

Response to the 'Safety Rating System For Licensed Venues' Discussion Paper

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ALCOHOL AND OTHER DRUGS COUNCIL OF AUSTRALIA (ADCA) – WHO WE ARE AND WHAT WE DO

The Alcohol and other Drugs Council of Australia (ADCA) is the national peak body for the AOD sector, providing an independent voice for the people working to reduce the harm caused by alcohol and other drugs.

ADCA is a non-government, not-for-profit organisation principally funded through the Australian Government's Community Sector Support Scheme (CSSS) and the National Drug Strategy Program. Some additional funding is provided through membership fees, subscriptions and project activities.

As the national peak body, ADCA has a key role in advocating for adequate infrastructure support and funding for the delivery of evidence based alcohol and other drug initiatives. In this regard, ADCA represents the interests of a broad group of service providers and individuals concerned with prevention, early intervention, treatment, supply reduction and research.

ADCA's broad and diverse membership base across all jurisdictions provides input on key strategic issues through active participation as members of ADCA's Working Groups.

ADCA is determined to provide a strong voice in the current climate, to help bring about positive change for our community. Our broad alcohol policies are as follows:

- ***the introduction of a non-linear, accelerating taxation regime of alcohol products***
- ***the removal of alcohol from the provisions of the National Competition Policy (NCP)***
- ***reviewing and amending State liquor licensing regimes along harm-minimisation principles, similar to the recent Queensland amendments***
- ***the introduction of health warning labels on all alcohol products, supported by additional warning posters/signs in establishments selling alcohol***
- ***establishing restrictions on the way alcohol is advertised and marketed to young people***
- ***pre-approval and rigorous testing of alcohol advertisements and promotions by experts to curb their influence on the community***
- ***establishing a nation-wide education program to raise awareness of the dangers of alcohol***
- ***increased emphasis on social infrastructure and community development projects, especially in regional / remote areas; and***
- ***using existing research to inform good policy and practice.***

INTRODUCTION

The dangers associated with 'binge drinking' have become a national issue, as growing concern surrounding the misuse and dangers of alcohol continues to dominate community debate.

Excessive consumption or 'binge drinking' of alcohol is particularly a problem for licensed venues, who have to deal with a variety of patrons who engage in anti-social behaviours which reduce safety for patrons who choose to drink responsibly. The Alcohol and other Drugs Council of Australia (ADCA) applauds the New South Wales (NSW) Government for its initiatives taken in the past 12 months to try and reduce the harms from excessive consumption on licensed premises. ADCA welcomes the sentiment behind the proposal for a NSW-based 'Safety Rating' System for licensed venues; however, ADCA has concerns with the policy process, conceptualisation, and operation of this proposed system as outlined below.

ADCA believes that a significant number of the questions are of a highly technical nature, and accordingly, we have decided to submit a general response for consideration.

EXECUTIVE OVERVIEW OF ADCA'S RESPONSE

It is encouraging to note the significant steps NSW has undertaken to examine and deal with alcohol-related violence and other anti-social issues. While the proposed safety rating system could improve patron choice, there is ample scope for the implementation of this system to be flawed in execution, in communication, and in responsiveness to consumer complaints.

While agreeing to the four proposed objectives contained in the discussion paper, ADCA strongly believes there is a solid evidence-base for different policy actions that would have a more effective, immediate impact. There is an extensive research list on pages 9, 10 and 11 of this paper listing papers that point to potential solutions to reduce alcohol-related violence and anti-social behaviour.

ADCA has concerns regarding:

- the small consultation base
- the conceptualisation of an industry-run 'safety rating' system
- allowing the system to be a voluntary 'opt in' system, and
- the ability to effectively promote this scheme to consumers.

DETAILED RESPONSE

1. LACK OF EXTENSIVE CONSULTATION

ADCA is concerned about the narrowness of the consultation base for this initial issue, and further stages to consider the proposed safety rating system. ADCA believes that alcohol and other drugs (AOD) non-government organisations (NGOs) can provide a wealth of experience regarding alcohol-related violence.

