

FARE submission in response to the *Liquor licensing discussion paper (South Australia)*



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About the Foundation for Alcohol Research and Education

The Foundation for Alcohol Research and Education (FARE) is an independent, not-for-profit organisation working to stop the harm caused by alcohol.

Alcohol harm in Australia is significant. More than 5,500 lives are lost every year and more than 157,000 people are hospitalised making alcohol one of our nation's greatest preventative health challenges.

For over a decade, FARE has been working with communities, governments, health professionals and police across the country to stop alcohol harms by supporting world-leading research, raising public awareness and advocating for changes to alcohol policy.

In that time FARE has helped more than 750 communities and organisations, and backed over 1,400 projects around Australia.

FARE is guided by the World Health Organization's *Global Strategy to Reduce the Harmful Use of Alcohol*ⁱ for stopping alcohol harms through population-based strategies, problem directed policies, and direct interventions.

If you would like to contribute to FARE's important work, call us on (02) 6122 8600 or email info@fare.org.au.

ⁱ World Health Organization (2010). *Global strategy to reduce the harmful use of alcohol*. Geneva: World Health Organization.

Contents

Introduction	4
List of recommendations	5
Part 1: Public interest principles for liquor regulation.....	8
Public interest in harm prevention	8
Public interest in community consultation	11
Part 2: Market regulation in the public interest	14
Trading hours	14
Outlet density and licensed supermarkets	16
Secondary supply	18
Responsible service of alcohol	19
Promotions and price.....	21
Risk-based annual fees.....	24
Part 3: Market monitoring in the public interest.....	26
Licensing data	26
Alcohol harms data	27
Meaningful sanctions.....	29
Controlled purchase operations	30
Reference	31

Introduction

Prevention of alcohol harms should be the South Australian (SA) Government's priority in undertaking this review of the *Liquor Licensing Act 1997* (the Act). Alcohol is no ordinary commodity, and there is a clear public interest in preventing alcohol harms. Alcohol's toxicity poses threats to the health, safety and wellbeing of the consumer. Also of supreme concern for society and governments is the threat a person's alcohol consumption poses to others.

The SA Government has stated that it wants to reduce the rate of alcohol harms in terms of: alcohol-related injury cases presenting to emergency departments; apparent consumption of pure alcohol based on wholesale sales data; proportion of population drinking at risky levels; number of detections of drink driving; level of alcohol-related crime in licensed premises; proportion of alcohol-related hospital admissions, and the proportion of SA ambulance attendances for alcohol overdose.¹ The SA Government has also adopted a world's best practice to a 'Health in All Policies' (HiAP) approach to policy development. This approach recognises that:

Because of the solid evidence that health can be influenced by policies of other sectors, and that health has, in turn, important effects on the realization of the goals of other sectors, such as economic wealth... Health in All Policies (HiAP) [is] a strategy to help strengthen this link between health and other policies.²

The SA Government's *Alcohol and other drug strategy 2011* (AOD Strategy) also acknowledges the threat that risky alcohol consumption poses to consumers and to others in terms of social harms. The strategy also acknowledges that "substance misuse causes a disproportional amount of harm in the Aboriginal community".³

Alcohol is a prime example of how other sectors influence public health. The policies enshrined in the Act have material bearing on the health and wellbeing of South Australians. As such, the SA Government's goal of reducing the rate of alcohol-related harms necessitates a health-focused revision of alcohol policies that concern the price, availability and promotion of alcohol.

Disappointingly, the *Liquor Licensing Discussion Paper* (Discussion Paper) and the Terms of Reference for this review fail to make reference to the public health impact of alcohol; nor do they refer to the AOD Strategy goals or the HiAP perspective on alcohol policy in the state of SA. The SA Government's HiAP policy intent and alcohol harm prevention goals are admirable. However, it lacks a liquor regulation system and legislative framework that complements these public health goals. Such a system is crucial to achieving these harm prevention goals, but was not the subject of the government's Discussion Paper.

This submission presents the evidence which supports a future direction for the *Liquor Licensing Act 1997* where harm prevention is prioritised and alcohol policy complements the AOD goals and HiAP approach to policy development. This review of the Act is a clear opportunity for the SA Government to improve the health and wellbeing of South Australians on the back of evidence-based liquor policies.

Reforms to the regulation of alcohol must be comprehensive and must acknowledge that the current system of regulation is not adequately mitigating the harms that so frequently result from alcohol on people that consume alcohol and those around them. These reforms must begin with:

- Elevating harm minimisation as the sole primary Object of the Act and ensuring consideration is given to the importance of reducing alcohol-related harm under all sections of the Act

- Introducing secondary supply laws to fall in line with all with all other jurisdictions across the country
- Maintaining the ban of alcohol to sold in supermarkets and addressing outlet density of liquor licenses
- Addressing late night trading by introducing a 3am close and a 1am one-way-door policy
- Begin collecting alcohol sales data to inform the National Alcohol Sales Data Project and inform future public policy

These reforms and those included within this submission are proven solutions to reduce alcohol-related harms. This Review is an opportunity for the SA Government to introduce these policies and demonstrate their commitment to improving the health, safety and wellbeing of all South Australians.

List of recommendations

The Foundation for Alcohol Research and Education (FARE) recommends that the SA Government:

1. Amend the *Liquor Licensing Act 1997* to elevate harm minimisation to being the single primary Object of the Act, and subordinate all other Objects.
2. Specify that the object of the *Liquor Licensing Act 1997* is also to encourage responsible liquor consumption attitudes in line with the National Medical Health and Research Council's *Australian guidelines to reduce health risks from drinking alcohol*.
3. Acknowledge within the *Liquor Licensing Act 1997* that alcohol is a toxic substance whose consumption causes harm to consumers and to others from intoxication, disease and addiction.
4. Ensure that the Review of the *Liquor Licensing Act 1997* recognises the SA Government's 'Health in All Policies' approach to policy development, and accordingly consults with the Department of Health and stakeholders from public health, alcohol and other drugs sectors.
5. Ensure that alcohol harm prevention policy development is independent of industry interests.
6. Enhance the availability and accessibility of information regarding licence applications by:
 - > implementing a stakeholder database and notification system for new licence applications that members of the public and authorities can sign up to receive
 - > developing more 'user-friendly' websites for Consumer and Business Services that make tracking new licence applications and licence approvals easier for the general public.
7. Improve the ability of communities to participate in objections and complaint processes by:
 - > providing more detailed guides on participation in objection and complaints processes for concerned community members through the Consumer and Business Services website, local government offices, and community legal centres
 - > reducing the requirement for complaints to be endorsed by other community members from ten individuals to one individual from another household in the area
 - > expanding the capacity of the Commissioner for Licensing to investigate complaints against licensees in order to reverse or reduce the burden of proof that rests on complainants.
8. Place the onus of proof on the applicant/licensee to satisfy the authority that an intervention is not required in relation to the operation of the licence.

9. Amend part 3 of the *Liquor Licensing Act 1997* to reduce trading hours for all new and existing liquor licences to the following:
 - > Commencement of liquor trading for all licensed premises (including off-licences) across South Australia should be no earlier than 10am.
 - > The standard time for conclusion of liquor trading for all on-licence venues should be midnight (12am).
 - > The standard time for conclusion of liquor trading for all off-licence venues should be 9pm, with no extension later than 10pm.
 - > Extensions for conclusion of on-licence liquor trading should be limited to 3am, with one-way doors preventing re-entry for patrons no later than 1am.
10. Subject small bars to the same rules and regulations as other licence types in regards to trading hours.
11. Retain the condition under section 37(1) of the *Liquor Licensing Act 1997* that effectively disallows supermarkets from selling alcohol.
12. Empower the Commissioner for Licensing to declare saturation zones which ban future liquor licence applications for localities where alcohol-related harms are deemed to be significant.
13. Require the Commissioner for Licensing to take into consideration the existing density of liquor outlets when making decisions on new liquor licence applications.
14. Allow the Commissioner for Licensing to apply lessons from individual licensing decisions to precincts by:
 - > conducting investigations where harms data and complaint volumes in a locality indicate the need for a broader response to alcohol-related harms and other issues
 - > amending the *Liquor Licensing Act 1997* to allow for precinct-wide decisions.
15. Amend Section 37 of the *Liquor Licensing Act 1997* to disallow persons under the age of 18 from entering premises licensed to sell takeaway liquor.
16. Introduce secondary supply laws into the *Liquor Licensing Act 1997*, which incorporates the following:
 - > irresponsible supply laws which prohibit the unsafe provision of alcohol (including excessive amounts) or the inadequate supervision of the minor's alcohol consumption
 - > a requirement for adults to obtain informed written permission from a minor's parents or guardians consenting to the supply of alcohol to their child by the adult in question
 - > a comprehensive public education campaign informing the general public of the laws surrounding the supply of alcohol to minors and the associated risks with underage alcohol consumption.
17. Make provisions of the Late Night Code apply to all venues trading after midnight, with no exemptions. These provisions should be extended to include prohibiting the:
 - > sale of shots, mixed drinks with more than 30ml of alcohol, and ready mixed drinks stronger than five per cent alcohol by volume after 10pm
 - > sale of more than four drinks to any patron at one time
 - > sale of alcohol mixed with energy drinks after midnight.

18. Enhance the transparency of Responsible Service of Alcohol compliance by requiring Consumer and Business Services and the South Australian Police to publicly report on compliance activities relating to the *Liquor Licensing Act 1997*. This includes the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified breaches of compliance.
19. Enhance the transparency of Responsible Service of Alcohol by publicly naming and shaming on the website of Consumer and Business Services those premises that are found to have contravened the *Liquor Licensing Act 1997*, The General Code of Practice or the Late Night Trading Code of Practice in relation to Responsible Service of Alcohol standards.
20. Strengthen the *Liquor Licensing Act 1997* to prohibit the harmful discounting and promotion of alcohol products by including provisions that:
 - > address both on- and off- licence premises with equal weight
 - > address online promotion practices of South Australian liquor licences
 - > prohibit point of sale promotional materials for liquor (such as 'happy hours', free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices) from being displayed on and around licensed premises where minors are likely to be present
 - > declare 'shopper dockets' (liquor promotion vouchers on the receipts for purchases) as a prohibited promotional activity
 - > introduce regulations that limit the placement of alcohol promotions in public spaces where minors may be present
 - > set a minimum price for alcohol at one dollar per standard drink.
21. Extend the *Liquor Licensing Act 1997* to grant the Minister and the Commissioner for Licensing the powers to have active promotions discontinued or removed at their discretion.
22. Introduce a policy that prohibits alcohol promotions from being placed on SA Government property.
23. Introduce a risk-based licensing fee system for all licence types that, as a minimum, offsets the cost of alcohol-related harm borne by government and the community. Criteria established for the development of the scheme should be based on, as a minimum, the duration of trading hours and crowd capacity.
24. Retain the annual licence renewal process.
25. Amend the *Liquor Licensing Act 1997* to include:
 - > collection and public reporting of alcohol sales data to inform the National Alcohol Sales Project
 - > collection and public reporting of data on liquor licensees' occupancy, trading hours and compliance with the liquor legislation
 - > public reporting of data pertaining to disciplinary action against licensees.
26. Produce a whole of government report on key alcohol-related harms indicators annually for Consumer and Business Services and Attorney General to inform their decision making on alcohol policies.
27. Extend the collection of alcohol-related data to include other types of data such as:
 - > alcohol-related emergency department presentation

- > alcohol-related ambulance attendances
- > alcohol-related criminal justice data
- > alcohol-related community services data.

