

**NATIONAL CHILDREN'S AND YOUTH LAW  
CENTRE**

**Submission Response**

**Application for Temporary Exemption by Carnival  
Australia**

**6 July 2009**

## Executive Summary

This submission has been prepared by the **National Children's & Youth Law Centre** in response to an application by Carnival Australia ("**Applicant**") for a temporary exemption under section 44 of the *Age Discrimination Act 2004 (Cth)*. We address the issues posed by this application on the basis of our experience working with children and young people and in the context of our commitment to the protection and promotion of the human rights of all Australian young people.

The Applicant has applied to the Human Rights Commission for a temporary exemption to prevent persons under 21 years of age from taking part in cruises unless a parent or legal guardian resides with them in their cabin during the 'schoolies' period of 01 November to 30 January ("**Schoolies Policy**").

The Schoolies Policy directly and indirectly discriminates against young persons under 21 years of age. There is no justification for the Applicant implementing a discriminatory policy that undermines the objects of the Act in order to alleviate a 'problem' whose true cause lies in a failure of effective management by the Applicant – not the behaviour of all young people under 21 years of age. The Applicant's exemption application is built on a negative stereotype of young people as violent and uncontrollable. We believe that the principal objectives of the Applicant's Schoolies Policy could (and should) be achieved through the implementation of non-discriminatory processes and procedures which encourage and support responsible alcohol and substance consumption for *all* passengers.

Given the nature and extent of the discriminatory effect of the Schoolies Policy upon young people aged under 21 years, and the lack of a clearly argued and logical case for the exemption with evidence in support, we oppose the granting of the exemption to the Applicant.

As opposed to the introduction of a discriminatory policy, there are a number of alternatives which the Applicant could implement to effectively manage incidents of anti-social behaviour including any continuing incidents associated with the schoolies period. These include the introduction of tools to manage the expectations of *all* passengers and the effective implementation (and measurement) of appropriate staff practices that are designed to address incidents of alcohol-related anti-social behaviour. We acknowledge that the celebrations encouraged on board cruises may involve a certain level of anti-social behaviour, however the answer does not lie in introducing discriminatory measures against a particular group of passengers.

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## 1 INTRODUCTION

- 1.1 The National Children's and Youth Law Centre ("**NCYLC**" or "**the Centre**") is pleased to respond to the Australian Human Rights Commission's ("**HRC**") request for submissions regarding Carnival Australia's ("**Applicant**") application for a temporary exemption under the *Age Discrimination Act 2004* (Cth) ("**the Act**").
- 1.2 The Centre was established in 1993 and is Australia's only national community legal centre dedicated to the promotion and protection of the rights and interests of Australia's children and young people.
- 1.3 The Centre adopts a child-rights-based approach as the foundation of this Submission. A child-rights-based approach identifies and evaluates children's and young peoples' needs by reference to their rights under international legal instruments including the *United Nations Convention on the Rights of the Child*. In an Australian context, this analysis is linked to an examination of the factors within Australian society – social, cultural, economic, political, legal, economic and personal – that support or undermine the realisation of these rights<sup>1</sup>. This determines that a child-rights-based approach will often call for a response that is not simply legal or political. The response will be multi-sectoral and interdisciplinary and developed in a manner that builds community ownership and support<sup>2</sup>.

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<sup>1</sup> John Tobin, "The Development of Children's Rights" in Geoff Monahan & Lisa Young (eds), *Children and the Law in Australia* (2008) at 48.

<sup>2</sup> *Ibid.* at 49-50.

## 2 THE APPLICANT'S REQUEST

- 2.1 The Applicant seeks an exemption from the operation of the Act pursuant to section 44(1) in order to prevent persons under 21 years of age from attending cruises during the period of 1 November to 30 January without a parent or legal guardian present ("**Schoolies Policy**").

