

# *Outsourcing the Risks: Alcohol Licensing, Risk and the Making of the Night Time Economy*

Grazyna Zajdow \*

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## *Abstract*

Mariana Valverde argues that in the late twentieth century, the British state contracted out the prevention of disorder and monitoring of risks produced by widespread alcohol use to the private sector through the process of liquor licensing. This paper will argue that this scenario was duplicated in Victoria at the same time. It will do so by an analysis of four government-instigated inquiries into liquor licensing regimes from 1965 to 1998. The inquiries were distinguished by the subtly different emphases in their terms of reference. In 1965, the Phillips Royal Commission was directed to inquire into the best ways of dealing with the problems alcohol produced and how best to regulate it for the benefit of the population as a whole. By the time the Nieuwenhuysen Report was commissioned in 1985, the emphasis had changed, and he was directed to inquire how best to serve the interests of alcohol consumers and to produce the licensing regulatory regime which would enable the construction of a 24-hour city. Any anomalies that still existed in the revised Act were eliminated in the 1998 review which was instigated as a direct response to the National Competition Policy. A consequence of these changes over 30 years was the development of particular risk groups, such as 'binge-drinking young people', whose violence and nuisance must be controlled to enable all other 'reasonable' and 'moderate' drinkers be allowed to keep drinking. Thus the notion of risk had been redefined and the responsibility for dealing with these risks had been directed from the state to individual licensees and individual drinkers.

## **Introduction**

So-called 'binge-drinking' among young people has been the focus of public debates in the recent past, and politicians, industry spokespersons and academics have all become involved. Excessive drinking by young people has been a fear among middle-class people in

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\* Senior Lecturer, Faculty of Arts and Education, Deakin University, email: grazyna.zajdow@deakin.edu.au. This article was originally presented as a paper to The Australian Sociological Association Crime and Governance Thematic Group Symposium in Brisbane on 25 September 2009. The author wishes to thank the anonymous reviewers for their very valuable comments.

Europe since at least the 18<sup>th</sup> century (Roberts 2004) and has waxed and waned over the past two centuries, but it has been a particular focus of the early 21<sup>st</sup> century. Much academic work has charted the ‘moral panics’ around young people since the 1950s (Cohen 2002; Zajdow 2008), but the late 20<sup>th</sup> century saw the fear of young people and alcohol recede in the face of the terror of illicit drugs. However, with the growth of the ‘night-time economy’ (NTE) in cities around the English-speaking world, and the determination of advanced liberal states to lower alcohol taxes and allow 24-hour alcohol consumption, the fear of young people and their consumption of alcohol has rebounded. This can be seen in media coverage of the violence and disruption in some parts of cities such as Melbourne and Newcastle.

In 2008, the Australian Broadcasting Corporation reported on the disputes between some citizens of central Newcastle NSW and the alcohol industry (*The 7.30 Report* 2008). On one side were the city shop owners and residents who claimed that late-night drinking by young people visiting the 15 pubs, clubs and bars was destroying their quality of life and making business very difficult: that business which was not part of the alcohol industry. Television footage showed graphic film of young women vomiting in the streets, running battles between police and young men, and the victims of violence bleeding for the cameras. It was claimed in the report that central Newcastle had the highest assault rates in NSW.<sup>1</sup> The local council and police then went to the Licensing Court of NSW and won an order to enforce an earlier closing time. This was strenuously resisted by the alcohol industry and some spokespeople for late-night drinkers (Moore 2008). Research on assault rates in Newcastle since the earlier closing time was enforced has shown a significant fall in assaults in the Newcastle area (Kypri et al 2010).

In Melbourne, meanwhile, similar arguments were happening about areas like South Yarra, and the central city precinct. In one block of Queen Street in central Melbourne, 13 clubs and bars were licensed to allow up to 10,000 patrons in total. The assault rate for the central city went up 18 per cent at a time when crime rates were generally going down (Rood 2007). The media ran stories of outrages by young people such as assaults and other disturbances. The State Government was pressured into enforcing a lock-out which meant that at a particular time (in this case, 2.00 a.m.), people could not move between venues, but would have to stay inside the venue they were already in, or go home. The industry fought vigorously and such compromises were made that really meant the system could not work effectively. Over 100 premises were exempted from the lock-out because of problems with enforcement and the prevarication of the Licensing Director (Houston 2008). The lock-out was not continued, but the Liquor Licensing Commissioner was given enhanced powers and more staff, including more undercover police, to enforce them (Department of Justice 2011a).<sup>2</sup>