28. Amend Section 128C of the *Liquor Licensing Act 1997* to clarify the incidents that would warrant a temporary closure of a licensed premises. It is important that this includes alcohol-related violence which results in serious injury to persons in or near licensed premises.
29. Legalise controlled purchase operations under Part 7 of the *Liquor Licensing Act 1997* to identify and prosecute licensees who sell alcohol to people under the age of 18 years.
30. Remove the words “made a false statement, or” from Section 110 (3b) of the *Liquor Licensing Act 1997*.

Part 1: Public interest principles for liquor regulation

There are two crucial public interest principles that should regulate the liquor market: harm prevention and community consultation. A policy is in the public interest if:

- its benefits outweigh its costs to the public, and
- it is likely to create a future state which is more desirable than the status quo.

In general terms, the “public interest” pertains to the interests of a group or society overall, which is in contrast to private or partisan concerns.⁴

Public interest in harm prevention

Alcohol is a toxic, addictive substance and causes intoxication leading to consumers and others being harmed. As a toxic drug, alcohol is a substance that causes damage to an organism’s cells and organs. This damage causes chronic diseases and cancers. It also causes lifelong disability (Fetal Alcohol Spectrum Disorders, or FASD) among persons exposed to alcohol from maternal consumption of alcohol during pregnancy.^{5,6} Consumption of alcohol at risky levels also increases the short-term risk of social harms (including violence, traffic casualties and other injuries).⁷

Alcohol’s harms to the health of SA consumers and to others creates a significant burden of disease. This takes the form of approximately 12,500 hospitalisations (both chronic and acute) in SA each year;⁸ and one in 30 (3.3 per cent) deaths in SA due to cancers, cardiovascular diseases, digestive diseases, infectious and parasitic diseases, injuries, and neuropsychiatric diseases.⁹

Regrettably, Aboriginal and Torres Strait Islander peoples are disproportionately impacted by alcohol-related violence, family violence, health conditions and death. For example, for alcohol-related health conditions, Aboriginal and Torres Strait Islander men are hospitalised at rates between 1.2 and 6.2 times than other Australian men, and Aboriginal and Torres Strait Islander women at rates between 1.3 and 33 times greater.¹⁰ Deaths from alcohol-related causes among Aboriginal and Torres Strait Islander peoples is overall 7.5 times greater than those among non-Indigenous Australians.¹¹

In addition to harms that are experienced by the individual drinker, there are a range of other harms that impact on those around the drinker. This is known as ‘harm to others’ and includes alcohol-related road traffic accidents, suicide, homicide, alcohol poisoning, injury and violence in and around licensed venues and in our homes.¹² In Adelaide CBD alone alcohol is responsible for 58 per cent of victim-reported crime¹³ and 65 per cent of serious and minor assaults.¹⁴

In 2015, a study titled *Beyond the drinker: Longitudinal patterns in alcohol's harm to others* found that 62 per cent of respondents reported being adversely affected by others' alcohol consumption.¹⁵ One in six (17 per cent) were affected by the drinking of household members, relatives and intimate partners and a third (33 per cent) were negatively affected by strangers' drinking.

Alcohol consumption is a causal factor in persons being born with FASD; however, the prevalence of FASD among the Australian population is unknown.

These preventable harms are economically counterproductive. The estimated economic cost of alcohol harms in Australia is estimated to be up to \$36 billion each year.¹⁶ An example of the costs borne by community and state and territory governments is seen from the New South Wales (NSW) Auditor-General which estimated the total cost of alcohol-related abuse to NSW Government services to be \$1.029 billion per annum.¹⁷ NSW Police were found to bear the largest share of this cost burden, followed by Family and Community Services for out-of-home care and child protection services, and NSW Health for alcohol attributable hospitalisations. The Auditor-General also estimated the societal costs in NSW to be \$3.87 billion per year, or \$1,565 per household in the state.¹⁸

Current situation

Alcohol consumption rates reflect the scale of such alcohol harm and disease risks that SA faces. While most people in SA drink at low-risk levels or abstain from alcohol altogether, a significant and concerning proportion do drink at risky levels. In 2013, almost one in five South Australians (18.5 per cent)ⁱⁱ consumed alcohol at a rate which places them at risk of long term harm.¹⁹ One in six South Australians (14.9 per cent)ⁱⁱⁱ consume alcohol at a rate which places them at risk of short term harm (such as injury) at least once a week.²⁰

The Discussion Paper does not address the health challenges that alcohol consumption poses to SA. It also fails to mention SA's AOD Strategy or HiAP approach to policy development when proposing changes to liquor regulation.

Conflicting interests in SA's *Liquor Licensing Act 1997* (the Act) and the Discussion Paper impede action to address the moral and economic challenge of alcohol-related harms.

The Discussion Paper and Terms of Reference are biased in their treatment of industry interests over harm minimisation. The focus of the Discussion Paper is on imperatives to make Adelaide a "vibrant city" and supporting SA's premium food and wine industry. The Discussion Paper indicates sections focused on creation of "a safer drinking culture... where there is an opportunity to consider implementing other strategies to reduce alcohol-related harm". However, the Discussion Paper does not:

- address the current state of alcohol-related harms and associated problems in the state
- mention alcohol-related harm indicators such as alcohol-related assaults, family and domestic violence, child maltreatment, hospitalisations or emergency department presentations
- mention risky alcohol consumption in relation to the National Health and Medical Research Council's *Australian guidelines to reduce health risks from drinking alcohol*.

Without objective, balanced and thorough consideration of the existing and foreseeable harms and commercial benefits of the liquor trade, this review of the Act will fail to serve the public interest.

ⁱⁱ 28.1 per cent of men and 9 per cent of women.

ⁱⁱⁱ 22.1 per cent of men and 7.8 per cent of women.

The objects of the Act hold conflicting interests between harm minimisation (which necessitates regulation) and enhanced competition (which necessitates deregulation and facilitates greater alcohol consumption and associated harms):

1. The object of this Act is to regulate and control the sale, supply and consumption of liquor for the benefit of the community as a whole and, in particular:
 - a) to encourage responsible attitudes towards the promotion, sale, supply, consumption and use of liquor, to develop and implement principles directed towards that end (the responsible service and consumption principles) and minimise the harm associated with the consumption of liquor; and
 - b) to further the interests of the liquor industry and industries with which it is closely associated—such as the live music industry, tourism and the hospitality industry—within the context of appropriate regulation and controls; and
 - c) to ensure that the liquor industry develops in a way that is consistent with the needs and aspirations of the community; and
 - d) to ensure as far as practicable that the sale and supply of liquor contributes to, and does not detract from, the amenity of community life; and
 - e) to encourage a competitive market for the supply of liquor; and
 - f) to ensure that the sale and supply of liquor occurs in such a manner as to minimise the risk of intoxication and associated violent or anti-social behaviour including property damage and causing personal injury.

In deciding any matter before it under this Act, the licensing authority must have regard to the objects set out in subsection (1).

These conflicting interests challenge the licensing authority's interpretation of alcohol harm risks when deciding on matters put before it.²¹

Future directions

To support the SA Government's alcohol harm prevention goals, liquor licensing decisions must be consistent with the government's HiAP policy intent. For licensing decision-makers to prioritise harm prevention, the laws regulating liquor in SA must emphasise the interest in harm prevention.

An example of how the object of harm minimisation can be applied and considered is seen in the case of *Kordister Pty Ltd v Director of Liquor Licensing* ('Kordister') in Victoria.²² In 2009, an application for reducing trading hours of an off-licence venue was made by police and approved. However, the licensee requested a review this decision by the Victorian Civil and Administrative Tribunal (VCAT) and as a result of the appeal the decision to reduce trading hours was removed. The VCAT decision was appealed in the Supreme Court on the grounds that the decision was not upholding the Objects of the Act (harm minimisation). It was argued that VCAT had misinterpreted the request, which was to consider if ceasing late night trading would have contributed to harm minimisation rather than the removing of harm altogether. The Supreme Court found that the decision made by the VCAT was not in line with the principle of harm minimisation, and the decision by the VCAT failed to uphold the primary objects of the Act.

This case in Victoria provides a clear example of the importance of harm minimisation as the primary Object of the Act, as all decisions made under the Act must give regard to principle of harm minimisation.

Applying SA's HiAP approach to liquor licensing policy would minimise the interference of liquor availability, promotion and pricing with protective factors in public health. For Aboriginal and Torres Strait Islander peoples in SA in particular, improvements in health status and outcomes will occur only as they are able to live healthier lives and use high quality health services.²³ These 'protective factors' can mitigate or prevent risky alcohol consumption. Safe and supportive families and communities are also protective by promoting a range of positive outcomes. Protective factors emphasise the need to address the underlying social determinants as well as targeting alcohol and other drug (AOD) use itself.²⁴

Recommendations

To serve the public interest in harm prevention, the SA Government should:

1. Amend the *Liquor Licensing Act 1997* to elevate harm minimisation to being the single primary Object of the Act, and subordinate all other Objects.
2. Specify that the object of the *Liquor Licensing Act 1997* is also to encourage responsible liquor consumption attitudes in line with the National Medical Health and Research Council's *Australian guidelines to reduce health risks from drinking alcohol*.
3. Acknowledge within the *Liquor Licensing Act 1997* that alcohol is a toxic substance whose consumption causes harm to consumers and to others from intoxication, disease and addiction.
4. Ensure that the Review of the *Liquor Licensing Act 1997* recognises the SA Government's 'Health in All Policies' approach to policy development, and accordingly consults with the Department of Health and stakeholders from public health, alcohol and other drugs sectors.
5. Ensure that alcohol harm prevention policy development is independent of industry interests.

Public interest in community consultation

Public participation and engagement in licensing matters is essential to the achievement of transparent and democratic governance. It also results in administrative decision-making being more responsive to the public interest.²⁵

In recent years there has been increasing community concern regarding alcohol-related harms and alcohol-related amenity problems, and increasing community interest in policies that address these issues. There are a number of ways in which communities are adversely affected by alcohol: they endure the noise and disruption from licensed venues; they avoid places where they feel unsafe due to alcohol use and misuse in the area; and they live alongside alcohol-related violence. Over half (54 per cent) of South Australians consider their city or centre of town to be unsafe on a Saturday night.²⁶

It is in the public interest for communities to have a say in the introduction of, or prevailing existence of, alcohol outlets in their local area. For this, it is essential that the regulatory system values community assent to such elements which affect local amenity, health and wellbeing.

