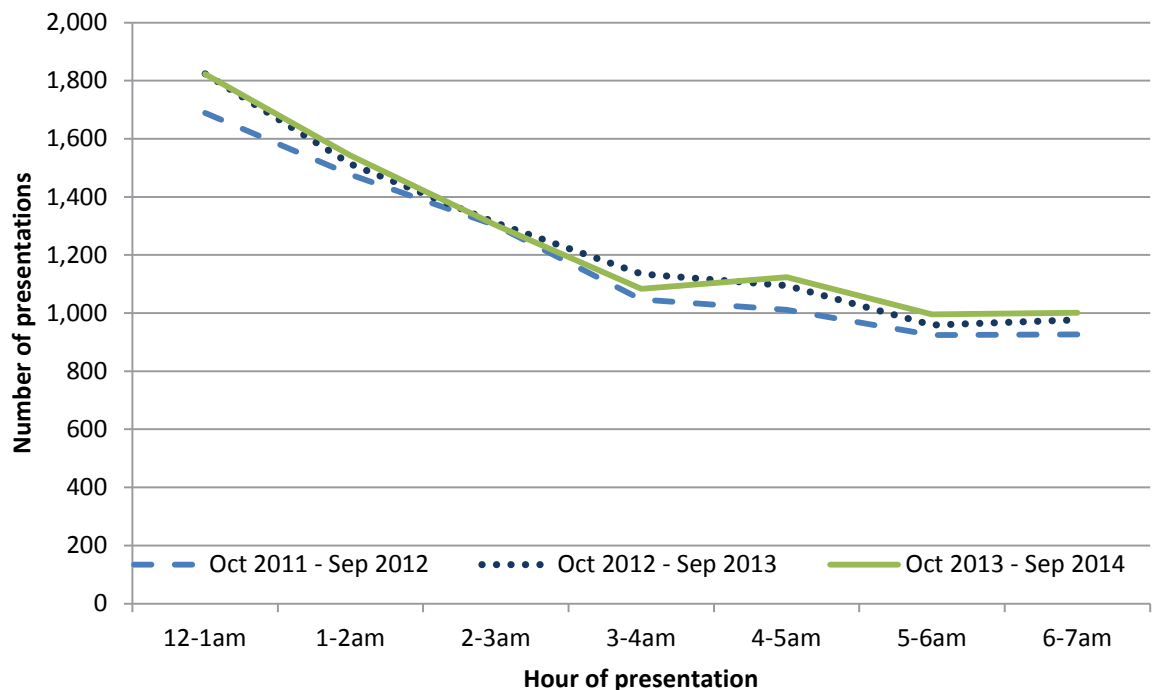


We already know from earlier that total presentations for October 2013 to September 2014 were **8.7% lower** than in the previous year, and **10.2% lower** than October 2011 to September 2012.

What Figure 11 shows is that the 8.2% and 10.3% decreases occurred fairly smoothly across all time bands. In every hourly band between 12:00am and 7:00am, the October 2013 to September 2014 presentations was moderately lower than in each of the two previous years, and the size of the decrease was relatively stable. Visually this is illustrated by the solid line sitting neatly under the other two lines.

Figure 12 shows all presentations excluding alcohol intoxication and body injuries, broken down by hour of presentation.

Figure 12: Number of RAH Emergency Department presentations between 12:00am and 7:00am, excluding those for alcohol intoxication and body injury, by hour of presentation, October 2011 to September 2014.



The graph indicates that there was no decrease in presentation numbers for October 2013 to September 2014 compared to either of the previous two years – in fact there were slight increases.

The graph shows that 'other' presentation numbers for each hourly time band remain broadly similar across all three years, in other words there were no large increases or decreases in presentations in any specific hourly band for the October 2013 to September 2014 period.

Summary – RAH presentations

In short, there was a statistically significant decrease in the number of RAH Emergency Department (ED) presentations for alcohol and body injuries in 2013–14 compared to each of the previous two years. These decreases were not reflected in the equivalent data on 'other presentations', which acted as a comparison group.

Based on these differences in results, it seems likely that the decline in alcohol and body injury presentations for 2013–14 is directly related to the introduction of the Code.

All decreases occurred fairly evenly across all hourly time bands between midnight and 7:00am.

Metropolitan hospitals – comparison

For comparison purposes exactly the same kind of SA Health statistics were obtained on two Adelaide metropolitan public hospitals with large EDs:

- Lyell McEwin Hospital (representing the northern suburbs); and
- Flinders Medical Centre (representing the southern suburbs).

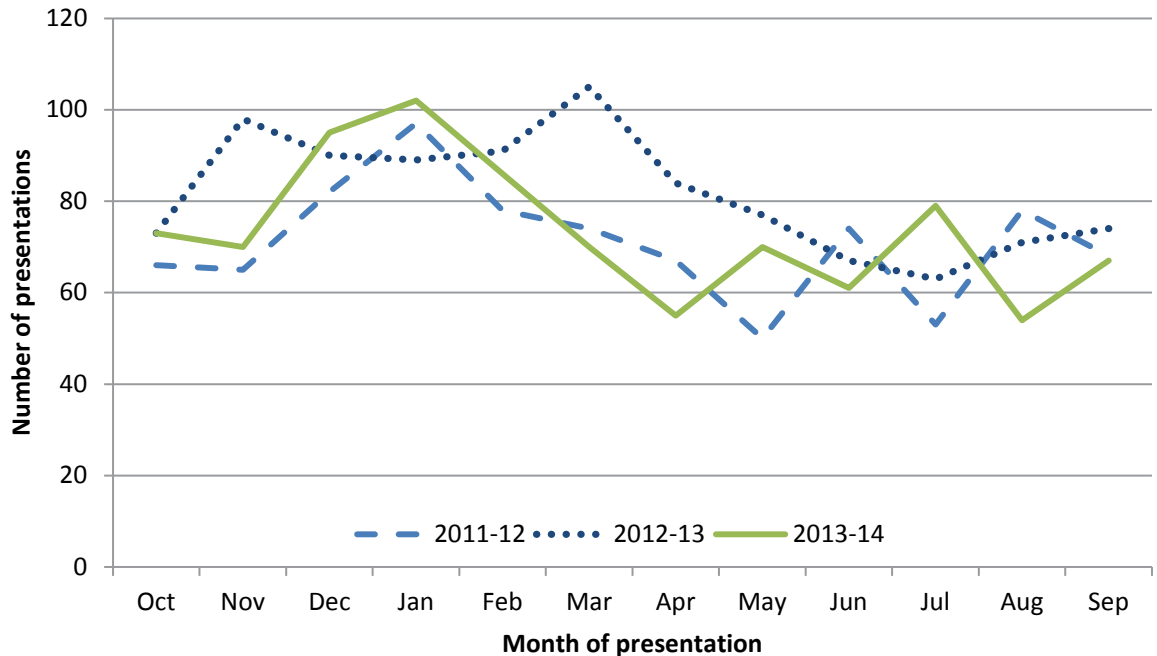
This set of statistics is important as a comparison group against the RAH data. Evidence shows that most people in the CBD (including late-night precincts) who need hospital treatment go to the RAH, with few going to metropolitan hospitals. Accordingly while RAH statistics may reflect the influence of the Late Night Code (which almost solely affects the CBD), metropolitan hospital statistics are less likely to. The metropolitan statistics are also useful in establishing general trends in hospital presentations that are distinct from trends caused by a specific influence (like the Code).

Metropolitan hospital figures were analysed in exactly the same way as the RAH figures – in other words presentations for alcohol intoxication and body injuries between 12:00am and 7:00am were compared to all other presentations in the same timeframe.

Lyell McEwin Hospital

Figure 13 below shows combined data for alcohol and injury presentations at Lyell McEwin.

Figure 13: Number of presentations to Lyell McEwin ED for alcohol intoxication and body injuries combined, occurring between 12:00am and 7:00am, by month, October 2011 to September 2014



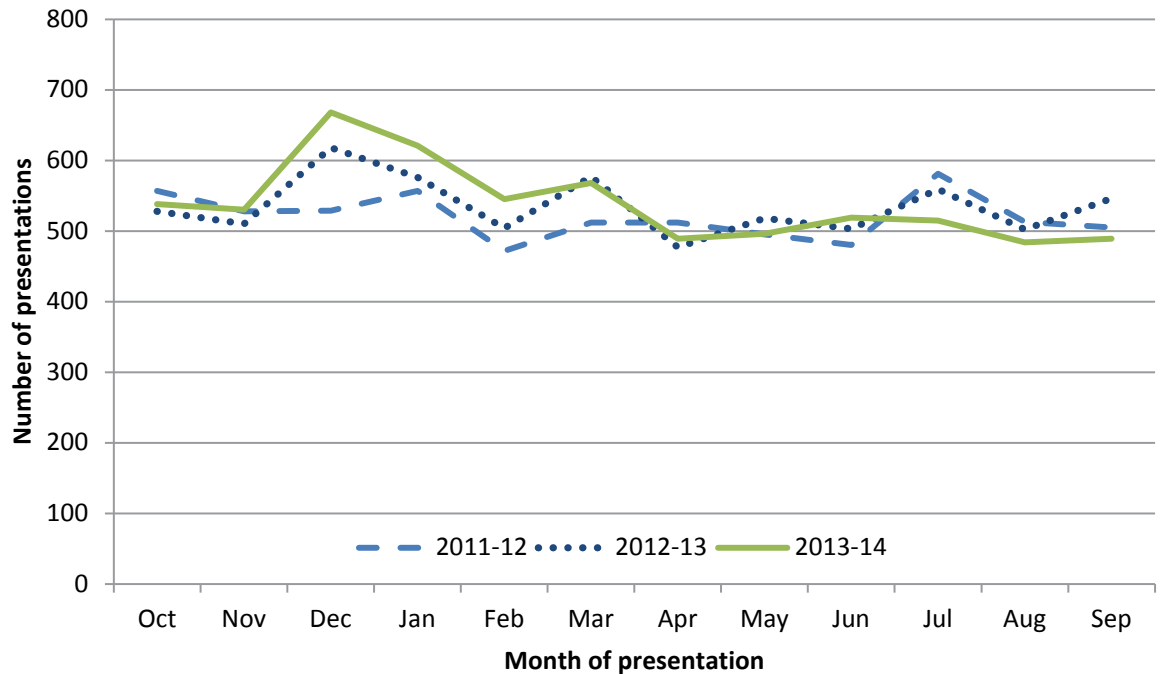
The Figure shows that alcohol and injury presentations at Lyell McEwin in the October 2013 to September 2014 period were **10.2% lower** than in the previous year (882 compared to 982), but **3.5% higher** than in the October 2011 to September 2012 period (882 compared to 852).²⁰

The equivalent trends at the RAH were an 8.7% decrease and a 10.2% decrease.

²⁰ Paired samples t-tests of weekly totals showed that Year 3 (the 2013-14 year; M=16.9, SD=4.9) was significantly lower than Year 2 (the 2012-13 year; M=18.9, SD=5.3; $t(50)=-2.13$, $p=0.038$), and that Year 1 (the 2011-12 year; M=16.3, SD=4.8) was also lower than Year 2 ($t(50)=2.81$, $p=0.007$), but that Year 3 was not different from Year 1 ($t(50)=0.85$, $p=0.4$).

Figure 14 shows all other presentations (excluding alcohol and injury presentations) between midnight and 7:00am for the same periods of time, at Lyell McEwin.

Figure 14: Number of presentations to Lyell McEwin for all presentations (excluding alcohol intoxication and body injuries), occurring between 12:00am and 7:00am, by month, October 2011 to September 2014



The Figure shows no decline in these other presentations at Lyell McEwin. The number in the October 2013 to September 2014 period was **0.7% higher** than in the previous year (6,462 compared to 6,418), and **3.5% higher** than in the October 2011 to September 2012 period (6,462 compared to 6,241).²¹

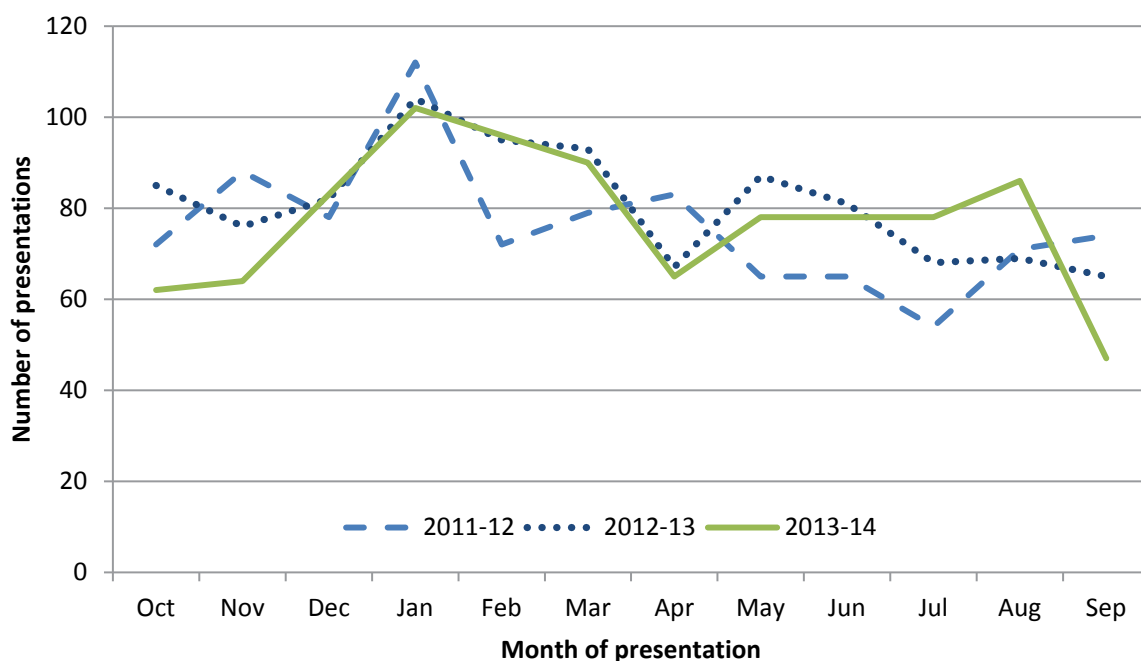
These are very similar to the equivalent RAH results, which were a 0.6% and 5.9% increase respectively.

²¹ Paired samples t-tests of weekly totals showed that there were no significant differences between any of the three years.

Flinders Medical Centre

Figure 15 below shows combined data for alcohol and injury presentations at the Flinders Medical Centre.

Figure 15: Number of presentations to Flinders Medical Centre ED for alcohol intoxication and body injuries combined, occurring between 12:00am and 7:00am, by month, October 2011 to September 2014



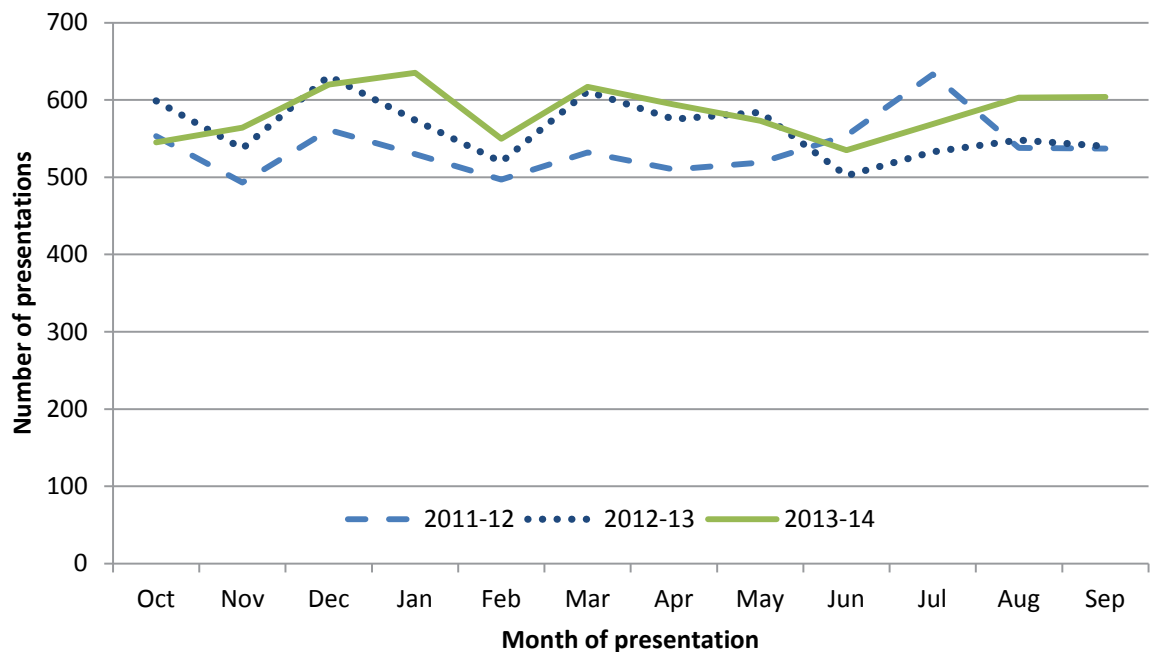
The Figure shows that alcohol and injury presentations at Flinders in the October 2013 to September 2014 period were **4.4% lower** than in the previous year (929 compared to 972), but **1.8% higher** than in the October 2011 to September 2012 period (929 compared to 913).²²

The equivalent trends at the RAH were an 8.7% decrease and a 10.2% decrease, and at Lyell McEwin a 10.2% decrease and 3.5% rise.

²² Paired samples t-tests of weekly totals showed that there were no significant differences between any of the three years.

Figure 16 shows all other presentations (excluding alcohol and injury presentations) between midnight and 7:00am for the same periods of time.

Figure 16: Number of presentations to Flinders Medical Centre ED for all presentations (excluding alcohol intoxication and body injuries), occurring between 12:00am and 7:00am, by month, October 2011 to September 2014



The Figure shows small increases in these other presentations at Flinders. The number in the October 2013 to September 2014 period was **3.7% higher** than in the previous year (7,009 compared to 6,754), and **8.5% higher** than in the October 2011 to September 2012 period (7,009 compared to 6,457).²³

These are similar to both the equivalent RAH results (0.6% and 5.9% increases) and Lyell McEwin results (0.7% & 3.5% increases) – albeit a touch more pronounced.

²³ Paired samples t-tests of weekly totals showed that Year 1 (October 2013 to September 2014; $M=134.7$, $SD=11.8$) was higher than Year 2 (2012-13; $M=129.1$, $SD=12.6$; $t(50)=2.3$, $p=0.025$), and Year 1 (2011-12; $M=123.1$, $SD=12.6$; $t(50)=4.8$, $p>0.001$). Years 1 and 2 were not significantly different from one another ($t(50)=1.7$, $p=0.09$).

Summary – metropolitan hospitals

At both Lyell McEwin and Flinders there was a decline in alcohol and injury presentations between 12:00am and 7:00am from 2012–13 to 2013–14 (although one was not statistically significant and could be due to chance variations in the data).

By comparison there was a slight increase in other presentations (excluding alcohol intoxication and body injuries) within the same timeframe, from 2012–13 to 2013–14 (although again only one was statistically significant).

Conclusion – hospitals data

Clearly the trends from the last two years of Lyell McEwin and Flinders data are very similar to those from the RAH data – in other words there was a decline from 2012–13 to 2013–14 in alcohol-related late-night presentations that was not matched by ‘other’ presentations.

Comparing 2011–12 to 2013–14 does not reveal too much, except that the numbers of alcohol-related late-night presentations at Lyell McEwin and Flinders in 2011–12 were the lowest of all three years, whereas at the RAH they were highest. While this says something about longer-term trends at these hospitals it is not directly relevant to the Late Night Code.

There are a few possible explanations for these trends. Firstly, the declines may be part of a broader, city-wide trend rather than specifically influenced by the Late Night Code. Alternatively, the Code may have had flow-on effects to alcohol-related presentations in the metropolitan area. It is not possible to reach firm conclusions on this point, although the latter would seem less likely.

Comparison to RAH ED data released in 2014

As with SAPOL data, last year the Government released some figures based RAH ED data showing falls in hospital presentations since the start of the Late Night Code.

These earlier statistics focused only on presentations for alcohol intoxication, whereas the analyses in this Report also examine *body injury* presentations which, when occurring late at night or early in the morning, are highly likely to involve drinking.

In addition, the analyses in this Report examine and compare longer time periods (three 12-month periods spanning October to September), whereas the statistics last year compared two five-month periods.

Perceptions of changes in violence and antisocial behaviour

HEADLINE RESULTS

- Stakeholders (including police, ambulance officers, hospital workers) are strongly of the view that there has been a significant reduction in violence and antisocial behaviour on the streets since the Code was introduced.
- Most licensee respondents think there has been little change inside venues since the Code started (but note the low response rate).
- Most patron and staff respondents think things either have not changed, or are worse, both on the streets and inside venues, since the start of the Code.

Introduction

In addition to the SAPOL and SA Health data on offences and hospital presentations, the Report also examines results from the community and licensee surveys, as well as stakeholder feedback (from the meetings and written submissions), on perceived changes in levels of violence and antisocial behaviour, both on the streets near venues and inside venues. The community survey also asked people about their feelings of safety on the streets near venues as well as inside venues.

While the survey feedback is more subjective in nature, it is an important window into the direct experiences of those in late-night precincts, including patrons, licensees, local residents and local workers.

Again, it should be noted that the community survey drew a non-random, self-selected sample, therefore respondents' views do not represent all members of the community, or all perspectives proportionately. The majority of respondents were 34 or younger and patrons of late-night venues. The response rate to the licensee survey was very low and therefore responses are not representative of all licensees. See Appendix 1 (methodology) and Appendix 8 (demographics of surveys) for details.

Stakeholder feedback (other than licensees) – Perceived changes on the streets

Stakeholders were strongly of the view that there has been a reduction in violence and antisocial behaviour on the streets. SAPOL patrolling officers in the East Adelaide Division (encompassing both Rundle and Hindley Streets) said that ‘no doubt’ they had noticed a reduction. The officers acknowledged the contribution of other initiatives but said that in their view the changes were ‘significantly attributable’ to the Code.

The patrolling officers explained that the biggest effect of the Code was to reduce violence after 3:00am. Previously, they claimed, they would be flat out all night trying to break up fights and deal with other unsavoury incidents until at least 6:00am. Now they are able to devote their resources to more constructive work in these hours, and are less stressed. They detain fewer people in the watchhouse. They claim it is now ‘more pleasant’ to walk the streets after 3:00am.

A case example mentioned by patrolling officers is Rosina Street, the small laneway between Hindley and Currie Street near Light Square. Before 2013 they say it was crowded, very violent and a drug dealing hotspot until even 7:00am. Now it is much quieter and safer because people are either inside a venue or have gone home.

While the streets are less crowded after 3:00am, according to the patrolling officers, this is partly a good thing because it reduces congestion and therefore the risk of fights breaking out.

SA Ambulances said their officers had definitely noticed a change for the better. They said officers had not had as many alcohol-related callouts in the last year between 3:00am and 7:00am. They also said Saturday nights used to be hectic, with wall-to-wall assault callouts directly connected with drinking. Now it is quieter, and on the few nights it is not quieter this is because of a spike in callouts unrelated to alcohol.

Representatives of the RAH Emergency Department acknowledged that its data would paint the most complete picture of hospital activity, but added that anecdotally staff at the ED had taken on fewer patients after midnight on Saturday night, and generally earlier on in the evening. They indicated that the hectic and chaotic atmosphere in the wards had decreased a lot.

Encounter Youth said that its Green Team volunteers had seen a reduction in aggression between patrons as well a reduction in fights leading to serious injuries. It also said the reduction in numbers of people on the street had made it easier to spot incidents requiring attention from volunteers, police and emergency services. The Sammy D Foundation added that from its perspective the willingness of people to ‘walk away’ from fights (one of its important educational goals) has improved.

Like the police, Encounter Youth and The Hub said the changes in activity had caused them to change the hours of their volunteers and workers.

The Adelaide City Council (ACC) stated in its submission that the Code has ‘had a positive impact on the city in terms of reducing alcohol-related violence and antisocial behaviour, and improving the community’s perceptions of safety in the late night entertainment area’. However, it argued that other complementary initiatives would have played their part, for example the ACC’s own safety audits, street art projects and soft music being broadcast on loudspeakers in problem laneways.

West End Village Association (WEVA) said that West End residents generally ‘feel more comfortable’ walking in the area in the last year. It said that parking in late-night precincts had improved, and incidents of flying debris and damage to cars had decreased. It noted that the Code may have contributed to this but speculated that other initiatives had as well, along with general long-term trends such as the gentrification of the West End.

Licensees – Perceived changes on the streets

The licensee survey asked a subgroup of licensee respondents – those who trade after midnight – whether they had noticed any change to the amount of violence and antisocial behaviour on the streets near venues. This group included the seven late-night traders mentioned earlier along with an additional 25 licensees who sometimes trade after midnight (total 32).

Most of these respondents said they had not noticed a difference to the amount of violence on the streets. The two venues who said they noticed more violence were both from the Adelaide CBD, and three of the four respondents noticing less violence were in the metropolitan area or the country.

Seven licensees commented that they did not have a problem with violence or antisocial behaviour either before or after the start of the Late Night Code. Two said that the lockout had merely shifted the problem elsewhere, two mentioned problems with drugs instead of alcohol, and one said that when patrons arrived at their venue they had usually already been drinking elsewhere. One suggested that more police and lights would be useful in addressing the problem.

As mentioned earlier, a number of late-night licensees who spoke to the Review in person strongly believe there has been no change, or if there has been it is due to other factors. Note that most of these observations were about violence and antisocial behaviour inside venues, but they are unlikely to be different regarding activity on the streets.

One late-night licensee questioned the accuracy and accepted meaning of published statistics on the issue, saying that many assaults happen outside Hindley Street, some of the high-profile incidents in recent years had occurred outside late-night trading hours, and policing practices have a greater influence on violence levels than the Code.

Community survey – Perceived changes on the streets near venues

The survey asked respondents who had said they lived or worked near these venues, and/or were patrons of late-night venues, if they had noticed any change to the amount of violence and antisocial behaviour *on the streets* (including near venues) since the Late Night Code started. The survey also asked if there had been any change to their feelings of safety on the streets.

The results show that although the most common response was not noticing any changes, both groups were more likely to report noticing less violence and antisocial behaviour since the Late Night Code started than more, particularly for antisocial behaviour. Similarly, both groups were more likely to report feeling safer on the streets since the Late Night Code started than less, particularly residents.

Patrons, who represented the majority of respondents, gave different patterns of response. About half reported noticing no difference to violence or antisocial behaviour, and greater proportions reported noticing more violence (36%) and antisocial behaviour (39%) than less (12% and 10%). Responses for feelings of safety reflected the same sentiment, with more patrons indicating that they felt less safe since the start of the Code (38%) than more (10%).

Stakeholders (apart from licensees) – Perceived changes inside venues

The health sector stakeholders and social services groups are convinced there have been changes in violence and antisocial behaviour, although most of their observations are about activity on the streets (which they perhaps feel better positioned to comment on) rather than inside venues. These views were outlined in more detail in the earlier section on perceived changes on the streets.

The AHA|SA did not comment specifically on levels of violence and antisocial behaviour in venues, but said in its submission that 'a number of other measures to address antisocial behaviour were implemented at the time the [Code] was introduced...[and]... as a consequence it is now almost impossible to disentangle one measure from another and to singularly evaluate which, if any, has been more or less effective than another.'

Licensees – Perceived changes inside venues

Most of the seven late-night venues that responded to the licensee survey said they had not noticed any change to the amount of violence and antisocial behaviour inside their venues. One (the country hotel) said that they had noticed a little less antisocial behaviour and a lot less violence.

Many late-night licensees that spoke to the Review in person said there has been no improvement inside venues, and violence may in fact be worse. Other late-night licensees acknowledge there may have been a reduction, but this is solely because there are fewer patrons.

