

Chapter 6

A national strategy to address alcohol-related violence

6.1 This chapter outlines evidence heard by the committee regarding a nationally-consistent approach to addressing alcohol-related violence.

6.2 Under the Constitution, only states have the power to regulate alcoholic liquids.¹ This is not an area which the Commonwealth can directly legislate without state and territory negotiation, potentially through the Council of Australian Governments (COAG). The Commonwealth government's approach to illicit drugs and alcohol is outlined in the National Drug Strategy (NDS) 2010-2015, which is 'the product of collaboration between Commonwealth, state and territory governments, and extensive community and sector consultation'.² The National Alcohol Strategy (NAS) is being developed as a sub-strategy of the NDS. Both strategies are being revised and are to be considered in mid-2016 by the Ministerial Drug and Alcohol Forum, which comprises ministers with responsibility for alcohol and drug policy.³

6.3 As the previous chapters demonstrate, any strategy to address alcohol-related violence requires consideration of a plethora of issues. These included reforms to liquor trading such as lockouts or early cessation of alcohol service, as well as the responsible service of alcohol, the availability of public transport, the nature of criminal punishments, alcohol advertising regulations and public education campaigns.

A nationally-consistent approach?

6.4 The committee heard mixed evidence regarding the implementation of a national strategy which is 'consistent' in its approach to addressing and reducing alcohol-related violence.

6.5 Some submitters expressed support for the concept of a nationally-consistent approach. Ms Caterina Politi, whose son was killed in 2012 as the result of a one-punch attack, argued that: 'We are all part of Australia...The message, education, punishment and deterrence approach needs to be consistent nationally'.⁴

6.6 The Australian Medical Association (AMA) was strident in its support for action by the federal government, stating:

The message arising from the [AMA National Summit on Alcohol] was clear – Federal Government action on alcohol is overdue...the AMA's recommendations for Commonwealth action on alcohol, including an updated National Alcohol Strategy that should:

1 *Australian Constitution*, s 113.

2 Department of Health, *Submission 48*, p. 3.

3 Department of Health, *Submission 48*, pp. 2-3.

4 Ms Caterina Politi, *Submission 57*, p. 1.

- (a) provide for a consistent national approach to access and availability;
- (b) an effective and sustained advertising and social marketing campaign around unsafe drinking and the harms associated with excess alcohol use;
- (c) increasing the availability of alcohol prevention and treatment services;
- (d) measures that respond specifically to the particular needs and preferences of Aboriginal and Torres Strait Islander people, and other culturally and linguistically diverse groups;
- (e) statutory regulation of alcohol marketing and promotion;
- (f) clear and consistent monitoring and measurement of alcohol use;
- (g) review current alcohol taxation and pricing arrangements; and
- (h) prohibiting political donations from the alcohol industry and the development of a code of conduct to guide government engagement with the alcohol industry.⁵

6.7 In respect of the NAS, the AMA submitted that it was 'a matter of priority' and expressed hope that the 2016-2021 NAS would be finalised and released, given the previous NAS expired in 2011.⁶ The AMA recommended that the new NAS should 'specify a clear role for the Australian government in coordinating a consistent approach across the national to access and availability provisions'.⁷ The Department of Health likewise submitted that the 'existing collaborative approach', through the NDS and the NAS, 'is an appropriate policy mechanism to lend support to a national strategy to harmonise laws and education on alcohol related violence'.⁸

6.8 The McCusker Centre for Action on Alcohol & Youth (MCAAY) and Public Health Association of Australia (PHAA) argued that '[a] consistent national framework of measures to reduce alcohol-related violence and other harms will support market equality across jurisdictions and is likely to increase consumer acceptance of measures'.⁹ The Deakin University Violence Prevention Group (DUVPG) stated that it would 'increase...the perception of fairness, market equality and equal opportunity for commercial interests'.¹⁰

6.9 The Woman's Christian Temperance Union (WCTU) of Western Australia submitted that Australia lacks nationally-consistent policy in support the NAS:

The lack of governance arrangements and coordinating policy infrastructure also undermines a more consistent approach to areas that fall under the responsibility of state and territory governments. For instance, there is a

5 Australian Medical Association (AMA), *Submission 7*, p. 2.

6 AMA, *Submission 7*, p. 3.

7 AMA, *Submission 7*, p. 9.

8 Department of Health, *Submission 48*, p. 5.

9 McCusker Centre for Action on Alcohol & Youth (MCAAY) and Public Health Association of Australia (PHAA), *Submission 32*, p. 3.