Current situation

At present, the community is consulted in public notices regarding licence applications, and may participate in complaints against existing venues and objections to licence applications.

Notification

Applicants must notify the public and particular stakeholders of their intention to apply for a liquor licence. The Applicant actively notifies local council and neighbours adjacent to the application site at least 28 days prior to the application hearing.²⁷ The Commissioner for Licensing may direct that notice be given to specified additional authorities and persons.²⁸ The Commissioner for Licensing must serve copies of applications to the Police Commissioner.²⁹ The process also involves the Applicant passively notifying the general public by:

- advertising in a newspaper or gazette, and public notice board on the SA Consumer and Business Services website 28 days prior to the application hearing³⁰
- displaying an A3 page in plain view on the premises/site, which details the licence applied for, 28 days prior to the application hearing.³¹

Participation

Anyone may object to a liquor licence application.³² Grounds for objecting to a licence application (except for a Small Bar licence) include:

- that approval of the licence would not be consistent with the objects of the Act
- that the proposed licensed premises are not ‘needed’ in the community
- that the applicant is not ‘fit and proper’
- that the premises are not suited to the licence applied for, or
- that, if the application were granted, the premises would:
 - > cause undue disturbance, offence, annoyance and inconvenience to local community
 - > prejudice safety/welfare of school children in the vicinity, and/or
 - > adversely affect the amenity of the locality.³³

The Commissioner of Police, the local council, and persons directed by the Commissioner to be consulted can intervene in application proceedings to introduce evidence or make submissions.^{34,35,36} These rights of intervention do not extend to those community stakeholders who were not directed by the Commissioner to be consulted.³⁷

Police, local councils and persons affected by an offending licensed premises can lodge complaints. Grounds for complaint include noise emanating from the licensed premises, or behaviour of persons making their way to or from licensed premises.³⁸ Under Section 106(3) of the Act, community complaints must be endorsed by at least ten local community members. The Commissioner can exempt complainants if the “nature and gravity of the complaint is such that it should be admitted”.³⁹

Limitations of current notification and participation arrangements

Notification of stakeholders is a tick-box procedure which involves actively notifying some stakeholders, but not others. This is due to a disconnect between:

- the list of stakeholders whom an applicant must notify (including “local council and neighbours adjacent to the application site” and authorities and persons specified by the Licensing Commissioner), and
- the stakeholders whom an applicant must satisfy the Commissioner that they will not be adversely affected by the granting of the licence (such as “people who reside, work or worship in the vicinity

of the premises” and “children attending kindergarten, primary school or secondary school in the vicinity of the premises”).

Additional problems include the inconsistency with which advertised applications appear in the public register; and the lack of community-relevant content in the Consumer and Business Services newsletter.

Another key barrier to community participation is that it is not designed with the ‘user experience’ of interested parties in mind (that is, the usability and accessibility of the process, and satisfaction gained from the interaction between the interested party and the process itself).

The current notification process creates extra work for interested community members to be informed of the application in the first place, which inhibits participation in licensing processes. The current process also creates extra work for applicants to identify and contact interested community stakeholders, which deters applicants from effectively notifying and consulting the local community.

It is also unclear what the evidence burden is for objections and complaints. A complaint must demonstrate “that the licensee or licensee’s staff have breached [the Act]”. The Act itself doesn’t put the onus of proof squarely on either the Complainant or the Licensee. Rather, Section 106(6) of the Act seems to position the Commissioner to independently investigate the impact, context and possible remedies to a complaint that proceeds to a contested hearing.

Future directions

Government processes that interact with the public should be designed with the community’s ‘user experience’ in mind. Improving their experience in relation to application notices and participation in consultation processes facilitates greater community engagement and input. This supports regulators to make more informed decisions which affect the local community.

In addition, the SA Government should develop a database of stakeholders whom Applicants must satisfy the Commissioner that they will not be adversely affected by the granting of the licence. This database would be coded by local government and suburb areas for easy generation of:

- local area reports which identify the interested stakeholders in the area they are applying for (such as schools, places of worship, other ‘vulnerable’ entities and their local representatives, as well as interested community members who have signed up to receive notifications)
- mail merges of application notices to be sent to these stakeholders on behalf of the applicant, the cost of which would be covered by the licence application fee.

Given the weight of research evidence, the onus of proof should rest on the applicant or licensee to satisfy the Commissioner that:

- the operation of the licence will cause minimal adverse impact on the local area
- potential harms can be effectively mitigated by evidence-based harm minimisation measures
- approval or operation of the licence brings a quantifiable benefit to the local area.

Recommendations

To serve the public interest in community consultation, the SA Government should:

6. Enhance the availability and accessibility of information regarding licence applications by:

- > implementing a stakeholder database and notification system for new licence applications that members of the public and authorities can sign up to receive
 - > developing more 'user-friendly' websites for Consumer and Business Services that make tracking new licence applications and licence approvals easier for the general public.
7. Improve the ability of communities to participate in objections and complaint processes by:
- > providing more detailed guides on participation in objection and complaints processes for concerned community members through the Consumer and Business Services website, local government offices, and community legal centres
 - > reducing the requirement for complaints to be endorsed by other community members from ten individuals to one individual from another household in the area
 - > expanding the capacity of the Commissioner for Licensing to investigate complaints against licensees in order to reverse or reduce the burden of proof that rests on complainants.
8. Place the onus of proof on the applicant/licensee to satisfy the authority that an intervention is not required in relation to the operation of the licence.

Part 2: Market regulation in the public interest

Trading hours

An increase in trading hours is associated with an increase in harms,⁴⁰ and alcohol-related assaults increase significantly after midnight.^{41,42} Extended trading hours increase the availability of alcohol which is associated with an increase in assault,^{43,44} family and domestic violence,⁴⁵ road crashes,⁴⁶ child maltreatment⁴⁷ and harmful consumption.⁴⁸ Australian and international research demonstrates that for every additional hour of trading, there is a 16-20 per cent increase in assaults and conversely, for every hour of reduced trading there is a 20 per cent reduction in assaults.^{49,50}

Australian communities have successfully prevented alcohol harms by reducing trading hours. Newcastle, NSW, has had a 3.30am close time and 1.30am one-way door policy in the city's CBD since 2008. These policies resulted in a 37 per cent reduction in night-time alcohol-related assaults,⁵¹ and no displacement of harms to adjacent late-night districts.⁵² Five years on the positive effects were sustained: alcohol-related assaults per hour were down by 21 per cent on average.⁵³ Similar restrictions (1.30am lockouts, 3am last drinks) were introduced in Sydney's CBD and Kings Cross precincts, which have produced reductions in alcohol-related harms as well. An independent evaluation of the restrictions by the NSW Bureau of Crime Statistics and Research (BOCSAR) found that they were associated with a reduction in non-domestic assaults of 32 per cent in Kings Cross and 26 per cent in the Sydney CBD. In one area, non-domestic assaults were reduced by 40 per cent. There was no evidence of displacement of these types of assaults to adjacent areas.⁵⁴

Following these successes in NSW, the Queensland Government recently introduced a bill in Parliament proposing that pubs, clubs and bars must stop serving alcohol at 2am, (or 3am for venues located in the Safe Night Out precincts), with a 'one-way door' policy barring entry after 1am.

Off-licence (takeaway) liquor outlet trading hours also contribute to alcohol availability and associated harms. Research conducted in Switzerland has shown that a reduction in off-licence trading hours in Geneva, combined with a ban on the sale of alcohol from petrol stations and video stores, decreased

hospital admissions among adolescents and young adults (with a 25 to 40 per cent reduction, depending on age group).⁵⁵ Research from New Zealand found that drinkers purchasing takeaway alcohol after 10pm are twice as likely to drink heavily compared to those buying alcohol before 10pm.⁵⁶ New Zealand Police noted that off-licence venues are more likely than on-licences to be an issue for offences involving minors.⁵⁷

Additionally, the commencement times for alcohol trade is emerging as an important issue for consideration. In New Zealand the Auckland Council's rationale for proposing an opening time of no earlier than 9am for off-licences and 8am for on-licences was based on community concern about alcohol addiction problems. These times also limit the availability of alcohol, in particular for young people, at times when they still may be affected by prior alcohol consumption.^{58,59}

Current situation

In SA, standard trading hours range from eight hours for Entertainment Venue licences (9pm-5am) up to 24 hours for Residential, Restaurant and Producer licences. Standard trading hours for off-licence premises are between 8am and 9pm on any day. This can be extended to no earlier than 5am or no later than 12am, and must not exceed 13 continuous hours. Trading can generally be extended by up to five hours a day from Monday to Saturday, and by up to 15 hours on Sundays for certain licence types.

Future directions

The majority (83 per cent) of South Australians support a closing time for pubs, clubs and bars of no later than 3am.⁶⁰ Reductions in trading hours have been proven as effective policy measures to reduce alcohol-related harms and should be introduced across the state. These reductions should be based on the NSW experience and be consistent with states and territories across the country. Trading hours for takeaway liquor should be no earlier than 10am and no later than 9pm.

To mitigate the risks of alcohol-related harms, there should be: no extensions to liquor licence trading past 3am; and one-way doors preventing re-entry for patrons to licensed venues after 1am. Small bars should not be exempt from the trading hour restrictions, and should be subjected to the same requirements as other licensed premises.

Recommendations

To regulate trading hours in the public interest, the SA Government should:

9. Amend part 3 of the *Liquor Licensing Act 1997* to reduce trading hours for all new and existing liquor licences to the following:
 - > Commencement of liquor trading for all licensed premises (including off-licences) across South Australia should be no earlier than 10am.
 - > The standard time for conclusion of liquor trading for all on-licence venues should be midnight (12am).
 - > The standard time for conclusion of liquor trading for all off-licence venues should be 9pm, with no extension later than 10pm.
 - > Extensions for conclusion of on-licence liquor trading should be limited to 3am, with one-way doors preventing re-entry for patrons no later than 1am.

