

23 August 2024

Ms Natasha Stott Despoja AO
Commissioner
Royal Commission into Domestic, Family and Sexual Violence
GPO Box 464 Adelaide SA 5001
royalcommissionDFSV@sa.gov.au

Dear Ms Stott Despoja,

SUBMISSION TO THE SOUTH AUSTRALIAN ROYAL COMMISSION INTO DOMESTIC, FAMILY AND SEXUAL VIOLENCE

The Foundation for Alcohol Research and Education (FARE) welcomes the opportunity to provide a submission to the South Australian Royal Commission into Domestic, Family and Sexual Violence.

FARE is a not-for-profit organisation with a vision for an Australia free from alcohol harms – where communities are healthy and well and where laws, policies and programs are fair, equitable and just. Working with local communities, people with lived experience of alcohol harm, values-aligned organisations, health professionals, researchers and governments across the nation, we are improving the health and wellbeing of everyone in Australia.

Alcohol is a significant contributor to gendered violence in Australia. For many years, FARE has worked to draw attention to the role of alcohol in family violence and we continue to advocate for action in this area to prevent family violence.

The Issues Paper notes, violence against women is an epidemic and a national emergency, and the Commission's Terms of Reference require it to consider the underlying drivers of domestic, family and sexual violence. FARE commends the Royal Commission to ensure the role of alcohol is considered, and necessary actions are taken to reduce the risk of alcohol-related violence.

This submission outlines current evidence of alcohol's role in domestic, family and sexual violence and the lack of effective policy responses to date. At FARE we are presently working to update our *National Framework for Action to Prevent Alcohol related Family Violence* (2015) and we will provide this to the Commission when finalised. When released this document will include a full policy platform for reducing domestic and family violence that involves alcohol. However, in this submission we will include some preliminary examples for the South Australian context.

What we know about alcohol and gendered violence

The World Health Organization (WHO) recognises that higher risk alcohol use and family violence are major public health issues that demand urgent attention. Alcohol is implicated in 1 in 3 (34%) of intimate partner violence incidents and over a quarter (29%) of family violence incidents¹. Research from 2022, indicates that up to 54% of family violence incidents reported to police were classified as alcohol-related.²

Men drink about three-quarters of the alcohol used in the world. Harms caused by men's alcohol use on women and children, include intimate partner violence, reduced educational opportunities and financial deprivation.³ When a perpetrator is intoxicated, craving or in withdrawal from alcohol; controlling behaviours, financial abuse, conflict, and erratic behaviours escalate.

Alcohol can also increase the severity of violence. Between 2010 and 2018, over half (52%) of male intimate partner homicide offenders used alcohol at high-risk levels at the time of the homicide.⁴ Men's drinking results in direct, indirect and hidden harms to women that are cumulative, intersecting and entrench women's disempowerment.⁵ Changes in their partners' drinking play a central role in women's journey to safety and can complicate their ability to leave.⁶

Women's use of alcohol is also weaponised against them in gendered violence. Victim-survivors are more likely to experience problematic alcohol and other drug use, as a coping mechanism.⁷ Alcohol is also used by perpetrators in coercive control.

Some victim survivors have been discouraged from pursuing criminal charges if they were drinking alcohol at the time of their assault. This is despite the laws in many Australian jurisdictions that say a person cannot be deemed to have consented to sexual acts if they are so affected by alcohol that they are incapable of consenting. However, legislative advances in this area have not resulted in widespread changes in how courts actually deal with alcohol use in determinations of sexual assault cases.⁸

Harms to children are significantly greater in households where a person drinks alcohol at high risk levels, and a man is most often identified as the high-risk drinker.⁹ Data from Notices of Child Abuse, Family Violence or Risk, shows in over half of matters, one or more parties alleged that drug, alcohol or substance misuse had caused harm to a child.¹⁰

Urgent reforms are needed to address the increased risk from the expansion of the availability and accessibility of alcohol. There has been unprecedented growth in the availability of alcohol in Australia, including late night and rapid delivery of alcohol. Evidence demonstrates the link between increased alcohol availability and increased harms, including gendered violence. For example:

- The 2016 extension of home delivered alcohol to 11pm by the NSW Government was associated with a statistically significant increase in late-night domestic violence assaults reported to police.¹¹
- A higher concentration of outlet licences strongly predicts intimate and non-intimate partner violence.¹²
- Alcohol-related assaults increase substantially between 6pm and 3am, with 37% of these occurring in the home, and 57% of those being domestic and family violence.¹³

Policy responses to domestic, family and sexual violence and alcohol

Up until now, the role of alcohol has not been adequately recognised in national or state and territory plans and strategies to address domestic, family, and sexual violence, despite mounting research and evidence. While government plans on family violence and child protection often acknowledge that alcohol is a contributing factor, they frequently stop short of outlining specific actions to reduce alcohol harms.