One licensee at the focus group said the amount of violence had not changed, but the type had. Another licensee said that any changes could have had more to do with changes in police practices rather than the Code. Another licensee claimed a trend of people booking hotel rooms in the CBD to allow them to 'kick on' after the lockdown.

Community survey – Perceived changes inside venues

The survey asked respondents who had said they sometimes stayed out at licensed venues until 3:00am or later, along with staff in late-night venues, if they had noticed any changes to the amount of violence and antisocial behaviour inside venues since the Late Night Code started.

Results showed that the majority of respondents did not notice any change to the amount of violence and antisocial behaviour inside venues. However, of those who did notice a change, much higher percentages noticed more violence and antisocial behaviour than less. This was particularly the case with staff.²⁴

The survey also looked closely at the views of a particular subset of the staff who had worked in late-night venues – namely those who had taken on the role of drink marshal, first aid attendant or both. Of the 581 staff respondents, 98 (17%) said they had been a drink marshal and first aid attendant, 60 (10%) a drink marshal only, and 36 (6%) a first aid attendant only. The responses from these groups were considered as a combined subset.

The survey asked the drink marshals and first aid attendants whether, at work, they had noticed a change in the number of incidents where patrons were intoxicated and/or behaving in a disorderly, offensive, abusive or violent way since the Code began.

Over half the respondents (60%) said they had not noticed a difference, however of the remainder 30% said they had noticed more incidents (16% a lot more), and 10% fewer (3% much fewer). This is reasonably consistent with the findings of the overall community survey.

The survey asked all respondents if they had felt safer inside venues since the Late Night Code commenced.

The patterns of response were very similar to previous two, in other words most respondents said they had not noticed any change, but of those who did notice a change, a much higher percentage said they had felt less safe inside venues rather than more. Once again, this view was particularly pronounced among staff.

Reasons for response

The survey asked those who did feel less or more safe why they felt that way, and 1,374 people responded. Many reiterated their initial response or made comments on other issues. A notable theme in many responses (n=239) was feeling less safe inside venues because patrons tended to be more drunk since the introduction of the Code. Conversely others said they felt safer inside venues because people 'locked out' on the streets could be aggressive.

Some respondents felt that some patrons were 'preloading' (drinking before going out) more, or drinking more heavily and quickly when they got to venues, because they feared their night would be cut short by the lockout.

A further 172 respondents commented on the aggressive behaviour of other patrons in venues. They said some patrons had become frustrated at being stuck in one venue after the lockout when they would rather be somewhere else, and also that the lockout had meant different 'types' of people ended up in the same venues together, which sometimes caused friction.

²⁴ Note: The difference in responses between patrons and staff cannot be tested for statistical significance because the two groups overlap (ie many staff in venues also report being patrons).

SIDE-EFFECTS AND UNINTENDED CONSEQUENCES

The third element of the Terms of Reference required the Review to 'assess whether the Codes have resulted in any unintended consequences.'

The analysis focuses mainly on the quantitative and qualitative feedback from the two online surveys, as well as stakeholder feedback. These were rich sources of information, as stakeholders and the broader community were very forthcoming with information on unexpected issues they felt were brought about by the Codes.

This subchapter aims to present as much of this information, concentrating on the most common themes which were:

- transport options for patrons to get home;
- effects on patrons movements in late-night precincts;
- impact on businesses in late-night precincts, especially licensees; and
- effects on CBD nightlife and vibrancy.

Transport

HEADLINE RESULTS

- Most patron respondents to the community survey are in the view that getting home after a night out has either not changed or become harder since the start of the Code.
- Most of these patrons didn't know about the After Midnight bus services until taking the survey.
- Some 70% of those who have used the After Midnight bus services have issues with it and suggestions for improvement.
- Numerous patrons had problems with getting taxis home, for example long wait times, seeing more aggression or frustration, or feeling less safe.

Stakeholder feedback

Stakeholders did not say much about transport from late-night precincts after a night out. This is perhaps natural given that it is mainly an issue for patrons.

A few stakeholders mentioned taxis, although note that the Taxi Council SA did not provide a submission. SAPOL said that many people anticipated a rush on taxis around and just after 3:00am after the start of the Code, but apart from a spike in the first few weeks this never eventuated. The Sammy D Foundation said exactly the same thing.

Community survey

The survey asked respondents who were patrons of late-night venues a series of questions about transport out of the city after a late night out. Some 1,390 people answered the question.²⁵

The results show that although well over a third of respondents said getting home was no different now compared to earlier, over half (52%) said that it was worse since the Code commenced.

As part of a separate question for staff of late-night venues, 20 respondents said there weren't enough transport options to get home late at night, and this had become more problematic since the lockdown had commenced (n=20).

After Midnight bus service

Respondents (n=1,397) were asked if they ever caught the After Midnight bus services home after a night out. Of them, 8% said they 'often' did, 22% said they 'sometimes' did and 70% said they 'never' did.

Those who had used the service (n=413) were asked about their experiences when using it, and 70% said that they had experienced some issues. These included claims that the scheduled services did not leave often enough (26%), the bus route did not go near their home (19%) and they felt unsafe getting on or off the service or at the bus stop (16%).

A number of people (n=121) provided further comments on the After Midnight bus service. Some stated that they did not know about these bus services until they had taken the survey, and others suggested that better information be provided in outside areas around night-time hotspots (for example Hindley Street and Rundle Street). Another respondent suggested that After Midnight timetables should align with the 3:00am lockdown, stating that for them, the first bus home after the lockdown is too late.

Taxis

The same group of respondents (n=1,400) were asked if they had caught a taxi home after a late-night out. Over half (54%) said that they had 'often' caught a taxi home, 30% said that they 'sometimes' did, and 15.1% said that they 'never' did. Those who had caught a taxi were asked about their experience while catching a taxi, and 57% said that they had had some issues.

There were 672 comments in response to this question. Of the commenters, 536 (or 80%) stated that since the Code was implemented, it takes longer to get a taxi from the CBD around the lockdown time. Some claimed wait times of up to two hours. Of those who commented, 111 people also stated that they have observed more aggression and violence due to the over-demand for taxis around the lockdown time, or reported generally feeling less safe around this time.

²⁵ Note: these questions were added to the survey shortly after it had commenced, therefore not all respondents had the opportunity to answer them.

Patron movements and behaviour

HEADLINE RESULTS

- Anecdotal evidence from community survey and stakeholders that people are coming into town earlier and leaving earlier.
- Over two-thirds of patron respondents say they have left venues earlier than normal to get to another venue before the lockout.
- A significant number (249) say they don't come into city as much.
- A significant number (241) say they go to fewer venues now.
- A smaller but still significant number expressed concerns about 'being stranded' after the lockout.

Stakeholder feedback

Some stakeholders commented on the changes in patron behaviour and general movement of people around the streets. SAPOL said it was clear people were coming into town earlier and leaving earlier.

Some of the social services groups echoed this perception. Encounter Youth said it had witnessed a substantial reduction in street patronage from 2:00am, and in line with this a shift in alcohol-related harm and violence to earlier hours, predominately 12:00am to 2:00am.

Police officers said they were wary at the time of a backlash from patrons against the Code, but it never eventuated.

Community survey

Respondents who reported going out to venues and staying out until 3:00am or later, regardless of how often they went out, were asked whether they had changed their evening plans since the start of the Late Night Code.

Over 70% of the respondents said they had either 'most times' or 'sometimes' left a venue earlier than usual to get to another venue because of the lockout, although an even greater number said they had at least sometimes stayed longer in a venue they went out because of the lockout.

Over half the respondents said they had at least 'sometimes' gone home earlier than usual because they couldn't get into another venue.

Over two-thirds (69%) of respondents said they had at least sometimes preloaded – in other words consumed alcohol before going out – to counter the lockout. While this is a somewhat concerning statistic one should not read too much into it. Of all those who said they had preloaded (even once or twice) to counter the lockout, there would be some who had genuinely changed their long-term behaviour but also a certain number who had already been preloading for other reasons anyway. It is very clear from a range of sources for this Review, as well as the literature, that preloading is common and has been going on long before the start of the Code.

Only a minority said they had at least sometimes gone to the Casino instead of another venue because it was the only venue they could enter, and a similar minority said they had gone out earlier because of the lockout.

Overall, the community survey responses in this area suggest that while patrons still go out into the city at night, and many stay out just as late as prior to the Code, they may make different plans for the evening as a result of the Late Night Code, and the lockout in particular.

Business costs and patronage of venues

HEADLINE RESULTS

- No hard data to confirm any impact on businesses.
- But late-night licensees strongly believe the lockdown has hit their sector hard, and contributed to the closure of several venues.

Not enough granular or public statistics exist on patronage, business costs or turnover of venues in late-night precincts in Adelaide, covering the years immediately before and after the start of the Code. This was largely expected due to:

- (i) the lack of such data held by national and state governments; and
- (ii) the fact that only some venues keep all these records, and much of the data would be commercial-in-confidence in any case.

Licensee feedback

The licensee survey asked the seven late-night respondents if they had observed any changes to their business since the start of the Code. The responses were mostly neutral or unfavourable. Two said business costs had significantly increased, while the rest said either no change or they didn't know. Regarding patronage, most said they had not seen a change, while two perceived a large overall decrease. One said they had witnessed a large increase in patrons before midnight.

Only one venue (a restaurant) provided details of any changes, and they reported an overall loss of customers which had resulted in a decrease in staff employed, and a decrease in profits.

Late-night licensees who spoke with the Review perhaps expectedly said that the Code had significantly hit their businesses, especially the lockdown. One experienced Hindley Street operator said that in his view the lockdown had greatly contributed to the recent demise of the Dog and Duck nightclub, and was seriously damaging the trade of smaller venues that rely heavily on patronage after 3:00am.

Another licensee claimed that the lockdown had contributed to the demise of Rundle Street music venue Cuckoo. Another licensee said that a side-effect of the efforts to clean up Hindley Street's image is that it is perhaps losing its reputation as a premier late-night party-going destination.

As stated above, because of the lack of data and other relevant information, no firm conclusions can be reached on this issue.

LEVEL OF SUPPORT

HEADLINE RESULTS

- Most stakeholders support the Code.
- Local residents, local workers and other respondents strongly support the Code, including the lockdown.
- The RAH, DASSA, other health sector stakeholders and academic experts support most of the Code measures, but think some of them (especially the lockdown) don't go nearly far enough.
- Late-night licensees are passionately against the lockdown, but support the other elements of the Code.
- The AHA | SA supports the Code provided it is not strengthened.
- Most stakeholders oppose the Casino lockdown exemption.
- Patron respondents to the community survey strongly oppose the lockdown.
- Most respondents (in all groups) strongly supported the other elements of the Code, except the Casino lockdown exemption.

Overview

The community survey, licensee survey, written stakeholder submissions and stakeholder meetings yielded much information about the level of support for the Late Night Code overall, as well as its specific provisions.

The community survey contained a full set of questions along these lines. The Report presents the results for two separate respondent groups:

- all non-patrons, including: respondents who live near late-night venues; respondents who work near late-night venues; and other respondents; and
- all patrons.

Missing values were excluded (where respondents skipped a question) for each question.

The licensee survey similarly asked all 73 respondents how much they supported the Code overall as well as the specific provisions. Missing values were excluded from the responses. Due to the very small number of respondents the responses were not broken down by type of venue or licence class.

This section of the findings also summarises the views of stakeholders as presented in written submissions and in person at the various stakeholder meetings and focus groups.

Code overall

Stakeholders

Some 23 stakeholders made written submissions and/or met with the Review. They included representatives of licensees, the health sector, the police, local government, universities focusing on alcohol research, social services groups and local residents. Licensees' feedback is presented below, and other stakeholders here.

The stakeholders presented a range of views that generally reflected each of their particular areas of activity and interest. A clear majority supported either the current Code or something stronger, although they suggested a wide range of issues and proposals.

The health sector stakeholders (hospitals, Royal Australasian College of Surgeons (RACS), Drug and Alcohol Service South Australia (DASSA) etc) and academics specialising in drug and alcohol research (NCETA) believe the Code has some good elements but does not go nearly far enough, and to the extent that the Code has been ineffective this is because it is too weak.

They argue that the evidence clearly shows that violence in the community is directly proportionate to the availability of alcohol, and tough measures like latest closing times – for both on- and off-premises operations – are the best way to sever the relationship between late-night activity and risky drinking. They said that governments need to work on a cultural shift to ensure that the concept of 'vibrancy' need not automatically go hand-in-hand with unlimited drinking.

The other stakeholders generally support the Code. SAPOL in its official submission, as well as SAPOL officers in person, said they support the Code and are open to tougher measures in some selected areas. The ACC has a similar position.

The social services groups (Encounter Youth, Sammy D Foundation and The Hub) all support the Code, saying mostly positive things about its operation so far, and providing the occasional suggestion for improvement. Encounter Youth in particular said there is a good case for earlier closing times, which brings its position closer to those of the health and academic bodies mentioned above.

The AHA|SA mostly supports the Code too. This is perhaps understandable given that the Government closely consulted with it in developing the Code two years ago. The AHA|SA itself also explained that the vast majority of its members (98% or more) are not affected by the Code, and yet the Code had perhaps lifted the reputation and standards of the hotel industry in the State, which is a good thing.

The AHA|SA did raise a number of criticisms and concerns regarding recent media reports on police and hospital statistics, and proposed that:

- when examining this data the Review should look closely at the location of incidents (it alleged that a number of the high-profile and tragic incidents in recent years happened well away from licensed premises, and/or were carried out by people who had not been in licensed premises);
- the Review should also look closely at the times of offences and hospital presentations, to work out whether overall violence has indeed reduced or simply been shifted to other timeslots; and
- the Review should examine the influences of 'preloading' and illicit drug use.

WEVA, which represents residents of the West End, said it supported all elements of the Code.

While assessing support for the Code overall is important, it is useful to separate the lockdown from the other elements, as stakeholder views often made this distinction. The lockdown is only modestly popular whereas the other provisions are almost universally supported.

The stakeholder views on various specific provisions in the Code are set out in the various subchapters to follow.

Licensees

Late-night CBD licensees who met with the Review, like patrons in the community survey, strongly oppose the lockout but can support or at least live with the other measures (with some qualifications). They strongly oppose any moves to toughen the Code.

The licensee survey asked licensees whether they supported the Late Night Code continuing overall. The responses were quite favourable: 41% said they would 'very much' like it to continue, 26% said 'somewhat', 12% were neutral, 12% said 'not really' and 9% said 'not at all'.

In other words 67% wanted the Code to continue and only 21% actively opposed it.

Most of the respondents either strongly or somewhat approved of the provisions, with approval far outweighing disapproval for every provision. Approval was highest for the queue management provision, the CCTV requirement and the ban on serving alcohol on footpaths.

Venues in the city expressed slightly less support than those outside the city, but the numbers were too small for significance testing. Only one licensee from a city venue said that they 'somewhat approved' of the lockout; the remainder were neutral or opposed.

Late-night venue respondents also expressed strong support for the Code provisions, with only one disapproving of the lockout, two of the metal detector requirement and one of the late-night ban on 'shooters' and similar drinks.

Overall these results on licensee support for the Code are quite surprising, given the feedback from various late-night CBD licensees and their representatives during the stakeholder consultation phase of the Review. However, the results should be treated with some caution given the very low response rate (73 respondents), meaning the respondents cannot be considered representative of all licensees.

Community survey

All respondents were asked if overall they supported the Late Night Code continuing. The results show that a large majority of non-patron respondents strongly support the Code, while a majority of patron respondents do not.

The survey also asked respondents why they did or did not support the Code. Common responses against the Code were that they felt it had impacted negatively on hospitality jobs and smaller venues (n=348), or it had not been effective (n=169) in preventing alcohol-related violence and antisocial behaviour.

3:00am lockdown

Stakeholders

As expected, the lockdown was a crucial issue for many stakeholders, whose views were usually quite passionate. Most regarded this as the central element of the Code, in fact like many respondents to the community survey they often use the terms 'Code' and 'lockdown' interchangeably.

Views were roughly divided into three camps, similar to the views on the Code overall (refer earlier discussion). There were: (i) those who think the lockdown does not go far enough and/or should be replaced with tougher measures; (ii) those who largely support it, give or take a few modifications; and (iii) those who strongly oppose it and think it should be watered down or abolished and not replaced.

Some health stakeholders and academics are of the view that lockdowns are not supported by evidence and tougher measures like mandatory closing times or 'last drinks' times would be more effective. They say case examples like Newcastle and Kings Cross (which have a closing time and lockdown combination) have been successful because of the closing times and not the lockdowns.

Other stakeholders were largely supportive or neutral about the lockdown. SAPOL mainly supported the current Code and said it would be open to considering tougher measures if there is a groundswell for change.

The social services groups (Encounter Youth, Sammy D Foundation and The Hub) all mainly support the lockdown.

The AHA|SA indicated that it could live with the current lockdown time (which it helped negotiate in the first place) but strongly opposed any moves to tighten it.

WEVA said it supports the lockdown.

Licensees

Late-night CBD licensees affected by the Code strongly oppose the lockdown. One said that it 'punishes the good operators and customers for the actions of a few idiots.' Another said the lockdown concept had not worked everywhere and one should compare the experiences of Newcastle and Geelong (another city where a localised lockdown had been imposed).

A common theme in licensee feedback was that the lockdown had cut violence simply by cutting patronage and trade to the area. One licensee gave the analogy of a government tackling shoplifting by limiting trading hours of retail stores.

As expected given the stakeholder feedback via other avenues, approval in the licensee survey was lowest (and opposition highest) for the lockdown provision.

However among the 73 respondents approval still heavily outweighed disapproval, with 55% strongly approving, 9% somewhat approving, 13% neutral, 9% somewhat disapproving and 14% strongly disapproving.

Community survey

The lockdown requirement divided opinion like no other provision of the Code. Non-patron respondents (local residents, local workers and others with an interest) strongly supported the measure at about the same level as for other measures. Some 74% strongly approved of the lockdown, 8% somewhat approved, 6% were neutral, 6% somewhat disapproved and 6% strongly disapproved.

Of the patron respondents, unsurprisingly only 10% strongly approved of the lockdown and 5% somewhat approved, whereas 12% somewhat disapproved and 69% strongly disapproved.

There were a large number of comments provided regarding the lockdown, most of which demonstrated very strong feelings either for or against the provision for a range of reasons. Comments in favour of the provision were provided by respondents across all demographic groups.

However, comments in favour of the lockdown were far higher amongst older and/or non-patron groups.

Other commenters also proposed further tightening the lockdown provision by bringing it forward.

Comments against the lockdown indicated a wide range of reasons for opposing the provision. Some, for instance, were based on general observations and outcomes. Others opposed the lockdown because of the personal effect it has had on their nights out. Whereas others viewed the lockdown as impinging on their human rights.

In short, the level of support expressed for the lockdown was highly dependent on respondents' primary interest. It is clearly the most contested provision of the Code and, based on comments provided in the community survey, appears to have a number of positive and negative, though unintended, consequences.

Other lockdown times

Stakeholders

See earlier discussion on the lockdown in general.

Licensees

The licensee survey asked the same question as the community survey. Of the 73 respondents responses were mixed, with three distinct groups: one wanting earlier lockdown times, one supporting the current 3:00am lockdown and another strongly opposing a lockdown in general.

Specifically, 10% wanted a 1:00am lockdown, 26% wanted a 2:00am lockdown (total 36% in favour of a tougher measure), 37% supported the current 3:00am lockdown, and 27% strongly disapproved of a lockdown in general. All in all, those in favour of the same or a tougher lockdown outweighed those against a lockdown by 73% to 27%.

Community survey

The survey asked respondents if they supported the lockdown starting at a different time to 3:00am. Responses followed a fairly predictable trajectory given the responses on level of support for the lockdown generally.

Of the non-patron respondents, 40% think the lockdown should be brought forward to 1:00am, with 28% preferring 2:00am (this makes a total of 68% in favour of an earlier time). Some 20% support the current start time of 3:00am and the remaining 12% prefer either 4:00am or no lockdown at all. In other words, 69% support the lockdown starting at an earlier time than 3:00am.

The patron respondents gave a completely different flavour of response. Only 8% supported a 1:00am lockdown and 9% a 2:00am one (total of 17% in favour of an earlier time). Some 11% support the current 3:00am time. By contrast 17% prefer a 4:00am start time and 55% want no lockdown at all.

Some respondents commented on lockdown times. These are generally captured in the earlier discussion on general support for the lockdown.

Queue management after 12:00am

Stakeholders

Stakeholders mostly supported this provision or did not mention any issues with it.

SAPOL said it supports the requirement but believes it should start earlier than 12:00am. Encounter Youth said they have observed licensees more effectively managing their queues, and this has reduced obstructions to pedestrian traffic.

The ACC supports the provision and believe it could be strengthened with a few supporting measures such as a maximum queue width and mandatory semi-permanent infrastructure (like barriers and ropes) and similar measures.

The ACC spoke at length on its view that a major cause of late-night violence was 'choke points' – namely hotspots where footpaths, queues and popular waiting areas converge. The problem with choke points is groups of young drunk men running into each other, and the evidence shows this is a key trigger for fights and possible injuries. Measures to regulate venue queues, in the ACC's view, help reduce the number of choke points and therefore the risk of violence. This issue is discussed more fully in the Policy Analysis and Recommendations Chapters.

Licensees

Late-night licensees have mainly accepted the queue provision and have no issues with it. Some noted that at peak times the queues can be so long that they go outside the boundaries of the licensed premises, and licensee staff cannot control these sections.

The 73 licensees who responded to the licensee survey viewed the queue management requirements very favourably. Most (73%) strongly approved of them, 18% somewhat approved and the remaining 9% were neutral. No respondent disapproved.

Community survey

This requirement had a relatively high level of approval all around. Around 60% of patrons and 90% of non-patron groups approved of the measure (either 'strongly' or 'somewhat'), and the majority of the rest were neutral on the issue.

Despite this level of support, respondents raised a number of issues. Some said that in the lead-up to the lockout the number of people in queues and level of tension has sometimes increased. Some said that those in queues who didn't get in before 3:00am could become agitated and aggressive.

Some respondents said they had witnessed people loitering outside venues after 3:00am, and venue security usually don't monitor these people as they have turned their attention inwards. Others said they had seen fewer police after 3:00am.

Ban on serving alcohol on footpaths and outside venues after 2:00am

Stakeholders

Stakeholders mostly supported this provision or did not mention any issues.

SAPOL said the provision should start earlier, say at 12:00am rather than 2:00am. The main reason for this is that it would reduce the number of minors on the street.

SAPOL said that while minors may not be able to get into venues, they still come and hang out in groups on the street, including footpaths. This means they often hang out near the footpath areas of licensed venues, and mingle with patrons sitting and drinking there. SAPOL is concerned that this increases congestion and the risk of fights breaking out.

This is basically similar to the concern the ACC has about 'choke points' (see queue management earlier). SAPOL says that banning footpath drinking earlier not only removes this risk but reduces the incentive for minors to come into late-night precincts in the first place.

Licensees

Late-night licensees did not express any concerns with the footpath drinks ban.

Licensee survey respondents were very favourable. Some 59% strongly approved, 27% somewhat approved, 13% were neutral and 2% (one respondent) strongly disapproved.

Community survey

Patron respondents were mixed about the provision – 41% approved, just over 42% did not approve and the remainder were neutral. Non-patron respondents on the other hand strongly supported the provision (91%) and only 5% disapproved.

Not many respondents commented on this provision. A small number pointed out that they did not agree with the provision as they felt it represented an erosion of their 'rights'.

Drink marshals and first aid attendants after 12:00am

Stakeholders

Stakeholders mostly supported the drink marshal and first aid provisions or did not mention any issues with them.

FARE supported the drink marshal and first aid attendant requirements, stating that 'drink marshals have an important role in ensuring that licensees meet their RSA requirements and create safer environments for patrons both on and off premises.' But it said both provisions should be toughened to apply to all venues trading after 12:00am (rather than just 3:00am as currently).

FARE also said all licensees trading after 12:00am should have a drink marshal and first aid attendant, not just those with a maximum capacity of more than 200. It described the current limited application as an 'exemption' for smaller venues, adding that 'exemptions create loopholes for licensees and weaken the Code.'

SAPOL support the drink marshal provision. It said the marshals appear to be doing their jobs well, reducing the number of intoxicated people in venues and moderating behaviour in venues generally.

The AHA|SA raised two issues regarding the roles of drink marshal and security staff, in particular how they might interact or overlap on crowd control duties. Current section 11A(7) of the *Liquor Licensing Act*, inserted in 2013, states:

a person is, in relation to the performance of a prescribed function under a code of practice, exempt from the operation of the Security and Investigation Industry Act 1995.

The Second Reading Speech for the Bill introducing the subsection showed that the Government was responding to industry concerns that some of a drink marshal's duties may come within the meaning of 'controlling crowds' under the *Security and Investigation Agents Act 1995*, which would mean drink marshals have to be licensed under that Act. The Government stated that this was not its intention, so it proposed the new subsection above. The Government said that it would then make a regulation stating that a drink marshal's functions were 'prescribed functions' under that subsection, therefore exempt from the security legislation.

The AHA|SA indicated to the Review that, as yet, no regulation has been made to prescribe various drink marshal functions as exempt. Therefore drink marshals are potentially caught by the security legislation. The AHA|SA indicated it would like to see such a regulation made, as per the Government's original intention.

The AHA|SA's second concern is that plenty of staff monitor patrons, not just drink marshals – in fact it says all staff at all times should do so as part of their general duties. Therefore the AHA|SA argued that, in the event that a regulation is made (exempting drink marshal functions from the security legislation), this regulation should also exempt a broader range of functions carried out by other staff.

Licensees

Late-night licensees mainly had no concern with either provision, although noted that some of their bar and security staff effectively did the drink marshal role already. A few, like the drink marshals themselves in the community survey, regarded the drink marshal role as somewhat unnecessary as existing staff with RSA training carry out the functions anyway (or should do so).

One licensee queried whether marshals might be an easy scapegoat if there is an incident or breach in a venue. Another licensee said the existence of marshals may risk other staff focusing less on their similar responsibilities.

Licensee survey respondents were very favourable to the drink marshal provision. Some 59% strongly approved, 20% somewhat approved, 12% were neutral, 5% somewhat disapproved and 4% strongly disapproved.

The licensee survey did not have a specific question about first aid attendants.

Community survey

The survey asked respondents how much they support the Code's requirement for late-night venues to have a drink marshal after 12:00am.

Respondents largely supported the drink marshal requirement. Once again support was very strong amongst residents, with 92% either strongly or somewhat approving. Patrons moderately supported the provision, with 29% strongly approving, 32% somewhat approving, 20% neutral, 10% somewhat disapproving and 9% strongly disapproving.

The survey asked respondents who identified as staff of late-night venues if they ever worked as a drink marshal and/or first aid attendant. Those who said yes (n=190) were asked if they thought it was important to have the role of drink marshal.

The results were mixed, with over half (53%) believing the drink marshal role is important but 36% believing it is not. Some 41 respondents gave comments on their reasons. Many (n=27) said the role is not necessary as it is done by other staff.

Seven of the 41 respondents commented that they believe it is an important and necessary role, and one respondent stated that while the role should not be necessary, it is in fact needed due to alleged practices in some venues.

The survey also asked the same 190 drink marshals and first aid attendants if they thought it was important to have a worker in the position of a trained first aid attendant.

The graph shows that the group of drink marshals and first aid attendants strongly supports the role of first aid attendant. Some 91% said the role is either 'very' or 'somewhat' important.

Some 54 of the group provided further comments, emphasising the necessity for venues to have a trained first aid attendant on duty whilst only one commenter expressed the opposite view.

Metal detectors after midnight in larger CBD venues

Stakeholders

Stakeholders mainly support this provision or did not mention any issues with it.

