

Submission to the Senate Inquiry into Alcohol-Fuelled Violence

My area of expertise is in managing nightclubs in Western Australia, particularly in the nightlife precinct of Northbridge, so most of this submission will focus on my knowledge and observations gained from over 30 years of front line experience. However, nightclubs are a defined category of liquor licence in Western Australia numbering only 45 operating licensed premises (compared with over 1500 hotels/taverns) so nightclubs represent a very small proportion of alcohol consumption on licensed premises, which in turn represents a small proportion of overall consumption of alcohol in society generally.

Why WA is Ahead of the Other States

Western Australia's Director of Liquor Licensing has a long established set of explicit guidelines for liquor promotion that disallow the utilisation of cheap or discounted drinks to attract patrons or pricing that is likely to encourage irresponsible consumption. These guidelines are effectively policed with frequent peer reporting of breaches.

Sensible regulation of licence and outlet density ensures competitive pressures are not so great that licensees are required to use liquor pricing to differentiate their venue from competitors. Sufficient licences are required to provide choice and diversity, however the regulation of the density of licensed premises cannot simply be left to market forces to dictate. This encourages a 'race to the bottom' in standards of responsible promotion and service of alcohol.

The absence of gambling in non-casino venues in Western Australia means that venues not charging 'at the door' for entry are highly reliant on profits from alcohol sales. This discourages 'loss leading' promotion practices seen in other jurisdictions where the majority of profits are made from gambling revenue typically derived from 'pokies'.

Nightclubs in Perspective

Pre-loading is a relatively new term for the long established practice of

consuming alcohol before entering licensed premises to avoid having to pay what are seen as high prices in nightclubs. Of course 'nightclub prices' are dictated by costs of business including providing entertainment and a safe and secure environment. It is a common situation to have a patron present for entry, just having rapidly consumed a considerable amount of alcohol in a public place near the premises, passing security checks for intoxication to gain entry. Then after remaining in a venue for some time they have to be removed for showing the signs of intoxication without them having been served alcohol in the venue as the alcohol they consumed before entry has made its way into their bloodstream.

Bag searches conducted as a part of entry screening often reveal concealed alcohol in flasks or water bottles.

Polycarbonate drinkware is utilised as a preventative safety policy by some WA nightclubs. High quality polycarbonate is more expensive than glass but is seen by some venue operators as best practice, placing patrons' safety above profit. The two however are not mutually exclusive. A reputation as a safe venue is good for business. Patrons are willing to pay more on entry and for drinks over the bar to be in a venue where they feel safe.

Of course not all venues have the same standards and from time to time operators appear who want to test the boundaries of responsible promotion or service. In WA a dedicated branch of the police force, the Liquor Enforcement Unit (LEU), is responsible for policing licensed premises and licensees. There are wide ranging powers under sections 64 and 95 of the Liquor Control Act 1988 (WA) that police can use to place restrictive conditions on licences to bring 'rogue' operators to heel, or in extreme circumstances to close offending premises. In WA this is done through the Director of Liquor Licensing and/or the Liquor Commission. Consequently offences by licensees under the Liquor Act are rarely dealt with by the regular courts, although decisions by the Director of Liquor Licensing and the Liquor Commission are reviewable by the Supreme Court.

Cities need functional nightlife for several reasons, most important amongst these is to provide social opportunities for young people. Suicide is the leading cause of male deaths in the 15-44 year age bracket in

Australia; more young men take their own lives than are victims of road trauma or alcohol related violence. The leading cause of suicide in young men is isolation and loneliness. It is a bitter irony that in the age of ultra-connectivity that more and more young people feel isolated, excluded and lonely. Music is incredibly important to youth; it is the second most searched-for term (after sex) on the internet. Many young people find connections with others through music. The shared experience of music, be it at a live music venue, concert venue, festival or nightclub, is very powerful. Many young people bond over their love of music, shared tastes and admiration of artists, which can be traditional singers or bands and more commonly electronic artists, DJs and producers. Nightclubs provide the vehicle for the shared experience of music and for young people who have a passion for music to find their niche amongst others who are like-minded. Many young people live for the weekend when they can meet their friends and enjoy music and dancing. Nightlife is also important for tourism and economic reasons.

Nightclubs provide a safe and secure environment; very few violent incidents actually occur on licensed premises. The introduction of ID scanning to Perth nightclubs eight years ago was a game changer. No longer was it possible to be anonymous within the crowd. CCTV has been mandated for licensed premises in WA for many years, ID scanning closes the identification loop providing the 'who did it' to CCTV's 'what happened'. This information is valuable to police in their investigations. Knowing who was involved in an incident also enables licensees to 'flag' that person's ID so they can be refused entry the next time they present at the venue. ID scanning systems that offer a 'shared database' enable licensees to see patrons who have been flagged at other premises. The result of being 'flagged' is often the refusal of entry not only at the premises that flagged the patrons but also at other venues whose policy it is not to admit anyone who is flagged. The psychological impact on crowd behaviour of patrons having their ID scanned and the potential for being banned cannot be understated. A common 'flash point' occurs when a patron is identified by management, bar staff or security as being intoxicated and has to be asked to leave. Prior to ID scanning many patrons would argue or resist efforts to have them leave and would need to be physically ejected, placing not only themselves but security staff at risk of injury. Now almost every patron is

compliant when being asked to leave. If an argument begins the patron is told “We scanned your ID when you came in, we know who you are. If you leave with no problems you’re welcome to come back next week. If we have to remove you, you will be banned”. Anyone who continues to resist beyond this point is likely to receive a ban.

When patrons are on licensed premises they have an incentive to behave as they want to stay at the venue with their friends and enjoy themselves. When they are queuing for entry they have a similar incentive. Another common flash point is when a patron is refused entry for intoxication. Once it becomes clear the patron will not be admitted the incentive to behave in a reasonable manner is removed. To their great credit most patrons accept that venue managers and security are only doing their job and they may have had too much to drink and walk away, often with the shake of a hand. A small number will become argumentative and a small number of them will become physically violent towards security staff. In WA simply remaining “in the vicinity” of a licensed premises after being refused entry is an offence. Police encourage licensees to be proactive in alerting them to argumentative, troublesome or violent patrons. In Northbridge we do this by calling the council operated CCTV room where a police officer is on duty. When a call is received the camera operator will focus the camera on the incident and the police officer relays information to police on the street, when police attend they typically either issue a “move on notice” or arrest the offender. This co-operative approach between licensees and police prevents situations escalating and removes problem patrons from the precinct so they cannot cause further issues.

In extreme cases police may apply for a prohibition order against an individual who is involved in anti-social behaviour. A prohibition order prevents a person from entering specific or all licensed premises for a period of up to five years. Currently there are 115 prohibition orders against individuals in Western Australia that remain in effect for up to five years.

Perth Has a Vibrant Nightlife and Improving Alcohol Related Crime Statistics

The vast majority of alcohol related offences in Northbridge occur on the street. Often licensees have done their job, as required by the Liquor Act, and either removed or refused entry to intoxicated patrons. Where there is a strong police presence, such as is the case in Northbridge, relatively few incidents occur and patrons peacefully make their way home.

Safe and readily available transport options for patrons to get home are vital to preventing violence on the streets. Secure taxi ranks with CCTV and security guards keep queues orderly. Uber and other ride sharing services have only been available for a short time but as the cars aren't able to be identified by anyone other than the person who ordered the ride these do not seem to be contributing to issues between patrons competing for transport.

Illicit drugs, especially methamphetamine, are making an increasing contribution to violent crime. There has been a 300% increase in drug offences in Perth's Central District from 2013/14 to 2014/15. The alcohol culture amongst young people is changing; this can be noticed in low levels of drink driving offences in young people who have grown up with drink driving education, compared to those in middle age who constitute the vast majority of drink driving offenders. Unfortunately there appears at the same time to be more social acceptance of illicit drug taking amongst young people. Methamphetamine users frequently display violent behaviour and often engage in poly-drug use, consuming alcohol along with meth which exacerbates the psychological effects making the user more prone to impulsive, high risk taking and violent behaviour. A study should be undertaken to determine the contribution that illicit drugs are making to violence.

The vast majority of alcohol is consumed off licensed premises, typically in unregulated homes or public places. Unsurprisingly the most common alcohol related violent crime in Australia is domestic assault. Regulation at points of sale and restrictions on advertising is needed to address the availability of alcohol in society generally. A floor price for alcohol is a policy that could be effectively introduced nationally.

Well managed nightlife precincts have a very small number of violent

offences as a ratio of overall visitors. Well managed licensed premises have an even lower incident rate within venues. A co-operative approach between police, regulators and licensees towards offenders, as has been undertaken in Northbridge, can yield excellent results without blanket restrictions that punish the innocent and create dysfunctional nightlife.

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