10 Deakin University Violence Prevention Group (DUVPG), *Submission 47*, p. 57.

lack of cohesive policy guidance and infrastructure to support a more evidence based approach on regulating alcohol outlet density and opening hours. There is a need for national guidelines outlining how these issues should be considered in planning and liquor licensing decision making, and defining levels of risk related to outlets densities that can be used to control laws in each jurisdiction.¹¹

6.10 The Royal Australian and New Zealand College of Psychiatrists (RANZCP) likewise argued that '[a] nationally consistent, streamlined and coordinated framework should provide the overarching structure for the implementation of programs and policies aimed at reducing alcohol-related harm' and suggested that the new NAS could be the starting point for this.¹²

6.11 A number of submitters discussed the importance of nationally-consistent data collection. The Queensland Nurses' Union (QNU) stressed the importance of a nationally-consistent database for information about drinking and violence.¹³ The Royal Australasian College of Physicians (RACP) and RANZCP recommended that Australia have nationally consistent data on alcohol consumption which could be compared and made public.¹⁴ The MCAAY and PHAA recommended the consistent national collection of alcohol-related data including wholesale alcohol sales data, emergency department presentations, hospital admissions and alcohol-related crime data.¹⁵ The Western Australian Network of Alcohol and other Drug Agencies (WANADA) stated:

Wholesale sales data provides the most accurate and efficient data collection on consumption levels, yet it is not routinely collected in Australia. While several jurisdictions collect alcohol sales data under the National Alcohol Sales Data Project (NASDP), variation in the type of data reported and the absence of Victorian, South Australian and Tasmanian data ultimately prevents a nationally consistent approach. A greater focus is needed to address current gaps and support the systematic and consistent collection of alcohol-related data across jurisdictions, covering not only alcohol sales but also hospital presentations and admissions, and alcohol-related crime data.¹⁶

6.12 The WCTU of Australia submitted that consistency is desirable with regards to alcohol marketing:

11 Woman's Christian Temperance Union (WCTU) of WA Inc, *Submission 23*, p. 3.

12 The Royal Australian and New Zealand College of Psychiatrists (RANZCP), *Submission 25*, p. 4.

13 Dr Liz Todhunter, Research and Policy Officer, Queensland Nurses' Union (QNU), *Committee Hansard*, 15 April 2016, p. 33.

14 RANZCP, *Submission 25*, p. 7; Royal Australasian College of Physicians (RACP), *Submission 16*, Attachment 1, RACP and RANZCP Alcohol Policy (March 2016), p. 45.

15 MCAAY and PHAA, *Submission 32*, p. 4.

16 Western Australian Network of Alcohol and other Drug Agencies (WANADA), *Submission 52*, p. 4.

While the Commonwealth is responsible for regulating most aspects of alcohol marketing, state and territory governments can regulate aspects of advertising, pricing promotions and point-of-sale promotions through liquor licensing legislation and restrictions on advertising in public spaces and on stated-owned assets such as public transport. We do need a nationally consistent approach to alcohol advertising and the Commonwealth Government needs to take responsibility for this.¹⁷

6.13 St Vincent's Health Australia (SVHA) recommended that 'standards in relation to advertising and promotion are clear and consistent' and apply to all forms of advertising.¹⁸

6.14 Some submitters also considered national-consistency in the legal sphere. The Law Council of Australia (LCA) recommended that nationally-consistent model legislation be developed in accordance with the outcomes of relevant research to standardise alcohol licensing laws, the responsible service of alcohol, and 'lockout' provisions.¹⁹

6.15 Additionally, Associate Professor Julia Quilter and Professor Luke McNamara argued that serious consideration needs to be given to the development of a nationally standardised legislative terminology in this area, but acknowledge that this would be a difficult task given the different ways in which intoxication can affect people in different contexts.²⁰ They further argued that if a nationally consistent 'one-punch' offence were to be recommended, it should be drafted so that it is an offence which is less serious than murder and manslaughter.²¹

6.16 Other submitters opposed the concept of a nationally-consistent approach to tackling alcohol-related violence. The Brewers Association of Australia and New Zealand submitted that '[n]ationally mandating closing time or lockout laws would fail to appreciate the differences between different cities and regions and risk imposing unsuitable and irrelevant solutions'.²² Keep Sydney Open held a similar view, stating:

...inner-city, suburban and rural areas vary wildly in their characteristics. Similarly, our cities differ from each other. Newcastle does not have the same cultural, economic or employment properties of more significant cities. Even between major cities, a city like Melbourne has a strong creative cultural element embedded in its inner-city and surrounding areas that lends itself to a more positive drinking culture. On the other hand Sydney, while not suffering from any epidemic – levels of violence, has

17 WCTU Australia, *Submission 13*, p. 3.

18 St Vincent's Health Australia (SVHA), *Submission 38*, p. 10.

19 Law Council of Australia (LCA), *Submission 30*, p. 4.

20 Associate Professor Julia Quilter and Professor Luke McNamara, *Submission 20*, p. 6.

21 Professors Quilter and McNamara, *Submission 20*, p. 15.

22 Brewers Association of Australia and New Zealand, *Submission 61*, p. 11.

gone about replacing its cultural diversity with a focus on gambling, particularly since the 1990s.²³