The debate about the central city and the concentration of outlets has continued. In a lengthy newspaper interview, Deputy Commissioner Ken Jones, a senior policeman recruited from the UK, outlined his so-called ‘blue-print’ which included making individual

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<sup>1</sup> Assault statistics indicate that this was an exaggeration but the assault rate for the Newcastle Local Government Area was significantly higher than the NSW average at the time (BOCSAR 2011)

<sup>2</sup> The scientific evidence related to the effectiveness of lockouts is equivocal at best. What positive effects may occur could be as a result of the lockout, but may have been also be due to greater police presence or other confounding issues. See Palk Davey and Freeman (2009) and Chikritzhs et al (2007).

company directors responsible for their venues' alcohol promotions, better-trained crowd controllers, tougher police search powers and more variable age venues within (mostly) youth-oriented districts (Silvester 2009:11). These remedies have a consistent theme, in that they do not question a state policy that does not wish to take responsibility for restricting the availability of alcohol, instead reproducing the discourses of individualisation and managerial models of risk (O'Malley 1999).

Cities around the developed world have reinvigorated their central business districts by the introduction of late-night, or all-night drinking establishments aided by deregulation of licensing conditions, producing the NTE (Hobbs et al 2003; Hadfield 2006). The state thus combined with private industry to create new entertainment precincts. There was a policy of marketisation of previously moribund or dying inner city areas. With the NTE, there has been a retreat by the state from close regulation of the sale and distribution of alcohol, and city centres have been turned over to private security coupled with extensive CCTV and other electronic surveillance. While they are presented as lively and diverse areas of interest to many groups, 'the reality is that the night-time economy is largely an unregulated zone of quasi-liminality awash on a sea of alcohol' (Hobbs et al 2003:28).

Hadfield (2006:45) outlines how it was planned that the NTE would become the 'driver of this civic renewal, streets brought to life by large numbers of visitors, or—more accurately—*consumers*'. The consumer is presented as the central actor in this process 'obliged to be free' as Rose (1998:100) notes. Risk is individualised, presented as a series of mathematical calculations within limited parameters, at least in the minds of policy-makers and public health experts. In theory, these are decisions in which individuals must weigh up the (known) benefits and risks of any particular behaviour and then use their knowledge and education to come to a 'rational' decision. Individuals are considered rational, mature and able enough to carry through the education they have been given. Of course, this theorisation of risk is not necessarily put into practice by individual drinkers. People's rationality can be affected by many social conditions including peer pressure, marketing, and not least, the psychoactive substance that has been consumed. Putting the interest of alcohol industry into the equation with the NTE produces strong pressures in favour of business over the 'rational' citizen who may disagree with the conditions produced, or indeed 'irrational' consumer and their health and welfare (Hobbs et al 2003).

The NTE exists as part of the alcohol marketplace which has seen the global price of alcohol drop substantially, greater availability of on- and off-licensed premises and the treatment of alcohol as just another commodity, to be scrutinised perhaps a little, but not much more, than most other consumer goods. This treatment of alcohol as just another commodity stands in stark contrast to the reality of its harms on individuals and social groups and its impacts on a global scale (Babor et al 2010). In Australia, the process of marketisation and treatment of alcohol as just another consumer item has been aided through the enforcement of the National Competition Policy (NCP) and the deregulation of many licensing provisions by State Governments.

The next section looks at one part of this process through the four State inquiries into alcohol and licensing from the 1965 Royal Commission, the 1977 review of the *Liquor Control Act 1968*, to the 1985 Victorian licensing inquiry by the economist John Nieuwenhuysen and then the much smaller 1998 Review of the consequent *Liquor Control Act of 1987*.

## How Did I Get Here?<sup>3</sup>

The Nieuwenhuysen Report on liquor licensing in Victoria in 1985, which led to a dramatic change in the liquor licensing regime in 1986, had some very specific outcomes to pursue. The terms of review were ‘to inquire into, review and report’ on the 1968 Act and:

- (a) have particular regard to:
  - (i) The interests of liquor consumers;
  - (ii) The interests of both existing and potential employers and employees in the liquor and hospitality industries;
  - (iii) Community attitudes towards the degree of restriction which should be placed upon the sale, distribution and consumption of liquor; and
  - (iv) The significance of the hospitality and liquor industries in the development of the tourism industries in Victoria (Nieuwenhuysen 1986 vol 1:xxv)