SAPOL largely supported the measure but mentioned a few issues with its implementation. It said that the requirement probably added to actual and perceived safety in venues, but the screening process slowed the movement of queues. SAPOL also suggested that there were alternative screening tools such as ID scanning which may be more effective, and these need to be examined.

Some groups believed the provision should be toughened. The ACC argued that if metal detectors are so effective, there is no reason why relevant venues should only have to put them into use after midnight.

Likewise, the social services groups said the provision should be broadened to cover more hours of the night, and FARE argued that the exemptions (trades after 3:00am, 200+ capacity, CBD location) should be trimmed back or removed so that more venues had to use detectors.

Licensees

Late-night licensees mainly support the requirement, although one licensee at the licensee focus group suggested that using metal detectors may give off an unwanted image that the venue has a problem that needs to be managed.

Licensee survey respondents viewed the metal detectors provision very favourably. Some 44% strongly approved, 28% somewhat approved, 18% were neutral, 7% somewhat disapproved and 3% strongly disapproved.

Community survey

Survey respondents were fairly supportive of this provision as the graph shows. Once again non-patron respondents were more favourable, with 81% approving to some degree and only 7% disapproving. Of the patrons, 58% approved to some degree and 22% disapproved.

Free-text comments were not specifically sought in regards to this provision; however, in other sections of the survey a small number of respondents provided comments of general support for the use of metal detectors.

Two of commenters stated that they felt the requirement to use metal detectors should be imposed at all times or from an earlier time. One respondent added that it was pointless to impose such a restriction unless it is in force at all times.

CCTV in larger CBD venues

Stakeholders

Stakeholders mainly supported this provision or did not mention any issues with it.

The AHA|SA has one concern – about the way police use their powers to obtain CCTV footage. Section 14(8) of the Code sets out the licensee's duties to record CCTV footage and provide it to authorised officers in the course of their official duties:

The licensee must ensure that the visual recordings and any information relating to the visual recordings is made available as soon as practicable upon the request of an authorised officer acting in the course of his or her official duties (noting that the authorised officer must identify the date, time and location of the premises to which the request relates as well as the reason for the request).

Section 122 of the *Liquor Licensing Act* dovetails into this by setting out the powers of authorised officers, which include police. Authorised officers can:

(b) require any person ... who has possession of [records]... to produce those books of account or records for inspection.

The AHA|SA has been advised of a number of instances where authorised officers have seized CCTV footage without a specific incident in mind, and then used that footage to take disciplinary action about sometimes minor issues. The AHA|SA is also aware of instances where venues are being told to install CCTV systems, citing the Late Night Code, even where the venue doesn't fit the criteria for the CCTV requirement (trades after 3:00am, 200+ capacity, CBD location).

While the AHA|SA supports relevant hotels using CCTV actively and appropriately as part of implementing the Code, it believes it is unreasonable for the police to seek CCTV footage as part of 'what is really a fishing expedition'.

While the Code does say that authorised officers must identify the date, time and location of the premises to which the request relates, as well as the reason for the request, this is perhaps not as forceful as it could be, being only captured in a Code aimed at licensees and not in the primary legislation (the *Liquor Licensing Act*).

The AHA|SA accordingly recommended that the *Liquor Licensing Act* be amended to include a provision similar to section 14 of the Code.

Licensees

Licensees at the focus group said they have no problem with the requirement.

Licensee survey respondents were extremely favourably disposed. A large majority (68%) strongly approved, 19% somewhat approved, 12% were neutral and 2% somewhat disapproved.

Community survey

This was one of the most popular measures for both patron and non-patron survey respondents. Some 95% of non-patrons and 81% of patrons either strongly or somewhat approved of the provision, and most of the others were neutral or unsure.

The community survey did not specifically ask respondents to comment on this provision, although a reasonable number commented on it in other sections. Most expressed general support for the measure. A few respondents suggested making CCTV a requirement in all CBD venues, and others suggested that more CCTV systems be installed on CBD streets and laneways.

Ban on free drinks after 4:00am

Stakeholders

Stakeholders generally supported this provision or did not mention any issues, although FARE, the ACC and social services groups all thought it should be applied earlier in the evening.

The 4:00am start time was a key focal point. The AHA|SA covered the history behind this ban well – namely that section 11A of the *Liquor Licensing Act* as it was drafted at the time prevented it from being any earlier. The section was changed in 2013 removing the earlier impediment.

The AHA|SA strongly opposed the ban starting any earlier than 3:00am. It believed that the current provision works well.

FARE supported the idea of the ban but criticised the 4:00am start time. It argued that the provision should apply to all licensees all the time. The Sammy D Foundation, Encounter Youth and The Hub (Multicultural Youth SA) also said that the provision should apply across a wider range of hours, with Encounter Youth nominating 12:00am.

The ACC made the same argument and recommended a 2:00am start time.

Licensees

The licensee survey did not ask about this particular provision. A few late-night licensees expressed some concerns that the provision is too restrictive.

Community survey

The community survey did not ask about this particular provision.

Ban on 'shooters', 'doubles' etc after 4:00am

Stakeholders

Stakeholder feedback on this provision is virtually identical to that for the ban on free drinks (see above). Once again the 4:00am start time was a key focal point.

FARE criticised the 4:00am start time as being too soft. Its submission stated that people can drink rapidly and harmfully any time of the night, and 'the effectiveness of this measure is severely compromised by coming into effect so late.'

The ACC once again recommended a 2:00am start time, and Encounter Youth 12:00am.

Licensees

Late-night licensees who attended the focus group by and large accepted the provision, although one opposed it and another said that the wording unintentionally captures high-end spirit drinks such as single malt whisky. This licensee believes that such drinks should not be included in the definition as no one rapidly consumes them. Currently late-night venues can only serve top whisky with mixers, which is not popular with patrons.

Licensee respondents supported the ban on 'shooters', 'doubles' and similar drinks. A clear majority (63%) strongly approved, 13% somewhat approved, 6% were neutral, 8% somewhat disapproved and 10% strongly disapproved.

Community survey

The results showed a substantial difference between patron and non-patron responses. A large majority of non-patrons (86%) approved of the provision, while only 8% disapproved. By contrast patron respondents were equivocal, with 36% approving, 47% disapproving and 17% neutral or unsure.

Comments on this provision were not specifically requested in the community survey. However, a number of respondents mentioned it in other sections. The main criticism or unintended consequence of this provision was the claim that it caused people to 'preload' and/or drink more heavily in venues earlier in the night.

A considerable number of respondents commented that the restriction should be brought forward to earlier in the night, some suggesting as early as 10:00pm or even banning shots altogether. Many people expressing this view were opposed to the 3:00am lockout.

Ban on glassware after 4:00am

Stakeholders

As this provision is grouped in the Code with the bans on free drinks and drinks promoting rapid consumption, stakeholder feedback is quite similar. Once again the 4:00am start time was a key focal point.

SAPOL suggested that the provision start from 12:00am rather than 4:00am, and if that resulted in capturing an unfairly large number of licensees, it suggested the provision could be limited to targeted precincts.

The ACC recommended a 2:00am start time and Encounter Youth 12:00am.

The AHA|SA praised the provision and said licensees had implemented it well.

Licensees

Late-night licensees at the focus group mostly had no issue, although one licensee opposed it and another raised the earlier concern about high-end spirits, saying that some customers objected to drinking them in polycarbonate or tempered glass.

Licensee respondents were very favourable to the ban on glassware provision. Some 53% strongly approved, 15% somewhat approved, 20% were neutral, 4% somewhat disapproved and 8% strongly disapproved.

Community survey

The results showed that the glassware ban was very popular with all survey respondents (second most popular after the CCTV requirement). Some 88% of non-patrons approved and only 5% disapproved, while 69% of patrons approved and only 18% disapproved.

A number of comments regarding the ban on glassware were provided throughout the survey, many expressing their support for the measure. A number called for the restriction to be brought forward earlier into the night – some claiming as early as 9:00pm or that it should be imposed at all times. A small number also stated that it should be imposed on all venues at all times, wherever alcohol is served.

There were a few objections raised in relation to this provision on the grounds of it representing an imposition on the 'rights' or 'liberties' of people.

Casino exemption from lockout

Stakeholders

Stakeholder views were mixed on the Casino exemption from the lockout. The Casino itself naturally supported the exemption, and a few others noted and accepted its original rationale. However a number criticised the exemption.

The Casino strongly supported the exemption and argued for its continuation. It reiterated the main original argument for the exemption: that it offers a unique experience revolved around gambling, to which alcohol is incidental. It argued that it is a very safe place to drink, and therefore applying the lockout provision to it would 'serve no particular purpose', except to damage its business.

The Casino said that its patronage had not changed in the last year, and it had continued to attract a different clientele – namely tourists and locals interested in specific Casino entertainment – whereas the late-night precincts tended to attract 18-25-year-old partygoers. The Casino said in its written submission that its security had taken a tough line towards any intoxicated patrons who come over from late-night precincts, and:²⁶

it is now common knowledge amongst this market segment that there is no point going to the Adelaide Casino to continue drinking after 3:00am.

The Casino reiterated another original argument for its exemption: consistency with other casinos interstate and overseas. It argued that international high-rollers and other visitors would expect to visit at any time, and imposing a lockout would render the business uncompetitive against competitors.

The AHA|SA described the exemption as 'unreasonable and illogical' and 'the single most contentious element of the Late Night Code'.²⁷ It argued that 'there is simply no evidence-based reason to leave it out'.

Perhaps somewhat inconsistently, the AHA|SA does support the continued exemption of the 23 gaming venues/rooms from various parts of the Code including the lockout (described under the Venue Profile subchapter earlier). In its submission the AHA|SA described the exemptions as 'common sense'.

Of the remaining stakeholders, the ACC and SAPOL both agreed with the Casino that there had been no '3:00am rush hour' to the Casino, except in the first few weeks.

Encounter Youth acknowledged the original rationale for the exemption but proposed that 'the purpose and aims of 24-hour trading liquor licenses should be reviewed and modified... [and] at the very least we recommend a break in liquor trading from 4:01am until 7:00am.'²⁸

Licensees

The licensee community is generally not sympathetic to the exemption. Late-night licensees who met with the Review described the exemption as 'ridiculous' and questioned the extent of the Casino's uniqueness.

The licensee survey did not contain a specific question about the Casino exemption from the lockout.

²⁶ Adelaide Casino, written submission to Review, 3 March 2015.

²⁷ AHA|SA, written submission to Review, 10 March 2015.

²⁸ Encounter Youth, written submission to Review, 10 March 2015.

Community survey

The survey results showed that a clear majority of survey respondents disapproved of the exemption of the Adelaide Casino from the lockout provision, with both patron and non-patron responses being quite similar. Some 23% of non-patron respondents and 30% of patron respondents approved of the exemption, while 59% of non-patrons and 53% of patrons disapproved.

When prompted to provide reasons why the Adelaide Casino should or should not be exempt from the lockout provision, many respondents expressed a view that it gives an unfair competitive advantage to the Casino. Other views expressed included that it only encourages gambling and weakens the Code (as there is still *somewhere* to go late at night).

Views expressed in favour of the Casino exemption were that it is positive as it provides at least one place to continue socialising and find safety after 3:00am, that the Casino is not focused on drinking – it is about gambling / entertainment and that the Casino has the best security of all venues and is accordingly better-placed to safely manage a late-night crowd.

SUGGESTIONS FOR CHANGES

The survey invited respondents to provide suggestions for ways to make the Late Night Code more effective. These are summarised in the following section.

HEADLINE RESULTS

- Removing or changing the lockout was one of the most popular ideas put forward in the community survey.
- Many in the community survey called for tougher criminal sanctions for individual wrongdoers.
- Many also called for better enforcement and more police in late-night areas. Some suggested more random testing for alcohol and drugs, and various measures to ban problem patrons
- Health sector stakeholders and academics are generally critical of the lockout for a different reason – they think it is too weak – and want it replaced with a closing time or ‘last drinks’ time.
- SAPOL officers suggested bringing in some form of ID scanning requirement, and strengthening ‘barring orders’ powers for problem patrons.
- A number of stakeholders believed the group of provisions starting at 4:00am (bans on free drinks, shooters and glassware) should start earlier – between 12:00am and 2:00am.
- Many stakeholders and community survey respondents want the Casino exemption from the lockout removed, although the Casino itself strongly opposes this.
- There were a plethora of other suggestions. The majority of these seek to target or prevent activities by actual or potential wrongdoers, rather than place uniform conditions on licensees.

Licensees

Licensees made a broad range of suggestions, including:

- more SAPOL involvement on the streets, including banning and fining patrons for bad behaviour;
- addressing drug use;
- attempting to get patrons out to venues earlier;
- patron education campaigns; and
- general cultural change, including tougher penalties for violent behaviour.

Community survey

Some 1,852 comments were provided by respondents.

Not surprisingly, a large number of respondents (n=251) suggested removing the lockout altogether. Of these, 248 (or almost 99%) identified as patrons who sometimes go out after 3:00am or later.

A smaller number of respondents suggested bringing the lockout start time forward to earlier in the evening (n=32). Some 11 of these said they 'never' went out, six stated that they went out once per year or less and the remaining that they went out after 3:00am more frequently (four did not identify whether they went out after 3:00am or not).

A large proportion of respondents also suggested increasing police presence in and around venues (n=260), imposing 'tougher penalties' for offenders (n=134) and having educational campaigns targeting problem drinking and associated violence and antisocial behaviour (n=124).

A smaller number of other suggestions included:

- restricting the hours in which venues may remain open and sell alcohol;
- imposing a maximum number of drinks that any one person may purchase at any time;
- requiring venues to have periodic blocks of time in which they cannot sell alcohol after a certain hour;
- more scrutiny of persons attempting to enter venues, including ID scanners, pat-downs, bag checks and/or taking photographs of them;
- use of metal detectors at all times rather than after a certain hour;
- bringing forward the requirement to stop promoting and selling 'shooters', 'doubles' etc; and
- bringing forward the requirement to stop serving alcohol in glassware.

Respondents were also invited to offer any other suggestions on how to reduce alcohol-related antisocial behaviour and violence. There were 932 comments provided, most of which reiterated views expressed in the previous question regarding changes to the Code. However, there were a few more unique or specific suggestions. These are summarised in Appendix 9.

Many of the suggestions made, although worthy of consideration are outside of the scope of the Review in the sense that would not involve changes to the Late Night Code or General Code. Accordingly, most of these suggestions were not analysed any further. A small handful of the more promising suggestions, in other words those with some evidentiary and/or popular support, as well as direct relevance to the operation of the Codes, are examined in the final Chapter.

COMPLIANCE AND IMPLEMENTATION

HEADLINE RESULTS

- Licensees are implementing and complying with the Late Night Code very well. SAPOL and CBS reported very few breaches, and these were mostly not serious.
- Stakeholders (including licensees) and community survey respondents also confirmed that, irrespective of people's views on the Code, it was being implemented well.

The first element of the Terms of Reference is to 'assess whether and to what extent the Codes, in particular the Late Night Code, has been implemented as intended.'

Responsibility for compliance monitoring and enforcement of both Codes of Practice is shared by Consumer and Business Services (CBS) and the SAPOL Licensing Enforcement Branch (LEB).

CBS has primary responsibility for monitoring regulatory compliance, such as signage, licensing conditions and paperwork, while SAPOL has a greater focus on areas such as problems relating to intoxicated patrons, or the service of alcohol to minors. However, joint inspections and taskforces are often undertaken, and matters may be referred between the two agencies.

SAPOL's LEB report that its policing activities relating to liquor licensing compliance include a combination of routine inspections and other intelligence-led, targeted actions such as special inspections, covert observations, and other activities based on information received from a variety of law enforcement or other sources. It also works closely with local councils including the Adelaide City Council.

CBS likewise reports that it monitors compliance through routine inspections (which are usually, but not always, conducted during CBS's business hours and generally unannounced), themed inspections (which are similar to routine inspections but target a particular item or items of compliance in order to inspect a large number of venues in a small amount of time), and taskforce operations (which target a specific area of compliance such as the Late Night Code, may be conducted outside of normal business hours, and may or may not involve SAPOL or other agencies such as the Metropolitan Fire Service, the Department of Immigration or others).

SAPOL data – compliance and implementation

SAPOL indicated that its LEB and CBS jointly conducted an education and awareness campaign for the first month of the Late Night Code, and that during that time 84 suspected breaches were detected. Of them, only eight related to the 3:00am lockout. All breaches were dealt with by way of education and caution.

LEB indicated that it had continued to monitor the compliance of late night venues, and identified some minor breaches that have been dealt with by way of verbal cautions. The breaches were not considered major enough to warrant disciplinary action and reportedly did not relate to, or impact on, public safety issues. There has been one disciplinary action submitted for a large number of breaches of one of the conditions of the Late Night Code.

One venue was reportedly detected breaching the 3:00am lockout in November 2014. As a result, the licensee of the venue has been interviewed and reported for breaching the Late Night Code and will be brought before the Liquor Licensing Court.

CBS data – compliance and implementation

Overall, CBS reported having conducted 5,030 separate inspections between 18 January 2013 (when the General Code started) and 31 December 2014. Of these, the vast majority (3,871) were routine inspections or follow-ups to such inspections. In addition there were 837 'themed' inspections, 304 taskforce operations and 18 inspections to address complaints.

Note that these inspections checked for compliance with either the General Code and/or Late Night Code, but not necessarily both. As mentioned earlier, the routine inspections would generally not be able to find breaches of the Late Night Code, as they are usually carried out during CBS's business hours rather than those of late-night venues.

The CBS records show only three instances of non-compliance with the Late Night Code, and one of these involved two separate sections of the Code. Overall, there was one recorded incident in relation to the requirement to screen entering patrons with a metal detector and two in relation to the CCTV requirement. There was one recorded breach of the lockout in addition to the one recorded by SAPOL.

Licensees – compliance and implementation

Late-night licensees generally said they had no issues complying with the Code.

The licensee survey asked the seven late-night respondents about their experiences in complying with each provision of the Late Night Code. Given the extremely low response rate little weight should be given to the results.

Between half and two-thirds of the respondents said that the Code and its provisions do not apply to them. The remainder generally said they had no issue.

Only one licensee (of a live music venue in the Adelaide CBD) said they had an issue with a provision – the CCTV requirement. This licensee said that installing CCTV had been very costly.

Among the additional comments, two venues said that they would like to receive more information about the Code in order to ensure they comply. One added that there was very little information about the Code available, and the other (a live music venue) said that the Code was difficult to implement for their venue:

The code continues to assume that all CBD late-night Licences are DJ and or dance music based. It does not recognise the significant work put in by live music venues to operate.

Community survey – compliance and implementation

Compliance with the Codes is contingent on licensees and venue staff understanding the requirements of the Code and how to implement them. Accordingly, the 581 respondents to the community survey who identified as having worked in a licensed venue that was sometimes open after 3:00am since before and after the Code was implemented, were asked if they felt that they had received enough information about the Late Night Code to do their job properly. Of those who answered the question (n=548), 89% said that they had received enough information.

There was no sizeable difference in the proportion reporting that they had received enough information about the Code according to the main type of work conducted.

CHAPTER 4

FINDINGS ON THE GENERAL CODE

INTRODUCTION

There was not a lot of input on the General Code. Most of it came from stakeholders, either through the licensee survey, in-person meetings or written submissions.

In the licensee survey all respondents were asked about their experiences and views of the General Code of Practice. Seven respondents (10%) said that they would like more information about the General Code. Of them, three were from the Adelaide metropolitan area and four were from country areas.

Most did not specify what they wanted more information about, but one answered 'everything'. One asked for follow-up reminders so they knew when their staff needed refresher RSA training, and one mentioned that they asked the AHA|SA for help with compliance.

EFFECTIVENESS

There was not a lot of evidence or feedback on how effective the General Code has been to date. By and large stakeholders feel that this Code has been effective, although this is entirely an anecdotal view.

SIDE-EFFECTS AND UNINTENDED CONSEQUENCES

In the licensee survey respondents were asked if they had noticed any other changes to their business as a result of the Code. Six indicated no change; seven indicated that their workload had increased; four indicated that their sales or revenue had decreased; three commented that customer awareness and/or acceptance of the requirements of the Code was generally good; three mentioned educational benefits in relation to their staff and/or customers (ie greater awareness about the need to monitor level of intoxication or likely blood alcohol level); and two commented that they were serving less alcohol per person and had less intoxicated patrons.

LEVEL OF SUPPORT

Licensee respondents were asked about the level of approval for each of the provisions in the General Code. Support was generally high for all provisions of the General Code. Support was highest for the requirement to take steps to minimise the risk of drink spiking, and lowest for the ban on gender-based promotions and the requirement to maintain a written risk management plan.

Respondents were invited to offer suggestions for ways to help the General Code work better to promote the responsible promotion, sale, supply, and consumption of alcohol. Four respondents mentioned more education, either for licensees or for patrons – possibly in the form of printed posters to put up in venues.

Two commented that it worked well for their venue, two suggested removing it, and two suggested removing the risk management plan requirement. Other comments (all made by one respondent) were to simplify the Code (but not how), to encourage lower alcohol drinks, and to make the Code more flexible to cater for different licence and venue types.

When invited to offer any further comments about the General Code, four respondents commented that they thought the General Code should be more flexible for different types of licence and venue, and two commented that they thought the Code was working well. Other comments (one respondent each) were: that the Code should be shortened and simplified; that the Code should be scrapped; and that the risk management requirement should be removed.

PROPOSALS FOR CHANGE

Responsible Service of Alcohol

Some 229 respondents to the community survey commented that RSA training and compliance and/or venue security should be improved. Some commented that they have observed, at times, people who are clearly intoxicated being served alcohol in venues, some attributing this to poorly trained RSA staff or venues / staff who prioritise sales over responsible service of alcohol.

COMPLIANCE AND IMPLEMENTATION

SAPOL

Anecdotal evidence to SAPOL is that, since the introduction of the General Code, licensees are much more aware of their obligations relating to the responsible service of alcohol.

CBS data

As mentioned earlier in the previous Chapter on the Late Night Code, CBS compliance inspectors conducted 5,030 inspections in the almost two-year period from 18 January 2013 to 31 December 2014.

There were a range of different types of inspection; some checking for compliance with the General Code, some the Late Night Code and others both. A majority of the 5,030 inspections checked for compliance with one or more sections of the General Code.

Overall the CBS compliance officers in this period detected 1,233 breaches of the requirement to prepare and maintain a written management plan, 688 breaches of the requirement to conduct staff training on the written management plan, and 449 breaches of the requirement for staff to complete Responsible Service of Alcohol training.

Licensees

Licensee survey respondents were asked about their experiences in complying with the separate provisions of the General Code. This section focused on sections of the Code which were new to the General Code that was introduced in January 2013.

RSA training

One respondent expressed the view that training was unnecessary and expensive when staff were all highly experienced in the responsible service of alcohol. The respondent also indicated that the online RSA course was simply common sense and did not add value to the business.

One respondent stated that because staff could not produce RSA training certificates training needed to be done again, at a cost. One respondent would prefer to see a national system in place, and one respondent mentioned that an application had to be made for an exemption even though alcohol was served only once or twice a year.

Ban on gender-based promotions

One respondent from a winery commented that some wines were preferred by one gender and that the ban had affected their sales. Another respondent with a residential licence commented that some events were gender-based, such as Mother's Day and Father's Day, and that they felt venues should be able to offer a free glass of champagne for mothers or a beer for fathers on these special occasions.

Minimise risk of drink spiking

All comments mentioned that this provision was difficult to manage and implement, although some also acknowledged that it was important.

Written risk management plan

There were 15 comments made in relation to the written risk management plan requirement. All reflected one or more of the following main themes: that the plan was unnecessary for many licensees, in particular small venues, and that licensees should be aware of risks as a matter of course without having a written plan; that it generated a considerable workload which was overly burdensome for small venues; that the requirements were unclear and more support was needed (one mentioned that they had received support from the AHA|SA); and that the online template was not helpful enough (although one commented that the current template was better than the previous one).

CHAPTER 5

LITERATURE REVIEW

There is a large body of research assessing the effectiveness of a range of approaches to reduce alcohol-related harm. This Chapter commences with summaries of findings by the World Health Organisation (WHO), and the National Drug Law Enforcement Research Fund (NDLERF) in Australia. These summaries provide a strong evidence-base of how effective the individual measures are likely to be.

This literature review does not aim to replicate the extensive work of the WHO and NDLERF in this area. However, some of the important measures that have shown to be effective are expanded on in the subsequent section. These are grouped together in accordance with whether or not they are within the scope of the Codes. A few measures that are outside of the scope of the Codes have been included as they have been shown to be highly effective in reducing alcohol-related harm.

The next Chapter is a brief account of what is being done in other Australian jurisdictions to address the issue of alcohol-related harm, and a table comparing Adelaide's closing hours and lockout times with other cities.

In providing an overview of the relevant literature, this Chapter draws from local and international reports by government and non-government organisations and a range of peer-reviewed academic studies. Where appropriate, it also includes content from various legislation, policy documents and media articles.

RESEARCH EVIDENCE ON EFFECTIVE POLICY APPROACHES

In 2009 the World Health Organisation Regional Office for Europe published a comprehensive report updating the global evidence-base on effective alcohol policies.²⁹ The following list summarises the report's findings:

Degree of Evidence	Evidence of action that reduces alcohol-related harm
Convincing	<ul style="list-style-type: none"> Alcohol taxes Government monopolies for retail sale Restrictions on outlet density Restrictions on days and hours of sale Minimum purchase age Lower legal BAC levels for driving Random breath-testing Brief advice programs Treatment for alcohol use disorders
Probable	<ul style="list-style-type: none"> A minimum price per gram of alcohol Restrictions on the volume of commercial communications Enforcement of restrictions of sales to intoxicated and under-age people
Limited-suggestive	<ul style="list-style-type: none"> Suspension of driving licences Alcohol locks Workplace programs Community-based programs

²⁹ World Health Organisation, *Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm* (2009), http://www.euro.who.int/__data/assets/pdf_file/0020/43319/E92823.pdf, accessed 4 March 2015.

In March 2015 the National Drug Law Enforcement Research Fund in Australia and Deakin University provided the results of a comprehensive review of the current evidence in this area.³⁰ This study assessed interventions in terms of this evidence of effectiveness, and also asked a panel of experts about perceptions of specific interventions with unclear evidence of effectiveness (called a 'Delphi' assessment approach). Interventions were coded according to the following scheme:

Symbol	Criteria
✓ ✓ ✓	The highest level of impact for the literature review – a study must have substantial compelling evidence for its effectiveness, both in Australia and internationally. All relevant literature supports the intervention.
✓ ✓	The second level – An intervention must have strong evidence for positive outcomes. Studies may be confined to a context outside of Australia, or may have limited evidence of impact in Australia. These studies may also have small effect sizes.
ü	The third level – studies must have research that supports an intervention's effectiveness. In these studies effect sizes are small and the number of studies may be limited.
?	A study where evidence for intervention's effectiveness is inconclusive. This may mean the evidence both supports and contradicts the intervention, or that research in the area is so limited a conclusion cannot be drawn.
✗	A study where evidence for an intervention's effectiveness is not supported. Evidence consistently produces reliable findings that indicate a lack of, or poor outcomes, for reducing harm.
***	The highest rating in the Delphi study – when the current evidence from the literature is unclear but the ratings from the Delphi suggest an intervention is highly effective. Interventions were given this rating if their mean effectiveness rating for any of the outcome variables was between 7.1 and 10.
**	The second rating – when interventions do not have clear evidence in the literature, but receive moderate support from the ratings in the Delphi (3.1 and 7)
*	The third and lowest rating – when interventions do not have support from the literature, and receive low mean ratings of effectiveness from the Delphi (0 to 3).