10. Subject small bars to the same rules and regulations as other licence types in regards to trading hours.

Outlet density and licensed supermarkets

It is well-established that increases in the availability of alcohol contributes to increases in alcohol-related violence. Research has consistently found that increased outlet density (both hotel, on- and off- licence types) contributes to increased alcohol harms.⁶¹

A recent study examining associations between alcohol sold through off-premise liquor outlets and the incidence of traumatic injury in surrounding areas found that a ten per cent increase in chain outlet density (such as Dan Murphy's and First Choice Liquor) is associated with 35.3 per cent increase in intentional injuries (including assaults, stabbing and shooting), and a 22 per cent increase in unintentional injuries (including falls, crushes, or being struck by an object).⁶²

A study by the NSW BOCSAR found that "the concentration of hotel licences in a [local government areas, or LGAs], particularly at higher density levels, was strongly predictive of both intimate partner and non-intimate partner assault rates".⁶³

Research in Melbourne has found that there is a strong association between family violence and the concentration of off-licence (packaged or takeaway) liquor outlets in an area. The study concluded that a ten per cent increase in off-licence liquor outlets is associated with a 3.3 per cent increase in family violence. Increases in family violence were also apparent with the increase in general (pub) licences and on-premise licences.⁶⁴ In Western Australia, a study concluded that for every 10,000 additional litres of pure alcohol sold at an off-licence liquor outlet, the risk of violence experienced in a residential setting increased by 26 per cent.⁶⁵

Research from Victoria found that people living in disadvantaged areas in and around Melbourne had access to twice as many bottle shops as those in the wealthiest areas. For rural and regional Victoria, there were six times as many packaged liquor outlets and four times as many pubs and clubs per person.⁶⁶ Research also shows that the increased access to alcohol in disadvantaged communities may explain some socio-economic disparities in health outcomes. Disadvantaged communities find it harder to influence planning and zoning decisions. As such, their ability to prevent the continuing proliferation of outlets is hindered.⁶⁷

The World Health Organization has highlighted that neighbourhoods which have higher densities of alcohol outlets (both on- and off- licence) also have greater child maltreatment problems. These neighbourhoods are also more socially disadvantaged with fewer resources available to support families. This situation can lead to increased stress for families and restrict development of social networks that can prevent child maltreatment.⁶⁸

Current situation

The growth of licences is outpacing population growth in SA. This is particularly concerning from a public health perspective. As at 30 June 2015, there are 6,287 current liquor licences in SA. This includes current and suspended licences and excludes limited licences (event based licensing). As shown in Table 1 below, the total number of liquor outlets per 100,000 people in SA has increased by 12.9 per cent, from 327.9 in 2005 to 370.1 in 2015. This has grown 2.7 per cent faster than the population of SA in the same time period, from 1,542,000 in 2005 to 1,698,600 people in 2015.

Table 1. Growth in licensed liquor outlets in SA over time

Licence type	2005 (n)	2015 (n)	Change (n) 2005-15	Change (%) 2005-15
Club	475	403	-72	-15.2%
Direct sales	116	483	367	316.4%
Entertainment venue	30	39	9	30.0%
Hotel	627	629	2	0.3%
Limited club	726	891	165	22.7%
Producer	892	1261	369	41.4%
Residential	186	198	12	6.5%
Restaurant/BYO restaurant	1009	1300	291	28.8%
Retail liquor merchant	200	196	-4	-2.0%
Special circumstances	533	617	84	15.8%
Wholesale liquor merchant	262	270	8	3.1%
Small venue	0	50	50	N/A
Total	5056	6287	1231	24.3%
Number of outlets per 100,000 people	327.9	370.1	42.2	12.9%
Population of SA at end June quarter ('000)	1,542.0	1,698.6	156.6	10.2%

Data sources: Australian Bureau of Statistics. (2005-2015). *Data set 3101.0 - Australian Demographic Statistics*; and SA Consumer and Business Services. Retrieved from <http://www.cbs.sa.gov.au/assets/files/Liquorstats.pdf>

Supermarkets in SA are presently not permitted to hold a licence to sell liquor from their premises.

There is not a consideration of 'density' of liquor outlets enshrined in the Act. Rather, the Act provides for the applicant to satisfy the Commissioner that there is a 'need' within the local community for the additional liquor outlet in question. Section 58 of the Act outlines the 'needs' test which is applied to applications for hotel licences and retail liquor merchant licences.

Future directions

Supermarkets should continue to be disallowed from selling alcohol within their stores. This policy would temper the incidence of harms associated with increasing liquor outlet density and the availability of alcohol consumed in domestic settings.

This review should consider outlet density and saturation zone policies, as well as what reasonable regional and state-wide limits should be put on the growth of current liquor licences in comparison to population growth in the state.

Tighter outlet density controls and interventions are needed to address outlet density and associated harms. In England and Wales, regulatory bodies have introduced saturation zones where limitations are imposed on the introduction of new licences in areas that already have a high density of existing licences. These operational saturation zones were based on existing outlet density, crime and family violence data.^{69,70} Buy-backs could also be initiated in areas deemed to be 'saturated'.

An assessment framework is needed to risk-assess the outlet density of local government areas (LGAs) and suburbs in SA. This framework should account for the potential impact of outlets on community safety and wellbeing. Disadvantaged communities will benefit from this, as they are often powerless to stem the proliferation of liquor outlets and experience disproportionate levels of health and social harms.

Recommendations

To regulate outlet density in the public interest, the SA Government should:

11. Retain the condition under section 37(1) of the *Liquor Licensing Act 1997* that effectively disallows supermarkets from selling alcohol.
12. Empower the Commissioner for Licensing to declare saturation zones which bar future liquor licence applications for localities where alcohol-related harms are deemed to be significant.
13. Require the Commissioner for Licensing to take into consideration the existing density of liquor outlets when making decisions on new liquor licence applications.
14. Allow the Commissioner for Licensing to apply lessons from individual licensing decisions to precincts by:
 - > conducting investigations where harms data and complaint volumes in a locality indicate the need for a broader response to alcohol-related harms and other issues
 - > amending the *Liquor Licensing Act 1997* to allow for precinct-wide decisions.
15. Amend Section 37 of the *Liquor Licensing Act 1997* to disallow persons under the age of 18 from entering premises licensed to sell takeaway liquor.

Secondary supply

According to a survey of Australian school students, almost three quarters (74 per cent) of school students aged between 12 and 17 report having ever consumed an alcoholic drink, with half (50.7 per cent) having done so in the previous year and 29.1 per cent having done so in the previous month. Among recent drinkers (defined as students who drank during the week leading up to the survey), almost a third (32.9 per cent) stated that the alcohol was supplied by their parents⁷¹ and the majority (64 per cent) of recent drinkers reported consuming their last alcoholic drink under adult supervision.⁷²

A recent study found that there are a significant proportion of Australian parents (47 per cent) who believe that supplying their underage children alcohol will teach them how to drink responsibly in a controlled environment.⁷³ However, underage drinking is associated with a wide range of harms including physical injury, risky sexual behaviour, adverse behavioural patterns and academic failure, as well as long term physical and mental health conditions.^{74,75} In recognition of this, the National Health and Medical Research Council's (NHMRC) *Australian guidelines to reduce health risks from drinking alcohol* recommend that for persons under the age of 18, not consuming alcohol is the safest option.⁷⁶

Furthermore, not all adult supervision results in responsible drinking. An analysis of Western Australian school students found that almost one third (32.1 per cent) of students will still drink at risky levels despite adult supervision.⁷⁷

Current situation

The Act currently does not contain provisions prohibiting the supply of liquor to a minor in a private setting, nor are there provisions outlining what constitutes irresponsible supply of liquor to a minor.

Future directions

SA remains the only Australian jurisdiction without secondary supply laws in relation to the provision of alcohol to minors in a private setting. The significant proportions of young people under 18 who are provided alcohol by their parents necessitate the introduction of secondary supply laws into SA.

Secondary supply laws must be consistent with responsible supervision. A number of states and territories also have irresponsible supply laws which stipulate conditions that consider the age of the minor, whether the minor and/or supervising adult is unduly intoxicated, and the amount of alcohol being supplied.

Secondary supply laws should further specify that parental authorisation is required for another adult to supply alcohol to their child. Authorisation should occur in the form of written consent. Requiring written consent will not only remove legal ambiguity but may also encourage dialogue between parties. This provision may encourage parents and guardians to more carefully consider their decision to provide alcohol to their child. Additionally, the recent bill introduced into the Western Australian Parliament has extended upon this idea, stating that the parent or guardian must not be intoxicated while supplying the permission.⁷⁸ SA secondary supply laws should adopt the principles that parental consent should not be clouded by any conditions that would impair judgement.

The introduction of secondary supply laws must be accompanied by a comprehensive public education campaign to inform parents, guardians, alcohol servers and adults in general what their responsibilities are for minors under these laws, and what health and safety risks are associated with underage alcohol consumption.

Recommendations

To regulate secondary supply of liquor to minors, the SA Government should:

16. Introduce secondary supply laws into the *Liquor Licensing Act 1997*, which incorporates the following:

- > irresponsible supply laws which prohibit the unsafe provision of alcohol (including excessive amounts) or the inadequate supervision of the minor's alcohol consumption
- > a requirement for adults to obtain informed written permission from a minor's parents or guardians consenting to the supply of alcohol to their child by the adult in question
- > a comprehensive public education campaign informing the general public of the laws surrounding the supply of alcohol to minors and the associated risks with underage alcohol consumption.

Responsible service of alcohol

The Responsible Service of Alcohol (RSA) is essential in reducing the risk of alcohol harms. In Australia, persons involved in alcohol service are required to complete RSA training. However, this training is only useful if it is applied fully and consistently by staff. Without appropriate enforcement mechanisms, RSA measures have limited impact on the behaviour of people working in licensed venues and do not reduce alcohol-related harms.⁷⁹ A recent observational study of licensed premises across five Australian cities found that 85 per cent of patrons judged by the study's fieldworkers to be too intoxicated to remain in the venue were still being served alcohol.⁸⁰ This supports contentions that people continue to be served alcohol until they are heavily intoxicated and are then removed from the premises.

A recent study has also noted that the imposition of licence conditions on beverage types, quantities and time limitations on beverage sales allowed servers to more easily enforce RSA guidelines.⁸¹

Current situation

Under Section 7 of the General Code of Practice, all staff involved in the sale or supply of liquor on licensed premises must complete RSA training.

In SA, RSA concepts are largely embedded within the General Code of Practice (General Code) and the Late Night Trading Code of Practice (Late Night Code). The Late Night Code applies to licensed venues that trade between 3am and 7am on any day.

The General Code of Practice states that the licensee must conduct or promote their business in a way that encourages the rapid or excessive consumption of liquor. However, there is a lack of specific measures imposed to achieve this. The Guidelines to the General Code attempts to elaborate on RSA principles, however, some of this advice is still vague and open to a variety of interpretations. For example, the Guidelines state that businesses must not encourage the stockpiling of drinks; however, no parameters have been established as to the number of drinks that is regarded as stockpiling. Also, Section 4(2) outlines that the operational practices of a licensed premises should be assessed through what a 'reasonable' person would consider to be low, medium, high or unacceptable risk. However, these levels of risk are not defined.