6.17 Ms Martha Tsamis likewise argued that each location has its own unique set of issues which have to be understood in order to be addressed, and that '[a]ny consistency of approach to liquor licensing, violence mitigation and development of the night time economy (NTE) across jurisdictions must be evidence based, multifaceted, and progressive'.²⁴

6.18 An additional objection was raised by Alcohol Beverages Australia (ABA) which expressed concern that a national strategy may, depending on its implementation, clutter policymaking:

Given there is a regularly updated National Alcohol Strategy, an additional initiative of 'a nationally consistent approach, negotiated, developed and delivered by the Federal Government together with all state and territory governments to address and reduce violence' risks working at cross-purposes to the National Drug Strategy and the National Alcohol Strategy.²⁵

6.19 The objections raised apply primarily to nationally-consistent strategies, not to a national strategy more broadly. As Step Back Think submitted, a national approach to alcohol-related violence should be 'adaptable to local contexts'.²⁶

Funding a national strategy

6.20 Of those submissions that addressed the question of how a national strategy could be funded, many suggested that increased tax on alcohol would be the logical source of funds for a national strategy.²⁷ The Australian Drug Foundation (ADF) argued:

...the committee is interested in the funding or potential funding of a national strategy to reduce alcohol related violence. Increasing the price via taxation and hypothecating that money is a natural and feasible source of funding for a national strategy, so I would recommend increasing the price of alcohol via taxation as the most effective and cost-effective means government can choose to reduce excessive drinking and therefore all of the harms that have been mentioned so far.²⁸

23 Keep Sydney Open, *Submission 64*, p. 2.

24 Ms Martha Tsamis, *Submission 45*, pp 7-8.

25 Alcohol Beverages Australia (ABA), *Submission 59*, p. 2.

26 Step Back Think, *Submission 27*, p. 9.

27 AMA, *Submission 7*, p. 14; RACP, *Submission 16*, Attachment 1, RACP and RANZCP Alcohol Policy (March 2016), p. 18; RANZCP, *Submission 25*, p. 7; MCAAY and PHAA, *Submission 32*, p. 3; Australian Drug Foundation (ADF), *Submission 34*, p. 5; SVHA, *Submission 38*, p. 13; DUVPG, *Submission 47*, p. 59; Foundation for Alcohol Research and Education (FARE), PHAA and National Alliance for Action on Alcohol (NAAA), *Submission 50*, p. 16.

28 Mr Geoff Munro, National Policy Manager, ADF, *Committee Hansard*, 15 April 2016, p. 27.

6.21 Professor Tanya Chikritzhs, Professor Steve Allsop, Mr William Gilmore and Mr Vic Rechichi raised the example of the Northern Territory 'Living With Alcohol' program introduced in 1992, and funded by a tax on beverages with more than a three per cent alcohol content:

The levy added 5 cents to the price of a standard drink. The average rate of acute alcohol attributable deaths in the NT during the decade the program was in place dropped by a third (36.6%) with an earlier study evaluating per capita alcohol consumption in the NT four years after the introduction of the program estimated consumption to have declined by one fifth. Such results 'present an argument for the effectiveness of combining alcohol taxes with comprehensive programs and services designed to reduce the harm from alcohol'.²⁹

Committee view

6.22 The evidence received by the committee thus far suggests the need for a national, but locally adaptable, approach to address alcohol-related violence in Australia. Submitters and witnesses have identified a range of issues, such as entertainment precincts and their regulation, changes to the criminal law (for example 'one punch' offences), advertising, taxation and public education, as matters worthy of consideration.

6.23 The committee believes that alcohol-related violence and effective strategies to address it are important issues that warrant further and more detailed investigation than the committee has had the opportunity to undertake to date. In the event that the committee's inquiry continues in the current Parliament, the committee intends to explore in greater detail both the issues and possible solutions outlined by stakeholders, and give thorough consideration to whether and what a national approach to address alcohol-related violence might comprise.

6.24 However, if the committee is unable to conclude its inquiry by 30 June 2016 as a result of a simultaneous dissolution of the Senate and the House of Representatives, the committee strongly recommends that the new Parliament re-refer the matter of a nationally-consistent approach to alcohol-related violence to the relevant committee for inquiry and report.

Recommendation 1

6.25 In the event that the committee is unable to conclude its inquiry during the current Parliament, the committee recommends that the 45th Parliament

29 Professor Tanya Chikritzhs, Professor Steve Allsop, Mr William Gilmore and Mr Vic Rechichi, National Drug Research Institute (NDRI), *Submission 28*, p. 7.

re-refer the matter of a nationally-consistent approach to alcohol-related violence to the relevant committee for further inquiry and report.

Senator Glenn Lazarus
Chair