³⁰ Peter Miller et al, *Interventions for Reducing Alcohol Supply, Alcohol Demand and Alcohol-related Harm* (2015), <http://www.ndlerf.gov.au/publications/monographs/monograph-57>, accessed 25 March 2015.

While the monograph assesses the effectiveness of a large array of interventions, from alcohol pricing to school education programs, the monograph was considered in terms of interventions relevant to Codes of practice. The following table is sourced from the monograph and summarises the interventions most relevant to the practice of licensed venues.

Interventions	Evidence for impact	Level of evidence
Safer Bars program	✓ ✓	Has received international support. Further evaluation in Australia is needed.
Mandatory polycarbonate glassware	✓ ✓	Evidence for effectiveness particularly for reducing injury as a result of glass.
Risk-based licensing	✓ *	Strong rationale in favour despite lack of evaluation. Intervention may be useful over the longer term. If penalties are appropriate in size. Moderate effectiveness ratings from the Delphi for reducing assaults, harm, intoxication and for preventing crime. Enforcement is crucial.
Responsible Service of Alcohol (RSA) Training	With enforcement ✓ Without enforcement ✗	RSA training is not a satisfactory approach to reducing alcohol consumption and harms. Only a support to more effective restrictions. RSA should be mandatory for all servers of alcohol.
ID scanners	With enforcement ? Without enforcement ✗	Evidence remains mixed, with substantial issues about enforcing proper practice regarding privacy and informed consent. Once framework is in place, mandatory implementation is indicated with minimum equipment standards.
Lockouts	✗?	Evidence shows lack of impact and some potential negative consequences. May be considered as a pragmatic but short-term approach to reducing acute workload pressures on police during late-night hours. Should be regarded as a support strategy, secondary to other more effective mandatory restrictions.
Closed Circuit Television	? **	Strong rationale in favour. Ideally, CCTV should be part of an overall security plan. CCTV has a major benefit in terms of solving crimes already committed.
User pays policing	**	Moderate rationale in favour despite lack of evaluation if hired through police services but further research recommended. General hiring of off-duty police directly, not recommended. Received moderate ratings in the Delphi for reducing assaults, harms and for preventing crime.
Security plans	**	Strong rationale in favour despite lack of evaluation. Received moderate effectiveness ratings in the Delphi for reducing alcohol-related assaults, and alcohol-related harm.
Responsible Service of Alcohol Marshals	**	Moderate rationale in favour for larger venues despite lack of evaluation. Moderate support from the Delphi for reducing alcohol-related assault, harm, consumption, intoxication, and for preventing crime.

Interventions	Evidence for impact	Level of evidence
Mandatory high visibility clothing	**	Moderate rationale in favour despite lack of evaluation. Found to be moderately effective for reducing alcohol-related assaults, harm, and for preventing crime.
Internal radio networks	**	Strong rationale in favour despite lack of evaluation. Received moderate ratings from the Delphi for reducing assaults, and preventing crime.
External radio networks	**	Strong rationale in favour despite lack of evaluation. Received moderate ratings from the Delphi for reducing assaults, harm, preventing crime, reducing consumption and intoxication.
No sale of shots, or chap drinks/promotion	**	Moderately effective ratings for reducing intoxication and consumption as well as for reducing alcohol-related assaults and harm.
Alcohol to finish 30 minutes before closing	**	Moderate effectiveness ratings for reducing alcohol-related assaults and harm, preventing crime, and reducing consumption and intoxication.
Free water	**	Moderate effectiveness ratings for reducing alcohol consumption and intoxication, and for preventing crime and reducing alcohol-related harm.
Random breath testing in venues	**	Moderately effective ratings for reducing assaults, harm, consumption, intoxication and for preventing crime.
Banning multi buy promotions (two for one deals), especially from off-licence premises	**	Moderate effectiveness ratings from the Delphi for reducing alcohol-related assaults, harm, consumption, and intoxication. Susceptible to industry simply reducing price.
No 'Ready-to-drink' beverages more than 6%	**	Moderate effectiveness ratings from the Delphi for reducing alcohol-related assault and harm, reducing consumption and intoxication, and for preventing crime.
Banning orders	**	Moderate effectiveness ratings from the Delphi for reducing alcohol-related assault and harm, reducing consumption and intoxication, and for preventing crime.
Energy drink restrictions	**	Received moderate ratings for effectiveness in the Delphi for reducing alcohol-related assault, alcohol-related harm, as well as consumption and intoxication.

A number of approaches outlined in the tables above are outside of the scope of this Review; the General and Late Night Codes are principally aimed at reducing risks in licensed venues. As such, the analysis of individual measures further on in this Chapter focuses on approaches relevant to drinking on licensed premises, to the exclusion of other measures.

EVIDENCE ON ASPECTS OF THE DRINKING ENVIRONMENT

Opening hours

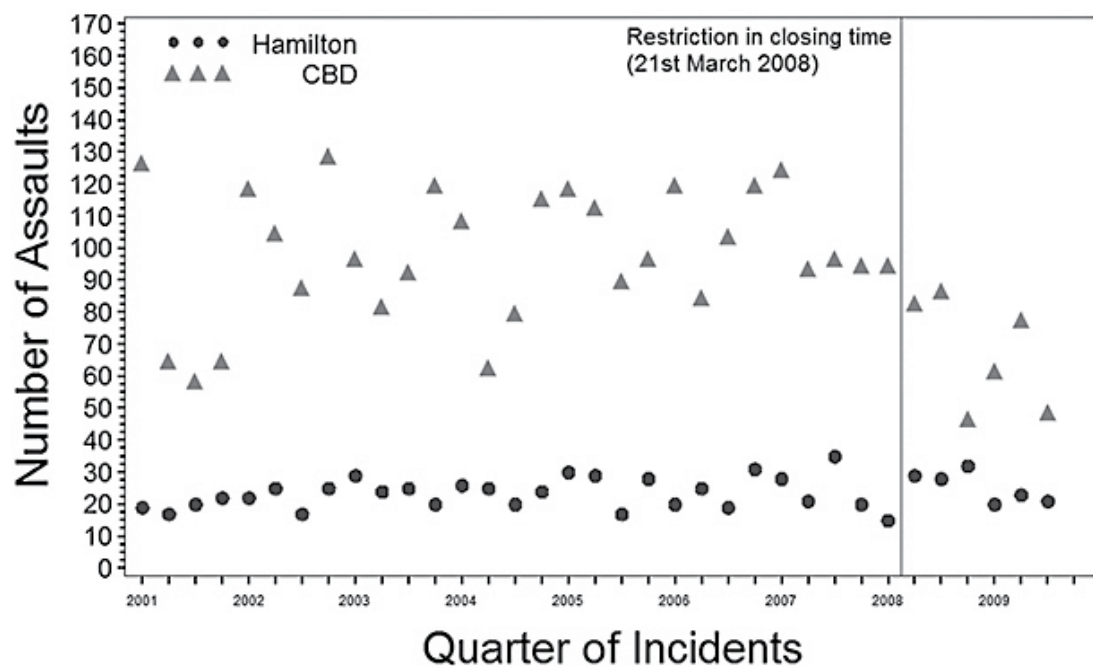
There is strong and consistent international body of evidence showing that longer opening hours for liquor outlets, including bars and nightclubs, are associated with higher rates of alcohol-related violence.³¹ In Australia, the National Preventative Health Strategy identifies licensed premises opening times as an area for states and territories to work towards developing a best-practice, nationally-consistent approach.³²

One of the most notable case examples in Australia is the result of the May 2008 liquor reforms in Newcastle, NSW. These included a 1:00am lockout and 3:00am mandatory closing time for the 11 licensed venues in Newcastle's CBD previously allowed to trade until 5:00am. These times were later amended to a 1:30am lockout and 3:30am closing time. The sale of alcohol has to stop 30 minutes prior to closing time.

At around the same time in 2008, the NSW Government trialled a similar lockout in the nearby town of Hamilton, without a mandatory closing time.

The NSW Government has thoroughly evaluated the initiative and, as illustrated in the figure below, the statistics show a sharp fall in alcohol-related violence after March 2008 – specifically a 37% reduction in assault rates – in Newcastle *but not* Hamilton.³³ Most have taken this result to mean that closing times are much more effective than lockouts.

Figure 17: Assaults per quarter, January 2001 to September 2009, in the Newcastle Central Business District (CBD) (intervention area) and Hamilton (control area).



³¹ For example, see Tanya Chikritzhs and Tim Stockwell, 'The impact of later trading hours for Australian public houses (hotels) on levels of violence'. *J Stud Alcohol*, 63/5 (2002), pp. 591–599; World Health Organisation, *Evidence for the effectiveness...*, op. cit., and Tim Stockwell and Tanya Chikritzhs, 'Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking', *Crime Prevention and Community Safety*, 11 (2009), pp. 153–170.

³² National Preventative Health Taskforce, Alcohol Working Group, *Australia: the healthiest country by 2020* (2009), [www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/09C94C0F1B9799F5CA2574DD0081E770/\\$File/alcohol-jul09.pdf](http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/09C94C0F1B9799F5CA2574DD0081E770/$File/alcohol-jul09.pdf), p. 20, accessed 21 April 2015.

³³ Kypros Kypri et al, 'Effects of restricting pub closing times on night-time assaults in an Australian city', *Addiction*, 106/2 (2011), pp. 303–310.

Similar results have also been found more recently in the Sydney Entertainment and Kings Cross Precincts. In January 2014 the NSW Government imposed new restrictions on licensed premises in these precincts.³⁴ Reforms included 1:30am lockouts and 3:00am last drinks for hotels, registered clubs, nightclubs and karaoke bars, as well as restricting retail alcohol sales and new liquor licences, and expanding on current banning orders.

In April 2015 the NSW Bureau of Crime Statistics and Research (BOCSAR) released the latest crime statistics associated with the January 2014 reforms.³⁵ The results showed 'immediate and substantial reductions in assault in Kings Cross and less immediate but substantial and perhaps ongoing reductions in the Sydney CBD'.³⁶ The extent to which this is due to a change in alcohol consumption or a change in the number of people visiting the Kings Cross and Sydney entertainment precincts remains unknown.

More specifically, assaults in Kings Cross were down by 32%, and the reduction occurred immediately after the January 2014 reforms, and assaults in Sydney were reduced by 40%.³⁷ The significantly lower levels of assaults remained stable in the year following the reforms, and there was no evidence of significant displacement of assaults to other areas. The extent to which this is attributable to closing hours and not the other reforms is difficult to quantify. However, as identified above, the international body of literature shows restrictions on trading hours to be effective in reducing alcohol-related harm, whereas the evidence on the effectiveness of lockouts is less convincing (as discussed on the next page).

In South Australia, SAPOL released a report, *Alcohol and Crime*, in 2010, identifying a link between extended trading hours and alcohol-related harm in the Adelaide CBD, particularly in areas of high outlet density such as Hindley Street.³⁸ The report concluded that there is good evidence that reducing the hours of liquor trading reduces alcohol-related harm.

³⁴ *Liquor Amendment Bill 2014* (NSW).

³⁵ NSW BOCSAR, *Lockouts and last drinks: the impact of the January 2014 liquor license reforms on assaults in NSW*, Australia (2015), <http://www.bocsar.nsw.gov.au/Documents/CJB/CJB183.pdf>, accessed 22 April 2015.

³⁶ *ibid.*

³⁷ *ibid.*, p. 6.

³⁸ South Australia Police, *Alcohol and crime – late-night liquor trading and the real cost of a big night out in the Adelaide CBD* (2010), <http://www.sapo.org.au/pub/pub15823.html>, accessed 22 Apr 2015.

Lockouts

There is modest evidence at best to say that lockouts are effective. Because they are a relatively new tool, it is not possible to make definitive conclusions on the evidence available. Further, lockouts are often used as part of a package of complementary measures, and it has been difficult to pinpoint the effects of lockouts as distinct from other measures.

The recent NDLERF report *Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm* stated that lockouts had been found 'effective as a part of a suite of measures' in NSW.³⁹ However it acknowledged that the case examples on which the evidence is based – such as Newcastle and Hamilton (see previous page) – showed that mandatory closing times were likely the effective element.

The Victorian Government carried out a three-month lockout trial in Melbourne in 2008. KPMG conducted an evaluation of the trial and found that the lockout's effectiveness was inconclusive, with mixed trends.⁴⁰ However, it noted critically the very high number of exemptions granted to individual venues as part of the lockout, saying this had undermined the very nature and intended effect of the lockout and made it difficult to assess the worth of the lockout *per se*.

Palk et al studied the effect of a late-night lockout with 5:00am closing time on the Gold Coast.⁴¹ They measured the impact of these laws by analysing assault rates before and after the introduction date. They found a lower proportion of alcohol-related offending, but it was difficult to draw definitive conclusions due to possible information bias and lack of a control to assess seasonal impacts.

Mazerolle et al studied a 2005 lockout in Fortitude Valley, Brisbane, and a 2006 lockout at Airlie Beach, North Queensland. They found a 50% reduction in assaults inside venues, but no change in assaults outside venues.⁴² Given that more than 80% of assaults in these areas occurred outside venues, it is fair to say the impact of the lockout on overall assault rates was limited.

An earlier study measured the effect of a 3:00am lockout in Ballarat, Victoria, in 2004.⁴³ The study compared emergency department attendance rates at Ballarat Base Hospital before and after the introduction of the lockout law, and examined emergency department data from Geelong hospitals as a control group (Geelong did not have a lockout). The study found no long-term impact.

In September 2012 the South Australian Liquor and Gambling Commissioner imposed a 12:00am lockout on the three late-night venues in Gawler. As indicated in Chapter 3, SAPOL figures show that the number of police incident reports for selected offences in Gawler in the October 2013 to September 2014 period were 57.7% lower than in the October 2011 to September 2012 year.

³⁹ Peter Miller et al, *Interventions for Reducing Alcohol Supply, Alcohol Demand and Alcohol-related Harm* (2015), <http://www.ndlerf.gov.au/publications/monographs/monograph-57>, accessed 25 March 2015.

⁴⁰ KPMG, *Evaluation of the Temporary Late Night Entry Declaration Final Report* (2008), Melbourne: Department of Justice (Victoria).

⁴¹ Gavan Palk et al, *Policing and preventing alcohol-related violence in and around licensed premises* (2007), <http://eprints.qut.edu.au/8338/1/8338.pdf>, accessed 2 Mar 2015.

⁴² Lorraine Mazerolle et al, 'Violence in and around entertainment districts: A longitudinal analysis of the impact of late-night lockout legislation', *Law and Policy*, 34/1 (2012), pp. 55–79.

⁴³ Peter Miller et al, 'The long-term effect of lockouts on alcohol-related emergency department attendances within Ballarat, Australia', *Drug and Alcohol Review*, 31/4 (2012), pp. 370–376.

In 2010 Whyalla hotels and clubs, as part of the town's liquor licensing accord, voluntarily committed to a 12-month trial of a 1:00am lockout. Police, the AHA|SA, CBS and local licensees all agreed the trial had been successful. Police reported a 45% decrease in arrests and reports in or near licensed premises, compared to the previous three years. There was also a fall in the number of times police were called to attend disturbances. At one particular venue the number of reported disturbances reduced by more than 50% compared to the previous three years.⁴⁴ In early 2012 the Whyalla hotels and clubs agreed to make the lockout permanent, due to its perceived success.

The 2015 NDLERF report wrote that the abovementioned eastern states trials had delivered superficially positive results, but their significance had been undermined by the limitations of the studies. It also said the studies had not accounted for other factors such as levels of police activity. In some cases it was clear the police had stepped up its enforcement efforts in the late-night precincts. Also, some of the data analyses had not filtered out less relevant offence types or adequately considered long-term trends.

Academics also say that lockouts have had adverse consequences – for example attracting large numbers of patrons to larger venues that have later closing times. They say these consequences may have negated the benefits of having a lockout.⁴⁵

The NDLERF report concludes on lockouts by saying that more work needs to be done to evaluate them, for example by comparing different models and analysing what times of night would be most effective.⁴⁶ But it says that:⁴⁷

*based on the most recent evidence regarding intoxication levels in Australia across the night (Miller et al, 2014c), the strongest logic would be for **lockouts which started at midnight**.*

The literature does not conclude that lockouts are totally ineffective. Clearly evidence shows that measures to control alcohol supply and availability are strongly effective. The problem, as identified in the literature, is that lockouts are too weak to achieve this, and therefore easily washed over by other economic and social factors.

Overwhelmingly the evidence shows that the greatest predictor of late-night violence and disorder is the number of hours beyond midnight that venues are open and serving alcohol, rather than the existence of a lockout. Therefore most academics see the need for tougher measures that tackle pricing, marketing and availability, for example closing or 'last drinks' times.

⁴⁴ SA Police, *Whyalla licensed premises lockout reduces alcohol related crime* [media release], 7 April 2012, SA Police, <http://www.sapolice.com.au/more-news/7312-whyalla-licensed-premises-lockout-reduces-alcohol-related-crime.html> (archived), accessed 5 May 2015.

Also see SA Police, *Annual Report 2011–12*, https://www.police.sa.gov.au/__data/assets/pdf_file/0018/11448/sapol_annual_report_20112012.pdf, p. 25, accessed 5 May 2015.

⁴⁵ Peter Miller et al, 'The long-term effect of lockouts...', *op. cit.*, pp. 370–376.

⁴⁶ *ibid.*

⁴⁷ Peter Miller et al, *Interventions for Reducing Alcohol Supply...*, *op. cit.*

Mandatory polycarbonate glassware

The presence of glassware in licensed venues has been associated with the severity of assaults.⁴⁸ Of all alcohol-related assault cases in licensed venues – where glassware is available – 10–19% involve bottles or glasses.⁴⁹ Beer glasses have been found to be the most common used weapon in alcohol-related assaults and the weapon causing the most severe injuries.⁵⁰

There is some evidence that bans on glassware, although preliminary at this stage, reduce alcohol-related injury. Indeed, as discussed previously, SAPOL statistics indicate that the number of attacks involving glassware in South Australia fell from 31 to 16 in the year following the introduction of the Late Night Code, with its provision for some venues to replace glassware with polycarbonate or tempered glassware.

This has also been seen overseas. A study of nightclubs in Glasgow, Scotland, where glassware was banned found lower rates of injuries in 'all-plastic' venues.⁵¹ Patrons in these venues also reported feeling safer. Some commentators have argued that all glass should be removed from licensed venues and replaced with plastic or polycarbonate containers.⁵²

⁴⁸ See Peter Cassematis and Paul Mazerolle, 'Understanding Glassing Incidents on Licensed Premises: Dimensions, Prevention and Control' (2009), <https://publications.qld.gov.au/dataset/liquor-and-gambling-research/resource/397ca180-a59e-4a1a-9650-4b60c03db208>, accessed 10 March 2015 and Alasdair Forsyth, Furzana Khan and William McKinlay 'The use of Off-trade Glass as a Weapon in Violent Assaults by Young Offenders', *Crime Prevention and Community Safety*, 12/4 (2010), pp. 233–245.

⁴⁹ See Chris Luke et al, 'A Little Nightclub Medicine: The Healthcare Implications of Clubbing', *Emergency Medicine Journal*, 19/6 (2002), p. 542 and Jonathan Shepherd et al, 'Pattern, Severity and Aetiology of Injuries in Victims of Assault', *Journal of the Royal Society of Medicine*, 83/2 (1990), pp. 75–78.

⁵⁰ See Jonathan Shepherd, 'Preventing Injuries from Bar Glasses', *British Medical Journal*, 308/6934 (1994), p. 932 and Kristian Coomaraswamy and Jonathan Shepherd, 'Predictors and Severity of Injury in Assaults with Barglasses and Bottles', *Injury Prevention*, 9/1 (2003), p. 81.

⁵¹ Alasdair A.J. Forsyth, 'Banning glassware from nightclubs in Glasgow (Scotland): observed impacts, compliance and patron's views', *Alcohol and Alcoholism*, 43/1 (2007), pp. 111–117.

⁵² See 'Surgeon on Glass Bottle Weapon', BBC News, 24 October 2003, http://news.bbc.co.uk/2/hi/uk_news/wales/3211769.stm. and Cassematis, Peter and Paul Mazerolle, *op. cit.*

Other measures

In 2011 the Gunnedah liquor accord agreed to trial an intervention whereby alcoholic beverages of more than 3.3% alcohol content could not be sold in licensed venues after midnight.

The Oxley Local Area Command evaluated this intervention and found that there was a 35% reduction in assaults from the previous year. The evaluation also found that patrons leaving venues at closing time had lower levels of intoxication than prior to the intervention; that they 'were aware of what they were doing'. According to the NDLERF report, the AHA advised the liquor accord to discontinue the intervention, although the Council and local police wanted it to continue.

A recent study in Queensland (supported other studies in Canada and Scotland) found that good queue management and reducing overcrowding in venues also helped reduce patron aggression in entertainment precincts.⁵³ Graham and Homel highlight that there are two main ways in which the characteristics of individual venues affect the behaviour of patrons outside:

- venue practices (unfair or confrontational entry policies and aggressive patron ejection practices); and
- the extent of queuing and congregation outside (leading to clashes between groups and crowds gathering around clashes).⁵⁴

Research also shows that providing readily accessible late-night transport options is a crucial way to disperse crowds, reduce alcohol-related injuries⁵⁵ and discourage drink-driving. Research has also shown that the grouping of drunk patrons in and around licensed premises has contributed to alcohol-related violence.⁵⁶

In the Republic of Ireland, and parts of Canada and the US, bans exist on 'happy hours' and inappropriate promotion of rapid drinking.⁵⁷ However there has been limited research into the effects of such regulations at a broad population level.

⁵³ Michael Townsley and Robert Grimshaw, 'The consequences of queueing: Crowding, situational features and aggression in entertainment precincts', *Crime Prevention and Community Safety*, 15 (2013), pp. 23–47.

⁵⁴ Kathryn Graham and Ross Homel, *Raising the bar: preventing aggression in and around bars, pubs and clubs* (2008), Devon, UK: Willan Publishing.

⁵⁵ Babor, T et al, *Alcohol: No Ordinary Commodity – Research and Public Policy* (2010), Oxford: Oxford University Press.

⁵⁶ See South Australia Police. *Alcohol and crime...*, *op. cit.*, and SJ Doherty and AM Roche, *Alcohol and licensed premises: best practices in policing – a monograph for police and policy makers* (2003), funded by NDLERF, an initiative of the National Drug Strategy, <http://nceta.flinders.edu.au/files/7312/5548/1448/EN34.pdf>, accessed 22 April 2015.

⁵⁷ See RTE News, 'Happy hour to end at midnight', *RTE News*, 17 August 2003, <http://www.rte.ie/news/2003/0817/41365-happyhour/>, accessed 15 March 2015, and R Smart, 'Happy hour experiment in North America' (1996), *Contemporary Drug Problems*, 23, pp. 291–300.

Based on research in this area, CCTV may have a minor deterrence effect on premeditated crime such as car and property theft.⁵⁸ However, the research shows that crimes of a more spontaneous nature, including violence and assault, are not affected in terms of frequency.⁵⁹ However, while its role in preventing crime is doubtful, CCTV can play a valuable role in monitoring and solving crime within licensed venues.⁶⁰

The role of the drink marshal is widely considered useful in larger late night venues where security personnel may find it difficult to monitor crowds for intoxication effectively when they security duties.⁶¹

The research also appears to show that certain approaches have no measurable impact on alcohol-related harm. Educational campaigns fall into this category.⁶² However they may useful for increasing public and political attention to the harms of excessive drinking, and as such act as a complementary measure.

CONCLUSION

There is a large body of evidence from Australia and overseas about what works, and what doesn't work. Together with the World Health Organisation, numerous Australian academics and government and non-government organisations have established that, in the drinking environment, the main factors that will impact on alcohol-related harm include outlet density, pricing, mandatory polycarbonate glassware, risk-based licensing and restricted hours of trade.

⁵⁸ Brandon Welsh and David Farrington, 'Evidence-based Crime Prevention: The Effectiveness of CCTV,' *Crime Prevention & Community Safety*, 6/2 (2004), pp. 21–33.

⁵⁹ Peter Miller et al, *Interventions for Reducing Alcohol Supply...*, *op. cit.*.

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² World Health Organisation, *Evidence for the effectiveness...*, *op. cit.*.

CHAPTER 6

JURISDICTIONAL COMPARISON

GENERAL

All Australian states and territories have statutory provisions that regulate:

- who may sell and supply alcohol;
- the commercial practices of licensed premises;
- offences and duties of licensees;
- disciplinary procedures and penalties; and
- who may consume and access alcohol

Despite the diversity of Liquor Licensing laws between states and territories (NCETA), these laws have a number of things in common, in particular:

- Stipulated trading hours for licensed premises;
- Provisions allowing licensees, police, courts and government authorities to prohibit certain people from licensed premises;
- Methods to instigate disciplinary proceedings against licensees;
- Offences for serving and supplying an intoxicated person with alcohol; and
- Lockout conditions in an attempt to increase community safety by reducing high levels of alcohol related problems in certain areas.

(Source for above: NCETA report 'Liquor Licensing Legislation in Australia', 2010)

LATE NIGHT TRADING

All states and territories of Australia have alcohol licensing regulations which cover issues such as the service of alcohol to minors and intoxicated patrons. Table 5 in Chapter 6 summarises the lockout and closing time requirements in Australian major cities and some overseas major cities.

New South Wales

A range of special licence conditions and restrictions apply to venues located within the Sydney Central Business District Entertainment and Kings Cross precincts.

There are mandatory 1:30am lockouts and 3:00am last drinks at hotels, registered clubs, nightclubs and licensed karaoke bars. Small bars (maximum 60 people), most restaurants and tourism accommodation establishments are exempt. Venues currently licensed to stay open after 3:00am can do so without alcohol service.

Glass containers may not be used and certain types of drinks must not be sold or supplied from midnight until close of trade (or for premises authorised to trade for 24 hours, until 7:00am). Drinks that cannot be sold during these hours include shots, drinks containing more than 50% spirits or liqueur, any 'ready-to-drink' beverage containing more than 5% alcohol, and any drink prepared on the premises containing more than 30 ml of spirits or liqueur. The restrictions do not apply to cocktails, provided certain conditions are met.

Police may issue troublemakers with temporary banning orders of up to 48 hours, preventing them from entering most licensed premises in that precinct or an adjacent precinct. Police may also seek long term banning orders from the Independent Liquor and Gaming Authority to prevent a person entering a high risk venue for up to 12 months.

There is a current liquor licensing freeze. This prohibits the grant of certain liquor licences and certain approvals and authorisations on existing licenses until February 2016.

Bar staff who breach responsible service of alcohol requirements may have their RSA competency cards revoked or suspended. They may also be disqualified from holding a card for up to 12 months.

Licensee fines of up to \$11,000, as well as strikes under the Government's Three Strikes disciplinary scheme have been implemented for failure to comply with the new laws. From 2016, where a strike is in force as at 15 March each year, a \$3,000 compliance loading and a patron capacity loading of up to \$8,000 will apply under the risk based licence fee scheme. In addition, a \$2,000 location loading will apply where the premises is located in a prescribed precinct.

In addition, there is also a NSW-wide ban on takeaway alcohol sales after 10pm for liquor stores, hotels and clubs.

Victoria

The Victorian regulatory approach mostly focuses on: risk-based licensing (licence fee structure based on opening hours and numbers of patrons etc); barring orders for 'troublemakers'; CCTV programs and the monitoring of taxi ranks and an ongoing moratorium on granting new licenses beyond 1:00am.

Lockouts were trialled in 2008 in some council regions, including Melbourne. The trial lasted three months and prohibited entry or re-entry of patrons into bar and nightclub venues after 2:00am. While these lockouts were discontinued, various lockout requirements apply in a number of regional locations throughout Victoria. These differ in the times that they operate but mainly begin operating between 1:30 am and 3:00am.