## 3 THE CORE PROBLEM – MANAGEMENT OF ALCOHOL

- 3.1 The Applicant's application for an exemption is "*motivated principally by concerns for the health and safety of its passengers, and a concern that it does not promote or condone cultural rights [sic] of passage amongst young Australians which involve drinking to dangerous levels and substance abuse.*"<sup>3</sup> Although not explicitly stated, the Applicant's concerns for the health and safety of its passengers presumably relate to the effect of excessive alcohol consumption and substance abuse upon the health and behaviour of passengers engaging in such activities and the negative externalities of such behaviour upon other passengers.
- 3.2 The Applicant has approached this issue by seeking to impose a blanket policy that discriminates against young persons under the age of 21 whilst failing to address the central issue – effective alcohol management. In its exemption application, the Applicant claimed to have identified a 'strong link' between alcohol consumption and '*security infringements and incidents of excessive behaviour*'<sup>4</sup> on particular cruises from 2006 that had been apparently marketed as "*Schoolies Cruises*". According to media reports that were attached to the application, these cruises were designed specifically for individuals aged between 16 and 19 years of age. The Applicant has discontinued these cruises or at least the explicit marketing of cruises during this period as "*Schoolies Cruises*".
- 3.3 The Applicant has asserted a continuing "high level of Schoolies incidents" but has provided no data to substantiate this claim – either generally or for subsequent cruises in the same period. Instead, the assertion is made that relatively few incidents are reported during 'ordinary' cruises.

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<sup>3</sup> Refer to Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth) at p 3.

<sup>4</sup> Refer to 'Background' of *Policy Directions in Response to Behaviours during Schoolies Week* in Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth).

- 3.4 The Centre accepts that the cancellation of "Schoolies Cruises" could be considered an appropriate response to the Applicant's concerns. As will be discussed later in our Submission, the "Schoolies Cruises" would appear to be well suited as environments designed for the type of anti-social behaviour of which the Applicant complains<sup>5</sup>.
- 3.5 However, having cancelled the targeted marketing of cruises for a particular age group during a particular period in which anti-social behaviour by some members of such a group (although not all and not exclusively from this group) has occurred, the Applicant's proposed action of excluding this group from access to its services is not justified. It would appear to represent an attempt to shift responsibility and in doing so discriminates against an entire age group.
- 3.6 Furthermore, it implies that all young people in this age group are likely to engage in such anti-social behaviour – and (more incredibly) that is beyond the ability of the Applicant to manage such behaviour appropriately.
- 3.7 We believe that there is no appropriate justification for the Applicant implementing a discriminatory policy that in fact undermines the objects of the Act in order to alleviate a 'problem' whose cause may be attributable to a failure of effective management by the Applicant. The Applicant's exemption application is built on a negative stereotype of all young people as being violent and uncontrollable.
- 3.8 The current dilemma facing the Applicant seems clearly to flow from its previous decision to seek to take commercial advantage of Schoolies Week and actively promote its services as a part of these celebrations.
- 3.9 We believe that the legitimate objectives of the Applicant's Schoolies Policy could (and should) be achieved through the implementation of non-discriminatory processes and procedures which encourage and support responsible alcohol and substance consumption for *all* passengers.

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<sup>5</sup> R Lincoln and R Homel, Alcohol and Youthful Rites of Passage, AIC Research and Public Policy Series