While Nieuwenhuysen did not set the terms and the language in which they were couched (these were obviously set by the government of the day), the language itself has already taken a turn towards the increasing pre-eminence of economic concerns compared to previous inquiries (see below). The use of the term ‘consumers’, the setting out of the interests of employers and employees, and the importance of the tourism industry, all point to the neo-liberal bent of the State Government at the time (even a Labor one, as it was). In the advanced liberal regime, the citizen becomes the consumer, and the role of the state is to get out of the way, as much as possible, of the market and the consumer. Rose argues that the state, under conditions of advanced liberalism, does not just aid the existing market to operate as freely as possible, it functions to organise ‘all features of one’s national policy to enable a market to exist, and to provide what it needs to function’ (Rose 1999:141). Advanced liberalism forces government to revise the ‘image of economic space and the means by which it can be acted upon’ (Rose 1999:144). The report and its consequences illustrate how this was done in Victoria.

What the report sought to do was to provide the conditions to produce NTE: that is, to produce the licensing conditions which would allow the creation of ‘entertainment precincts’ that would draw in people from outside the areas for drinking and dining. Nieuwenhuysen was directed to produce the regulatory situation that would enhance the NTE in Victorian cities. What was more muted in the terms of reference, in comparison to the previous inquiries, was the review into the social and health consequences of differing alcohol licensing regimes; nor was he inclined to consider non-economic knowledge in making his final recommendations. By specifying his goals in this way, the report shines light on the way that advanced liberal societies now consider the social and economic goals of a society to be oppositional or antagonistic (Rose 1999). It also illustrates the way that ‘evidence’ is contested and social policy is subverted by reference to the primacy of the economy and the various stakeholders.

It is worth looking at the two previous reports and their principal terms of reference. The 1965 Phillips Royal Commission was required to:

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<sup>3</sup> Apologies to David Byrne and Talking Heads.

inquire into, report upon, and make recommendations...with respect to the sale, supply, disposal or consumption of liquor, and in particular...the following matters, namely:–

1. Social Consequences–
  - (a) To what extent is the consumption of liquor a significant factor in causing
    - (i) accidents (both road and industrial);
    - (ii) crime;
    - (iii) divorce and broken homes;
    - (iv) child delinquency and neglect;
    - (v) ill health.
  - (b) What is the incidence of alcoholism (habitual excessive consumption of liquor) in Victoria and what relationship, if any, exists between alcoholism and the sale, supply, disposal, or consumption of liquor? (Phillips 1964-5:1)

The Commission did not ignore such issues as the hours and conditions of licensed premises, nor other business regulations, but they were not paramount in the terms as set out. Then, in 1977, a review of the *Liquor Control Act 1968* by the QC JD Davies was undertaken. In this case, the main terms were:

1. the present day interests, requirements and needs of the public generally in respect of the sale, supply, disposal and consumption of liquor;
2. the present day interests of those sections of the community engaged in the sale, supply and disposal of liquor; and
3. the experience of all concerned parties in the control of the sale, supply, disposal and consumption of liquor in accordance with the objectives and provisions of the *Liquor Control Act 1968* (Davies 1977:1).

So, state interest had transformed from a regard for the problems associated with alcohol (in 1965) to the requirement for the state to produce the conditions for a free market in the substance.

By the time of Nieuwenhuysen in 1985, economic and market requirements were becoming increasingly important, and he needed to produce the space for this market in alcohol, rather than inquire into the social problems related to alcohol and how best to deal with them. The Premier at the time, John Cain, stated that the Government took a ‘defiant approach’ to the reform of liquor laws instead of ‘protecting vested commercial interests in the name of managing a social ill’ (Cain in Harden 2009:XI). Thus, rather than taking the traditional route of inquiries headed by men with legal backgrounds, the Cain Government decided to put an economist in charge in this case. According to one author, Nieuwenhuysen was a man with no vested interests, but it cannot be argued that he was a man with no particular view of the world; he was an academic economist who had already undertaken a review of the State’s revenue raising (Harden 2009).

Nieuwenhuysen stated a number of times through the report that the licensing system in Victoria was too complex to administer and produced financial burdens on the industry, thus undermining profitability. The future of the industry, according to Nieuwenhuysen, was to create a ‘European-style’ drinking culture, far from the spectre of prohibition. That prohibition had never existed in Victoria was not relevant to his narrative. However, the report must be seen in a historical context. (An extended analysis of the historical situation is considered in Zajdow 2011.)