Queensland

In 2006 a state-wide 3:00am Lockout for late-night licensed venues was introduced. In addition, further restrictions were placed on licensed venues trading from 1:00am onwards. These included:

- employing sufficient crowd controllers between 1:00am and one hour after venue closure;
- prohibiting competitions that involve the excessive consumption of liquor;
- installation of CCTV in all public entrances and exits; and
- for Brisbane City Council licensees trading after 1:00am, all management and staff must complete responsible service of alcohol training.

Western Australia

In Western Australia, hotels, taverns and bars are required to close by midnight from Monday through to Saturday, and by 10 pm on Sundays. Nightclubs must close by 5:00am from Monday through to Saturday, and by midnight on Sundays. However, there are a number of venues in Perth that have successfully applied for extended trading hours.

In 2011, additional licence conditions were imposed on venues in inner city entertainment precincts of Perth. These include a prohibition (from 1:00am) on selling or supplying alcohol:

- in vessels exceeding 750 ml, except vessels containing premixed drinks which shall not exceed 375 ml; and
- in non-standard measures of spirits (in other words exceeding 50 ml of spirits in any vessel).

In addition, in 2011 the sale or supply of alcohol in a way that encourages rapid consumption (for example 'laybacks', 'shots', 'shooters' etc) is prohibited, energy drinks cannot be mixed with alcohol after midnight and venues are prohibited from allowing patrons to enter a venue after midnight if it is within 30 minutes of close of trade.

Tasmania

Under the Tasmanian *Liquor Licensing Act 1990* the maximum permissible hours of operation are 5:00am until midnight. However, the Commissioner for Licensing can issue an out-of-hours permit. This permit can enable trading until 5:00am and compliance with conditions specified on the permit.

The Commissioner also needs to be satisfied that an applicant is a fit and proper person. Additionally, applicants are required to have completed a course or traineeship approved by the Commissioner or to have the necessary knowledge, experience and competency.

Some venues in Hobart and Launceston do voluntarily impose lockouts, but this arrangement varies between these venues. In Launceston, some venues have lockout provisions included in their out-of-hours permits but this is not the situation in other parts of the State.

The liquor licensing legislation also provides police and licensees powers to ban or 'bar' a person for a prescribed time under certain circumstances. The Tasmanian Government is currently reviewing the *Liquor Licensing Act 1990*.

Northern Territory

The Northern Territory Government has introduced a raft of measures to address alcohol-related antisocial behaviour. Most notably there is a mandatory lockout; for all venues with a 4:00am closing time patrons cannot enter the premises after 3:00am.

So called 'one punch' legislation was introduced at the end of 2012. In effect, this has added the offence of committing a violent act causing death to the Criminal Code. The change closed a gap in the law whereby a person who, through an act of violence, caused the death of another person, could not be prosecuted for manslaughter or murder.

In December 2013 the Territory Government introduced Alcohol Protection Orders, giving police the power to ban a person from buying, consuming or possessing alcohol if they are charged with an offence attracting a jail term of six months or more whilst affected by alcohol. Alcohol Protection Orders also bans a person from attending a licensed premise and can last for three, six or 12 months.

The Territory Government recently increased the on-the-spot fine for people who refuse to leave a licensed premise when asked by premise staff or Police. The fine was originally \$144 and is now \$576.

To address alcohol-related disorder in late night venues and entertainment hot spots, an individual who engages in antisocial behaviour in or near a licensed venue within the precinct can be banned by police for 48 hours (and by the courts for up to 12 months). The bans can apply to one or more venues or a whole declared area.

An Alcohol Mandatory Treatment program was introduced to help chronic alcoholics deal with their addiction. It provides support and services directly to those who are known to be at risk to themselves and others.

Australian Capital Territory (ACT)

The ACT has a licence fee system which is gradated according to opening hours and safety characteristics. Venues also have a requirement to prepare Risk Assessment Management Plans (RAMPs) which must be provided when applying for a new licence or a transfer of licence. Intoxicated people in a public setting can be taken into police custody for their protection and transported to the sobering up shelter.

COMPARISON OF CLOSING TIMES – VARIOUS AUSTRALIAN AND INTERNATIONAL CITIES

Table 4: Comparison of closing times

Jurisdiction	Lockout time	Latest closing time
Adelaide	3:00am	7:00am
Sydney	1:30am	3:00am (there are a small number of exemptions and venues may remain open but not sell alcohol after this time)
Melbourne		There is no 'blanket' closing time and a small number of 24-hour licenses exist. However, since June 2013 there has been a 'freeze' on granting new licensees with an authorisation to trade after 1:00am (unless 'exceptional circumstances' can be demonstrated). This is in place until 30 June 2015.
Perth		Midnight for hotels, bars and taverns. 5:00am for nightclubs (there are a small number of exemptions granting extended trading hours)
Hobart		Midnight for all venues (out-of-hours permits are occasionally granted to 5:00am)
Darwin	3:00am	4:00am (the Casino is exempt)
Canberra		5:00am
New York City		4:00am
Los Angeles		2:00am
Auckland		4:00am
Vancouver		3:00am

CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

This Chapter attempts to bring together the Review findings and broader pieces of evidence outlined earlier, to come to some conclusions on the best way forward.

The fundamental question is: *have the Codes achieved their aims?* In endeavouring to answer the question this Chapter does the following:

- recaps the findings and literature on effectiveness, consequences and level of support;
- examines and weighs the merits of these, and puts them into their full context;
- outlines and assesses the options; and
- concludes with some recommendations.

Both the Codes as whole instruments *and* the specific component parts are examined. This is important because some findings and sources of evidence (for example most of the police and health data) relate to the Code as a whole, whereas others (literature, stakeholder feedback, surveys and some parts of the data) yield a lot of material on specific Code elements.

As mentioned in the methodology, six sources of information and evidence informed the Review. These were weighted on a case-by-case basis. However, as a rule the data and literature were often given more weight. Although feedback from stakeholders and the two surveys offered crucial first-hand insights into the operation of the Codes, by their very nature they involved greater subjectivity including a potential for bias. These factors were taken into account in reaching conclusions and forming recommendations.

CODES OVERALL

As discussed in Chapter 3 for the Late Night Code, the statistics examined by the Review show a decline in violence, antisocial behaviour and alcohol-related hospital presentations since the introduction of the Code. It is possible that other factors may also have influenced this result.

Most stakeholders support the Code to some extent. These include police, hospitals, ambulance services, social support services, most licensees and residents who live near licensed venues. Patrons and late-night licensees support most elements of the Code but oppose the lockout. Although many stakeholders and members of the public had ideas for changes to specific provisions, no one seriously suggested scrapping the Code altogether.

As discussed, since the start of the Code there has been a reduction in violence and antisocial behaviour in the CBD. In this respect the Code may be said to have achieved its primary objective: reducing alcohol-related harm. Whether, in the eyes of policy-makers, the harm has been reduced sufficiently is a matter for subjective judgment.

It is also important to keep in mind that the Code has other aims: minimising harmful and hazardous drinking, protecting the safety and welfare of staff and customers, and minimising the number of offences, annoyance, disturbance or inconvenience for local residents and workers.

On the evidence, the Code has made significant progress towards achieving these other aims. The requirements to use metal detectors, CCTV and polycarbonate glassware are all good examples. Although they may not in themselves be the 'big bang' measures that cut into assault and hospital presentation numbers, or make the deep cultural changes required to curb harmful drinking, they are nevertheless important supporting components of the overall Code.

The General Code is largely uncontroversial. Its aims are much broader than tackling alcohol-related violence, and by-and-large the South Australian community thinks it is doing its job well. A few stakeholders have identified some minor issues that could be resolved by slight modifications. However, no one called for the General Code to be abolished.

The overall conclusion of the Review is that the Code has an ongoing role to play in South Australia. The idea of having a Code is now well-entrenched. The State has passed the point where it could, without difficulty 'wind back the clock' and remove the Code entirely – even if there were a desire to do so. Public awareness and concern about alcohol-related violence remain high. Incidents are still occurring, albeit not with as high a profile as those in 2012 and 2013.

Finally, there is an important, ongoing symbolic and practical value in having a separate late-night focused Code. There were some suggestions that it would be preferable to consolidate all the late-night measures under an expanded General Code, so that licensees have a single reference point for liquor licensing measures. This argument has some merit but insufficient to justify a change.

The late-night measures are very distinctive and only affect a small minority of licensees. To have them subsumed within the General Code would perhaps weaken their singular focus on safety, amenity and reducing violence late at night in the city. Likewise, the General Code would be overwhelmed with a series of provisions that do not affect 99% of licensees in the State if the two Codes were combined. This option is not supported.

Recommendation 1

That the Late Night Code and General Code be retained, with some provisions modified as per the following recommendations.

The remainder of this Chapter will discuss how both Codes can be made more effective, and how their specific provisions can be improved.

3:00AM LOCKOUT

This is clearly the most powerful and high-profile provision in the Late Night Code. In terms of scale and impact it probably outweighs all the other provisions put together. In fact the terms 'Code' and 'lockout' are often used synonymously by the media and the community.

It is also arguably the primary mechanism for achieving the Code's objectives, with the other provisions making up a supporting suite of measures. Accordingly, the lockout and associated issues are discussed before turning to the other provisions of the Code.

Effectiveness

Most stakeholders and members of the public are of the view that the lockout has been effective. Interviewed SAPOL officers felt strongly that the lockout had made a difference to violence, disorderly behaviour and the general mood on the streets late at night, and made crowds easier to manage.

RAH representatives argued that there has been a reduction in late-night presentations, and SA Ambulances said there had been a reduction in callouts. The ACC, Encounter Youth and Multicultural Youth SA all agreed with this view based on first-hand, street-level observations. The majority of local residents and workers said they are feeling safer after the start date for the Code.

In reaching a conclusion about the effectiveness of the lockout, the potential impact of other initiatives to improve the late-night environment must also be recognised. Although SAPOL has said it did not significantly change its patrolling strategies after the introduction of the Late Night Code, many other government, council and non-government initiatives were implemented at or around that time. Although the impact of these initiatives have not been assessed (beyond scope) it is quite possible that these initiatives contributed to the declines in offences and hospital presentations. Similar conclusions have been reached in studies and/or trials in other Australian jurisdictions.

Unintended consequences

Notwithstanding the lockdown's overall effectiveness, some unintended consequences were identified by respondents to the public survey including:

- patron aggression and aggravation at being locked out;
- patron experiences of being 'stranded' alone outside venues;
- the switch in focus by security (12:00 to 3:00am outside, after 3:00am inside); and
- the pressure put on taxis and public transport services at peak points.

Level of support

Strong support for the lockdown came from most stakeholders and the general public. Those who opposed it fall into two camps:

- (i) some in the health sector and some academics – oppose it as being too weak; and
- (ii) late-night licensees and many patrons – oppose it as being too strong

The time factor

In addition to the above it is of note that the lockdown provisions have been in operation for only 12 months. This is an important and, in some respects, a complex piece of public policy. Irrespective of the evidence adduced in this Review (largely positive), a period of only 12 months operation is well below what is considered to be the norm in evaluating the effectiveness or otherwise of a social policy program or initiative. On this basis alone, it is recommended that the lockdown provisions be retained for at least a further 12 months to allow for a more meaningful analysis of the data.

Conclusion regarding lockdown

As with the Code overall, the statistics show that since the lockdown's introduction there has been a statistically significant fall in alcohol related violence in the CBD and in alcohol related admissions to the RAH. At the same time, there have been similar falls across the metropolitan area suggesting two possible explanations:

- factors other than the lockdown may have been in play; and/or
- the lockdown may have had an impact beyond the metropolitan area.

The conclusion, therefore, is that like the Code overall, the lockdown has had a positive impact on alcohol related violence in the CBD. It is not possible to conclude with confidence, however, how much of the fall is due to the lockdown and how much is attributable to other factors.

Mandatory closing or 'last drinks' time

If the government is minded to consider other options leading up to a further evaluation of the effectiveness of the lockout in 12 months' time, one alternative would be to introduce a mandatory latest closing or 'last drinks' time. Such a mandatory closing time would essentially be a requirement in the Late Night Code or *Liquor Licensing Act* that licensed venues in the State cannot trade after a certain time. A mandatory last drinks time is similar, but would simply require that venues cannot serve alcohol after a certain time.

Currently South Australia does not have any latest closing time. As mentioned earlier, the Government attempted in 2011 to introduce a 4:00am to 7:00am 'break in trade' as part of an original bill to amend the *Liquor Licensing Act*. However, this was removed due to opposition.

The 'break in trade' provision was fiercely contested at the time. The Government and other proponents argued that evidence had shown a link between restrictions on trading hours and alcohol-related violence. They also argued that there needed to be a break between the 'night' and 'day' economies, in part to allow police, council and those involved in the night economy to clean up and prepare for the day.

The case against the break in trade – ultimately successful at the time – centred around a belief that it wouldn't be effective (as most assaults happen before 4:00am), fears for safety of people being ejected onto the streets, perceived discrimination against hotels and bars as opposed to restaurants, the disadvantage to local shift workers, and a belief that existing officials could do better with the existing powers they had.

Nevertheless, the arguments in favour of some form of closing or last drinks time remain persuasive. If anything, they have gained strength. Circumstances have changed since 2011. For example, there were the series of high-profile violent incidents in 2012 and 2013, both here and interstate. These had the effect of galvanising the public mood even further in favour of tough action. Although both assault and hospital presentations have fallen they remain significant in an absolute sense suggesting that the existing, longstanding tools and approaches may no longer be sufficient.

State governments have run more lockout and closing time trials in this period and these have been evaluated resulting in compelling evidence that the closing times of 3:00am and 3:30am in Sydney and Newcastle respectively have had a dramatic effect on assault rates.

More broadly, the research evidence in the literature on closing times and similar measures has grown in the last four years with the addition of a number of important reports.

The table in Chapter 6 sets out lockout and last drinks/closing times in other jurisdictions both in Australia and overseas. Of special note is that, apart from South Australia, only two jurisdictions have a lockout policy whereas all have specified last drinks/closing times.

Closing times vs last drinks

There is not a lot of practical difference between these two options. A mandatory last drinks time is slightly more flexible in that it sets the latest time for selling drinks rather than trading altogether. But the reality for most venues is that closing time would shortly follow a mandatory last drinks time, just as they currently do under venues' own chosen trading patterns.

From brief research it appears that most licensed venues call last drinks within about 10 to 30 minutes before closing time. Most licensed venues, in particular late-night hotels and clubs, earn most of their income from the sale of alcohol, so there would be no commercial reason for them to stay open for long after last drinks.

Without any strong views on the issue, the preference is for a mandatory last drinks time rather than closing time. Last drinks has some slight advantages. It gives venues a small amount of flexibility on how long they wish to wind down and clean up after their evening trading stint. Venues can choose how long to remain open, provided they only serve food and non-alcoholic drinks after the last drinks time. This would make the series of closing times a little more staggered, reducing the suddenness of patrons leaving venues and moving onto the streets.

Most of the interstate models adopted in recent years, including the crucial Kings Cross and Newcastle models, use 'last drinks' rather than a closing time.

Specific last drinks time

If a mandatory last drinks time were to be implemented the question then becomes what specific time is best.

Following is a brief examination of a number of scenarios. It should be noted, however, that further work needs to be done to fully analyse the potential benefits and costs of each option to the South Australian community, government and relevant business sectors should there be a decision to develop this proposal further. This would involve a much larger piece of work that is both outside the scope of this Review and in any event unachievable within the Review's reporting timeframe.

In brief, three main last drinks times seem most feasible: 2:00am, 3:00am and 4:00am.

The 4:00am time is obviously the most conservative option. It would affect the fewest patrons and licensees (about 40 of the latter), and is the same as or later than most last drinks or closing times worldwide. A downside of this option is that it is too late to have a meaningful impact on violence and antisocial behaviour. In short, it is too conservative.

A 2:00am time slot was considered but not in any great detail. It is certainly an option, but without a single Australian case example and very few internationally, it was hard to make a proper assessment. It would certainly affect a much greater number of licensees than the lockout does at present. Given recent history, this option is perhaps a 'bridge too far'.

The most preferred option is 3:00am last drinks. This time is already the time entrenched in the public mind due to the current lockout. Patrons have adapted to it as have late-night licensees (as demonstrated by the good compliance and implementation results).

3:00am is also the same (or a similar) last drinks time to many others around Australia and the world, like the well-known Kings Cross and Newcastle times, and has also been endorsed by the new Queensland Government. There is statistical evidence, findings and reports (both academic and media) supporting the 3:00am option.

Last drinks and lockout combinations

If subsequent analysis confirms the effectiveness of the lockout, consideration might be given to the retention of the lockout in combination with the introduction of last drinks. If that were the case, consideration could also be given to bringing the lockout time forward to 1:00am, 1:30am or 2:00am and combined with a 3:00am or 4:00am last drinks.

Recommendation 2

That the lockout and its current commencement time be retained in present form for at least a further 12 months, to provide the opportunity for a further evaluation on the basis of two years of data; and

If the government is minded to give consideration to other policy options, either in the lead-up to or following the further evaluation of the lockout, a thorough analysis of the advantages and disadvantages of a last drinks/closing time provision be conducted.

PUBLIC TRANSPORT – AVAILABILITY OF INFORMATION

This is one of the least onerous and least controversial provisions in the Code. No stakeholder expressed any issue with the provision itself: the requirement for venues to provide transport information on request after 9:00pm.

However, in the survey responses many patrons expressed frustration about a lack of late-night transport options generally. This is a broader issue only indirectly related to the Code and is not further discussed here.

There is one general observation based on feedback that is relevant to the Review. Very few patrons are aware of the availability of an After Midnight bus service. Given patron concerns about the lack of transport options, and the fact that the After Midnight services are precisely there to provide such an option, more effort needs to be made to promote the availability of this service.

The current provision in the Code requires licensees only to make transport information ‘readily available to customers’. This suggests that it doesn’t have to be displayed, only made available on request. It is doubtful that many patrons would take up this option.

It is proposed that Clause 7 of the Code be strengthened to require licensees to ‘display transport information prominently’. Licensees could be assisted in this regard if Adelaide Metro were willing to produce more posters and flyers to promote its services.

Recommendation 3

That clause 7 of the Code about transport information be amended to require venues to display information prominently.

QUEUE MANAGEMENT AFTER 12:00AM

The findings are very favourable towards the queue management provision. Most stakeholders and members of the public support the provision, including patrons and licensees. It seems most in the community accept that good queue management reduces the risk of violence breaking out, and venues so far are doing this well.

A few did mention that queues in the lead-up to the lockout could become long and full of increasing 'aggro' – although this may be more an issue with the lockout rather than queues *per se*.

SAPOL supported the queue management requirement but argued that it should start earlier in the evening. The ACC also supported the provision but said it should be bolstered by maximum queue widths and mandatory semi-permanent infrastructure (like barriers and ropes) to keep queues away from thoroughfares.

There is strong support in the literature for queue management⁶³ and such provisions exist in many other Australian and world cities.

On the whole, the provision is well-balanced, well-supported and fulfils a valuable role in the Code. A handful of comments and suggestions by stakeholders are not viewed as being of sufficient weight to warrant any change at this point.

Midnight is supported as a reasonable start point given the evidence that this is when violence and antisocial behaviour starts to approach its peak.

As for imposing specific queue restrictions, opinions are lukewarm. about these. The concern is that it would impose a greater burden on licensees for perhaps not that much gain. Blanket provisions on length, width and infrastructure in this particular area should be approached with caution. Different venues have vastly different requirements depending on size, physical location, how close they are to other venues and thoroughfares, and the extent and shape of their property boundaries. The current provision allows sufficient flexibility for venues to interpret it to suit their circumstances.

Of more weight is a possible legal issue around the management of queues. Long queues often extend beyond the boundaries of licensed premises and onto public thoroughfares or other business premises and it is unlikely that venue staff would have the necessary authority to direct people who are not on that venue's premises.

The option of police or council managing those parts of queues extending onto public land is not workable for obvious reasons. A more appropriate solution would be to make minor amendments to a range of laws, regulations and codes to fully empower venue security to appropriately manage all people in a queue even if the queue drifts onto public or other private land.

⁶³ Peter Miller et al, *Interventions for Reducing Alcohol Supply...*, *op. cit.*.

Recommendation 4

That clause 8 of the Code regarding queue management be retained in its current form.

Recommendation 5

That further work be conducted on options to give venue security staff more power to manage those parts of queues that extend onto public and other private land.

BAN ON SERVING ALCOHOL ON FOOTPATHS AND OUTSIDE VENUES AFTER 2:00AM

Once again stakeholders and the public largely supported this provision, and very few expressed any concerns. Even late-night licensees and patrons – the two groups most sceptical about the Code – had little negative to say about the provision.

There is very little academic research on this particular measure. However, like queue management, it is aimed squarely at reducing congestion on streets and the risk of ‘choke points’, and, in this respect, it is well-supported.

One criticism – from SAPOL – was that the provision started too late. It preferred a 12:00am start time, to align with queue management and reduce the risk of congestion near licensed venues between 12:00am and 2:00am, which the statistics show is a critical peak point for violence in the city.

SAPOL’s suggestion is supported and the Code should be changed, especially if a decision is taken to toughen a number of other measures. For example if there were to be, at some time in the future, an earlier lockout and/or a closing time, a 2:00am footpath drinking ban may be too late-in-the-piece to complement the revised measures.

Outdoor furniture

A related issue raised by the ACC was outdoor furniture on footpaths. Although the Council acknowledged that the footpath drinking ban after 2:00am had reduced crowds near venues, it argued that furniture remaining on footpaths beyond this point had undermined the effort by creating major loitering points – including for minors, ‘locked out’ patrons and those with BYO drinks.

Accordingly, the ACC proposed that the Code require licensees to remove footpath outdoor furniture at the same time as the footpath alcohol ban.

The principle behind this proposal is supported. However, consideration has to be given to the potential practical impact this would have on some licensees – in particular those who have made significant investments in permanent or semi-permanent outdoor furniture. Venues in this situation would have to convert 3to semi-permanent or moveable furniture, and move this furniture at the start time of the ban. This would clearly impose short-term financial cost on some licensees. Thus, any proposal for change would need to be carefully examined for benefits and potential economic and financial costs.

Recommendation 6

That clause 9 of the Code (restriction on footpath drinking) be amended to start from 12:00am rather than 2:00am.

Recommendation 7

That further work and consultation be undertaken to develop potential options under which clause 9 of the Code is further amended to require venues to remove furniture from outdoor areas at the time restrictions on footpath drinking comes into effect.

DRINK MARSHALS AND FIRST AID ATTENDANTS AFTER 12:00AM

There is very little literature on the effectiveness of drink marshals and first aid attendants in achieving the aims that exist in the Late Night Code. In other words, the extent to which these roles minimise alcohol-related harm is not precisely known. Therefore, the Review relied upon anecdotal evidence from stakeholders and the surveys and, in this respect, the evidence was largely supportive.

The two roles have been a fairly minimal imposition on licensees, and licensees themselves seem largely satisfied with the provisions in the Code (clauses 9 and 10). The first aid role is entirely uncontroversial. A handful of concerns about the drink marshal provision – coming mainly from venue staff themselves – were quite restrained and mainly along the lines that existing RSA-trained staff already fulfilled these roles and therefore the Code provision was unnecessary.

Other jurisdictions have similar drink marshal requirements in place. For instance in NSW the equivalent to a drink marshal is an 'RSA Marshal'. RSA Marshals must hold a current RSA Certificate and meet a range of other criteria.⁶⁴ Like in South Australia, attempts have been made to distinguish the roles of marshal from a security guard. However, unlike in South Australia, RSA Marshals must wear a prescribed uniform.

As indicated in the Findings Chapter, the AHA|SA raised two issues regarding the interaction and potential overlap of the drink marshal and security guard roles. Firstly, it is concerned that some drink marshal duties may be caught by the *Security and Investigation Agents Act 1995*, meaning drink marshals have to be licensed under that Act. While section 11A(7) was inserted into the *Liquor Licensing Act* in 2013 to address this, the associated regulation has not yet been made.

Secondly the AHA|SA proposed that, in the event that a regulation is made, it also exempts a broader range of functions carried out by other staff, as they also carry out patron-monitoring duties that overlap with security work.

The Review acknowledges the Government's intention in 2013 to make a regulation to exempt various drink marshal functions. There is no evidence to suggest a Government policy shift, or grounds for a shift, since 2013. As such, it is perhaps appropriate that some form of regulation be developed.

However, the detail of such regulation needs to be developed, and this will take some careful further work. It is clear that some drink marshal functions may overlap with security work, but not all of them will. The extent of the overlap, and its implications, need to be examined.

⁶⁴ For more information see *Liquor Regulation 2008* (NSW), regulation 53G.

Clearly the rationale behind exempting some drink marshal functions is to ensure that marshals are not automatically subject to the full suite of security legislation requirements just because they occasionally carry out duties resembling crowd control. This is reasonable. However care must be taken in prescribing the exact functions to be exempted. It would not be appropriate to go too far the other way, for example by prescribing a significant number of drink marshal functions as exempt. The risk here is that drink marshals could act as *de facto* security guards but without the regulatory framework governing them. The consequences of this scenario need no explanation.

Overall, the Review considers it important that drink marshal functions be properly distinguished from security functions, and that drink marshals not need to become licensed as security if they only fleetingly and occasionally do some crowd control-type tasks. But it is also important that security work remain properly regulated, whichever type or description of staff carries it out. This does not counteract the need for a regulation, but reinforces the need for careful work to define an appropriate list of exempt functions under the *Liquor Licensing Act*.

As for the AHA|SA's second concern, the Review is not convinced at this point there is a sufficient need to extend an exemption to other staff, for similar reasons to the above. However, there is certainly some merit in investigating the issue further.

Returning to the Late Night Code, the conclusion is that drink marshals and first aid officers are relatively minor but important components of the package of measures in the Code, and help fulfil some of the objects of the Code around responsible supply and consumption of alcohol. No serious proposals were advanced to remove or amend the two provisions. Accordingly, it is recommended that clauses 9 and 10 of the Code be retained in current form.

Recommendation 8

That clauses 9 and 10 of the Code regarding drink marshals and first aid attendants be retained in their current form.

Recommendation 9

That further work be undertaken to develop an amendment to the Liquor Licensing (General) Regulations 2012, specifying particular functions of a drink marshal as 'prescribed functions' for the purposes of section 11A(7) of the *Liquor Licensing Act*.

CASINO EXEMPTION FROM LOCKOUT

The exemption of the SkyCity Casino from the lockout is a distinctive provision that heavily divided opinion. On one hand, a significant number of individuals and stakeholders saw the exemption as illogical and unfair. On the other hand some stakeholders, including the Casino itself, while acknowledging the potential inequity of different treatment, argued that it is justified due to the uniqueness of the Casino.

Among the arguments advanced by those who supported the exemption were that the Casino has a different, gambling-related focus, attracts a different clientele, draws tourists from different cities with different time zones, and has to compete with casinos that are by and large open 24 hours. It was also observed that lockout exemptions have also been granted to a handful of venues (in addition to the casino) for gaming reasons.

The licensing conditions under which the casino operates raise policy issues (eg implications for international tourism) well beyond the scope of this Review. In this light no further comment is offered on this aspect of the Code.

Recommendation 10

That the wording in Part 4 of the Code exempting the SkyCity Casino from the lockout be retained in its current form.

METAL DETECTORS AFTER MIDNIGHT IN LARGER CBD VENUES

Stakeholders and survey respondents either largely supported the provision on metal detectors or had no concerns. There are very few studies that have evaluated the effectiveness of measures of this kind in a liquor licensing context. On the whole, it is an uncontroversial measure and certainly supports those aims of the Code that focus on public safety.

A handful of stakeholders and patrons were of the view thought that the provision should start earlier in the evening on the grounds that, if certain venues have already invested in the technology and it is effective, it would not be much more of an imposition to use it earlier in the night. The ACC summed up this view by arguing in its submission that:

if a licensed premise meets the criteria for requiring a metal detector for screening customers, this should be in use at any time while the venue is open for trade.