### **Effective Management of Alcohol?**

- 3.10 The Centre acknowledges some of the key features of the Applicant's "Strategic Security Protocols" ("**Security Protocols**") that should have been implemented on schoolies cruises conducted in 2006. These included: confiscation of illicit alcohol brought on board; 100% drug screening; assistance in the enforcement of RSA by all duty staff; alcohol free bars; a maximum of 2 drinks per individual per visit to any bar; and prohibition of alcohol promotions<sup>6</sup>. The Centre believes that the application of such measures to *all* passengers at *all* times would be invaluable in moderating alcohol consumption.
- 3.11 The Centre notes the Applicant's statement that, despite these measures, numerous incidents of 'excessive behaviour' still occurred – *'alcohol was bought on board despite security searches, young passengers engaged in circumventing security to provide alcohol to friends who had been barred from alcohol service, and even with increased security presence the level of alcohol related incidents was difficult to control'*<sup>7</sup>.
- 3.12 The occurrence of alcohol-related incidents – indicative of mismanagement of alcohol consumption - despite such measures being in place reflect inadequate implementation of the Security Protocols. The ability of passengers to bring alcohol on board despite the existence of security searches raises questions regarding the expertise of the personnel and the exercise of procedures involved in such searches. The Centre notes the crucial role of staff members in ensuring the comprehensive implementation of such measures and maintaining appropriate standards of behaviour on board.
- 3.13 We note that the Applicant has not provided any information regarding the apparent significant failure in implementation of the Security Protocols.
- 3.14 We also refer to the media report contained in the Applicant's materials which noted submissions to the Coronial Inquest into the death of Dianne Brimble (which occurred on a non-schoolies cruise):

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<sup>6</sup> Refer to '2006 Schoolies Cruises in Focus' of *Policy Directions in Response to Behaviours during Schoolies Week* in Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth).

<sup>7</sup> Ibid.

*'The coroner was told that it was so common for couples to have sex in public aboard the Pacific Sky that the crew did not even bother to report it. Crew also turned a blind eye to passengers who were naked or blind drunk'*<sup>8</sup>

- 3.15 The Applicant refers to the engagement of 60 additional security personnel and 2 trained investigators during previous cruises. This statement by itself does not measure the effectiveness of this engagement in implementing the Security Protocols. We are not provided with details of the training, screening, monitoring and accountability of the security personnel engaged. Increased numbers of staff may in fact exacerbate a situation involving alcohol-related anti-social behaviour. We note that the Applicant has referred to the low level of anti-social incidents reported on other cruises - presumably with fewer security staff engaged. Perhaps a significant causal factor in the level of reported incidents involving alcohol-related anti-social behaviour is in fact the presence of increased numbers of inadequately trained security personnel.
- 3.16 In *'Alcohol and Youthful Rights of Passage'*, Lincoln and Homel recognised that major factors related to violence at licensed venues amongst young people included the mixture of large groups of young males, aggressive bar staff and security personnel and inept methods for dealing with patrons<sup>9</sup>. Other factors include crowded environments. We note the Applicant's acknowledgement<sup>10</sup> "that the effects of excessive behaviour associated with "Schoolies Week" can potentially be exacerbated within the confined area of a cruise ship."
- 3.17 The answer does not lie in the implementation of a discriminatory policy.

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<sup>8</sup> Refer to annexure 1 *'Cruise line scuttles torrid teen tips'* in Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth).

<sup>9</sup> R Lincoln and R Homel, *Alcohol and Youthful Rites of Passage*, AIC Research and Public Policy Series at 51

<sup>10</sup> Page 3 of *'Policy Directions in Response to Behaviours during 'Schoolies Week'* in Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth).



### **Ensuring the Responsible Consumption of Alcohol**

- 3.18 Fundamental to ensuring the responsible consumption of alcohol is the implementation of measures to moderate each passenger's level of alcohol consumption.
- 3.19 The Centre recognises the pivotal importance of strict compliance by staff with RSA obligations in ensuring responsible alcohol consumption amongst *all* passengers. The Centre notes the Applicant's concern in relation to certain passengers undermining RSA obligations by providing alcohol to passengers who have been barred from service.
- 3.20 The Centre suggests that this concern may be addressed by barring passengers who undermine the policy from service themselves (or some other appropriate disciplinary measure authorised under the conditions of entry). Restrictions on supplying alcohol to children under state liquor licensing schemes often operate in this manner to prohibit unauthorised persons supplying alcohol. In addition, the number of alcoholic beverages consumed by each passenger may be limited through introducing mechanisms to ensure that each passenger is served only one standard drink per hour.