The provisions in the Late Night Code apply to venues that are trading between 3am and 7am each day. A number of harm reduction measures, such as banning drinks that encourage rapid and excessive consumption (for instance, shooters or jelly shots), do not apply until after 4.01am. This is problematic because of a strong evidence base demonstrating that alcohol-related assaults increase significantly after midnight.^{82,83}

The Late Night Code also has too many exemptions, which creates loopholes for licensees and weaken the Code. For example, venues that are closed at 3am but open before 7am could circumvent lockouts after patrons leave a late night venue by allowing patrons entry to an early opening venue. Exemptions also fail to recognise the risk for venues to which the exemption applies. For this reason, all venues should be required to adhere to provisions relating to restricted access and restricted promotion.

Even if RSA measures are sufficient, they are virtually ineffective if not properly enforced and if staff training is insufficient. In SA, once licensees and their staff attain their RSA qualifications, they are not required to update their RSA training. The lack of regular training means that licensees and staff may not perform RSA to their full capacity and in line with other jurisdictions where staff are required to stay up to date with their training to be cognisant of the latest developments in RSA.

Future directions

Provisions in both the General Code and the Late Night Code must be written in a clear manner to ensure that licensees and their staff maintain a consistent and shared understanding of RSA requirements that is not vulnerable to misinterpretation.

In light of research showing that alcohol-related assaults increase significantly after midnight,^{84,85} provisions in the Late Night Code should apply to all on-licence venues trading from 12am onwards, with no exemptions. The provisions should extend to include other measures that would support the reduction of violence in and around licensed premises. For instance, the Newcastle interventions included a suite of RSA measures to complement the trading hour restrictions. These include a cessation on the sale of ready-to-drink (RTD) beverages with more than five per cent alcohol after

10pm and not allowing patrons to be sold more than four drinks at one time. Another measure that would reduce excessive consumption and alcohol harm is restricting the sale of alcohol mixed with energy drinks, given that energy drinks mask the effects of intoxication, which can lead to an increase in risky behaviour.⁸⁶

Enhanced compliance and enforcement is integral to the success of RSA. A study looking at alcohol-related harm and the night time economy observed the practices of licensed premises in the Australian cities of Geelong in Victoria and Newcastle in NSW, and noted that “late-night venues are significantly more likely to adopt practices if they are mandatory compared to voluntary. This is especially the case for strategies involving the responsible service of alcohol”.⁸⁷ According to the most recent National Drug Strategy Household Survey, 77.9 per cent of South Australians support strict monitoring of late-night licensed premises.⁸⁸

Enforcement measures throughout SA should include Compliance Officers and police officers assessing the RSA activities of licensed venues and publically reporting on these activities. Identified breaches should be subject to immediate and significant penalties. This would demonstrate to licensees that RSA is taken seriously, and failure to comply will compromise their business.

Recommendations

To better regulate RSA in the public interest, the SA Government should:

17. Make provisions of the Late Night Code apply to all venues trading after midnight, with no exemptions. These provisions should be extended to include prohibiting the:
 - > sale of shots, mixed drinks with more than 30ml of alcohol, and ready mixed drinks stronger than five per cent alcohol by volume after 10pm
 - > sale of more than four drinks to any patron at one time
 - > sale of alcohol mixed with energy drinks after midnight.
18. Enhance the transparency of Responsible Service of Alcohol compliance by requiring Consumer and Business Services and the South Australian Police to publicly report on compliance activities relating to the *Liquor Licensing Act 1997*. This includes the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified breaches of compliance.
19. Enhance the transparency of Responsible Service of Alcohol by publicly naming and shaming on the website of Consumer and Business Services those premises that are found to have contravened the *Liquor Licensing Act 1997*, The General Code of Practice or the Late Night Trading Code of Practice in relation to Responsible Service of Alcohol standards.

Promotions and price

The promotion of alcohol influences the age at which young people begin drinking alcohol as well as their levels of consumption.⁸⁹ This is partly because young people are capable of interpreting the messages and images of alcohol advertisements in the same way as adults do,⁹⁰ in particular, the message that alcohol will help them have a good time.⁹¹ Exposing young people to alcohol advertising increases the likelihood of them starting to consume alcohol and increases consumption among those already consuming alcohol.^{92,93,94}

Young Australians are bombarded with alcohol promotions in a variety of settings, including billboards and posters, other promotional materials and on the internet.⁹⁵ In 2015, the Australian Capital Territory Government banned the advertising of alcohol, junk food and gambling on public buses. The overriding rationale for this was to reduce the exposure of children (a significant proportion of the bus patronage) to unhealthy messages.⁹⁶ This idea has public support in SA too, where 64 per cent of South Australians support a ban of alcohol advertising on public transport and 59 per cent support a ban on bus, tram and train stops.⁹⁷

Liquor promotions heavily centre on price as an enticement to purchase the product. There is an inverse relationship between the price of alcoholic beverages and levels of consumption and harms.⁹⁸ The problem of consumption encouraged by cheap alcohol was tackled in Canada through increases in the minimum alcohol price in British Columbia (ten per cent) and Saskatchewan (ten per cent), which reduced alcohol consumption overall and for all beverage types by 3.4 per cent and 8.4 per cent, respectively.⁹⁹

Shopper dockets are liquor promotion vouchers located on supermarket shopping receipts. A prominent theme in shopper docket promotions is “buy some get some free”. A 2013 report Professor Sandra Jones prepared for the NSW Office of Liquor, Gaming and Racing (OLGR) cautioned that promotions which lead people into buying more alcohol than they had originally intended are likely to increase consumption, and that this is particularly the case for young people.¹⁰⁰ The report also notes that shopper dockets and other linkages between liquor and everyday grocery items sends a message to people, particularly children and young people, that alcohol is a normal, everyday product. The NSW Office of Liquor, Gaming and Racing conducted a six month investigation into shopper dockets, concluding that shopper dockets were “likely to encourage the misuse and abuse of liquor”.¹⁰¹ The agency consequently recommended that shopper dockets promoting discounted alcohol should be banned.^{iv}

Point of Sale promotions (POS) are promotional materials found within or on the exterior of licensed premises at the point where an alcohol purchase is made (for instance, happy hours, free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices). They often involve price or volume discounts have been found to be particularly effective in encouraging the purchase of increased volumes of alcohol.^{102,103} POS marketing is becoming more widespread¹⁰⁴ and this is likely to affect overall consumption of underage drinkers, as well as the consumption patterns of harmful drinkers, and regular drinkers.¹⁰⁵

Current situation

The Guidelines do not adequately address price promotions; nor does it appropriately regulate promotions within the contemporary market dynamics for liquor. The Code fails to recognise the significance of off-licence alcohol consumption and emerging methods of liquor promotion such as online marketing. The Code also does not cover online liquor promotions by licensees in SA. This is a significant omission in light of an increased online presence for liquor businesses.

The Code does not appropriately address the promotions practices of off-licence premises. This is an oversight, because a significant amount of alcohol consumption takes place in a domestic setting,¹⁰⁶ and because the effects of alcohol purchased off-licence often flow into on-licence premises and their surrounds. Pre-loading, or drinking before going out to a pub, club or bar, is a common practice among young people in particular, with the primary motivation to save money (given the large price

^{iv} Regrettably, the Director General of OLGR decided not to support his agency’s recommendations, thus allowed this harmful practice to continue.

differential between off- and on-licensed alcohol) but also in the context of socialising or to feel relaxed before going out.¹⁰⁷ Children and young people are often permitted into off-licence stores (for instance, to accompany their parents who are buying alcohol) and are likely to be exposed to prolific and inappropriate alcohol promotions.

An unacceptable practice under the Code and its Guidelines is the placement of advertisements for licensed businesses in close range to schools or other places where young people may be present. However, the Guidelines do not specify what is considered an appropriate distance for the prohibition of advertising placement.

Future directions

The Code should assign equal attention to the promotions practices of on- and off- licence premises. To that end, measures to limit harmful price discounting should be introduced. Companies like BWS sell three five-litre casks of wine for \$33 (the equivalent of 22 cents a standard drink) as part of bulk buying promotions. Ceasing harmful price discounting will reduce risky alcohol consumption and discourage risky practices such as preloading by minimising the price differential between on- and off-licence premises.

Shopper docket liquor promotions should be banned in SA. A ban on shopper dockets as a promotional activity for liquor is complementary to the current policy of barring of supermarkets from selling alcohol, which avoids positioning alcohol as an ordinary consumer commodity.

Regulations should be introduced in relation to the online practices of liquor licences in SA, following the example of Victoria. The Victorian guidelines for responsible liquor advertising and promotions provide more extensive coverage, including internet advertisements, websites, social media (such as Facebook or Twitter) and SMS text messages. The Victorian guidelines also note that “licensees should be aware that they may be responsible for advertisements on social media sites. This includes comments made by third parties, and advertisements and promotions made by promoters engaged by the licensee”.¹⁰⁸

The SA Government has a role to play in protecting children from exposure to alcohol advertising by removing advertisements from state property such as at bus stations and in and on public transport. There should also be controls imposed on the placement of alcohol advertisements in public spaces, specifying types of places and distances from these places where alcohol advertising is not permitted.

Recommendations

To regulate liquor promotions and price in the public interest, the SA Government should:

20. Strengthen the *Liquor Licensing Act 1997* to prohibit the harmful discounting and promotion of alcohol products by including provisions that:

- > address both on- and off- licence premises with equal weight
- > address online promotion practices of South Australian liquor licences
- > prohibit point of sale promotional materials for liquor (such as ‘happy hours’, free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices) from being displayed on and around licensed premises where minors are likely to be present
- > declare ‘shopper dockets’ (liquor promotion vouchers on the receipts for purchases) as a prohibited promotional activity

- > introduce regulations that limit the placement of alcohol promotions in public spaces where minors may be present
 - > set a minimum price for alcohol at one dollar per standard drink.
- 21. Extend the *Liquor Licensing Act 1997* to grant the Minister and the Commissioner for Licensing the powers to have active promotions discontinued or removed at their discretion.
- 22. Introduce a policy that prohibits alcohol promotions from being placed on SA Government property.

Risk-based annual fees

The impact of risk-based licensing in the Australian Capital Territory has been positive. A study by Mathews and Legrand showed that there have been declines in the absolute number of all offences, including those involving alcohol, since the introduction of risk-based licensing in December 2010.¹⁰⁹ The Australian Capital Territory system calculates licensing fees according to risk factors such as venue type, occupancy, trading hours and volume of gross liquor sold (for takeaway liquor outlets). Revenues generated contribute to recovering the policing and regulatory costs of alcohol-related incidents, with higher risk licensees paying more than lower risk licensees.