From World War One until 1965, on-premises drinking was dominated by the hotels and what was termed the '6 o'clock swill'. Hotels in Victoria, New South Wales and Tasmania were compelled to shut by 6.00 p.m., and this produced particular problems with drunkenness as can be imagined.<sup>4</sup> In 1965, the Royal Commission led by Justice Phillips recommended the relaxation of closing times to 10.00 p.m., although there was no wholesale movement away from hotels as the prime sites of public drinking. Off-licence premises were also limited in their hours of business. The review of the 1968 legislation by Davies (1977) basically endorsed the direction taken by Phillips with some marginal changes in licensing regulation. An interesting result of the Phillips Review was the growth of what were termed BYO restaurants; that is, restaurants that were not allowed to sell alcohol, but which allowed patrons to bring their own bottles of wine to be consumed with dinner. Hotels were still required to provide accommodation and bottle shops attached to hotels were the main providers of take-away alcohol sales. There was also a limit placed on individual off-licence holders of 8 per cent of the market; that is, no individual licence holder could own more than 8 per cent of the market (see discussion below).

By 1985, the terms of reference given to Nieuwenhuysen by the State Government could arguably be seen as paving the way for the NTE. His recommendations could be interpreted to confirm this, and the implementation of them allowed the State to 'govern at a distance'. The implementation of his recommendations gave control of liquor licences to a licensing commissioner based in a government department,<sup>5</sup> rather than to an individual holding a statutory independent position, and slashed the number of licence types from over 20 to 11 (although he would have liked even fewer). The number of on-licence premises grew from 4,000 in 1985 to over 19,000 in 2008 (Houston et al 2008).

Nieuwenhuysen was worried about the way his report would be interpreted, thus he wrote:

The report is not based on deference to some arbitrary doctrine, such as *laissez faire*. It does, however, assert that State intervention in a market needs to be justified by a logically related object. It also contends that the *Liquor Controls Act's* countering of market forces is not logically related to a policy of reducing alcohol abuse in Victoria (Nieuwenhuysen 1985 'Main themes':3).

Nieuwenhuysen did not totally ignore the harmful possibilities of alcohol consumption, but he presented them as individualised risks to those who drank excessively, not as problems for the population as a whole. What was important for alcohol policy in an age of individualised risk was to identify the problem drinker rather than limit the possibility of consuming alcohol for the wider population. Nieuwenhuysen dismissed evidence produced by epidemiologists showing that it is the average level of consumption across a whole

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<sup>4</sup> There is an element of mythology about 6 o'clock closing, according to Fitzgerald and Jordan (2009). They argue that the more egregious descriptions of the chaos that the swill caused were used by proponents of extended drinking hours, and the reality was perhaps far less extreme.

<sup>5</sup> In 2008, the Liquor Licensing Director was moved from the Department of Consumer Affairs to a position in the Department of Justice with increased powers and a greater number of compliance officers as well as increased numbers of police directly involved with licensing. This can be contrasted to the previous situation. From 1986 to 2008 the Licensing Director was situated within the Department of Consumer Affairs within a ministry overseeing legislation including the *Consumer Credit Acts* as well as the *Prostitution Control Act* and the *Landlords and Tenants Act*.

population that indicates the likelihood of problems (Bruun et al 1976). This means that reducing overall consumption is the most effective way of reducing problems in a population. However, it also imposes a logic of control by the state that economists cannot accept since it is likely to impede the free growth of the market, and the job that Nieuwenhuysen was given collided with this. The 1977 report by Davies did, albeit only partially, accept this logic (known as the Ledermann, or single-distribution thesis) thus Davies was reluctant to open up the market with just a minimal amount of restraint. There was not unanimous scientific support for the Ledermann hypothesis and Nieuwenhuysen dismissed its relevance. The most complete studies at the time (Moore and Gerstein 1981 and Bruun et al 1975) did, however, subscribe to the thesis and concluded that the single distribution was probably correct.<sup>6</sup>

In 1998, the Victorian Government instigated another inquiry, this time to review the *Liquor Control Act 1987*, which had been a result of Nieuwenhuysen's recommendations. The terms of reference of this committee could be seen as the apogee of the marketisation of alcohol licensing in the state. The terms of reference were prefaced by the following:

The review will examine the case for the reform of legislative restriction on competition contained in the *Liquor Control Act 1987* and associated regulation, in accordance with the Victorian Government's *Guidelines for the Review of Legislative Restrictions on Competition*. In particular, the review will provide evidence and findings in its report in relation to the following:

1. the objective of the legislation;
2. the nature of the restrictions on competition;
3. the likely effects of the restrictions on competition and on the economy in general;
4. the costs and benefits of the restrictions; and
5. the alternative means of achieving the same result including non-legislative means. (Storey et al 1998:10).