### **Anti-Social Behaviour**

- 3.21 A key to elimination of anti-social behaviour is effective management of each passenger's level of alcohol consumption (refer to Section 3.18). The introduction of demonstrably effective measures that address anti-social behaviour, in particular alcohol-related violence, is also worthwhile. Alcohol-related anti-social behaviour is not caused by a single factor, but rather the interaction of various factors<sup>11</sup>. These can include: drink promotions; groups of young males; and crowded environments.<sup>12</sup>
- 3.22 Alcohol-related anti-social behaviour can be tempered through the provision of comprehensive training for all crew and in particular, security personnel, in handling intoxicated patrons. We refer again to the research as to the significance of aggressive bar staff and security personnel and inept methods for dealing with patrons in facilitating alcohol-related anti-social behaviour<sup>13</sup>.

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<sup>11</sup> R Lincoln and R Homel, Alcohol and Youthful Rites of Passage, AIC Research and Public Policy Series at 51

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

### **Compliance with Liquor Licensing Laws**

3.23 The Centre advocates compliance by the Applicant with the applicable liquor licensing laws of the state or territory within whose boundaries the Applicant's cruise ships sail. Compliance with applicable liquor licensing laws would support the effective implementation of protocols focusing upon effective alcohol management. Explicit endorsement of this approach, including in promotional materials, is vital in influencing perceptions and managing expectations of passengers and staff regarding acceptable behaviour on board.

### **Passengers Aged Under 18 Years**

3.24 The Centre recognises that restrictions on the service of alcohol to children under the age of 18 years should apply in particular whilst cruising in Australian waters. However, the Centre does not accept that this justifies, without evidence or challenge, a blanket prohibition on passengers under 18 years of age from travelling on the Applicant's cruises without a parent or guardian.

3.25 The effective implementation of alcohol management protocols that include appropriate restrictions in relation to the provision of alcohol to children should not exclude children from enjoyment of cruises (particularly those activities that do not rely on the consumption of alcohol).

#### **4 THE CURRENT 'SCHOOLIES POLICY' IS DISCRIMINATORY**

- 4.1 The Schoolies Policy directly and indirectly discriminates against young persons under 21 years of age. If the Applicant implements the Schoolies Policy in the absence of an exemption, it will be in breach of both sections 14 and 15 in conjunction with section 28(b) of the Act. We note that P&O Cruises' South Pacific, Australia and Asia brochure indicates that P&O Cruises currently has this Policy in place for bookings over the periods 01 November 2009 to 31 December 2009 and 01 November 2010 to 31 December 2010<sup>14</sup>. This was confirmed by telephone with P&O Reservations on 19 June 2009.
- 4.2 Implementation of the Schoolies Policy constitutes direct discrimination because the Applicant is treating persons under 21 years of age less favorably than people above this age<sup>15</sup>. The Applicant is treating persons under 21 years of age less favorably by requiring their accompaniment by a parent or guardian in the same cabin as a condition of their travel. This condition has not been imposed on persons above 21 years of age.
- 4.3 Implementation of the Schoolies Policy constitutes indirect discrimination because the Applicant has imposed a condition that disadvantages persons aged under 21 years of age that the Applicant has not demonstrated is reasonable in the circumstances<sup>16</sup>.
- 4.4 The condition (that persons under 21 years of age must travel with their parent or guardian) is disadvantageous because it imposes a requirement that may be difficult to comply with – particularly for adults over the age of 18 years and for those young people under 18 years who live independently of their parents or guardians. This requirement is unreasonable because the Applicant has failed to demonstrate that the requirement addresses the concerns cited in support – that is, the health and safety of the Applicant's passengers and the promotion of celebrations centered on alcohol and substance abuse<sup>17</sup>. As noted in Section 3, the solution to such concerns lies in effective alcohol management – not the implementation of a discriminatory policy.

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<sup>14</sup> See Terms and Conditions of P&O Cruises brochure South Pacific, Australia, Asia 2009-2011 p79.

<sup>15</sup> Section 14 of the ADA.

<sup>16</sup> Section 15 of the ADA.

<sup>17</sup> Refer to Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth) at p 3.