Current situation

SA does not apply risk-based licensing consistently. The state's consideration of foreseeable risk is limited to the risks posed by late-trading on-licence premises. This is reflected in the special Late Night Trading Code of Practice, the General Code of Practice, and the annual fee schedule. Fees are paid annually except for limited licences, and vary depending on the premises trading hours:

- hotel licence holders pay between \$109 to \$11,590 annually
- entertainment venue licence holders pay between \$109 to \$11,590 annually
- club licence holders pay between \$109 to \$11,590 annually
- special circumstances licence holders pay between \$109 to \$11,590 annually
- residential licence holders pay between \$109 to \$3,792 annually
- restaurant licence holders pay between \$109 to \$3,792 annually
- producer licence holders pay between \$109 to \$3,792 annually
- retail liquor merchant licence holders pay only \$758 annually
- wholesale liquor merchant licence holders pay only \$758 annually
- direct sales licence holders pay only \$758 annually
- small venue licence holders pay only \$109 annually.^{110,111}

Retail, wholesale and direct sales liquor merchants' annual fees are not escalated based on risk. Their meagre fees do not correspond with the volume of liquor and risk of associated harms they introduce to homes and communities. It is concerning that there is not a mechanism provided in the Act which

requires off-premises licence-holders to report on the volume of the alcohol they sell, and accordingly pay an annual licence fee which varies based on the volume of alcohol sold.

Future directions

SA should follow the lead of the Australian Capital Territory and NSW, and introduce a consistent risk-based licensing system that recovers costs associated with administration of the Act, law enforcement, and provision of public services responding to alcohol harms (including ambulance and police, emergency departments, social workers, and AOD treatment services).

A model for SA to consider is the scheme introduced in the Australian Capital Territory in 2010. In the Australian Capital Territory, on-trade licensees pay a base fee according to venue type, with additional fees levied for each trading hour beyond midnight and occupancies greater than eighty patrons. As illustrated in Table 2, shorter trading hours and smaller occupancies incur lower fees.¹¹²

Table 2. Australian Capital Territory risk-based licensing fee variables

Licence	Occupancy (pax)	Trading liquor until	Licence fee (per annum)
Nightclub	350	5am	\$25,184
Bar	350	5am	\$16,790
Nightclub	80-150	1am	\$8,394
Restaurant	350	5am	\$8,394
Bar	80-150	1am	\$5,595
Restaurant	80-150	1am	\$2,797

The annual licence renewal fees paid by off-trade licensees are based solely on the gross liquor purchase value for the annual reporting period. For off-trade licensees, renewal fees range from \$532 per annum for less than or equal to \$5,000 gross liquor purchased, to \$27,355 per annum for more than \$7,000,000 gross liquor purchased.¹¹³

SA's annual licence fees are considerably lower than those found in the ACT. While the annual fee for a 'Retail Liquor Merchant'-equivalent in the Australian Capital Territory is between \$575 and \$29,586,¹¹⁴ Retail Liquor Merchants in SA only pay a flat rate fee of \$758 annually. Unlike the Australian Capital Territory, in SA there is no escalation of fees based on the risk an off-licence outlet (such as Retail Liquor Merchant) poses to a community based on the volume of alcohol it makes available to a local area.

Recommendations

To regulate liquor licensing in the public interest, the SA Government should:

23. Introduce a risk-based licensing fee system for all licence types that, as a minimum, offsets the cost of alcohol-related harm borne by government and the community. Criteria established for the development of the scheme should be based on, as a minimum, the duration of trading hours and crowd capacity.
24. Retain the annual licence renewal process.

Part 3: Market monitoring in the public interest

Licensing data

The World Health Organization recommends the collection of alcohol sales data to inform policy-makers with a comprehensive picture of alcohol consumption and associated risks.¹¹⁵ The World Health Organization recognises alcohol sales data as the gold standard method for collecting per capita consumption, especially in countries such as Australia that have limited illicit or home produced alcohol.¹¹⁶ Licensing data collection and publication is important to ensure government accountability for concentrations of liquor outlets in localities where vulnerable people live.

Current situation

Licensing data is stored on the Department of Business and Consumer Services' liquor and gambling public register, which the current count of liquor licences in SA and lists current, applied for, suspended and revoked licences in the state. Trading hours, maximum occupancy, location and other more detailed information is not made publically available.

The Department publishes some decisions of interest, but does not report data on disciplinary action taken against licensees. This tempers the incentives for licensees to act in a responsible manner.

Alcohol sales data are information collected from either retailers or wholesalers regarding the volume of specific alcoholic beverage types sold; to the public (in the case of retailers) or to retailers (for wholesale sales data). In 2007, the Commonwealth Government endorsed the concept of a nationally consistent collection of alcohol sales data and funding the National Alcohol Sales Data Project (NASDP) jointly developed and managed by the Western Australia Drug and Alcohol Office and the National Drug Research Institute (NDRI) at Curtin University.

Currently SA is one of two Australian states or territories that does not collect wholesale alcohol sales data. Not only is SA missing vital information about alcohol consumption and how they may relate to harms, it is also a piece of the alcohol consumption puzzle. SA must introduce and mandate the collection of alcohol sales data in order to gain a clearer picture of alcohol consumption in SA as well as to progress the efforts of Australia as a whole.

The Social Development Committee of the Parliament of SA Inquiry into the Sale and consumption of Alcohol recommended the collection of alcohol sales data, the Committee's final report states "there is provision in the Liquor Licensing Act 1997 to require the collection of alcohol sales data".¹¹⁷ The SA Government response to the Committee's report indicated that the government is considering a proposal to collect alcohol sales data and that the data would contribute to the National Alcohol Sales Data project but no further commitments have been made by the SA Government.

Future directions

Transparency is a key component to an effective liquor licensing system.

Reliable estimates of alcohol consumption at sub-national geographical levels are critical for monitoring, policy evaluation and program development and targeting. Therefore, it is crucial that SA collect reliable data on alcohol sales. Given the logistical challenges involved in collecting detailed data direct from retailers, a consistent system of data collection from wholesalers and producers is the optimal path. Collecting detailed data provides more flexibility than simply collecting annual totals of

sales to particular regions, and concerns about commercial-in-confidence data can be managed when data are being published or released. The data collection should include:

- Transaction-level data on sales from wholesalers and producers to retailers who sell alcohol to the public. This level of detail will allow for monthly, quarterly or annual estimates of sales as appropriate.
- Retail outlet-level data, with standard public reporting of the data limited to appropriate geographical units (such as postcode), leaving open the possibility that more detailed data can be utilised for specific policy-relevant purposes.
- Data on price and volume should be included for each transaction.

Importantly, detailed beverage-specific data are required to fully understand patterns and trends in Australian drinking. Thus, an ideal data system should collect sales data broken down by:

- beer (distinguishing between low, mid and full strength beers)
- wine (distinguished by volume [bottled vs bulk] and strength [table vs fortified] of purchased wine)
- spirits (distinguishing between standard spirits [inclusive of liqueurs and aperitifs] and premixed ready-to-drink spirits)
- cider and other brewed products (distinguishing between high alcohol and regular products).

SA would also benefit from collecting regular and up to date data about characteristics of licensed premises (such as trading hours, occupancy and compliance with liquor legislation) to determine the extent to gain a greater indication of the impacts of these measures on harms and the ability for policies and programs to address influence these harms. Data on disciplinary action against licensees is vital to increase transparency and as a consequence, improve licensee accountability.

Recommendations

To monitor the SA liquor market in the public interest, the SA Government should:

25. Amend the *Liquor Licensing Act 1997* to include:

- > collection and public reporting of alcohol sales data to inform the National Alcohol Sales Project
- > collection and public reporting of data on liquor licensees' occupancy, trading hours and compliance with the liquor legislation
- > public reporting of data pertaining to disciplinary action against licensees.

Alcohol harms data

Alcohol harms data has been a critical tool for the conduct of research to inform policy-makers of the impact of the current system and efficacy of alcohol policy changes, for example:

- The City of Newcastle, NSW, late-night trading hour restrictions and RSA operations policy.
- The Sydney CBD and Kings Cross, NSW, late-night trading hour restrictions and RSA operations policy.

- A recent study examining associations between alcohol sold through off-premise liquor outlets and the incidence of traumatic injury in surrounding areas.¹¹⁸
- A study of the effects of changes in the number of off-licence alcohol outlets in neighbourhoods in Melbourne over time and domestic violence rates.¹¹⁹

Without the collection of this data over time, policy-makers are ‘flying blind’ in their pursuit of effective and evidence-based harm prevention.

Current situation

The Office of Crime Statistics and Research (OCSAR) and SA Police do not routinely publish data sets on the extent of alcohol’s involvement in assaults (including family violence). In the most recent *South Australia Police Annual Report 2014-2015*¹²⁰ and OCSAR’s *Offence Profile for South Australia in 2014*,¹²¹ the majority of alcohol harms data reported relates to drink driving. The SA Police report contains some information regarding Public Order Offences (which primarily comprise possession and consumption of liquor in a public place and offensive/disorderly conduct in or near licensed premises).

The SA Department of Health does not publish the data sets for hospitalisations, emergency department presentations and ambulance attendances coding for the involvement of alcohol.

SA is lagging behind the rest of the country when it comes to the collection and reporting of alcohol harms data. Without a clear and publicly-available picture of the state of alcohol-related harms in SA, it is difficult for government agencies, stakeholders and community members to check the effectiveness of harm-minimisation policies introduced into the state.

Future directions

Expanding the collection of health and crime data to include information on the involvement of alcohol is an important step in understanding the impact and cost of alcohol on the SA health system.

Harms data in NSW is collected through a number of agencies. The BOSCAR collects and reports on alcohol-related assaults on police, domestic and non-domestic assaults and offensive behaviours in each local government area. NSW Health collects and publishes data on alcohol-attributable hospitalisations, deaths, injuries and emergency department presentations.

OCSAR should publish data sets for assaults (including domestic assaults) which are coded for alcohol involvement and the SA Department of Health should publish the data sets for hospitalisations, emergency department presentations and ambulance attendances that code for alcohol involvement. OCSAR and SA Department of Health should also collect and report on data on place of last drink as this would provide valuable information on which premises or areas are associated with harm incidents.

These indicators should be compiled annually and presented to Consumer and Business Services and Attorney General to inform their decision making on alcohol policies.

Recommendations

To monitor alcohol harms in the public interest, the SA Government should:

26. Produce a whole of government report on key alcohol-related harms indicators annually for Consumer and Business Services and Attorney General to inform their decision making on alcohol policies.

27. Extend the collection of alcohol-related data to include other types of data such as:

- > alcohol-related emergency department presentation
- > alcohol-related ambulance attendances
- > alcohol-related criminal justice data
- > alcohol-related community services data.

Meaningful sanctions

Swift and certain sanctions are strong and predictable deterrents and penalties for offensive and dangerous conduct. This approach by Professor of Public Policy at the University of California, Mark Kleimann, contends that “if punishment is swift and certain, it need not be severe to be efficacious. If punishment is uncertain and delayed, it will not be efficacious even if it is severe”.¹²²

Dr Kleimann proposes that this approach is applicable to most contexts of law enforcement.¹²³

Current situation

Provisions are included in the Act that provides deterrents and penalties for offensive and dangerous conduct. The Commissioner of Police reports to the Minister a record of orders made, names of licensed premises involved, the period of intervention and the grounds for the actions taken.