This view has some weight. Implementing the measure earlier will likely prevent or deter a greater number of patrons from entering a premise with a weapon, and reduce the window for it to happen. While such a strengthened provision is unlikely to have an impact on assaults without a weapon, or alcohol consumption in general, it would potentially play a part in minimising the risk of serious assaults.

A further issue with starting the requirement earlier is deciding whether it should apply to a greater number of venues, instead of the current very small group of late-night traders. This is a broader issue regarding scope and reach of the whole Code, and is addressed later in the Chapter.

In light of the above, while there is a good case for starting the metal detector requirement earlier, further work should be done to examine and test specific alternative start times. In particular, the likely financial impact should be evaluated, and affected late-night licensees should be consulted about possible operational difficulties or impacts on trade.

Recommendation 11

That clause 13 of the Code (use of metal detectors) be amended to start at an earlier time, with the specific start time to be determined after further consultation and analysis.

CCTV IN LARGER CBD VENUES

Stakeholders from all camps supported this provision during the consultation period. In fact, of all the nine provisions, this was the most popular among patrons of late-night venues and non-patrons in the community survey. Licensees also generally favoured the provision.

The AHA|SA's one concern was that, in some members' views, police have requested copies of CCTV footage to check for general breaches rather than investigate a specific incident. While this is a valid concern, the Code already states that CCTV requests must identify the date, time and location of the premises to which the request relates, as well as the reason for the request. It is true the provision is not replicated in the *Liquor Licensing Act*, but arguably it doesn't need to be. The real issue is appropriate application and enforcement of the Code.

A number of respondents in the community survey called for a wider 'net' of CCTV coverage of CBD streets, on the grounds that it will deter crime and/or enhance investigations. This raises broader issues beyond an evaluation of the effectiveness of the Code and is not further discussed here.

Overall, there is not a compelling case to alter the current provision.

Recommendation 12

That clause 14 of the Code regarding CCTV be retained in its current form.

BAN ON FREE DRINKS AND 'SHOOTERS', 'DOUBLES' ETC AFTER 4:00AM**Analysis of findings and evidence**

Perhaps more than any other provision of the Code (except for the lockout) these two restrictions are intended to directly tackle rapid and excessive drinking. This provision goes to the heart of the first aim of the Code:

to minimise the harmful and hazardous use of liquor and promote responsible attitudes in relation to the promotion, sale, supply and consumption of liquor.

Very few studies have been done on these sorts of measures. The 2015 NDLERF report did not mention any studies on free drink bans, but stated that a panel of 20 experts specialising in alcohol-related harm rated bans on shots and similar drinks as one of the top three interventions for reducing intoxication, as well as top three for reducing consumption. The report went on to give the intervention 'moderately effective ratings for reducing intoxication and consumption as well as reducing alcohol-related assaults and harm.'⁶⁵

Some other jurisdictions have adopted similar provisions in tougher form. Western Australia has similar restrictions in place: from 1:00am for licensed venues in the inner city entertainment precinct of Perth. Also included in this ban are drinks mixed with 'energy drinks' (this starts at midnight).

In NSW, licensed venues in the Sydney CBD trading anytime between midnight and 7:00am are banned from serving drinks designed for rapid consumption between those times. This specifically includes 'shots', 'shooters', 'doubles', any drink containing more than 50% spirits or liqueur, any 'ready-to-drink' beverage containing more than 5% alcohol and a number of other high-alcohol drinks.

A key distinction between the NSW and South Australian provisions is that South Australia does not ban the sale of drinks with more than a certain percentage of alcohol, while the Sydney ban does. However, the Sydney ban allows stronger alcohol concentrations in cocktails on the grounds that these are usually not designed to be drunk rapidly.

Another key difference relates to 'shots'. The Sydney and Perth restrictions specifically ban 'shots', while the South Australian Code does not. The term 'shot' was included in an earlier draft of the South Australian Code but removed following industry concern that it would prohibit straight spirit drinks without a mixer, which are not as often bought for rapid or excessive consumption.

All these differences are important. On balance, arguably the Sydney and Perth restrictions more directly tackle rapid and excessive consumption.

Most stakeholders support the two provisions in the Code, but some (SAPOL, FARE, the ACC and social services groups) argue they start far too late to be truly effective, and need to be brought forward. This view is supported by the SAPOL data on patterns of offending – namely that offending tends to peak between midnight and 4:00am, then rapidly declines to low levels by 6:00am.

Also supporting this view is an extensive study in 2014, which found a significant difference between blood alcohol levels before and after midnight.⁶⁶ This suggests that midnight is a meaningful turning point in the night for regulatory responses.

⁶⁵ Peter Miller et al, *Interventions for Reducing Alcohol Supply...*, op. cit., p. 77.

⁶⁶ Peter Miller et al, 'A Comparative Study of Blood Alcohol Concentrations in Australian Night-time Entertainment Districts', *Drug and Alcohol Review*, 33 (2014), pp. 338–345.

In the stakeholder meetings Encounter Youth reported handing out much higher numbers of 'vomit bags' early in the night for drunk people in recent months, indicating that some people continue to consume alcohol at risky levels.

Patron respondents in the community survey were fairly mixed about the rapid consumption provision in the Code (the survey did not contain a question on the 'free drinks' provision).

A specific unintended consequence raised by survey participants was that the rapid consumption ban encourages people to preload or 'sideload' (drink own drinks smuggled into venues) to compensate. These assertions should be treated with some caution given the subjective nature of the survey and the fact that preloading and sideloading are undoubtedly problems that have existed long before the introduction of the Code, and can be attributed to the price of alcohol as much as anything. Further, sideloading is a compliance issue to be addressed by venues (and a law enforcement issue for police) more than a liquor licensing one.

Conclusion – ban on free drinks and shooters

On the whole, the case for retaining these two provisions and bringing forward the start times is persuasive. The weight of evidence in this regard immediately brings to mind the history of the provisions (detailed earlier) – which is that the 4:00am start time was not the original intention of the Government but a result forced by a legislative hurdle at the time. With that hurdle out of the way (removed in 2013 amendments) there is much to say in favour of an earlier start time.

Bringing the provisions forward would promote the general notion of more responsible drinking, and likely make further headway with excessive and binge drinking and the associated health impacts (setting aside for the moment the issue of pre-or side-loading).

Introducing an earlier start time would result in minimal implementation costs for licensees, although there would be some sort of reduction in trade (more work is needed to quantify this). Such a change would also have a minimal impact on patrons, who could still choose from a wide range of drinks throughout the night.

One key argument against this sort of provision is that it restricts people's freedom. This argument does not hold a lot of weight. There have historically been numerous measures on the sale and consumption of alcohol, and many of these have placed restrictions on activity in order to reduce alcohol-related harm.

Finally, the data and literature on alcohol consumption generally show that, despite a steady and long-running decline in the overall volume of alcohol consumption, binge drinking by males aged 18-25 remains problematic, and the recent explosion of choice in drinks aimed at rapid consumption (shooters etc) is one of the key drivers of this. Provisions like the one in the Code are directly aimed at this problem, and as mentioned earlier there is some evidence that they are effective.

In relation to the types of drink included in the provision, there is much to be said for the measures in Sydney and Perth which include 'shots'. The arguments for exempting shots from the ban are weak. The only difference between a shot and a shooter in many cases is just the number of different spirits in the shot glass. Many shots (albeit not all) are bought for rapid consumption. While the inclusion or otherwise of shots was debated during development of the original Code, this is a debate worth revisiting.

Options

If one accepts the need for these sorts of provision, but in tougher form (with an earlier start time in particular), the next question is what specific start time is best.

A number of stakeholders provided suggestions in this area. SAPOL, FARE and Encounter Youth suggested a 12:00am start time. The ACC suggested 2:00am. The AHA | SA conceded there would be a push for an earlier start time, but strongly opposed anything earlier than 3:00am. It argued that 3:00am would at least be logical because of alignment with the current lockout.

Given the evidence on increasing intoxication and violence in entertainment precincts after midnight, there is a strong case for a 12:00am start time. Arguably the later the start time is after this point, the weaker the effect on binge drinking.

Recommendation 13

That clauses 15 and 16 of the Code (restrictions on free drinks and drinks promoting rapid or excessive consumption) be amended to start from 12:00am rather than 4:00am.

Recommendation 14

That clause 16 be amended to include 'shots' in the list of banned drinks, consistent with provisions affecting Sydney and Perth.

BAN ON GLASSWARE AFTER 4:00AM

This is a key provision in the Code directly aimed at reducing alcohol-related violence and its consequences. It was introduced in response to public concern over assaults with a bottle or glass weapon – otherwise known as ‘glassings’. These have been widely reported in the media across Australia, and other states have introduced similar restrictions. Some venues, either before or since the start of the Code, have voluntarily switched to alternative glassware.

There is evidence to support this provision. As shown in the 2015 NDLERF paper, mandatory alternative glassware was found by some studies to be highly effective.⁶⁷ Further, as detailed earlier, there is reasonable evidence to suggest that the Code has led to a reduction in glassings in the Adelaide CBD, with numbers almost halving from 2012–13 to 2013–14 (31 down to 16).

Most stakeholders including licensees support the use of tempered or polycarbonate glassware in venues, as do the majority of community survey respondents. The main criticism from a few stakeholders is that the 4:00am start time, as with the bans on free and rapid consumption drinks within Part 6, starts too late to be truly effective. Stakeholder suggestions on alternative start times were similar to those for the two drink bans discussed above.

On the whole, the case for retaining the glassware provision and bringing forward its start time is persuasive. The reasons are similar to those outlined above in relation to the bans on free and rapid consumption drinks. The glassware provision is grouped with these other two in the Code, and its 4:00am start time is undoubtedly linked to the legislative restriction at the time.

Bringing in alternative glassware involves a small upfront cost to licensees. However, this is arguably recouped in the long term because polycarbonate and tempered glassware, for example, tend to be more durable than regular glassware and therefore do not need replacing as much.

The limitation on patron freedom is minimal, and while some have complained that drinking out of the alternative glassware is not the same experience, arguably this is a very minor concern that is not widely shared.

While some will argue that the significant fall in glassings is evidence that the provision is working and doesn't need to be changed, the counterargument is that 15 glassings in a year – although an improvement – still leaves further work to be done, and introducing an earlier start time could make further inroads into the annual number of glassings. In the spirit of continued harm minimisation, this latter argument has a lot of merit.

Given that SAPOL figures show that a majority of offences occur between 12:00am and 3:00am, and the existing number of glassings per year, there is a strong case to bring this requirement forward to 12:00am.

Recommendation 15

That clause 17 of the Code (restriction on the use of glassware) be amended to start from 12:00am rather than 4:00am.

⁶⁷ Peter Miller et al, *Interventions for Reducing Alcohol Supply...*, op. cit..

THRESHOLD QUESTION – SCOPE OF VENUES COVERED BY THE CODE

In discussing the provisions of the Code, a critical threshold question remains: *to which venues should the provisions apply?*

At the moment the preambles in Parts 2 to 6 of the Code specify the exact scope of licensees affected by each part. There are differences between each preamble, but the common element is they only capture, *at a maximum*, licensees that trade at some point between 3:00am and 7:00am.

Part 2 (transport information, queue management and footpath drinking) has this scope. Parts 3 to 5 do as well but also trim the scope further. Part 3 (drink marshals and first aid attendants) excludes venues with a patron capacity of less than 200. Part 4 (the lockout) excludes the Casino and restaurants. Part 5 (metal detectors and CCTV) excludes venues with < 200 patron capacity and non-CBD venues. The remaining part – Part 6 (free and rapid consumption drinks and glassware) – only captures licensees that trade at some point between 4:00am and 7:00am.

Of interest is that these scope limitations do not necessarily align with the actual operative provisions of the Code. For example licensees caught by the Code may only be those that trade after 3:00am; however they need to apply many provisions well before these hours (eg metal detectors and queue management from 12:00am and the footpath drinking ban from 2:00am).

The rationale for this arrangement is clear: to focus the Code on a defined and limited group of late-night licensees closest to the problems with late-night violence and antisocial behaviour, irrespective of the times the provisions operate. This was debated at the time the original Code was developed, and that debate will not be fully revisited here.

However it is worth reiterating the downside of such an arrangement – namely it creates two tiers of licensee during the intermediate hours: those bound by the Code and those not. For example right now there are several venues side-by-side on Hindley Street open between midnight and 3:00am. Some have to apply the drink marshal, queue management and metal detector provisions, while the others do not.

While this arrangement may be manageable at present, the two-tiered aspect would be greatly exacerbated if there is a decision to introduce some of the tougher measures recommended above, such as moving forward various start times to 12:00am. There will likely be questions from licensees affected by the Code on why they are bound by various measures applying after midnight, while hundreds of other licensees trading after midnight are not similarly bound.

The scope of venues issue will be particularly challenging if there is a decision at some time in the future to introduce a mandatory closing time and/or earlier lockout start time. It is likely the entire scope of venues for each part of the Code will need to be redesigned from scratch.

This is a complex question, and one that depends to some extent on the Government's decisions on specific provisions. However at the very least, this Review considers it logical to keep any two-tiered division to a minimum. Accordingly it is recommended that, for any provision that needs to be operated (or will after amendment) from 12:00am or later, that they apply to all venues that trade at some point after 12:00am (rather than the current 3:00am).

Recommendation 16

That the preambles to Parts 2 to 6 of the Code be amended to provide that the Parts apply to venues that trade at any time between 12:00am and 7:00am (or, if a mandatory closing time is put in place, that particular closing time).

OTHER PROPOSALS FOR CHANGES OUTSIDE THE CODE

Use of ID scanners

ID scanners are mandated in some jurisdictions and are already used by some venues in Adelaide. They can have numerous functions and outcomes, ranging from simply taking a photo of patrons' ID, to sending information to a database shared by multiple venues enabling venue-wide bans on barred or disruptive patrons.

Very little research has been undertaken on the extent to which scanners reduce alcohol-related harm.⁶⁸ Given that alcohol-related offending is generally spontaneous, it is unlikely that ID scanners (like CCTV) will significantly impact on alcohol-related harm. However, such measures can assist with solving crime in and around venues.

Issues of privacy and confidentiality have been raised with the use of ID scanners. As with the collection and storage of personal information in any context there is a risk of misuse. The NDLERF paper concludes that the use of ID scanners without adequate regulations in place to protect consumers is not best practice.

Given the potential for ID scanners to support barring orders and assist in solving crime, and that they may be in use to some extent in some Adelaide venues, there is a case for mandating and regulating their use. However, this would require further consultation with law enforcement officials, licensees and other stakeholders to ensure a best-practice approach is taken that can have tangible benefits with minimal risk of abuse.

In its submission to the Review, the Late Night Venue Association of South Australia recommended the use of ID scanners in venues from 12:01am until 4:00am on the proviso that they be exempt from some of the other provisions of the Late night Code. A number of respondents to the community survey also suggested the use of ID scanners in venues as a way to address alcohol-related harm. Overall this potential measure has some support and no apparent opposition.

Recommendation 17

Undertake further consultation to determine if the use of ID scanners should be implemented, and any relevant conditions of use.

⁶⁸ Peter Miller et al, *Interventions for Reducing Alcohol Supply...*, *op. cit.*.

Law and enforcement

In undertaking this Review the question of law and enforcement was a recurrent theme; particularly the harshness and applicability of penalties for alcohol-related harm, and police practices and presence. By and large these are matters for law enforcement agencies and the legislature and judiciary, and are not necessarily within scope of the Codes. However, through the literature review and stakeholder consultation some salient points emerged and are worth noting.

The NSW police force has implemented 'consequence policing' in some areas. Put simply, this means issuing on-the-spot expiations rather than cautions for antisocial offences. The rationale for this is that the offender receives immediate consequences for their actions and a wider message is sent through the community that there are consequences for such behaviour.⁶⁹

This approach sees 'aggressive' fines issued to individuals who are intoxicated, fighting or engaging in other forms of antisocial behaviour in public. The NDLERF report referred to evidence that this approach has, in a number of Australian jurisdictions, been associated with a reduction in hospital presentations and assaults recorded by police.⁷⁰

The presence of law enforcement officers is also an important factor. Research has found that targeted enforcement interventions have been effective in reducing alcohol-related offending. Of particular note is the Australian Alcohol Linking Program, which took place over a nine-year period in New South Wales.

The main focus of the program was to identify the last drinking venue of intoxicated individuals apprehended by authorities, and then build a knowledge base of problem drinking establishments. When a certain number of apprehensions had been attributed to a particular venue, the venue would be informed, police would undertake an RSA audit and licensees were invited to police workshops on effective alcohol service and management.

Some studies linked this intervention with a 36% reduction in alcohol-related crime in the intervention area (compared with a 21% reduction in the control area).⁷¹ NDLERF conclude that though there is a small body of evidence regarding police interventions in general, there is strong evidence supporting this particular approach to reducing alcohol-related harm in and around licenced venues. In addition, such an approach would support targeted interventions in South Australia as well as a risk-based approach to liquor licensing.

So-called 'consequence policing' is already in place in South Australia. On-the-spot expiation notices can now be imposed for 'offences against good order', such as drunk and disorderly and similar offences. During the stakeholder consultation of this Review, law enforcement representatives expressed support for this approach, but were of the view that it would be beneficial to have the additional authority to impose fines for lower level offences against the person.

Law enforcement representatives raised concern about the minimum fine, which was recently raised to \$560. While this can act as a strong deterrent for offending, in some cases officers are reluctant to issue such fines for lesser types of offences. The recommendation was to return the minimum fine to \$160 or similar, enabling officers to determine an appropriate expiation amount proportionate to the crime.

In relation to targeted interventions, it is understood that law enforcement officers may collect intelligence linking alcohol-related apprehensions to specific drinking establishments in South Australia. This information was not available to the Review, however, as it is rightly considered 'intelligence'. The way in which such intelligence is utilised by SAPOL is not currently a matter for the Codes. However, there is a case to be made that it could be highly useful in supporting targeted interventions and a risk-based approach to licencing.

⁶⁹ Peter Miller et al, *Interventions for Reducing Alcohol Supply...*, op. cit..

⁷⁰ *ibid.*

⁷¹ *ibid.*, pp. 48–49.

Conclusion – law and enforcement

The imposition of ‘tough’ and immediate penalties for less serious offending is very popular amongst all stakeholder groups. With the appropriate quantum of penalty charge it can be a deterrent to offending, as evidenced in the NDLERF report. However, there will always be cases in which offending, particularly by intoxicated people, will be spontaneous and thus the extent and immediacy of penalties will not be effective.

This counters the view held by some (particularly evident in the community survey) that harsher penalties are all that are needed. There are other factors in the mix; not least of all police presence, as well as the raft of licensing provisions aimed at reducing alcohol-related harm. This gets back to one of the original statements of this Report; that there is no single approach to addressing alcohol-related harm. Instead, a range of interventions regarding alcohol service and consumption, individual behaviour, education, law and enforcement are necessary.

Recommendation 18

That further analysis and consultation be undertaken to examine the feasibility of certain low-level ‘offences against the person’ being expiable.

That further analysis and consultation be undertaken to examine the feasibility of reducing the minimum fine for expiable ‘offences against good order’.

That consideration be given to the use of intelligence about drinking establishments associated with police apprehensions to inform a risk-based approach to liquor licensing.

BIBLIOGRAPHY

Adelaide Casino, written submission to Review, 3 March 2015.

AHA|SA, written submission to Review, 10 March 2015.

Babor, T et al, *Alcohol: No Ordinary Commodity – Research and Public Policy* (2010), Oxford: Oxford University Press.

Cassematis, Peter and Paul Mazerolle, 'Understanding Glassing Incidents on Licensed Premises: Dimensions, Prevention and Control' (2009), <https://publications.qld.gov.au/dataset/liquor-and-gambling-research/resource/397ca180-a59e-4a1a-9650-4b60c03db208>, accessed 10 March 2015.

Chikritzhs, Tanya and Tim Stockwell, 'Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking', *Crime Prevention and Community Safety*, 11 (2009), pp. 153–170.

Chikritzhs, Tanya and Tim Stockwell, 'The impact of later trading hours for Australian public houses (hotels) on levels of violence', *J Stud Alcohol*, 63/5 (2002), pp. 591–599.

Consumer and Business Services, Attorney-General's Department, *Current Liquor Licences as at 30 June 2014* (2015).

Coomaraswamy, Kristian and Jonathan Shepherd, 'Predictors and Severity of Injury in Assaults with Barglasses and Bottles', *Injury Prevention*, 9/1 (2003), p. 81.

Doherty, SJ and AM Roche, *Alcohol and licensed premises: best practices in policing – a monograph for police and policy makers* (2003), funded by NDLERF, an initiative of the National Drug Strategy, <http://nceta.flinders.edu.au/files/7312/5548/1448/EN34.pdf>, accessed 22 April 2015.

Encounter Youth, written submission to Review, 10 March 2015.

Evans, M, R Pascal and T Chikritzhs, *Development of South Australian specific aetiological fractions and estimates of alcohol-attributable morbidity and mortalities. Stage 1: Final report* (2010), prepared for the Southern Adelaide Health Service Inc (acting through DASSA), Perth: National Drug Research Institute, Curtin University.

Forsyth, Alasdair, 'Banning glassware from nightclubs in Glasgow (Scotland): observed impacts, compliance and patron's views', *Alcohol and Alcoholism*, 43/1 (2007), pp. 111–117.

Forsyth, Alasdair, Furzana Khan and William McKinlay, 'The use of Off-trade Glass as a Weapon in Violent Assaults by Young Offenders', *Crime Prevention and Community Safety*, 12/4 (2010), pp. 233–245.

Government of South Australia, *South Australia's Strategic Plan* (2011), <http://saplan.org.au>, accessed 25 March 2015.

Graham, Kathryn and Ross Homel, *Raising the bar: preventing aggression in and around bars, pubs and clubs* (2008), Devon, UK: Willan Publishing.

KPMG, *Evaluation of the Temporary Late Night Entry Declaration: Final Report* (2008), Melbourne: Department of Justice (Victoria).

Kypri, Kypros et al, 'Effects of restricting pub closing times on night-time assaults in an Australian city', *Addiction*, 106/2 (2011), pp. 303–310.

Liquor Amendment Bill 2014 (NSW).

Liquor Licensing (Miscellaneous) Amendment Act 2011 (SA) – refer in particular to the insertion of s128B (Power of Commissioner to issue public order and safety notice).

Liquor Licensing Act 1997 (SA), s108.

Liquor Regulation 2008 (NSW), regulation 53G.

Luke, Chris et al, 'A Little Nightclub Medicine: The Healthcare Implications of Clubbing', *Emergency Medicine Journal*, 19/6 (2002), p. 542.

- Mazerolle, Lorraine et al, 'Violence in and around entertainment districts: A longitudinal analysis of the impact of late-night lockdown legislation', *Law and Policy*, 34/1 (2012), pp. 55–79.
- Miller, Peter et al, 'A Comparative Study of Blood Alcohol Concentrations in Australian Night-time Entertainment Districts', *Drug and Alcohol Review*, 33 (2014), pp. 338–345.
- Miller, Peter et al, 'The long-term effect of lockouts on alcohol-related emergency department attendances within Ballarat, Australia', *Drug and Alcohol Review*, 31/4 (2012), pp. 370–376.
- Miller, Peter et al, *Interventions for Reducing Alcohol Supply, Alcohol Demand and Alcohol-related Harm* (2015), <http://www.ndlrf.gov.au/publications/monographs/monograph-57>, accessed 25 March 2015.
- National Preventative Health Taskforce, Alcohol Working Group, *Australia: the healthiest country by 2020* (2009), [www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/09C94C0F1B9799F5CA2574DD0081E770/\\$File/alcohol-jul09.pdf](http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/09C94C0F1B9799F5CA2574DD0081E770/$File/alcohol-jul09.pdf), p. 20, accessed 21 April 2015.
- NSW Bureau of Crime Statistics and Research (BOCSAR), *Lockouts and last drinks: the impact of the January 2014 liquor license reforms on assaults in NSW, Australia* (2015), <http://www.bocsar.nsw.gov.au/Documents/CJB/CJB183.pdf>, accessed 22 April 2015.
- Office of Crime Statistics and Research, *JANCO Classification System* (2014), http://www.ocsar.sa.gov.au/docs/technical_papers/JANCO_2014_March.pdf, accessed 15 March 2015.
- Office of the Liquor and Gambling Commissioner SA, *A Safer Night Out: Review of the Liquor Licensing Act 1997 to address some elements of alcohol-related crime and antisocial behaviour in and around licensed premises* (2010), http://www.lga.sa.gov.au/webdata/resources/files/OLGC_Discussion_Paper_-_A_Safer_Night_Out.pdf, p. 3, accessed 10 April 2015.
- Palk, Gavan et al, *Policing and preventing alcohol-related violence in and around licensed premises* (2007), <http://eprints.qut.edu.au/8338/1/8338.pdf>, accessed 2 Mar 2015.
- RTE News, 'Happy hour to end at midnight', *RTE News*, 17 August 2003, <http://www.rte.ie/news/2003/0817/41365-happyhour/>, accessed 15 March 2015.
- Shepherd, Jonathan et al, 'Pattern, Severity and Aetiology of Injuries in Victims of Assault', *Journal of the Royal Society of Medicine*, 83/2 (1990), pp. 75–78.
- Shepherd, Jonathan, 'Preventing Injuries from Bar Glasses', *British Medical Journal*, 308/6934 (1994), p. 932.
- Smart, R, 'Happy hour experiment in North America' (1996), *Contemporary Drug Problems*, 23, pp. 291–300.
- Social Development Committee, Parliament of South Australia, *Inquiry into the Sale and Consumption of Alcohol, Final report* (2013), Report No 36, Adelaide.
- South Australia, *Parliamentary Debates*, Legislative Council, 16 October 2013, p. 5220 (John Darley MLC).
- South Australia Police, *Alcohol and crime – late-night liquor trading and the real cost of a big night out in the Adelaide CBD* (2010), <http://www.sapo.org.au/pub/pub15823.html>, accessed 22 Apr 2015.
- South Australia Police, *Annual Report 2011–12*, https://www.police.sa.gov.au/__data/assets/pdf_file/0018/11448/sapol_annual_report_20112012.pdf, p. 25, accessed 5 May 2015.
- South Australia Police, *Whyalla licensed premises lockdown reduces alcohol related crime* [media release], 7 April 2012, SA Police, <http://www.sapolice.com.au/more-news/7312-whyalla-licensed-premises-lockout-reduces-alcohol-related-crime.html> (archived), accessed 5 May 2015.
- 'Surgeon on Glass Bottle Weapon', *BBC News*, 24 October 2003, http://news.bbc.co.uk/2/hi/uk_news/wales/3211769.stm
- Townsley, Michael and Robert Grimshaw, 'The consequences of queueing: Crowding, situational features and aggression in entertainment precincts', *Crime Prevention and Community Safety*, 15 (2013), pp. 23–47.
- Trifonoff, Allan et al, *Liquor Licensing Legislation in Australia: A Jurisdictional Breakdown* (2011), <http://nceta.flinders.edu.au/society/liquor-licensing-in-australia>, accessed 2 March 2015.
- Welsh, Brandon and David Farrington, 'Evidence-based Crime Prevention: The Effectiveness of CCTV', *Crime Prevention & Community Safety*, 6/2 (2004), pp. 21–33.
- World Health Organisation, *Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm* (2009), http://www.euro.who.int/__data/assets/pdf_file/0020/43319/E92823.pdf, accessed 4 March 2015.
- Young, DJ et al, 'Emergency room injury presentations as an indicator of alcohol-related problems in the community: A multilevel analysis of an international study', *Journal of Studies on Alcohol*, 65/5 (2004), pp. 605–612.

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APPENDIX 1: METHODOLOGY

Introduction

The Review consisted of six main activities: data collection, two online surveys, targeted stakeholder consultation, a literature review, jurisdictional comparison and general research.

The data came from a range of sources. Quantitative datasets provided by SAPOL and SA Health provided the most objective assessments of the effectiveness of the Late Night Code – although it is true that they are influenced by a range of factors, many unrelated to liquor licensing.

The surveys provided complementary data that yielded an abundance of useful feedback and suggestions, although note that the community survey drew a non-random, self-selected sample and was therefore neither objective nor representative of the groups to which the respondents belong.

Likewise, the licensee survey was useful to gauge the experiences of some licensees in complying with the Codes. While the licensee survey did not use sampling, and all licensees were invited to participate, unfortunately only a small number did so, meaning the feedback cannot be considered representative.

The Review sought information from stakeholders via written submissions and meetings. This complemented the other data by providing more in-depth information about the experiences and views of some individuals and organisations. However some of this information, as with the survey responses, are based on the respondents' own experiences and underlying values, and are therefore subjective.

Readers of this Report should use the combined sources of data and information in the Report to form a picture of the overall impact of the Codes, but keep the various limitations each source in mind.

1. Data collection

SAPOL data

OCSAR provided a comprehensive report to the Review that analysed unit record data from SAPOL, covering the three years from 1 October 2011 to 30 September 2014, and focusing on the hours between 12:00am and 7:00am. The data included:

- **selected offences against the person** (Division 1 offences); and
- **selected offences against good order** (Division 5 offences).

Process for obtaining and analysing data:

Under an existing Memorandum of Understanding (MOU), SAPOL periodically provides raw and confidential unit record data to OCSAR, and OCSAR analyses this. Its reports are used to monitor crime numbers and trends in South Australia, and are often used as the basis for authoritative public statements about the level of crime in any given geographic area.

Note that the SAPOL data in final OCSAR reports differs slightly from the raw SAPOL data, as OCSAR conducts a different treatment of the data and may use slightly different counting rules. This would sometimes account for occasions when two equivalent figures based on SAPOL data are a little different.

To ensure that this Review treated SAPOL data consistently with the MOU, it was agreed with SAPOL that a secondeed researcher from OCSAR would analyse the raw data at OCSAR's workplace, and provide a report to the Review.

Data sources

The OCSAR analysis was based on three SAPOL data sources:

- police incident reports;
- police apprehension reports; and
- expiation notices issued for urinating or defecating in a public place.

Incident reports are victim-based. Police file them when someone reports an offence to them or they otherwise hear about them. By contrast the police file apprehension reports when they have enough evidence to arrest or charge an individual.

The incident and apprehension report datasets are not mutually exclusive. A number of offences captured in the incident reports will be cleared with an apprehension report (for offences with a victim). However for victimless offences, proactive policing or unlinked apprehensions there are many apprehensions that would not appear in the incident report data. Further, the police file separate incident reports for individual victims, and separate apprehension reports for separate offenders, but both may relate to offending on multiple days.

The OCSAR analysis extracted data for all offences against the person and offences against good order in South Australia between 1 October 2011 and 20 September 2014. Offences were classified using JANCO code, which is the South Australian adaptation of the Australian Bureau of Statistics' Australian National Classification of Offences (ANCO). JANCO adheres to the most detailed level of ANCO and also extends to a greater level of detail.⁷²

⁷² Office of Crime Statistics and Research, *JANCO Classification System* (2014), http://www.ocsar.sa.gov.au/docs/technical_papers/JANCO_2014_March.pdf, accessed 15 March 2015.

Scope of data

For both incident and apprehension reports within the timeframe, the data included fields on:

- offence type (JANCO code);
- report number;
- offence date;
- offence time;
- offence postcode;
- report date;
- report time; and
- weapon used (if applicable).

The analysis focused on offences considered likely to be related to alcohol consumption in licensed venues, particularly when occurring late at night or early in the morning. In general, this included the following:

- Offences against the person:
 - manslaughter;
 - assaults (excluding those where the victim was under 18);
 - sexual assaults (excluding those where the victim was under 18, 'consent proscribed' offences and other sexual offences); and
 - threats to kill or injure; as well as
- Offences against good order:
 - resisting or hindering police;
 - indecent or offensive language;
 - disorderly behaviour;
 - offensive behaviour; and
 - loitering.

The full list of offences is at Appendix 7.

The importance of the 'report time' field was to enable the data to be broken down by date and hour, and filtered for offences occurring between midnight and 7:00am. Similarly the postcode field enabled a comparison of trends in the CBD and greater metropolitan area.

Counting rules and different treatment of data

The analyses counted reports including one or more of the selected offence types, not individual offences. Where an incident or apprehension report contained more than one offence occurring on separate days, each distinct offence date was counted as a separate incident report.

The apprehensions dataset contained a number of cases without an offence date, particularly in the outer metropolitan areas. Where this was missing it was substituted with the report date (this happened 2.2% of the time for CBD apprehensions and 13.4% for outer metropolitan ones).

The apprehensions dataset also contained a number of cases without an offence time. Where there were no offence start and end times, and the offence date was the same as the report date (excluding missing offence dates), offence times were substituted with report times (this happened 10.8% of the time for CBD apprehensions and 6.6% for outer metropolitan ones). Any other statistics that could not reliably be estimated using this method were excluded from the analyses.

OCSAR conducted analysis on a separate SAPOL data extract on the number of expiation notices issued for urinating or defecating in a public place. This was combined with apprehensions data relating to offences prior to July 2013, to examine trends over the three-year period.

Note about SAPOL data availability

SAPOL regularly collects data from alleged offenders and victims about their level of intoxication at the time of their contact with the police. This is known as Alcohol Incident Report data (or 'AIR' data for short).

AIR statistics are gathered by police officers asking individuals how many drinks they consumed and how long ago, and undertaking a subjective assessment of their level of intoxication. SAPOL considers this information to be 'intelligence' and as such does not release it to external parties for research purposes.

This Review considers that SAPOL could in future potentially provide some of this data about the role of alcohol use in many types of offences. In this Review it would have been useful in comparing the level of intoxication of offenders and victims involved in incidents late at night in the Adelaide CBD, both before and after the start of the Late Night Code.

There would be many benefits to SAPOL enabling the use of AIR data for research purposes to inform alcohol policy development.

SA Health data

SA Health provided data on hospital presentations at the RAH's Emergency Department over the period of October 2011 to October 2014 – in other words two years' prior to the start of the Late Night Code up to its one-year anniversary.

The RAH is the most relevant hospital as it is closest to the CBD and treats most people who are injured in or near there. However the Report also analysed data for two large suburban public hospitals – the Lyell McEwin Hospital and Flinders Medical Centre.

The main challenge with this data is the fact that the RAH only records one main reason for a patient presenting. Alcohol intoxication could be the recorded reason, however some patients with another recorded reason (eg a physical injury) are also intoxicated, and the intoxication could have contributed to the injury.

To address this, statistics were obtained for two types of presentations: 'alcohol intoxication' and 'body injuries'. While exactly how many 'body injuries' at the RAH were related to alcohol is unknown, independent research shows that for presentations between 12:00am and 5:00am, about 71%⁷³ of injury presentations are directly related to alcohol. It is therefore reasonable to conclude that late-night and early-morning 'body injury' and 'alcohol intoxication' presentations are a proxy for alcohol-related presentations.

The data included separate tables for presentations for alcohol intoxication, body injuries and all presentations combined. The complete list of codes used to select presentations is included at Appendix 10. The numbers were broken down by time of day (in hourly blocks) and covered all presentation times, although the period of 12:00am to 7:00am was chosen for special focus, as this is when most presentations due to alcohol-related violence occur.

We examined the data for trends on alcohol and selected injury presentations and compared them to the equivalent trends for other presentations during the same timeframes. The same analyses were also conducted for both suburban hospitals, to determine if any trend at the RAH was unique to the CBD or mirrored in the metropolitan area.

Compliance data

SAPOL and CBS both provided some data in relation to compliance with the Codes.

CBS provided a table showing the number and type of inspections undertaken since the commencement of the General Code, and unit record data on instances of non-compliance. The unit record data featured the licence number, date of the inspection and relevant sections of the Code breached. There was some duplication in the recording of breaches, so unique combinations of inspection date and licence number were used to count individual breaches.

SAPOL provided a paragraph summarising compliance with the Late Night Code.

Note about data availability

Both CBS and SAPOL were asked to provide details of the number and outcome of any compliance inspections conducted targeting either or both of the Liquor Licensing Codes of Practice. Unfortunately neither was able to provide comprehensive data to the Review. While CBS were able to provide unit record data indicating areas of non-compliance, SAPOL was only able to provide very limited quantitative data and could not provide details about the number of inspections undertaken.

For future compliance monitoring in relation to liquor licensing, it would be beneficial for both agencies to establish data management systems which enable the extraction of accurate compliance data.

⁷³ Young, D. J. et al, 'Emergency room injury presentations as an indicator of alcohol-related problems in the community: A multilevel analysis of an international study.' *Journal of Studies on Alcohol*, 65/5 (2004), pp. 605–612.

Note about other data sources not used

The capacity to review the Codes or alcohol policy in South Australia generally is hampered by the absence of data in some key areas. In particular, there is a strong need to enhance the collection of ambulance data and data on alcohol sales.

Ambulance Data

There were difficulties in obtaining ambulance data for this Review, as the information is not readily available and requires manual checking of written notes taken by paramedic officers – a process that takes an extended period of time.

A publication by the National Health and Medical Research Centre from a workshop on alcohol data in 2012 made a number of observations about gaps in data availability nation-wide, including alcohol sales data and some hospital data. The report recommends that a 'National Alcohol Data Strategy be developed for service planning, delivery and evaluation, population health monitoring, and population health and health services research.'

The report also highlights that in Victoria, the Victorian Ambulance Clinical Information System (VACIS) enables paramedic staff to collect data for all emergency incidents. The report identified 'the potential to use the VACIS system as a model and to move beyond Victoria to collect such data at a national level.'

Alcohol Sales Data

In order to measure the impact of any policy relating to the promotion or availability of alcohol, including the Codes, it would be highly valuable to collect information on alcohol sales. The data can be collected as part of the liquor licensing process and can be requested from wholesalers which distribute alcohol in the state.

The collection of this data serves two purposes: Firstly, it provides useful data on the business impact of new legislation or codes on the hospitality industry. Secondly, it enables reviewers to assess whether alcohol consumption has reduced in certain areas and whether this reduction has correlated with a reduction in health, crime and other social harms from risky drinking. It also provides a more complete picture of whether alcohol consumption has been displaced in terms of geographic location.

Currently Queensland, Western Australia, the Australian Capital Territory and Northern Territory collect this data from alcohol wholesalers and it provides a valuable source of information for policy and programs in these jurisdictions. The statistics in these jurisdictions are not collected from each licensee, but the small number of wholesalers operating in these jurisdictions. In early April 2015 the Victorian Government also announced its intention to begin collecting this data from wholesalers.

Priority Action 5.2 of the *South Australian Alcohol and Other Drug Strategy 2011–2016* proposes that the State:

Give consideration to the collection of wholesale alcohol sales data in conjunction with police, health and other datasets to provide a comprehensive picture of alcohol-related harm with in the South Australian community, if a determination is made to collect such data.

Apparently CBS is continuing to liaise with SA Health regarding the collection of alcohol sales data in this State.

2. Stakeholder consultation

Meetings and focus groups

The following stakeholders provided input in person, either individually or in focus groups:

- Australian Hotels Association South Australia (AHA | SA);
- some licensees of late-night venues (members of Adelaide Accord who trade after 3:00am);
- SAPOL;
- Adelaide City Council;
- SA health sector representatives (Drug and Alcohol Services SA, SA Ambulance and RAH);
- National Centre for Education and Training on Addiction (NCETA);
- social services groups (Sammy D Foundation, Encounter Youth and the Hub);
- Mission Australia Sobering Up Unit; and
- West End Village Association (WEVA).

Written submissions

The following stakeholders provided written submissions:

- Australian Hotels Association South Australia (AHA | SA);
- Late Night Venue Association of SA;
- Adelaide Casino;
- SAPOL;
- Adelaide City Council;
- National Centre for Education and Training on Addiction (NCETA);
- Foundation for Alcohol Research and Education (FARE);
- Royal Australasian College of Surgeons;
- Encounter Youth;
- Clubs SA;
- SA Wine Industry Association;
- Restaurant and Catering SA;
- Mr Tony Tropeano (licensee); and
- Mr Strat Kostoglou (licensee).

The following organisations were invited to make submissions but did not do so:

- Taxi Council SA;
- DPTI;
- Australian Security Industry Association Ltd (ASIAL); and
- West End Village Association (WEVA).

3. Online surveys

Community survey

In late February and early March 2015 an online community survey took place to gather public experiences and views about the Codes.

The survey was open to the general public and targeted patrons of late-night venues, staff of late-night venues, local residents, those who work in or near late night venues, and others in the community with some interest in the issue of late-night trading.

The survey used SurveyMonkey technology and was hosted on the South Australian government community consultation website, 'YourSAy'. The Minister for Business Services and Consumers promoted the survey via a media release, and the news was picked up by a number of local radio stations. The survey was also publicised on the SA Government's email system, Facebook and Twitter sites, and by third parties on social media (such as SAPOL's Facebook page).

The Commissioner informed all SA licensees about the community survey through a bulletin on the separate licensee survey. The Government published an advertisement about the survey in the free music street magazine *Rip It Up*.

Some 7,128 people responded to the survey, although 244 of these did not answer any questions apart from demographic ones. Any respondent who answered at least one question apart from the demographic questions were included in the dataset, and any missing data from the analysis was excluded on a question-by-question basis.

Demographic details of respondents are at Appendix 8.

Licensee survey

A separate online licensee survey also took place in SurveyMonkey between 27 February and 16 March 2015. The Liquor Commissioner sent a Licensee Bulletin to all 6,230 licensees in South Australia to publicise the survey.

About three-quarters of the survey was aimed at late-night traders (in other words those trading after 3:00am), and asked questions about licensees' experiences complying with the Code, their observations of changes since the Code started, and their views about the Code.

A smaller set of questions asked all licensees about their experiences complying with the General Code.

Some 73 licensees responded to the survey, including eight from the CBD. Further detail about licensee respondents is also at Appendix 8.

4. Literature review

To complement the data analysis, surveys and stakeholder consultation, the Report features a literature review of Australian and international academic studies on the extent of a relationship between alcohol and violence, as well as measures to reduce alcohol-related violence in cities.

The literature review covered in particular studies on the effectiveness or otherwise of licensee-focused measures like those in the Late Night Code, for example lockouts, restrictions on glassware and drink marshals.

The literature review not only summarised the key research in this area but critically evaluated the quality and relevance of the findings, with the aim of giving this Report added rigour and a solid theoretical basis.

While the academic literature is not directly relevant to the question of whether the South Australian Codes have been effective or not, it was vital evidence on whether such approaches have worked elsewhere, assess the merits of various proposals for change, and shape the final Report recommendations.

5. Jurisdictional scan

The Report, both in the literature review and a separate chapter, presents information on the current liquor licensing regimes in other Australian states and territories, and in particular their approaches to late-night trading.

A few states and territories have introduced measures quite similar to those in the South Australian Late Night Code. It was important to understand the history behind these interstate measures, the specific details, the rationales, levels of stakeholder and public support, and any reviews into their effectiveness.

As with the literature review, this information was vital evidence to assist the analysis of various options and potential recommendations.

6. General research

The Report was also informed by general research on the history of liquor licensing in South Australia, details of the current liquor licensing regime and popular media on alcohol use and violence in the State. The research covered developments in the general community, the law and politics since 2008, including:

- widely-reported assaults involving alcohol and violence in the State;
- the public and media response to this;
- amendments to the *Liquor Licensing Act* in 2009, 2011 and 2013; and
- the creation of the Late Night Code.

The purpose of this was to gain a thorough understanding of the forces and influences that have brought us to the current system, including the two Codes.

The general research was important to give the Report a fuller context, as well as yield some evidence on the feasibility of options and recommendations.

APPENDIX 2: COMMUNITY SURVEY QUESTIONNAIRE

In October 2013, the Late Night Trading Code of Practice was introduced to help reduce alcohol-related violence and antisocial behaviour in and around late night licensed venues in SA.

The Code brought in changes like a ban on drinking alcohol on footpaths after 2:00am, a 'lock-out' which stops people from entering venues after 3:00am, a ban on shooters, doubles and other similar drinks after 4:00am, and a ban on selling drinks in glassware after 4:00am. Venues also need to do things like manage the queue outside the venue, have drink marshals inside to check that their customers are safe, and use CCTV and metal detectors. The State Government is now reviewing the Code, and your feedback is really important.

This survey is for anyone who goes out to licensed venues, works in or near licensed venues, lives near licensed venues, and anyone else who has a view about the Late Night Trading Code of Practice.

1. Are you male or female?
 - a. male
 - b. female
2. How old are you?
 - a. 18–24 years
 - b. 25–34 years
 - c. 35–44 years
 - d. 45–54 years
 - e. 55 years and over
3. To make sure we ask you the right questions, we would like to know if you work in a licensed venue, or have worked in a licensed venue in the last year or two, that sometimes stays open past 3:00am.
 - a. Yes, I work in a late night licensed venue (or worked in a venue in the last year or two)
 - b. No, I have not worked in a late night licensed venue in the last year or two
4. *[If respondent works/has worked in late night venue (Q.3 = a):]* Because the venue where you work (or worked) sometimes stays open past 3:00am, that means the venue has to comply with the Late Night Trading Code of Practice. Have you worked in a late night licensed venue *both before and after* the Code started in October 2013?
 - a. Yes
 - b. No, I have only worked in a late night venue before or after the Code started
 - c. I don't know

Questions 5 to 12 are for respondents who have worked in a late night venue both before and after the Late Night Code commenced (Q.4=a).

5. What is the main type of work that you do (or did) in a licensed venue?
 - a. Bar staff
 - b. Waiting staff
 - c. General floor staff
 - d. Shift/duty manager
 - e. Security/crown control
 - f. Entertainment (eg DJ, MC, musician, dancer, etc)
 - g. Other (please specify):
6. When working in a late night venue are you (or were you) sometimes a designated *drink marshal* or *first aid attendant*?
 - a. Yes, drink marshal
 - b. Yes, first aid attendant
 - c. Yes – both drink marshal and first aid attendant
 - d. No
7. While at work (including in your role as a drink marshal or first aid attendant), have you noticed a change in the number of incidents involving patrons who were intoxicated and/or behaving in a disorderly, offensive, abusive or violent way since the Late Night Code started (in October 2013)?
 - a. A lot more incidents
 - b. A lot less incidents
 - c. I haven't noticed any change
 - d. A few less incidents
 - e. A few less incidents
 - f. Unsure
8. Do you think it is important for venues to have a person in the role of drink marshal late at night?
 - a. Yes, very much
 - b. Yes, somewhat
 - c. Neutral or unsure
 - d. No, not really
 - e. No, not at all

Please give reasons for your answer, as well as any suggestions you might have for how the Code could be changed to make the drink marshal role work better.

9. Do you think it is important for venues to have a trained first aid attendant on duty late at night?
- a. Yes, very much
 - b. Yes, somewhat
 - c. Neutral or unsure
 - d. No, not really
 - e. No, not at all

Please give reasons for your answer.

10. Do you have any other comments to make about your observations and experiences as a drink marshal or first aid attendant?
11. Do you think you have received enough information and training about the Late Night Code to do your job properly?
- a. Yes
 - b. No

If no, please specify what you would like more information or training about:

12. Do you have any other comments to make about the Code, based on your experience and observations as a worker in a late night venue? For example, do you think there have been any unintended consequences of any kind? What are they? Do you think some parts of the Code work better than other parts? Which ones?

Questions 13 to 15 are for all respondents:

13. How often (on average) do you go out to pubs, bars or nightclubs and stay out until *midnight or later*?
 - a. More than once a week
 - b. About once a week
 - c. About twice a month
 - d. About once a month
 - e. A few times a year
 - f. Once a year or less
 - g. Never – go to Q15
14. How often (on average) do you go out to pubs, bars or nightclubs and stay out until *3:00am or later*?
 - a. More than once a week
 - b. About once a week
 - c. About twice a month
 - d. About once a month
 - e. A few times a year
 - f. Once a year or less
 - g. Never
15. Do you *live or work near* a licensed venue that sometimes stays open past 3:00am?
 - a. Yes – I live near a late night licensed venue
 - b. Yes – I work near a late night licensed venue
 - c. Yes – I live and work near a late night licensed venue
 - d. No – I don't work or live near any late night licensed venues

Questions 16 to 22 are for respondents who report ever going out to licensed venues until 3:00am or later (Q.14 = a,b,c,d,e or f).

Since the Late Night Code started (in October 2013), how often have you...

16. Left a venue earlier than you would have otherwise to get to another venue before the 'lock-out'?
 - a. Most times I go out
 - b. Sometimes
 - c. Once or twice
 - d. Not at all
17. Stayed longer in a venue than you would have otherwise because you couldn't get into another venue?
 - a. Most times I go out
 - b. Sometimes
 - c. Once or twice
 - d. Not at all
18. Gone home earlier than you would have otherwise because you couldn't get into another venue?
 - a. Most times I go out
 - b. Sometimes
 - c. Once or twice
 - d. Not at all
19. Gone to the Adelaide Casino instead of another venue because it was the only place letting people in?
 - a. Most times I go out
 - b. Sometimes
 - c. Once or twice
 - d. Not at all
20. Gone out earlier than you would have otherwise, in order to go home earlier and avoid the 'lock-out'?
 - a. Most times I go out
 - b. Sometimes
 - c. Once or twice
 - d. Not at all
21. Drank alcohol before going out because you were worried your night would get cut short because of the 'lock-out'?
 - a. Most times I go out
 - b. Sometimes
 - c. Once or twice
 - d. Not at all
22. Made any other changes to your evening plans because of the Late Night Code?
 - a. Most times I go out
 - b. Sometimes
 - c. Once or twice
 - d. Not at all

What sort of changes?

Questions 23 to 26 are for respondents who report working in a late night licensed venue before and after the Code commenced and those who report ever going out to venues until 3:00am or later (Q.4 = a and/or Q.14 = a,b,c,d,e or f).

23. Since the Late Night Code started (October 2013), have you noticed any changes to the amount of *violence* (such as pushing, punching or fighting) *inside venues* late at night?
 - a. A lot more violence
 - b. A lot less violence
 - c. I have not noticed any change
 - d. A little less violence
 - e. A lot less violence
24. Since the Late Night Code started (October 2013), have you noticed any changes to the amount of *antisocial behaviour* (such as abuse, threats, damaging property or extreme drunkenness) *inside venues* late at night?
 - a. A lot more antisocial behaviour
 - b. A lot less antisocial behaviour
 - c. I have not noticed any change
 - d. A little less antisocial behaviour
 - e. A lot less antisocial behaviour
25. Since the Late Night Code started (October 2013), do you feel safer *inside venues* late at night?
 - a. Yes, a lot more safe
 - b. Yes, a little more safe
 - c. I have not noticed any change
 - d. No, a little less safe
 - e. No, a lot less safe

Why or why not?
26. Do you have any other comments to make about your experiences and observations of violence and antisocial behaviour *inside venues* late at night?

Questions 27 to 35 are for all respondents who report ever going out to licensed venues until midnight or later (Q.13 = a,b,c,d,e, or f)

These questions are about getting home after a night out.

27. Do you think it is any better or worse getting home after a night out than it was before the Late Night Code started (October 2013)?
 - a. A lot better now
 - b. A bit better now
 - c. No change
 - d. A bit worse
 - e. A lot worse
28. Have you tried to catch any of the Adelaide Metro 'After Midnight' bus services home after a night out since the Late Night Code began?
 - a. Yes, often
 - b. Yes, sometimes
 - c. No, never
29. *[If used After Midnight bus (Q.28 = a or b):]* What has been your experience getting home using the 'After Midnight' bus services since the Late Night Code started?
 - a. No issues
 - b. Some issues
30. *[If issues with bus (Q.29 = b):]* What were the issues?
 - a. The scheduled services did not leave often enough
 - b. The services ran late or did not follow the timetable
 - c. Other passengers were disruptive
 - d. You felt unsafe getting on or off the service, or at the bus stop
 - e. The bus route did not go near your home
 - f. Other (please specify):
31. Please provide any other useful information about your experiences using the 'After Midnight' bus services to get home after a night out:
32. Have you tried to catch a taxi home after a night out since the Late Night Code began?
 - a. Yes, often
 - b. Yes, sometimes
 - c. No, never
33. *[If used taxis (Q.32 = a or b):]* What has been your experience getting home by taxi since the Late Night Code began?
 - a. No issues
 - b. Some issues
34. *[If issues with taxis (Q33. = b):]* Please specify the issues you have had with catching a taxi:
35. Thinking about all forms of late night transport, do you have any suggestions for how it could be improved?

Questions 36 to 39 are for respondents who report ever going out to licensed venues until midnight or later, those who work in late night licensed venues, and those who live or work near a late night licensed venue (Q.13 = a, b, c, d, e or f, and/or Q.4 = a, and/or Q.15 = a, b or c).

36. Since the Late Night Code started (October 2013), have you noticed any changes to the amount of violence (such as pushing, punching or fighting) on the streets (including near venues) late at night?
 - a. A lot more violence
 - b. A lot less violence
 - c. I have not noticed any change
 - d. A little less violence
 - e. A lot less violence
37. Since the Late Night Code started (October 2013), have you noticed any changes to the amount of antisocial behaviour (such as abuse, threats, damaging property or extreme drunkenness) on the streets (including near venues) late at night?
 - a. A lot more antisocial behaviour
 - b. A lot less antisocial behaviour
 - c. I have not noticed any change
 - d. A little less antisocial behaviour
 - e. A lot less antisocial behaviour
38. Since the Late Night Code started, do you feel safer on the streets (including near venues), late at night?
 - a. Yes, a lot more safe
 - b. Yes, a little more safe
 - c. I have not noticed any change
 - d. No, a little less safe
 - e. No, a lot less safe

Why or why not?
39. Do you have any other comments to make about your experiences and observations of violence and antisocial behaviour on the street (including near venues) late at night?

Questions 40 to 53 are for all respondents.

This section asks for your views about specific parts of the Late Night Code. To what extent do you approve or disapprove of...

40. Late night venues being required to manage the queue outside the venue between midnight and 3:00am?
 - a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve
41. A ban on serving alcohol on footpaths and outside venues after 2:00am?
 - a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve
42. Larger late night venues being required to have a 'drink marshal' on duty after 3:00am to make sure customers are safe?
 - a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve
43. A ban on entering or re-entering venues after 3:00am?
 - a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve
44. Larger late night venues in the Adelaide Central Business District (CBD) being required to use metal detectors after midnight to screen customers as they enter the venue?
 - a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve

45. Larger late night venues in the Adelaide CBD being required to use Closed Circuit Television (CCTV) to monitor their venue?
- a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve
46. A ban on the sale of drinks such as 'shooters', 'doubles' and 'laybacks' after 4:00am?
- a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve
47. A ban on the use of glassware (bottles and glasses) after 4:00am?
- a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Somewhat approve
48. Overall, do you support the Late Night Code continuing?
- a. Yes, very much
 - b. Yes, somewhat
 - c. Neutral or unsure
 - d. No, not really
 - e. No, not at all
- Why or why not?
49. Would you support the 'lock-out' starting at a different time to 3:00am?
- a. Yes – 1:00am
 - b. Yes – 2:00am
 - c. No, stick with 3:00am
 - d. Yes – but later than 3:00am
 - e. No – I do not support the 'lock-out' at all

50. Do you support the Adelaide Casino being exempt from the 'lock-out' provision of the Late Night Code?
- a. Yes, very much
 - b. Yes, somewhat
 - c. Neutral or unsure
 - d. No, not really
 - e. No, not at all

Why or why not?

51. Do you have any suggestions for changes that could help the Late Night Code work better to reduce and stop alcohol-related violence and antisocial behaviour late at night?
52. Do you have any suggestions for other things that would help reduce alcohol-related violence and antisocial behaviour in and around licensed venues at night?
53. Do you have any other comments to make about the Late Night Code and the changes it has made for late night venues?

Please use this section to tell about any of your experiences of the Late Night Code which have not already been covered by this survey.

Thank you for taking the time to complete the survey. Your views are important and we appreciate your help.

APPENDIX 3: LICENSEE SURVEY QUESTIONNAIRE

Introduction and background

– text not included here.

What will be done with my survey answers?

All venue licensees were sent a letter inviting them to complete this survey. Your answers to the survey questions will be anonymous (no personal information will be collected) and will influence the Review's findings and recommendations. The final report will include findings from this survey and a range of other sources.

The Review report will discuss the effectiveness of both codes and whether there are any areas for refinement. It will be provided to the Minister for Business Services and Consumers, and tabled in both Houses of Parliament. Politicians from both Houses are likely to read the report, as well as a range of other interested parties.

Further information

The Review is being conducted by the Internal Consultancy Services Group in the Department of Premier and Cabinet. If you have any questions or comments about the survey, please contact Julian Zytnik, Principal Analyst, by telephone on 8226 2258 or by email at Zytnik.Julian@dpc.sa.gov.au.

This survey is your opportunity to have your say as a venue owner or manager. If you own or manage more than one venue, please complete the survey with only one venue in mind.

1. What is your role in your venue?
 - a. Licensee
 - b. Director
 - c. Manager
 - d. Other (please specify).
2. Where is your venue located?
 - a. Adelaide Central Business District (CBD)
 - b. Adelaide metropolitan area (outside of CBD)
 - c. South Australian country.
3. What is the maximum capacity of your venue?
 - a. less than 50 patrons
 - b. 50–100 patrons
 - c. 100–200 patrons
 - d. 200–400 patrons
 - e. more than 400 patrons.
4. What type of liquor licence does your venue hold?
 - a. Hotel
 - b. Entertainment venue
 - c. Small venue
 - d. Restaurant
 - e. Club
 - f. Limited Club
 - g. Special circumstances
 - h. Residential
 - i. Direct sales
 - j. Producer
 - k. Retail liquor merchant
 - l. Wholesale liquor merchant.

5. How would you describe your venue?
 - a. Hotel / pub
 - b. Bar
 - c. Small bar
 - d. Nightclub
 - e. Entertainment venue
 - f. Cafe
 - g. Restaurant
 - h. Special event
 - i. Sports, social or community club
 - j. Residential (eg motel, caravan park, hostel)
 - k. Cellar door
 - l. Bottle shop
 - m. Other (please specify).
6. This survey is for licensees of all licensed venues. To make sure we ask you the right questions, please tell us whether or not your venue must comply with the Late Night Trading Code of Practice.
(Venues that do not trade after 3:00am and some classes of liquor licence do not need to comply with the Late Night Code.)
 - a. Yes, my venue must comply with the Late Night Code
 - b. No, my venue does not need to comply with the Late Night Code.
7. *[If venue does not need to comply with Late Night Code (Q.6 = b)]:* Does your venue sometimes trade after midnight?
 - a. Yes, my venue sometimes trades after midnight
 - b. No, my venue does not trade after midnight.

Questions 8 to 26 are for venues that must comply with the Late Night Code (Q.6 = a).

This series of questions is about the Late Night Code.

8. Do you think you have received enough information about the Late Night Code and what your venue must do to comply with the Code?

- a. Yes
- b. No.

If no, what would you like to receive more information about?

What has been your experience in complying with the following components of the Late Night Code:

9. The requirement to provide information about taxi ranks and late night public transport services to customers?
- a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).
10. The requirement to manage the queue outside the venue between midnight and 3:00am?
- a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).
11. A ban on serving alcohol on footpaths and outside venues after 2:00am?
- a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).
12. Larger late night venues being required to have a 'drink marshal' on duty after 12:00am?
- a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).
13. The ban on entering or re-entering venues after 3:00am?
- a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).
14. Larger late night venues in the Adelaide Central Business District (CBD) being required to use metal detectors after midnight to screen customers as they enter the venue?
- a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).

15. Larger late night venues in the Adelaide CBD being required to use Closed Circuit Television (CCTV) to monitor their venue?
 - a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).
16. The ban on the sale of drinks such as 'shooters', 'doubles' and 'laybacks' after 4:00am?
 - a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).
17. The ban on the use of glassware (bottles and glasses) after 4:00am?
 - a. This does not apply to my venue
 - b. No issues
 - c. Some issues (please give details).

Since the Late Night Code started, have you noticed any significant changes to your...

Response options:

- a. yes, large increase
 - b. yes, small increase
 - c. neutral or unsure
 - d. yes, small decrease
 - e. yes, large decrease.
- Please give details.
18. Business costs?
 19. Patronage overall?
 20. Patronage before 12:00am?
 21. Patronage between 12:00am and 3:00am?
 22. Patronage between 3:00am and 7:00am?
 23. Any other aspects of your business (eg level of property damage, amount of broken glass, demeanour of patrons, demands on staff, or anything else?). Please give details.
 24. Since the Late Night Code started (October 2013), to the best of your knowledge, have there been any changes to the amount of *violence* (such as pushing, punching or fighting) *inside your venue* late at night?
 - a. A lot more violence
 - b. A little more violence
 - c. I have not noticed any change
 - d. A little less violence
 - e. A lot less violence.

25. Since the Late Night Code started (October 2013), to the best of your knowledge, have there been any changes to the amount of *antisocial behaviour* (such as abuse, threats, damaging property or extreme drunkenness) *inside your venue* late at night?
- a. A lot more antisocial behaviour
 - b. A little more antisocial behaviour
 - c. I have not noticed any change
 - d. A little less antisocial behaviour
 - e. A lot less antisocial behaviour.
26. Do you have any other comments to make about the level of alcohol-related violence and antisocial behaviour *inside your venue*?

Questions 27 to 29 are for venues that must comply with the Late Night Code and venues that report trading after midnight (Q.6 = a, or Q.7 = a).

27. Since the Late Night Code started (October 2013), to the best of your knowledge, have there been any changes to the amount of *violence* (such as pushing, punching or fighting) *on the streets near your venue* late at night?
- a. A lot more violence
 - b. A little more violence
 - c. No change
 - d. A little less violence
 - e. A lot less violence
 - f. I don't know.
28. Since the Late Night Code started (October 2013), to the best of your knowledge, have there been any changes to the amount of *antisocial behaviour* (such as abuse, threats, damaging property or extreme drunkenness) *on the streets near your venue* late at night?
- a. A lot more antisocial behaviour
 - b. A little more antisocial behaviour
 - c. No change
 - d. A little less antisocial behaviour
 - e. A lot less antisocial behaviour
 - f. I don't know.
29. Do you have any other comments to make about the level of alcohol-related violence and antisocial behaviour *on the streets near your venue*?

Questions 30 to 55 are for all respondents.

Regardless of whether your venue is required to comply with the Late Night Code, this section asks your views about specific parts of the Late Night Code. To what extent do you approve or disapprove of...

Response options:

- a. Strongly approve
- b. Somewhat approve
- c. Neutral or unsure
- d. Somewhat disapprove
- e. Strongly disapprove

30. Late night venues being required to manage the queue outside the venue between midnight and 3:00am?

31. The ban on serving alcohol on footpaths and outside venues after 2:00am?

32. Larger late night venues being required to have a 'drink marshal' on duty after 12:00am to make sure customers are safe?

33. The ban on entering or re-entering venues after 3:00am?

34. Larger late night venues in the Adelaide Central Business District (CBD) being required to use metal detectors after midnight to screen customers as they enter the venue?

35. Larger late night venues in the Adelaide CBD being required to use Closed Circuit Television (CCTV) to monitor their venue?

36. The ban on the sale of drinks such as 'shooters', 'doubles' and 'laybacks' after 4:00am?

37. The ban on the use of glassware (bottles and glasses) after 4:00am?

38. Overall, do you support the Late Night Trading code of Practice continuing?

- a. yes, very much
- b. yes, somewhat
- c. neutral or unsure
- d. no, not really
- e. no, not at all.

Why or why not?

39. Would you support the 'lock-out' starting at a different time to 3:00am?

- a. Yes – 1:00am or earlier
- b. Yes – 2:00am
- c. No – stick with 3:00am
- d. Yes – but after 3:00am
- e. No – I do not support the 'lock-out' at all.

40. Do you have any suggestions for changes that could help the Late Night Code work better to reduce and stop alcohol-related violence and antisocial behaviour late at night?

41. Do you have any other comments to make about the Late Night Code?

This section is about the General Code of Practice (General Code), and is for all licensees. The new General Code started in January 2013 and replaced the previous 'Code of Practice'.

42. Do you think you have received enough information about the General Code and what your venue must do to comply with the Code?

- a. Yes
- b. No.

If no, what would you like to receive more information about?

What has been your experience in complying with the following components of the General Code:

Response options:

- a. This does not apply to my venue [for some items only]
 - b. No issues
 - c. Some issues – Please give details.
43. The requirement for all staff selling or serving alcohol to complete Responsible Service of Alcohol training?
44. The requirements to provide free drinking water and one non-alcoholic drink at a same or lower price than the cheapest alcoholic drink?
45. The ban on gender-based promotions?
46. The specific requirement for venues to reduce the risk of drink spiking?
47. Preparing and maintaining a written risk management plan?
48. Have you noticed any other changes to your business as a result of the General Code? These might be about the level of intoxication of your patrons, staff safety, sales or revenue, staff or management workload, or anything else.

This section asks for your opinions about the General Code.

Regardless of whether or not your venue must comply with these sections of the Code, to what extent do you approve or disapprove of...

Response options:

- a. Strongly approve
 - b. Somewhat approve
 - c. Neutral or unsure
 - d. Somewhat disapprove
 - e. Strongly disapprove
49. The requirement for all staff selling or serving alcohol to complete Responsible Service of Alcohol training?
50. The requirements to provide free drinking water and one non-alcoholic drink at a same or lower price than the cheapest alcoholic drink?
51. The ban on gender-based promotions?
52. The specific requirement for venues to reduce the risk of drink spiking?
53. Preparing and maintaining a written risk management plan?
54. Do you have any suggestions for changes that could help the General Code work better to promote the responsible promotion, sale, supply and consumption of alcohol?
55. Do you have any other comments to make about the General Code?

Thank you for your time. We appreciate your help.

APPENDIX 4: OBJECTS OF THE *LIQUOR LICENSING ACT 1997*

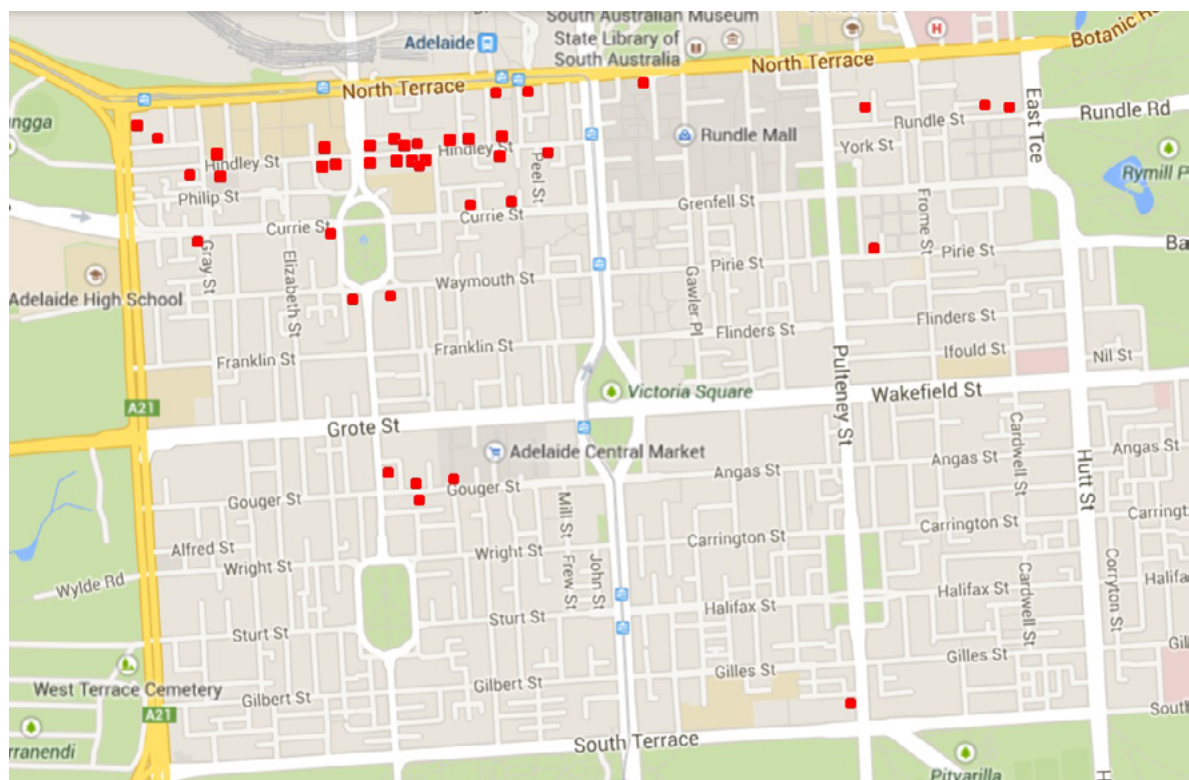
Section 3(1):

- (1) The object of this Act is to regulate and control the sale, supply and consumption of liquor for the benefit of the community as a whole and, in particular –
- (a) to encourage responsible attitudes towards the promotion, sale, supply, consumption and use of liquor, to develop and implement principles directed towards that end (the ***responsible service and consumption principles***) and minimise the harm associated with the consumption of liquor; and
 - (b) to further the interests of the liquor industry and industries with which it is closely associated – such as the live music industry, tourism and the hospitality industry – within the context of appropriate regulation and controls; and
 - (c) to ensure that the liquor industry develops in a way that is consistent with the needs and aspirations of the community; and
 - (d) to ensure as far as practicable that the sale and supply of liquor contributes to, and does not detract from, the amenity of community life; and
 - (e) to encourage a competitive market for the supply of liquor; and
 - (f) to ensure that the sale and supply of liquor occurs in such a manner as to minimise the risk of intoxication and associated violent or antisocial behaviour including property damage and causing personal injury.

APPENDIX 5: SOUTH AUSTRALIAN LICENSED PREMISES THAT TRADE AT SOME POINT BETWEEN 3:00AM AND 7:00AM (EXCLUDING GAMING-ONLY VENUES) – FEBRUARY 2015

Venue	Latest closing time
Newmarket Hotel (HQ)	6:00am
Bye Bye Birdie	5:00am
West End Tavern	5:00am
Supermild	5:00am
Enigma Bar	5:00am
Jive Productions	5:00am
Rosemont Hotel	open 24 hrs
Red Square	9:00am
Crazy Horse	5:00am
Electric Circus	6:00am
Strats Total Entertainment	7:00am
Four Doors Plus One	4:00am
Dog and Duck	6:00am (**recently ceased)
The Palace	5:00am
K-Illusion	5:00am
Lavish Club Lounge	5:00am
Woolshed on Hindley	6:00am
Black Bull Hotel	5:00am
Melody Karaoke	5:00am
XL Nightclub	6:00am
Zhivago	5:00am
Duke of York Hotel	5:00am
Colonel Light Hotel	5:00am
The Firm	5:00am
Strathmore Hotel	6:00am
London Tavern	5:00am
Edinburgh Castle	4:00am
Jackpots on Pulteney	5:00am
Talbot Hotel	5:00am
Bar On Gouger	3:30am
Mars Bar	5:00am
Kalabash	4:00am
Lotus Lounge	4:00am
Garage Bar	5:00am
Rock On	5:00am
Shots Pool Lounge	5:00am
Sugar	4:00am
Apple Nightclub	5:00am
Savvy Nightclub	5:00am (**recently ceased)
Empire Pool Lounge	5:00am

APPENDIX 6: MAP – GEOGRAPHIC SPREAD OF LATE-NIGHT REGULAR VENUES IN ADELAIDE



APPENDIX 7: OFFENCES INCLUDED IN SAPOL DATA ANALYSIS

JANCO code	Offence description
1111	Murder (excluding by causing suicide)
1121	Attempted murder (excluding by causing attempted suicide)
114	Manslaughter (incl. manslaughter by driving)
12192	Assault occasioning Grievous Bodily Harm female – other
12222	Assault occasioning Actual Bodily Harm to female victim 12+
128	Assault with intent to commit an offence
12919113	Major assault other of male 18 years and over (max pen >= 5 years imp)
12919119	Major assault other of male age unspecified (max pen >= 5 years imp)
12919123	Major assault other of female 18 years and over (max pen >= 5 years imp)
12919129	Major assault other of female age unspecified (max pen >= 5 years imp)
12919139	Major assault other of victim sex unknown age unspecified
129199	Major assault other (max pen >= 5 years imp) not elsewhere classified (nec)
129211	Common assault of male victim
129212	Common assault of female victim
129213	Common assault to victim, sex unspecified
12929113	Minor assault other of male 18 years and over (max pen < 5 years imp)
12929119	Minor assault other of male age unspecified (max pen < 5 years imp)
12929123	Minor assault other of female 18 years and over (max pen < 5 years imp)
12929129	Minor assault other of female age unspecified (max pen < 5 years imp)
12929139	Minor assault other of victim sex unknown age unspecified
129299	Minor assault other (max pen < 5 years imp) nec
1293	Assault Police
136113	Rape of female 17+
136123	Rape of male 17+
136124	Rape of male age unspecified
13613	Rape – sex unspecified (age not considered)
136213	Attempted rape of female 17 years or over
136223	Attempted rape of male 17+
136313	Indecent assault of female 17+
136314	Indecent assault of female age unspecified
136323	Indecent assault of male 17+
136324	Indecent assault of male age unspecified
13633	Indecent assault – sex unspecified (age not considered)
13911	Indecent behaviour/exposure by female
13912	Indecent behaviour/exposure by male

JANCO code	Offence description
13913	Indecent behaviour/exposure by sex unspecified
1399	Other sexual offences nec
19912	Threat to kill or endanger life – victim 12+
19913	Threat to kill or endanger life – victim age unspecified
1992	Threat to injure person
1993	Possess object to kill or injure with intent
1994	Act likely to endanger life or cause harm nec
1999	Offences against the person nec
5331	Resist, obstruct or hinder police
5333	Fail to comply with police direction
5492	Provide false reports and information
5493	Resist, hinder non-police authority
5495	Fail to comply with non-police authority direction
5499	Offences against justice procedures and enforcement of order nec
558	Possession and/or use of other weapons
559	Other offences relating to weapons
5932	Returning to, or failing to leave premises or transport
5991	Found with intent to commit crime
5992	Indecent or offensive language
5993	Disorderly behaviour
5994	Offensive behaviour
5996	Urinating, defecating
5999	Offences against good order nec

APPENDIX 8: DEMOGRAPHIC FINDINGS – COMMUNITY AND LICENSEE SURVEYS**Demographic findings – community survey**

Of 6,884 respondents, 51% reported being female, 47% male, and 2% did not provide an answer. Table 5 below shows that the majority of respondents reported being aged between 18 and 34 years, with over half of respondents reporting being aged between 18 and 24 years.

Table 5: Reported age of survey respondents

Age group	Number	Percent
18–24 years	3,817	55.4
25–34 years	1,470	21.4
35–44 years	651	9.5
45–54 years	493	7.2
55+ years	400	5.8
Missing	53	0.8
Total	6,684	100.0

Overall, 927 (14%) said they had worked in a licensed venue required to comply with the Late Night Code. Of them, 581 said that they had worked in venues both before and after the introduction of the Code. The survey asked these workers a set of questions about their observations of changes in venues since the start of the Code.

Of these 581 workers, over a third said that they worked mainly in the bar (n=225). There were also 118 entertainment staff, 76 shift/duty managers, 49 security/crowd control staff and a smaller number (less than 25 each) of floor and waiting staff, chefs, hosts, door persons, photographers and owners.

A quarter of the overall respondent group (25%) stated that they lived near a late-night licensed venue, and 14% said they worked near a late-night licensed venue.

Overall, 5,784 respondents (84%) said they sometimes went out to a licensed venue and stayed out until 3:00am or later, 9% of respondents said they never went out to licensed venues until 3:00am or later and 7% did not answer the question. Of the 5,784 respondents who said they sometimes went out until 3:00am or later, 63% said they did so at least once a month and 25% at least once a week. Of these late-night patrons, 14% also said they worked in a late-night licensed venue.

There were 212 respondents who said they lived near a late-night venue but never went out to licensed venues until 3:00am or later, and 90 respondents who said they worked near a late-night venue but never went out to one until 3:00am or later. Responses by these people to certain questions were compared with responses by people who said they do go out until 3:00am or later.

There was also a group of respondents who said they did not go out to late-night venues, and that they did not live or work near a late-night venue (n=826). These respondents were asked a series of questions about their level of support for the Late Night Code overall, and the separate provisions of the Code, but not all of these respondents completed the survey and there was a large number of missing responses for this group.

Demographic findings – licensee survey

Some 73 licensees completed the survey, and only eight of these were from the CBD. This is an extremely low response rate, and accordingly the data and associated findings cannot be considered representative of the overall licensee community.

Likewise the eight responses by CBD licensees cannot be considered representative of either late-night traders (of whom there are about 60-70) or CBD traders more broadly (of whom there are hundreds). However, the responses presented here are useful in understanding some of the issues faced by licensees in complying with the Codes.

Of the 73 respondents, 30 (41%) described themselves as the licensee, 21 (29%) described themselves as the manager, 12 (16%) described themselves as the director, and 10 (14%) gave other responses. These mostly included respondents who described themselves as president or secretary of a club, or a finance officer.

Over half of venues (38; 53%) were in country South Australia, 26 (36%) were in the Adelaide metropolitan area outside the CBD, and eight (11%) were in the CBD.

Seven venues said they had to comply with the Late Night Code. Three of these were in the CBD, one in the metropolitan area and three in the country. Two described their venues as hotels/pubs, two as restaurants, one as sports, social or community clubs, one a winery and one a live music venue.

As outlined in the Venue Profile section, very few venues outside the CBD trade after 3:00am. The survey respondents from outside the CBD who said their venue has to comply with the Late Night Code were two country hotels, a country limited club (social, community or sporting club) and a metropolitan winery. It is not clear whether these venues do trade after 3:00am or whether they were mistaken about who the Late Night Code affects. In any case the results from these respondents were included in the overall results from late-night venues.

The maximum capacity of the licensees' venues are in Table 6.

Table 6: Reported maximum capacity of venues

Maximum capacity	Number	Percent
Less than 50	17	24.3
50–100	17	24.3
100–200	18	25.7
200–400	11	15.1
More than 400	7	10.0
Total	70	100.0

The survey asked what type of liquor licence the licensees hold, and the results are in Table 7.

Table 7: Reported licence type of venues

Licence class	Number	Percent
Hotel	17	23.6
Small venue	1	1.4
Restaurant	6	8.3
Club	5	6.9
Limited club	12	16.7
Special circumstances	9	12.5
Residential	2	2.8
Direct sales	2	2.8
Producer	12	16.7
Retail liquor merchant	4	5.6
Wholesale liquor merchant	2	2.8
Total	72	100.0

Because the licence type does not always indicate the type of venue (such as 'Special Circumstances' licenses in particular), the survey asked respondents how they would describe their venue. Their responses are in Table 8.

Table 8: Reported venue type

Licence class	Number	Percent
Hotel/pub	16	21.9
Bar	–	–
Small bar	1	1.4
Nightclub	–	–
Entertainment venue	–	–
Cafe	2	2.7
Restaurant	6	8.2
Special event	2	2.7
Sports, social or community club	16	21.9
Residential	2	2.7
Cellar door	13	17.8
Bottle shop	4	5.5
Other	11	15.1
Total	73	100.0

This illustrates that aside from hotels (16, or 22%) the greatest number of responses came from sports, social and community clubs, followed by cellar doors.

APPENDIX 9: OTHER SUGGESTIONS FOR REDUCING ALCOHOL-RELATED VIOLENCE AND ANTISOCIAL BEHAVIOUR

- establishing some form of drinking licence or permit for drinking alcohol in public areas or venues;
- establishing a 'registry' of people with antisocial and/or violent histories associated with alcohol, and a blanket ban on them entering all venues;
- establishing one or more locations near late-night venues as a 'safe space' where patrons can go after the 3:00am lockout and sober up, including provision of food and water and information about safely getting home;
- prohibiting venues from projecting loud music into the streets after a certain hour (a number of respondents stated that the loud, thumping music projected onto streets by some venues after 3:00am exacerbates bad moods / frustration of those who have not made it into venues);
- requiring venues to have a block of time dedicated to 'winding down' patrons prior to ejecting them, for example, one hour of no alcohol service but provision of water and playing calming music in the venue prior to closure;
- mandatory availability of food in all venues open after a certain hour;
- mandatory availability of water in all venues open after a certain hour, in locations that are easily accessible and do not require queuing at the bar;
- playing calming music in the streets after a certain hour;
- raise the drinking age to 21 years;
- impose a curfew on people aged under 21 years;
- restrictions on the advertising and promotion of alcohol and requiring alcohol packaging to contain graphic images of potential health risks;
- implement a 'shame-cam' project, whereby images of drink and disorderly patrons exhibiting antisocial and/or violent behaviour are aired on television, perhaps with a panel of young / influential people critiquing the behaviour;
- revoke the curfew on drivers holding a P1 licence so that they can drive home from the city or drive in and pick up friends;
- promote alternative late-night activities that do not involve drinking but provide stimulation for young people;
- increased monitoring of RSA and heavier penalties for non-compliance;
- risk-based approach to licensing and fees – ie greater restrictions and higher fees for higher-risk venues;
- encourage more diverse range of smaller late-night venues, spread more throughout the CBD and inner suburbs;
- requirements on venue security to be adequately trained in crowd control and particularly conflict resolution without unnecessary provocation or use of violence;
- mandatory breath-testing to determine blood alcohol content at point-of-entry to venues after a certain hour, and restrictions on anyone over a certain level;
- provision of clear information about After Midnight buses in public areas around late-night venue areas;
- alignment of After Midnight bus timetables to lockout, for example, a greater number of buses leaving shortly after 3:00am; and
- better management of taxi ranks late at night.

APPENDIX 10: ICD-10 CODES USED TO SELECT HOSPITAL PRESENTATIONS

The following codes were used in the hospital presentation data analyses:⁷⁴

F10.0	Alcohol intoxication
S00 – S09	Injuries to the head
S10 – S19	Injuries to the neck
S20 – S29	Injuries to the thorax
S30 – S39	Injuries to the abdomen, lower back, lumbar spine and pelvis
S40 – S49	Injuries to the shoulder and upper arm
S50 – S59	Injuries to the elbow and forearm
S60 – S69	Injuries to the wrist and hand
S70 – S79	Injuries to the hip and thigh
S80 – S89	Injuries to the knee and lower leg
S90 – S99	Injuries to the ankle and foot
T00 – T07	Injuries involving multiple body regions
T08 – T14	Injuries to unspecified part of the trunk, limb or body region.

⁷⁴ Injury codes were selected with reference to: Evans, M., Pascal, R. and Chikritzhs, T.N., *Development of South Australian specific aetiological fractions and estimates of alcohol-attributable morbidity and mortalities. Stage 1: Final report* (2010), prepared for the Southern Adelaide Health Service Inc (acting through DASSA), Perth: National Drug Research Institute, Curtin University.