- 4.5 The requirement that all passengers under 21 years of age must travel with their parent or legal guardian is inconsistent with the values of the Australian community which recognise 18 years as being the age of maturity for all young people. At 18 years, a young person is obligated to vote and legally permitted to drink alcohol. At 18 years, a young person is normally allowed to travel unaccompanied on P&O Cruises. These values reflect the legal position which recognises that young people no longer require a legal guardian at 18 years of age.
- 4.6 This discrimination is unlawful and contrary to the Act because, in the absence of an exemption, the Applicant is prohibited from discriminating against a person on the ground of a person's age in the terms or conditions under which it makes its cruises available<sup>18</sup>.
- 4.6.1 The Policy directly contradicts the objects of the Act which call for recognition within the community that people of all ages have the same fundamental rights.

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<sup>18</sup> Section 28 of the ADA.

## **5 GRANTING AN EXEMPTION IS INCONSISTENT WITH THE OBJECTIVES OF THE ACT**

- 5.1 The Applicant's application is inconsistent with, and undermines the achievement of, the objectives of the Act.
- 5.2 A fundamental objective of the Act is to eliminate discrimination against young people on the basis of their age in relation to the provision of services<sup>19</sup>. The Applicant's exemption application clearly undermines the achievement of this objective because the Schoolies Policy which it advocates is founded upon discrimination against persons under 21 years of age. The Schoolies Policy reflects and perpetuates a negative stereotype of young people as violent and uncontrollable.
- 5.3 The application also undermines recognition and acceptance within the Australian community of the principle that people of all ages have the same fundamental rights<sup>20</sup>.
- 5.4 As noted in the Applicant's exemption application, deprivation of accommodation and services to young people during the schoolies period is widespread: *'a number of other hospitality providers...already impose conditions on school leavers during the Schoolies period such as increased room and property bonds, and parent or guardian supervision for under 21 year olds. Some properties simply do not allow persons under the age of 21 to book hotel rooms during the Schoolies Period'*.
- 5.5 The existence of discrimination against young people by other service providers does not constitute a justification for authorising further breaches of the Act.
- 5.6 In fact, the frequency with which young people are being discriminated against in relation to the provision of accommodation and similar services is a matter of serious concern. Such discrimination undermines recognition within the broader Australian community that people of all ages have the same rights and perpetuates the perception that the different treatment of young people is justifiable. The rejection of this application is required to signal to the hospitality industry, and the broader Australian community, that people of all ages have the same fundamental rights.

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<sup>19</sup> Section 3 of the ADA.

<sup>20</sup> Ibid.

## 5.7 The Applicant's Justification of this Policy

5.7.1 The Applicant has asserted that the granting of an exemption is consistent with the objectives of the Act because:

- the Applicant is not seeking to remove the ability of young people under 21 years of age to enjoy cruises during the schoolies period – rather, the Applicant seeks to ensure that their behaviour is monitored to reduce the likelihood of unacceptable behaviour;
- the Applicant is not relying upon negative stereotypes but its own experience, social research and statistical data; and
- it is appropriate on public policy grounds and consistent with public sector initiatives<sup>21</sup>.

5.7.2 The Applicant's experience, the social research and statistical data provided all demonstrate that the core issue is effective management of alcohol consumption – not the age of a specific group of its passengers (refer to Section 3).

5.7.3 In *'Schoolies Week in Perspective – Studies of Alcohol, Drug and Risk-Taking Behaviour'* Salom, Watts, Kinner and Young note that: *'amongst young people who have just completed their last year of school and are celebrating at an event, alcohol is the drug of choice. This reflects the strong association in Australian culture between alcohol and celebration. It is also not peculiar to leaving school... Concerns, however, arise with the linkages seen between alcohol consumption...and the association with risk-taking behaviours, including violence and public disturbance'*<sup>22</sup>.

5.7.4 The Centre acknowledges the recent focus upon binge drinking amongst young people in public policy debate. However the Centre does not believe that this application represents an appropriate public policy response. As noted in Section 3, the Schoolies Policy fails to address the fundamental issue of effective alcohol management.