Only in one place in the terms of reference as outlined (after the above five points) was there any mention of harms and social consequences. This dot point read:

The Review should examine: alternative means (both legislative and non-legislative) of addressing public health concerns while minimising economic and compliance costs. This may include the scope for greater industry self-regulation (Storey et al 1998:11).

The authors of this report did attempt to inject a note of caution into their review with the literature review in the appendix to the report, but this seemed to yield no recommendations for greater regulation. The author of the literature review wrote:

Therein lies the current dilemma. Contemporary trends are in the direction of deregulation, free markets and individual responsibility of consumers. However, such trends run contrary to a substantial body of evidence with regard to control strategies and alcohol consumption and harm (Storey et al 1998:120).

Another example of the economic assumptions underlying both the Nieuwenhuysen report and the later review was the problem of what was called the '8 per cent rule'. Stemming from the earlier 1965 and 1977 inquiries, it was assumed that hotels needed

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<sup>6</sup> This has been reinforced by the latest research, cf Babor et al 2010.

protection against supermarkets in the very profitable take-away market thus enabling hotels to subsidise their loss-making bars and accommodation units. This was part of the civilising trend seen in Australia from the mid-nineteenth century in which it was considered that women were drawn to hotels by the décor and the restaurants. Women's presence was considered important in curtailing men's excessive drinking (Zajdow 2011). To do this, an anti-competitive requirement was part of the legislation (which obviously cemented the position of those who were already in the industry and gave them a great deal of power). Both the 1986 and 1998 inquiries recommended this anti-competitive requirement be lifted. Until the law was finally repealed in 2006 as a result of pressure from the supermarket chains and the National Competition Council, no individual owner could hold more than an 8 per cent share of the liquor licences for take-away alcohol. But once the 8 per cent rule was lifted, the supermarket duopoly began to aggressively buy up individual and chain stores which sold take-away alcohol. The resulting efficiencies of scale put downward pressure on alcohol prices right across the industry. This led to the spectacle of the use of alcohol as a loss-leader, so that the large supermarkets and their alcohol outlets could sell it below wholesale prices, a tactic not uncommon in the grocery field (Firkin and Wilson 2011).

## Risk and the Market

The logic of risk assessment as demanded by economists appealed to a State determined to marketise alcohol and the NTE and to push the risk down to the individual, either as a consumer or as an owner of licensed premises. The problem for states is that the the research on risks and alcohol in the past 40 years shows little support for this movement. Ironically, the most useful measures to limit alcohol-related harm are the simplest in a bureaucratic sense. The 2007 report from the National Drug Research Institute (Chikritzhs et al 2007) found, in agreement with Babor et al (2010), that restrictions on the price and availability of alcohol, along with restrictions on the hours and days of sale for licensed premises and raising the legal minimum age for access to alcohol were the most effective means of limiting problems associated with alcohol consumption. Not surprisingly, the least effective were those that relied on local measures such as liquor accords without strict police enforcement, lockout provisions and responsible serving of alcohol by staff provisions. This is because of the power this gives to the industry to decide to act against its own interests (something it is clearly unlikely to do), but also because this form of risk management is too complex a process to police easily. As Valverde notes:

The licensing of public drinking establishments...works by contracting out the governmental work of preventing disorder and monitoring risks to the private sector. This is done not through the state contracting with a private security force, but by the far cheaper mechanism of requiring that the very people who make their living selling 'risky' substances and pleasures take responsibility for managing the risks associated with their business (Valverde 2003:238).

This is not to say that positive changes cannot be made to licensed premises to minimise violence and nuisance. Graham and Homel (2008:246) point out that there is some evidence that programs that reinforce responsible serving by bar staff, have 'a modest impact on intoxication levels'. The presence of security staff also has an impact, in averting or heightening the possibility of violence, as do environmental factors such as signage and the experience of people waiting to enter establishments. But of course, the success of these sorts of programs depend on the calculations of individual bar owners as to the risks they



may, or may not run, in ignoring such good practices; risks to their licences by not adhering to the practices against risks to their profits by ignoring them altogether.

## Varieties of Risk

Risk takes on two somewhat different meanings in sociological literature. Beck (1992) argues that the risk society produced by technological development in late modernity is essentially unpredictable using these same risk technologies, ironically creating permanent insecurity. The literature on governmentality, on the other hand, presents risk as a new form of perceiving how problems are imagined or dealt with which give 'rise to a very wide array of specific forms and ensembles of government' (Rose et al 2006:95). Risk, as a form of audit society, produces the neo-liberal subject which constantly self-monitors and reduces her own personal risk.