ADCA is also concerned that the some of the questions and discussion seem to set the agenda towards an industry-run awards basis, without considering the input and perceptual rigour that could be gained by inviting other stakeholders, such as public health academics, as well as health and wellbeing NGO's to participate more fully in the development, implementation, and oversight of any proposed system.

There is research that shows boarder partnerships between industry, the community, and the public health sector are highly effective in reducing alcohol-related anti-social behaviour. ADCA believes that explicitly naming only two interested sections in this debate – industry and the NSW Government – this is shows a lack of willingness to consider all possible solutions to reduce alcohol-related harm occurring in licensed premises in NSW.

2. THE CONCEPTUALISATION AND OPERATION OF AN INDUSTRY-RUN 'SAFETY RATING' SYSTEM

ADCA believes the central issue, the concept of safety, cannot be objectively measured as 'safety' is a subjective matter, and therefore some people will have differing levels of 'safety' needs.

ADCA believes 'safety' in an on-premises licensed venue entails, among other issues:

- appropriate numbers of security officers and appropriate levels of training
- the general perception of the venue in the media etc
- appropriate numbers of bar staff, and their skills levels
- ease of access into a venue, and the actual capacity of the venue
- approved toilet facilities
- the commitment by management and staff to serve alcohol in a responsible manner; and
- appropriate emergency exits, lighting levels, security coverage.

Representing the levels of a 'safety' rating system needs to be a multi-channel approach, with the safety rating guidelines easily accessible on a public website and published/ screened using a range of communication tools. ADCA notes that the criteria for the "Best Bar None" and the "Safer Venues" initiatives promoted as examples by the NSW Government as models for this scheme, do not list appropriate criteria publicly.

The rating criteria should be set by Government, or in conjunction with an independent, expert panel. ADCA suggests that this panel should include experts from law enforcement, the appropriate licensing authority, the AOD sector, industry, and the health/ wellbeing sector.

A co-regulatory scheme, as seen with the Alcohol Advertisements code, has been proven to have a multitude of flaws. Complaints are usually not expedited with any haste, complaint processes are not consumer-friendly, and government oversight is often seen as being lax and intermittent.

ADCA believes that compliance with statutory requirements should be the minimum requirement to enter this system. Further, ADCA believes that implementing a 'safety rating' system could tie into the current liquor licensing system, whereby licensees are required to disclose their safety rating when applying for a license renewal or to vary any current license conditions.

The rating criteria provided on pages 12 and 13 of the Discussion Paper appear to be comprehensive. Of particular note is the point 'responsible advertising and promotions'. ADCA notes that the NSW Government released its 'Liquor Promotion Guidelines' in June 2008, which in ADCA's opinion could be considered as part of any proposed safety rating system.

The way alcohol is promoted and served in licensed premises plays a significant factor in the level of anti-social behaviour. As a minimum, ADCA believes that complying with the low risk goals for promotion and sale of alcohol should be a requirement for achieving a 'safety rating'.

ADCA believes the NSW Government can make a significant, positive step in reforming liquor licensing practices through this initiative, and provide a 'best practice' example for other States and Territories to test and implement.

Violent incidents recorded on security systems by the licensee should form part of the assessment process in any rating review. ADCA also believes that the patron to incident ratio is too simplistic to give an overall 'safety rating'. Extensive community and patron consultation needs to take place before the issue of violence inside licensed premises can be resolved.

ADCA is also concerned about the issue of how incidents that occur outside licensed premises are recorded. This is specifically relevant in terms of the 'last drinks' alcohol linking strategy, designed to link alcohol-related crimes with the venue a person had a 'last drink'. It may unfairly tarnish the reputation of licensed venues if tenuous links to drinking 'on a particular premises' are used to reduce safety rankings.

There is scope for the NSW Government, through the NSW Ombudsman's Office to handle public complaints as part of government oversight – this would provide greater transparency and rigour around the application of the 'safety rating' system.

3. ALLOWING THE SAFETY RATING SYSTEM TO BE A VOLUNTARY 'OPT IN' SYSTEM

ADCA believes that creating a voluntary system would not provide any accuracy for consumers. If the system is to be voluntary and proves to be successful, licensed premises with significant alcohol-related violence and anti-social problems, may be incentivised to opt out which would hide the full extent of their issues. If the system is not successful, then

licensed premises with good safety management systems are likely to opt out to avoid being associated with the scheme.

If implemented, all hotel and club licensed venues should be required to participate in this system. ADCA believes that on-premises licencees (restaurants) should also participate in this scheme, though due to the comparatively low amount of alcohol related violence, and anti-social behaviour, there may need to be a parallel scheme. However, ADCA does not believe the system has relevance for packaged liquor licenses or produce/ wholesaler licensees.

The prime disadvantage would be that different streams increase complexity and reduce clarity for the consumer. Simplicity should be a stated policy goal of any 'safety rating' system. As a rough guide, following the current NSW licensing classifications for small bars, licensed restaurants, hotels and clubs, their current licenses could be used to reduce administration.

In cases where licensees hold multiple classes of licenses in one premises, ADCA believes there is ample likelihood of patrons moving between different areas. This means the entire venue should receive the compliance level of the area with the worst violence and anti-social record. This would provide the greatest level of certainty for consumers and reduce the likelihood of them receiving mixed signals on levels of safety.

If this proposed system is judged appropriate, the intent of the Legislation should be to provide greater consumer awareness, not provide easier ratings for licensed premises.

ADCA believes that to improve consumer certainty and choice, the safety rating system should not differ depending on which Liquor Accord or Precinct the licensed venue may be located. Having different rating systems, as has been reported in the 'Best Bar None' system in the United Kingdom, actually increases complexity.

4. INABILITY TO EFFECTIVELY PROMOTE THE SCHEME TO CONSUMERS

The potential of a safety rating scheme to be inappropriately promoted to consumers, as highlighted in the Discussion Paper, is supported by ADCA.

ADCA believes that having no scheme is a better policy outcome, than one which is unable to be comprehended by the general public. There is a requirement for rigorous market testing of both the design of any rating symbol or brand, and its marketing.

CONCLUSION AND RECOMMENDATIONS

ADCA, on behalf of the AOD/ NGO sectors, is committed to working with all levels of government and the community to identify and implement solutions to address the alcohol-related issues in Australia.

To do this, there needs to be a united effort involving governments, law enforcement, AOD treatment and prevention services, non-government organisations, sporting groups, industry, the community, and the media.

ADCA recommends:

- the NSW Government engage with the AOD and broader health/ wellbeing sectors to ensure that public health concerns surrounding the issues raised in this submission are dealt with prior to the implementation of a safety rating system, and
- the AOD and broader health/ wellbeing sectors be invited to join the planning panel to develop further Discussion Papers.

PREVIOUS SUBMISSIONS

Below is a list of the previous Submissions ADCA has provided in relation to alcohol:

- Submission to the National Health and Medical Research Council (NHMRC) – review by the NHMRC of the Australian alcohol guidelines: health risks and benefits. December 2007
- Submission to Food Standards Australia New Zealand (FSANZ) – initial assessment report. Labeling of alcoholic beverages with pregnancy health advisory label. February 2008
- Submission to the Senate Community Affairs Inquiry into the *Alcohol Toll Reduction Bill* 2007.
- Submission to the Senate Community Affairs Inquiry into Ready-To-Drink (RTD) alcohol beverages.
- Submission to the National Preventative Health Taskforce
- Submission to Australia's Future Tax System (Henry) Review
- Submission to the NSW Sentencing Council December 2008
- Submission to the Australian Senate Standing Committee on Community Affairs Inquiry into *Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and Customs Tariff Amendment (2009 Measures No. 1) Bill 2009*

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