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<sup>21</sup> Refer to Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth) p 3.

<sup>22</sup> Refer to attachment 5 to Carnival Australia's application for exemption under section 44(1) of the Age Discrimination Act 2004 (Cth) – C Salom, M Watts, S Kinner and D Young, *Schoolies Week in Perspective – Studies of Alcohol, Drug and Risk Taking Behaviour*, *Of Substance – The National Magazine on Alcohol, Tobacco and Other Drugs* at 26.

- 5.7.5 We challenge the assertion that the Schoolies Policy is consistent with current public sector initiatives addressing binge drinking amongst young people. No evidence is offered in support of this – other than a quote from one politician taken from Hansard which called for law enforcement involvement in ‘Schoolies cruises’.
- 5.7.6 We also challenge the assertion that the application is similar to an exemption contemplated under section 39 – that is, an act done in direct compliance with specified Acts or a state Act is not unlawful – because it seeks to meet with Occupational Health & Safety standards. There is no reference given to the detail of what those standards might be and no information is provided as to how the Schoolies Policy will meet such standards.
- 5.7.7 We also note that there is little evidence that the requirement of the presence of parents or guardians will be more effective than other measures. According to Taylor and Carroll, almost two-thirds of 15-17 year olds have consumed alcohol in a home setting<sup>23</sup> where there was some sort of adult presence. Some parents reported that they deliberately supplied their teenagers with alcohol<sup>24</sup>. This reflects the cultural entrenchment of the consumption of alcohol within Australian society<sup>25</sup>. According to Lincoln and Homel<sup>26</sup>, 53% of Australian adults consume a moderate level of alcohol whilst 21% are harmful, heavy or binge drinkers.
- 5.7.8 It would seem that the public policy response to binge drinking amongst young people will require a challenge to the attitudes and behaviours of all Australians, not just young people.
- 5.7.9 In our view, the exemption sought is unreasonable because the nature and the extent of the discriminatory effect is not justified compared with the reasons advanced in favour of the exemption.

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<sup>23</sup> This represented 63% of the sample.

<sup>24</sup> J Taylor and T Carroll, Youth Alcohol Consumption: Experiences and Expectations, *AIC Research and Public Policy Series* at 19

<sup>25</sup> R Lincoln and R Homel, Alcohol and Youthful Rites of Passage, *AIC Research and Public Policy Series* at 48

<sup>26</sup> *Ibid.*

## 5.8 Are There Commercial Reasons for the Applicant's Schoolies Policy?

- 5.8.1 The *Guidelines for Temporary Exemption under the Act* provide that "where an exemption is sought for reasons wholly unrelated to the objects of the Act (such as to gain commercial advantage), this may be a factor weighing against granting of an exemption."
- 5.8.2 The rapid pace of growth of the global cruise industry<sup>27</sup> represents an exceptional commercial opportunity to the Applicant. In 2006, the total global market generated 15.2 million passenger cruises, reflecting a 9.2% compound annual growth rate since 1996. The level of cruise tourism activity in Australia has increased significantly in recent years, and is expected to continue growing rapidly<sup>28</sup>. Cruises taken by Australian residents to any port in the world increased from 116,300 in 2002 to just over 250,000 in 2007, an increase of 116% over that period or a compound annual growth rate of 16.7%<sup>29</sup>.
- 5.8.3 The Applicant's public profile has been challenged by the events surrounding the death of Dianne Brimble. Efforts to promote the Applicant as a responsible corporate service provider seem likely to be at least part of the rationale for seeking the exemption.

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<sup>27</sup> Access Economics, *The Economic Contribution of the Cruise Shipping Industry to Australia*, May 2008 at 4.