Risk managerial models focus on governing through the calculation of risks and the distribution of harms. They concern themselves far more with the effects or consequences of problematic actions, and with the mitigation or prevention of these effects, than with the more overtly disciplinary techniques that attempt to eliminate problems through locating and eliminating their causes (O'Malley 1999:193).

The neo-liberal state benefits by being allowed to step back from carrying responsibility for the social world as a whole, instead, producing particular risk groups which need to be managed. Capitalist enterprise is also left relatively free to act in its own interests without state interference.

The four inquiries give a genealogy for understanding the changing nature of alcohol knowledges. By the time an economist comes to head up an inquiry in 1985, economic theory has come to dominate social understanding. The state has begun to step back and allow the market to do its work and individuals are proclaimed as sovereign over their desires and actions even as they are expected to monitor their own actions and characters. This was reinforced by the 1998 inquiry that was effectively directed to ignore any negative social results from the Act as it was produced after 1986.

However, the consequences of the changes to licensing regimes were not as expected. Many more licences were awarded than Nieuwenhuysen considered likely. In 2008 he wrote:

Since the passage of the 1988 act, increased flexibility for licence holders and lowered entry barriers have created a far larger number of outlets. (In 1986, there were 3200 liquor licences – today there are about 19,000.) ...The rise of nightclubs on such a scale and in such close proximity and concentration is the antithesis of my Review of the 1968 Liquor Control Act, which was used by the Cain Government as a basis for its reforming 1988 legislation...It is of concern, therefore, that some current thinking is returning to a past in which it was hoped that limiting the availability of liquor outlets and their hours of operation could of itself materially reduce problem drinking in a city like Melbourne...Policies driven by such belief lead back only to complicated regulatory systems that fail to effectively counter the underlying, peer-example-driven consumption patterns (Nieuwenhuysen 2008:21).<sup>7</sup>

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<sup>7</sup> A sociologist (or indeed a criminologist or public health expert) could legitimately comment on Nieuwenhuysen's ignorance of the research which shows that a city like Melbourne could indeed benefit from limiting the availability of alcohol.

There has been a media-driven frenzy around alcohol-related violence in city centres like Melbourne which has caused the State Government to promise to deliver ever-greater numbers of police patrolling the areas, and new ways of policing the industry itself, without necessarily taking the step of limiting the numbers of licences or changing the licensing regime dramatically. However, because of the problems highlighted by the media, new late-night venues were temporarily stopped from opening in certain areas and a risk-based licence fee model was implemented by the State Government. The fees for liquor licences would be linked to risk factors which have been shown to contribute to wider problems. For example: venue type and size; opening hours; crowding; and previous problems were all assessed as contributing to the harms associated with alcohol and patrons (Allen Consulting 2009). In an effort to achieve some form of corporate responsibility, large, late opening venues which have gaming machines would be charged substantially more for their licences than small, laneway bars that closed before 1.00 a.m. This was a prime example of user-pays and risk management. For example, a large pub which has gaming machines and opens until 4.00 a.m. paid a licence fee of about \$6,000 in 2009, which rose to over \$29,000 with the risk factors attached, while a small restaurant opening until 11.00 p.m. would only pay \$200 (Department of Justice 2011b). Risk is being managed down as comprehensively as possible. However, with it comes an unexpected return to complexity; exactly what Nieuwenhuysen did not want.

## Conclusion

This article has highlighted the apparent direct relationship between state policy around alcohol licensing deregulation and the free market forces that have been ascendant since the middle of the 20<sup>th</sup> century in Australia. However, as the media interest has shown, this has not been without contestation. Similarly, the production of the self-regulating, self-governing individual has not been without opposition. Victorians have not always welcomed deregulation of alcohol licensing. In 1956, a referendum to overturn 6 o'clock closing was lost, even with the shadow of the impending Olympic Games and the fear of international ridicule (Luckins 2007). Thirty years later, at the time of the Nieuwenhuysen inquiry, there had been no public clamour to relax licensing provisions (Harden 2009). However, the logic of the self-governing citizen, forced into freedom, coupled with a State aligning its own interests with those of a free market, seemed to make this inevitable. As Valverde (2003) pointed out, this could happen with a change to the nature of risk, moving it from the realm of the paternal state to the self-governing individual as both consumer and purveyor of the alcohol itself.

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