Police have the authority to issue orders requiring persons to leave licensed premises or impose the closure of premises for up to 24 hours if the safety of patrons cannot be achieved otherwise.¹²⁴ This power serves public safety when a senior police officer deems it to be unsafe for the public to be at a licensed premises due to “prevailing conditions”.

What is uncertain is the capacity of the regulator and supporting agencies (such as police) to predictably and consistently use these provisions to enforce compliance with the Act. In addition, the Act does not specify the type of “prevailing conditions” that warrant police intervention.

Future directions

Public safety and wellbeing would be well-supported by swift enforcement and certain warnings and penalties for liquor industry operators and their staff in breach of the Act and its instruments.

Temporary closures of venues are meaningful sanctions and a practical aid for emergency services to help victims of alcohol-related crimes on licensed premises, and to preserve the associated crime scene and safety of patrons at the premises in question.

The Act should define what “prevailing conditions” justify a temporary closure. This should include alcohol-related assaults on licensed premises, or near the entry or exit points of licensed premises.

Recommendations

To enforce meaningful sanctions for breaches of the Act, the SA Government should:

28. Amend Section 128C of the *Liquor Licensing Act 1997* to clarify the incidents that would warrant a temporary closure of a licensed premises. It is important that this includes alcohol-related violence which results in serious injury to persons in or near licensed premises.

Controlled purchase operations

Controlled purchase operations involve supervised minors attempting to buy liquor from licensed premises to test licensees' compliance with supply laws. New Zealand currently utilises controlled purchase operations for alcohol service. These have worked effectively for many years to support New Zealand Police in their applications to licensing authorities for the suspension or cancellation of offenders' liquor licences.^{125,126} For 4.8 per cent of students aged 12-17 years who consume alcohol have purchased their last alcoholic beverage themselves from a licensed venue. This increased to 7.3 per cent for students aged 16-17 years.¹²⁷

Current situation

Under the Act, it is an offence to sell or supply alcohol to a person aged under 18 years of age in licensed premises. This applies to licensees, other responsible persons and staff acting on the licensee's behalf, and patrons. There is no provision in the Act for identification of irresponsible licensees in regards to proof of age. Furthermore, licensees and their employees are protected by a 'deception defence' if the staff who provided alcohol to the minor were misled to believe that the minor was an adult (such as through the use of a fake ID).¹²⁸

Future directions

The ease with which some minors can purchase alcohol indicates a need for rigorous enforcement for the direct sale of alcohol to young people. Controlled purchase operations (CPOs) are one option.

SA Health regularly undertakes CPOs to support the *Tobacco Products Regulation Act 1997*.¹²⁹ CPOs should also be conducted for responsible service of alcohol enforcement in order to monitor and enforce the Act. New Zealand uses CPOs for alcohol service. These have worked effectively for many years to support New Zealand Police in suspension or cancellation of liquor licences for secondary supply offences.^{130,131}

Recommendations

To enforce secondary supply laws in the public interest, the SA Government should:

29. Legalise controlled purchase operations under Part 7 of the *Liquor Licensing Act 1997* to identify and prosecute licensees who sell alcohol to people under the age of 18 years.
30. Remove the words "made a false statement, or" from Section 110 (3b) of the *Liquor Licensing Act 1997*.

Reference

- ¹ Drug and Alcohol Services South Australia (DASSA). (2011). *South Australian alcohol and other drug strategy 2011-2016*. Adelaide: Government of South Australia, p.16.
- ² Ståhl, T. et al. eds. (2006). *Health in all policies: Prospects and potentials*. Helsinki: Finland Ministry of Social Affairs and Health.
- ³ Drug and Alcohol Services South Australia (DASSA). (2011). *South Australian alcohol and other drug strategy 2011-2016*. Adelaide: Government of South Australia, p.10.
- ⁴ Wheeler, C. (2006). The public interest: We know it's important, but do we know what it means. *Australian Institute of Administrative Law Forum* 48(12), pp.12-25.
- ⁵ National Health and Medical Research Council. (2009). *Australian guidelines to reduce health risks from drinking alcohol*. Canberra: Commonwealth of Australia.
- ⁶ Babor, T., et al. (2010). *Alcohol: No ordinary commodity. Research and public policy*. 2nd Edition. Oxford: Oxford University Press, p.15-16.
- ⁷ Babor, T., et al. (2010). *Alcohol: No ordinary commodity. Research and public policy*. 2nd Edition. Oxford: Oxford University Press, p.17.
- ⁸ Drug and Alcohol Services South Australia (DASSA). (2013). Alcohol-attributable mortality and morbidity rates in South Australia. *Statistical Bulletin* No.6. Adelaide: DASSA.
- ⁹ Drug and Alcohol Services South Australia (DASSA). (2013). Alcohol-attributable mortality and morbidity rates in South Australia. *Statistical Bulletin* No.6. Adelaide: DASSA.
- ¹⁰ Australian Institute for Health and Welfare (AIHW) and the Australian Bureau of Statistics (ABS). (2008). *The health and welfare of Australia's Aboriginal and Torres Strait Islander peoples 2008*. Canberra: ABS & AIHW.
- ¹¹ Steering Committee for the Review of Government Service Provision (2011). *Overcoming Indigenous disadvantage: Key indicators 2011*. Canberra: Productivity Commission.
- ¹² World Health Organization (WHO). (2010). *Global strategy to reduce the harmful use of alcohol*. Geneva: WHO.
- ¹³ SA Health. (Date unknown). *Alcohol harm statistics*. Adelaide: SA Health. Retrieved from: www.sahealth.sa.gov.au
- ¹⁴ SA Health. (Date unknown). *Alcohol harm statistics*. Adelaide: SA Health. Retrieved from: www.sahealth.sa.gov.au
- ¹⁵ Laslett, AM., Callinan, S., Mugavin, J., Jiang, H., Livingston, M., & Room, R. (2015). *Beyond the drinker: Longitudinal patterns in alcohol's harm to others*. Canberra: Foundation for Alcohol Research and Education.
- ¹⁶ Foundation for Alcohol Research and Education (FARE). (Date unknown). *About alcohol's \$36 billion cost*. Canberra: FARE. Retrieved from: www.fare.org.au
- ¹⁷ Audit Officer of New South Wales. (2013). *New South Wales Auditor-General's report: Performance audit. Cost of alcohol abuse to the NSW Government*. Sydney: Audit Office of NSW, p.3.
- ¹⁸ Audit Officer of New South Wales. (2013). *New South Wales Auditor-General's report: Performance audit. Cost of alcohol abuse to the NSW Government*. Sydney: Audit Office of NSW, p.3.
- ¹⁹ AIHW. (2014). Online data table 7.5 'Lifetime risk status, people aged 14 years or older, by state/territory, 2013 (per cent)'. *National Drug Strategy Household Survey: State and territory comparisons chapter*. Canberra: AIHW.
- ²⁰ AIHW. (2014). Table 7.7: Alcohol consumption (2009 guidelines), people aged 14 years or older at risk of alcohol-related harm over a lifetime(a), by age and state/territory, 2013 (per cent)'. *National Drug Strategy Household Survey: State and territory comparisons chapter*. Canberra: AIHW.
- ²¹ Davoren, S. & O'Brien, P. (2013). Regulating to reduce alcohol-related harm: liquor licensing and the harm minimisation test. Chapter 5 in *Stemming the tide: Liquor licensing and the public interest*. Canberra: Foundation for Alcohol Research and Education (FARE).
- ²² *Kordister Pty Ltd v Director of Liquor Licensing & Anor* [2012] VSCA 325 (19 December 2012)
- ²³ Australian Health Ministers' Advisory Council (AHMAC). (2012). *Aboriginal and Torres Strait Islander health performance framework 2012 report*. Canberra: AHMAC.
- ²⁴ Australian Health Ministers' Advisory Council (AHMAC). (2012). *Aboriginal and Torres Strait Islander health performance framework 2012 report*. Canberra: AHMAC.
- ²⁵ Buffinton, L. (2013). Community engagement in liquor licensing. Chapter 7 in *Stemming the tide: Liquor licensing and the public interest*. Canberra: Foundation for Alcohol Research and Education (FARE).
- ²⁶ FARE. (2015). *Annual alcohol poll 2015*. Canberra: FARE, p.40.
- ²⁷ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 52(2).
- ²⁸ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 52(3).
- ²⁹ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 51A.
- ³⁰ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 52(2)(b).
- ³¹ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 52(2)(c).
- ³² Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 77(1).
- ³³ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 77(5).
- ³⁴ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 75A.