<sup>28</sup> *Ibid.* at 9

<sup>29</sup> *Id.* at 11



## 6 THE APPLICATION DOES NOT APPEAR TO BE WITHIN GUIDELINES

- 6.1 The exemption application does not appear to be consistent with the philosophy behind the granting of a temporary exemption.
- 6.2 The Guidelines state that the aim of a temporary exemption is to allow the applicant sufficient time to make the necessary changes to their operations to comply with the objects of the Act. The Applicant is seeking to *introduce* a discriminatory policy. The Centre notes that there have been limited exemptions granted to date and those which have been granted appear to be community service and social policy related<sup>30</sup>.
- 6.3 The application is silent as to whether procedures will be implemented to gradually limit the discriminatory effects of the Schoolies Policy upon under 21 year olds under a compliance program or review. The application states that it should be granted a temporary exemption without this requirement.

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<sup>30</sup> For example, exemptions have been granted to allow sufficient time for a review of policies relating to community programs – Department of Health and Ageing, 2005 and following a review of policies, to enable further time to amend current practices which may be discriminatory in order to ensure compliance with the Act - Department of Health and Ageing, 2006 available at [http://www.hreoc.gov.au/legal/exemptions/ada\\_exemption/index.html](http://www.hreoc.gov.au/legal/exemptions/ada_exemption/index.html) accessed 21 June, 2009.

## 7 OTHER SUGGESTIONS TO ADDRESS THE APPLICANT'S CONCERNS

- 7.1 Suggestions to address the concerns cited by the Applicant include ensuring that there is sufficient amounts of food when alcohol is served, making available a 'chill-out' area that offers first aid and sobering-up services, reduced levels of overcrowding, well lit pathways, staff from the sports areas assisting supervision of the evening's activities and alcohol-free nights. A cruise ship is perfectly placed to implement these types of initiatives.
- 7.2 A number of studies have supported the use of such methods as an effective means of addressing the anti-social behaviour associated with schoolies:
- In Western Australia, in response to concerns regarding behaviour related to the drug and alcohol consumption of school leavers, the community developed a strategic plan which involved providing supervised activities. The findings of a study conducted by Midford *et al*<sup>31</sup> indicated that the leavers' expectations of their experience were generally met and a relationship was built between the community and the school leavers thus minimising risk and adverse outcomes for both groups;
  - In New Zealand, community collaboration in conjunction with promotion and enforcement of policies resulted in a decrease of alcohol-related harms over the summer period in resort-style areas<sup>32</sup>;and
- 7.3 In Surfers Paradise, Homel *et al* established that community driven initiatives and incentives significantly reduced violence in addition to reducing the irresponsible use of alcohol such as binge drinking. Improved security practices, entertainment initiatives and methods of handling patrons also decreased risky behaviour. Verbal assaults decreased 82% and physical assaults decreased by 68%<sup>33</sup>.

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<sup>31</sup> Midford, R., S. Midford, et al. (2007). "School Leaver (Graduate) Celebrations in Margaret River, Western Australia: A Community Approach to Management." *Substance Use & Misuse* 42(12) at 1925

<sup>32</sup> Conway, K. (2002). *Booze and beach bans: turning the tide through community action in New Zealand*, Oxford University Press at 171

<sup>33</sup> Homel, R., M. Hauritz, R. Wortley, G. McIlwain, R. Carvolth. "Preventing alcohol-related crime through community action: the Surfers Paradise Safety Action Project." *Policing* at 36

## **7.4 Addressing Prior Expectations**

- 7.4.1 Smith and Rosenthal<sup>34</sup> state that young people's risk-taking is strongly associated with their past practices and their expectations of their holiday. Abusive and unacceptable behaviour might therefore be curtailed by addressing passenger expectations.
- 7.4.2 The introduction of a Memorandum of Understanding between *all* passengers and the Applicant as a mandatory pre-condition of travel might be considered. This document could outline behavioural requirements and corresponding sanctions.

## **8 CONCLUSION**

We thank the Commission for the opportunity to make this submission.

We support a genuine non-discriminatory commitment on the part of the Applicant to providing a safe and secure environment for passengers.

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<sup>34</sup>A Smith and D Rosenthal, in their article, *Sex, Alcohol and Drugs? Young people's experience of Schoolies Week*, *Australian and New Zealand Journal of Public Health* 21(2)