In 2016, the *Victorian Royal Commission into Family Violence* noted the role of alcohol and recommended that the review of the Victorian Liquor Control Reform Act consider family violence and alcohol-related harms.¹⁴ In 2021, the Victorian Government did amend the Liquor Control Reform Act, including Family Violence in the definition of alcohol harms. They also implemented some changes to the regulation of online sale and delivery of alcohol.

However, community health and family violence advocates expressed disappointment with the amendments, indicating they did not go far enough to help prevent family violence. Of concern, was that the reforms ignored late night and rapid delivery and other important checks and balances for the online sale of alcohol. Subsequently, in 2023, the Victorian Public Accounts and Estimates

Committee in its *'Gambling and liquor regulation in Victoria'* identified alcohol use as increasing the frequency and severity of family violence.¹⁵ It recommended further online sales and delivery of alcohol measures omitted from the 2021 reforms.

In 2019, the South Australian Government released the *'Committed to Safety - A framework for addressing domestic, family and sexual violence in South Australia'*. This framework was intended to operate until 2022, with a new strategy currently under development. It made no reference either to the role of alcohol in gendered violence, or to any actions to address alcohol-related harms.

In 2022, the *'National Plan to End Violence against Women and Children'* was launched. It noted that alcohol was a known risk factor for gendered violence, reinforcing violence against women by weakening prosocial behaviour. It cited Family Court of Australia records that in 53% of matters, one or more parties alleged drug or alcohol use had caused harm to a child. However, the plan did not include meaningful reforms of the commercial determinants of family violence, including alcohol and gambling. The National Plan Outcomes Framework, Performance Measurement Plan and Action Plan also contained very limited targets and actions related to alcohol.

During this same period, alcohol companies invested heavily in developing and promoting online sales and delivery. The largest alcohol retailer in Australia, Endeavour invested \$74 million in increasing its digital capability in just one year.¹⁶ Online sales and delivery of alcohol almost quadrupled from 2012 (\$539 million) to 2022 (\$2.0 billion).¹⁷ With the proportion of Australians who were sold alcohol online tripling from 2019 to 2020.¹⁸

In May 2024, following the National Cabinet's meeting on gender-based violence, the Prime Minister announced a suite of measures. However, these did not include any commitments that addressed the role that alcohol plays in fuelling men's violence against women and children.

The subsequent *National Crisis Roundtable into Missing and Murdered Women* convened by the Domestic, Family and Sexual Violence (DFSV) Commission outlined priority areas for action in the Communique, including the need for regulation of critical factors that exacerbate violence, such as alcohol. The Communique further committed that the DFSV Commission will work with state and territory governments to consider their role in regulating and responding to factors that exacerbate domestic and family violence, such as alcohol accessibility.

As noted in the Background Paper, the Commonwealth Government has now established an expert panel to do a *Rapid Review of Prevention Approaches* into how to prevent gendered violence.¹⁹ Its scope is to engage with determinants, risk factors, pathways, and intersecting factors for gender-based violence, including different and emerging forms of violence, and the role of key industries.

Preventing and reducing domestic, family and sexual violence through action on alcohol

As the Issues Paper notes, preventing domestic, family and sexual violence is complex. The Terms of Reference requires the Commission to consider the underlying drivers of domestic, family and sexual violence as well as inquire into four key areas, prevention, early intervention, response, and recovery and healing. However, the Issues and Background Papers do not reference social and commercial determinants of gendered violence.

The key drivers for gendered violence include gender inequality, health and social inequality and the impact of harmful and addictive products like alcohol. A comprehensive response to gendered violence requires addressing the social and commercial determinants of health (including alcohol regulation), while also increasing appropriate responses to people at risk of, having experienced, or recovering from domestic, family and sexual violence. The following are examples of policy

interventions (primary, secondary and tertiary) that would assist in curbing alcohol as a driver of gendered violence

Whole-of-community action to prevent alcohol-related gendered violence (primary prevention) involves addressing the social and commercial determinants of gendered violence. Examples of primary prevention approaches could be:

- Establishing harm minimisation and violence prevention as a primary object in alcohol legislation.
- Limiting alcohol availability by regulating trading hours, outlet density, and the online sale and delivery.
- Preventing predatory digital marketing of alcohol.

Assisting people most at risk of alcohol-related gendered violence (secondary prevention) could include:

- Providing accessible alcohol and other drug screening, assessment and referral in relevant primary healthcare settings, (e.g. general practitioners, community mental health services).

Supporting people impacted by gendered violence that involves alcohol (tertiary prevention) to protect people from future harms could include:

- Improved co-ordination of domestic, family and sexual violence services and mental health and AOD treatment services.

Thank you again for the opportunity to provide a response to the Issues Paper. We will be glad to enlarge on the above policy responses and more in a subsequent submission to the Royal Commission.

If you would like to discuss any part of this submission further, please contact Dr Catherine Earl, Policy and Research Director, on Catherine.Earl@fare.org.au

Yours sincerely,



Caterina Giorgi
CEO

¹ Mayshak R, Cox E, Costa B, et al (2018) [Alcohol/Drug-Involved Family Violence in Australia \(ADIVA\) - Research bulletin](#).

² Mayshak R, Curtis A, Coomber K, et al (2022) [Alcohol-Involved Family and Domestic Violence Reported to Police in Australia](#).

³ Karriker-Jaffe KJ, Blackburn N, et al (2023) [Can alcohol policy prevent harms to women and children from men's alcohol consumption?](#)

- ⁴ ANROWS (2022) [*Intimate partner violence homicides 2010-2018, Australian Domestic & Family Violence Death Review Network Data*](#)
- ⁵ Wilson I, Willoughby B, Tanyos A, et al (2024) [*A global review of the impact on women from men's alcohol drinking*](#)
- ⁶ Wilson IM, Graham K, Laslett AM, Taft A (2020) [*Relationship trajectories of women experiencing alcohol-related intimate partner violence*](#)
- ⁷ Ullman SE, Sigurvinsdottir R (2015) *Intimate Partner Violence and Drinking Among Victims of Adult Sexual Assault*. J Aggress Maltreat Trauma. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4350239/>
- ⁸ Quilter J & McNamara L & Porter M (2023) *The Nature and Purpose of Complainant Intoxication Evidence in Rape Trials: A Study of Australian Appellate Court Decisions* 43(2) Adelaide Law Review 606-640
- ⁹ Karriker-Jaffe KJ, Blackburn N, et al (2023) [*Can alcohol policy prevent harms to women and children from men's alcohol consumption?*](#)
- ¹⁰ DSS (2022) [*National Plan to End Violence against Women and Children 2022-2032*](#)
- ¹¹ BOCSAR (2022) *Takeaway alcohol sales and violent crime: the implications of extended trading hours* https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CJB/CJB247-PageSummary-Takeaway-alcohol-sales-and-violent-crime.aspx
- ¹² Donnelly N, Menéndez P, & Mahoney N (2014) *The effect of liquor licence concentrations in local areas on rates of assault in NSW*. NSW Bureau of Crime Statistics and Research (BOCSAR).
- ¹³ Briscoe S & Donnelly N (2001) *Temporal and regional aspects of alcohol-related violence and disorder*. https://www.bocsar.nsw.gov.au/Publications/Alcohol_Bulletin/ab01a.pdf
- ¹⁴ Royal Commission into Family Violence (2016) *Victorian Royal Commission into Family Violence Report and recommendations* <http://rcfv.archive.royalcommission.vic.gov.au/Report-Recommendations.html>
- ¹⁵ Public Accounts and Estimate Committee (2023) *Gambling and liquor regulation in Victoria* <https://www.parliament.vic.gov.au/4adff1/globalassets/sections-shared/get-involved/inquiries/committees/la-committees/paec/gambling-and-liquor-regulation-in-victoria---a-follow-up-of-three-auditor-general-reports.pdf>
- ¹⁶ Endeavour Group (2022) *Endeavour Group 2022 Annual Report*, p. 29 https://cdn.prod.website-files.com/63376b94b708b416ace71770/6357cde1be6b5c02937e2f05_2022_Annual%20Report.pdf
- ¹⁷ IBISWorld, (2022) *Australia Specialized Industry report OD4087, Online Beer, Wine and Liquor Sales in Australia*, Industry at a Glance
- ¹⁸ Roy Morgan (2021) *Online sales soar in 2020* <https://www.roymorgan.com/findings/online-alcohol-sales-soar-in-2020-but-will-this-market-continue-to-grow-in-a-post-covid-environment>
- ¹⁹ Department of Prime Minister and Cabinet (2024) *Rapid Review of Prevention Approaches* <https://www.pmc.gov.au/office-women/womens-safety/rapid-review-prevention-approaches#:~:text=On%201%20May%202024%2C%20following,to%20prevent%20gender%2Dbased%20violence>.