-
- ³⁵ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 76(2-3).
- ³⁶ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 76(4).
- ³⁷ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 76(5).
- ³⁸ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 106(1).
- ³⁹ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Paragraph (b) of Section 106(3).
- ⁴⁰ Babor, T., et al. (2010). *Alcohol: No ordinary commodity. Research and public policy. 2nd Edition*. Oxford: Oxford University Press.
- ⁴¹ Jochelson, R. (1997). *Crime and place: An analysis of assaults and robberies in Inner Sydney*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁴² Briscoe, S. & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁴³ Jochelson, R. (1997). *Crime and place: An analysis of assaults and robberies in Inner Sydney*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁴⁴ Briscoe, S. & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁴⁵ Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919–25.
- ⁴⁶ Chikritzhs, T. & Stockwell, T. (2006). The impact of later trading hours for hotels on levels of impaired driver road crashes and driver breath alcohol levels. *Addiction* 101(9): 1254-64.
- ⁴⁷ Laslett, A.M., et al. (2015). *The hidden harm: Alcohol's impact on children and families*. Canberra: Foundation for Alcohol Research and Education (FARE).
- ⁴⁸ Stockwell, T., & Chikritzhs, T. (2009). Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking. *Crime Prevention and Community Safety* 11: 153-170.
- ⁴⁹ Kypri, K., Jones, C., McElduff, P., & Barker, D.J. (2010). Effects of restricting pub closing times on night-time assaults in an Australian city. *Addiction* 106 (2): 303-310.
- ⁵⁰ Rossow, I. & Norström, T. (2011). The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction* 107(3): 530-7.
- ⁵¹ Kypri, K., Jones, C., McElduff, P., & Barker, D.J. (2010). Effects of restricting pub closing times on night-time assaults in an Australian city. *Addiction* 106 (2): 303-310.
- ⁵² Kypri, K., Jones, C., McElduff, P., & Barker, D.J. (2010). Effects of restricting pub closing times on night-time assaults in an Australian city. *Addiction* 106 (2): 303-310.
- ⁵³ Kypri, K., McElduff, P. & Miller, P. (2014). Restrictions in pub closing times and lockouts in Newcastle, Australia five years on. *Drug and Alcohol Review* 33(3): 323–6.
- ⁵⁴ Menéndez, P., Weatherburn, D., Kypri, K. & Fitzgerald, J. (2015). Lockouts and last drinks: The impact of the January 2014 liquor licence reforms on assaults in NSW, Australia. *Crime and Justice Bulletin: Contemporary Issues in Crime and Justice*, Number 183.
- ⁵⁵ Wicki, M. & Gmel, G. (2011). Hospital admission rates for alcoholic intoxication after policy changes in the canton of Geneva, Switzerland. *Drug and Alcohol Dependence* 118(2): 209-215.
- ⁵⁶ Casswell, S., Huckle, T., Wall, M., & Yeh, L.C. (2014). International alcohol control study: Pricing data and hours of purchase predict heavier drinking. *Alcoholism: Clinical and Experimental Research* 38(5): 1425-1431.
- ⁵⁷ Auckland Council. (n.d). *Local Alcohol Policy Research Report: Information to support the development of a local alcohol policy*. Auckland: Auckland Council.
- ⁵⁸ Auckland Council. (2015). *Explanatory Document for the Provisional Auckland Council Local Alcohol Policy*. Auckland: Auckland Council.
- ⁵⁹ Alcohol Healthwatch. (2014). *This is your chance to have a say!* Auckland: The Auckland Council. Retrieved from: www.arphs.govt.nz
- ⁶⁰ FARE. (2015). *Annual alcohol poll 2015*. Canberra: FARE, p.41.
- ⁶¹ Liang, W. & Chikritzhs, T. (2010). Revealing the link between licensed outlets and violence: Counting venues versus measuring alcohol availability. *Drug and Alcohol Review* 30: 524-535.
- ⁶² Morrison, C. & Smith, K. (2015). *Disaggregating relationships between off-premise alcohol outlets and trauma*. Canberra: Monash University, Ambulance Victoria and Foundation for Alcohol Research and Education (FARE).
- ⁶³ Donnelly, N., Menéndez, P., & Mahoney, N. (2014). The effect of liquor licence concentrations in local areas on rates of assault in NSW. *Contemporary Issues in Crime and Justice* No. 81. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁶⁴ Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919–25.
- ⁶⁵ Liang, W. & Chikritzhs, T. (2010). Revealing the link between licensed outlets and violence: Counting venues versus measuring alcohol availability. *Drug and Alcohol Review* 30: 524-535.
- ⁶⁶ Livingston, M. & Victorian Health Promotion Foundation (VicHealth). (2011). *Using geocoded liquor licensing data in Victoria: The socioeconomic distribution of alcohol availability in Victoria*. Retrieved from: www.vichealth.vic.gov.au
- ⁶⁷ Livingston, M. (2012). The social gradient of alcohol availability in Victoria, Australia. *Australian and New Zealand Journal of Public Health* 36(1): 41-47.
- ⁶⁸ World Health Organization (WHO). (2006). *WHO facts on: Child maltreatment and child abuse*. Geneva: WHO. Retrieved from: www.who.int/violence_injury_prevention

- ⁶⁹ Hadfield, P. & Measham, F. (2009). England and Wales. Cited in Hadfield, P. (ed), *Nightlife and crime: Social order and governance in international perspective*. New York: Oxford University Press Inc., pp.19-50.
- ⁷⁰ Matthews, S. (2009). *To compare regulatory and planning models which reduce crime in the night time economy*. Sydney: The Churchill Memorial Trust of Australia.
- ⁷¹ White, V., & Bariola, E. (2012). *Australian secondary school students' use of tobacco, alcohol, and over-the counter and illicit substances in 2011*. Melbourne: Cancer Council Victoria. Report prepared for the Drug Strategy Branch of the Australian Government Department of Health and Ageing.
- ⁷² White, V., & Bariola, E. (2012). *Australian secondary school students' use of tobacco, alcohol, and over-the counter and illicit substances in 2011*. Melbourne: Cancer Council Victoria. Report prepared for the Drug Strategy Branch of the Australian Government Department of Health and Ageing.
- ⁷³ Gilligan, C., Thompson, K., Bourke, J., Kypri, K. & Stockwell, T. (2014). "Everybody else is doing it" – Norm perceptions among parents of adolescents. *Journal of Studies on Alcohol and Drugs*, 75, 908-918.
- ⁷⁴ Babor, T. et al. (2010). Modifying the drinking context: Licensed drinking environment and other contexts. Chapter 10 in *Alcohol: No ordinary commodity. Research and public policy. 2nd Edition*. Oxford: Oxford University Press.
- ⁷⁵ National Health and Medical Research Council (NHMRC). (2009). *Australian guidelines to reduce health risks from drinking alcohol*. Canberra: Commonwealth of Australia.
- ⁷⁶ National Health and Medical Research Council (NHMRC). (2009). *Australian guidelines to reduce health risks from drinking alcohol*. Canberra: Commonwealth of Australia.
- ⁷⁷ Bridle, R., Miller, J., King, T. & Christou, A. (2012). *Australian school students alcohol and drug survey: Alcohol report 2011 – Western Australia results*. Perth: Drug and Alcohol Office, Government of Western Australia.
- ⁷⁸ Government of Western Australia. (2015). *Secondary supply law goes before Parliament*. Media release. Retrieved from www.mediastatements.wa.gov.au
- ⁷⁹ National Drug Research Institute (NDRI). (2007). *Preventing harmful drug use in Australia, restrictions on the sale and supply of alcohol: Evidence and outcomes*. Perth: Curtin University.
- ⁸⁰ Miller, P., et al. (2013). *Patron offending and intoxication in night time entertainment districts (POINTED). Final report*. Geelong: Deakin University for the National Drug Law Enforcement Research Fund.
- ⁸¹ Miller, P., et al. (2012). *Dealing with alcohol-related harm and the night-time economy (DANTE)*. Monograph Series No. 43. Canberra: National Drug Law Enforcement Research Fund.
- ⁸² Jochelson, R. (1997). *Crime and place: An analysis of assaults and robberies in Inner Sydney*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁸³ Briscoe, S., & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁸⁴ Jochelson, R. (1997). *Crime and place: An analysis of assaults and robberies in Inner Sydney*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁸⁵ Briscoe, S., & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- ⁸⁶ Pennay, A., Lubman, D. & Miller, P. (2011). Combining energy drinks and alcohol: A recipe for trouble? *Australian Family Physician* 40(3): 104-107.
- ⁸⁷ Miller, P., et al. (2012). *Dealing with alcohol-related harm and the night-time economy (DANTE)*. Monograph Series No. 43. Canberra: National Drug Law Enforcement Research Fund.
- ⁸⁸ Australian Institute of Health and Welfare (AIHW). (2014). *National drug strategy household survey detailed report: 2013: State and territory tables*. Canberra: AIHW.
- ⁸⁹ Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: a systemic review of longitudinal studies. *Alcohol and Alcoholism* 44:229-43.
- ⁹⁰ Aitken, P.P., Eadie, D.R. Leathar, D.S., McNeill, R.E.J., & Scott, A.C. (1988). Television advertisements for alcoholic drinks do reinforce under-age drinking. *British Journal of Addiction* 83(12): 1399-1419.
- ⁹¹ Jones, S.C. & Gregory, P. (2007). *What does alcohol advertising tell young people about drinking?*, Proceedings of the Australian and New Zealand Marketing Academy (ANZMAC) Conference, 1168-1174.
- ⁹² Anderson, P., de Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: a systemic review of longitudinal studies. *Alcohol and Alcoholism* 44:229-43.
- ⁹³ Gordon, R., MacKintosh, A.M., & Moodie, C. (2010). The impact of alcohol marketing on youth drinking behaviour: A two-stage cohort study. *Alcohol and Alcoholism* 45(5): 470-480.
- ⁹⁴ Smith, L.A., & Foxcroft, D.R. (2009). The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: Systematic review of prospective cohort studies. *BMC Public Health* 9(51).
- ⁹⁵ Jones, S.C & Magee, C.A. (2011). Exposure to alcohol advertising and alcohol consumption among Australian adolescents. *Alcohol and Alcoholism* 46 (5): 630-637.
- ⁹⁶ Wyatt, A. (2015). Junk food, alcohol and gambling advertising banned on Canberra's ACTION buses. *ABC News*. 28 September. Retrieved from www.abc.net.au
- ⁹⁷ Foundation for Alcohol Research and Education (FARE). (2015). *Annual alcohol poll 2015*. Canberra: FARE.

- ⁹⁸ Wagenaar, A.C., Salois, M.J., & Komro, K.A. (2009). Effects of beverage alcohol price and tax levels on drinking: a meta-analysis of 1003 estimates from 112 studies. *Addiction* 104: 179-190.
- ⁹⁹ Stockwell, T., Auld, M.C., Zhao, J. & Martin, G. (2012). Does minimum pricing reduce alcohol consumption? The experience of a Canadian province. *Addiction* 107: 912-920.
- ¹⁰⁰ Jones, S.C. (2013). *Expert report on "shopper docket" alcohol promotions*. Report prepared for the New South Wales Office of Liquor, Gaming and Racing. Retrieved from: www.drinktank.org.au
- ¹⁰¹ Giorgi, C. & Ferguson, A. (2014). *Shopper dockets: The OLGR investigation*. Retrieved from: www.drinktank.org.au
- ¹⁰² Jones, S.C., & Smith, K.M. (2011). The effect of point of sale promotions on the alcohol purchasing behaviour of young people in metropolitan, regional and rural Australia. *Journal of Youth Studies* 14(8): 885-900.
- ¹⁰³ Kuo, M., Wechsler, H., Greenberg, P., & Lee, H. (2003). The marketing of alcohol to college students: The role of low prices and special promotions. *American Journal of Preventive Medicine* 25(3): 204-211.
- ¹⁰⁴ Australian National Preventive Health Agency (ANPHA). (2014). *Alcohol advertising: The effectiveness of current regulatory codes in addressing community concerns*. Draft report. Canberra: ANPHA.
- ¹⁰⁵ Meier, P., et al. (2008). *Independent review of the effects of alcohol pricing and promotion. Part A: Systematic reviews*. Sheffield: University of Sheffield.
- ¹⁰⁶ Foundation for Alcohol Research and Education (FARE). (2015). *Annual alcohol poll 2015*. Canberra: FARE.
- ¹⁰⁷ Foundation for Alcohol Research and Education (FARE). (2015). *Annual alcohol poll 2015*. Canberra: FARE.
- ¹⁰⁸ Victorian Commission for Gaming and Liquor Regulation (VCGLR). (2013). *Guidelines for responsible liquor advertising and promotions*. Retrieved from: www.vcglr.vic.gov.au
- ¹⁰⁹ Mathews, R. & Legrand, T. (2013). *Risk-based licensing and alcohol-related offences in the Australian Capital Territory*. Canberra: Foundation for Alcohol Research and Education (FARE) and the Australian Research Council (ARC) Centre of Excellence in Policing and Reporting.
- ