

Chapter 1

Introduction

Referral and conduct of the inquiry

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

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

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

1.2 In accordance with usual practice, the committee advertised the inquiry on its website. The committee also wrote to relevant organisations and individuals inviting submissions.

1.3 The committee received 65 submissions. The submissions are listed at Appendix 1.

1.4 The committee held a public hearing in Brisbane on 15 April 2016. A list of witnesses who appeared at the hearing is at Appendix 2.

1.5 Although the Senate asked that the committee report by 30 June 2016, this interim report has been prepared with awareness that a double dissolution election may be called before that date. This report outlines some of the issues raised by submitters and witnesses.

1.6 The committee thanks all those that have contributed to the inquiry thus far.

References to the Hansard transcript

1.7 References to the committee Hansard in this report are to the proof Hansard. Page numbers may vary between the proof and the official Hansard transcripts.

Structure of the report

1.8 This chapter offers some brief background on alcohol-related violence in Australia, providing the context for this inquiry.

1.9 Chapter 2 examines some foundational issues of this inquiry by considering terminology and the extent of the causal relationship, if any, between alcohol and violence.

1.10 Chapter 3 focuses on entertainment precincts, examining possible policies to reduce alcohol-related violence in those areas.

1.11 Chapter 4 considers recent legal responses to alcohol-related violence, including the creation of new so-called 'one-punch' offences.

1.12 Chapter 5 examines broader policy options to reduced alcohol-related violence, including alcohol advertising, taxation, and public education.

1.13 Chapter 6 considers the content and practicality of a national strategy on alcohol-related violence. It also provides a brief summary and outlines the committee's view.

Background

1.14 Australia has long had drinking cultures. Consuming alcohol, often to excess, is a common and accepted practice throughout many parts of the country. Yet where alcohol is consumed to excess, alcohol-related or 'fuelled' violence can often follow.

1.15 In relation to the scope of alcohol consumption in Australia, the Law Council of Australia (LCA) stated that:

...data from the Australian Bureau of Statistics indicates that on a per capita basis there were 9.7 litres of pure alcohol available for consumption per person in 2013-14, 1.7% less than the amount in 2012-13 (9.9 litres). As a standard drink consists of 12.5 mls of pure alcohol, this is equivalent to an average of 2.1 standard drinks per day per person aged 15 years and over.

While this figure represented a 50-year low in Australian alcohol consumption, concerns appear to remain by health experts that this does not equal a reduction in alcohol-related harm.

The biennial Australian Institute of Health and Welfare report of Australia's Health has stated that the consumption of alcohol in Australia is widespread and entwined with cultural activities. The report noted that 'excessive consumption is a major cause of road and other accidents, domestic and

public violence, crime, liver disease and brain damage, and contributes to family breakdown and broader social dysfunction'.¹

1.16 Alcohol-related harms are estimated to cost the community between \$15 billion and \$36 billion each year.² The LCA suggested that:

...in 2004–05 the total costs attributable to alcohol-related crime in Australia was \$1.7 billion; the social cost relating to alcohol-related violence (which excludes costs to the criminal justice system) was \$187 million; and the costs associated with the loss of life due to alcohol-related violent crime amounted to \$124 million.³

1.17 According to St Vincent's Health Australia (SVHA), alcohol-related disease and injury lead to over 5 500 deaths and 157 000 hospitalisations each year.⁴ Professor Tanya Chikritzhs, Professor Steve Allsop, Mr William Gilmore and Mr Vic Rechichi of the National Drug Research Institute (NDRI) informed the committee that:

...between 1996 and 2005, an estimated 32,000 Australians died from alcohol-attributable injury and disease caused by risky or high risk drinking. In the 10 years between 1995/96 and 2004/05 an estimated 813,000 hospitalisations in Australia were caused by alcohol.⁵

1.18 The Deakin University Violence Prevention Group (DUVPG) stated that:

During high-alcohol-hours (HAH; 20.00 hours Friday to 06.00 hours Saturday and 20.00 hours Saturday to 06.00 hours Sunday), alcohol accounted for 36.1% of all injury presentations. In total, 41.7% of alcohol related attendances during HAH reported consuming last drinks at identifiable hotels, bars, nightclubs or restaurants, or identifiable public areas/events. Approximately 60% of all alcohol related presentations had purchased their alcohol at packaged liquor outlets.⁶

1.19 A range of submitters also provided statistics in relation to alcohol and violence. For example, the DUVPG told the committee that there are over 70 000 alcohol-related assaults every year in Australia and:

...72% of Australian men who were physically assaulted by another man said the perpetrator had been drinking or taking drugs, and 28% had done so themselves. Almost half (47%) of women physically assaulted and most (84%) women who were sexually assaulted by a man said that the perpetrator had been drinking or taking drug...Alcohol has been identified

1 Law Council of Australia (LCA), *Submission 30*, p. 6.

2 Royal Australasian College of Physicians (RACS), *Submission 16*, Attachment 1, pp 10-11; Deakin University Violence Prevention Group (DUVPG), *Submission 47*, Attachment 23, p. 1.

3 LCA, *Submission 30*, p. 7.

4 St Vincent's Health Australia (SVHA), *Submission 38*, p. 2.

5 Professor Tanya Chikritzhs, Professor Steve Allsop, Mr William Gilmore and Mr Vic Rechichi, National Drug Research Institute (NDRI), *Submission 28*, p. 1.

6 DUVPG, *Submission 47*, p. 52.

as a factor in around three-quarters of assaults and incidents of offensive behaviour on the street.⁷

1.20 Dr Kate Fitz-Gibbon stated '[a]lcohol has long been cited as a key contributory factor to family violence, where women and children are victimised at rates far greater than their male counterparts'.⁸

1.21 The LCA informed the committee that:

...in 2011 there were almost 30,000 police reported incidents of alcohol-related domestic violence in the states and territories where data is available, and excluding alcohol-related assaults in Queensland, South Australia, Tasmania and The Australian Capital Territory.⁹

1.22 The LCA also advised that over one million children (22 per cent of all Australian children) 'are estimated to be affected in some way by the drinking of others', including verbal abuse, lack of supervision or being placed in unsafe situations, physical harm or exposure to domestic violence. Further, more than 10 000 Australian children are in the child protection system because of a carer's drinking.¹⁰

1.23 As this evidence elucidates, alcohol-related harm includes but also extends beyond violence; these statistics also emphasise the extent of the problem.

1.24 In recent years a number of assaults have gained significant media attention. Many well-known instances have been 'one-punch' assaults, also known as 'coward punches' or 'king hits'. The following young men died following such assaults, with their cases attracting public outcry:

- Mr Thomas Kelly, 18 years old, attacked on 7 July 2012 in Kings Cross, NSW;
- Mr Daniel Christie, 18 years old, attacked on 31 December 2013 in Kings Cross, NSW;
- Mr Cole Miller, 18 years old, attacked on 3 January 2016 in Fortitude Valley, Queensland.
- Mr Thomas Keaney, 23 years old, attacked in December 2013 in Northbridge, Western Australia;
- Mr Trevor Duroux, 40 years old, attacked in December 2015 in Coolangatta, Queensland; and
- Mr Patrick Cronin, 19 years old, attacked on 16 April 2016 in Diamond Creek, Victoria.

1.25 Additionally, Ms Melissa Abdo, 36 years old, suffered serious head injuries after being attacked in the early hours of 9 January 2016 in Mount Isa, Queensland.

7 DUVPG, *Submission 47*, pp 7–8.

8 Dr Kate Fitz-Gibbon, *Submission 49*, p. 2.

9 LCA, *Submission 30*, p. 7.

10 LCA, *Submission 30*, p. 7.

1.26 Most policy responses to alcohol-related violence have been enacted by state or territory governments. These responses are diverse, touching on liquor trading restrictions, policing, public transport, criminal punishments, and education campaigns.

1.27 Alcohol-related violence has gained significant media attention of late, and a number of high-profile and controversial reforms have been introduced. Some of the most prominent reforms include:

- lockout laws, which restrict access to late night venues after a certain time;
- restrictions on access to alcohol, such as early cessation of alcohol sales or the state-wide ban on takeaway alcohol after 10:00pm implemented in NSW;
- the introduction of new offences for alcohol-related one punch assaults; and
- increased punishments for alcohol-related violence, including mandatory minimum sentences.

Scope of the inquiry

1.28 Alcohol-related violence manifests in many and diverse forms. It clearly extends beyond one-punch assaults to other forms of violence, including sexual assault, violence in Indigenous communities, and family violence.

1.29 As this evidence above elucidates, the character of alcohol-related violence can depend on many things, including the background of and relationship between the perpetrator(s) and victim(s), the location of the violence, the time at which the violence occurs, the extent of the violence, and whether the violence is one-off or repeated. Illicit and other drugs may also contribute to violence.

1.30 The evidence received by the committee in submissions and at the public hearing focused on night-time violence in entertainment precincts, including one punch assaults, and this is the main focus of this report. The report also considers the potential value of a nationally-consistent approach to alcohol-related violence.

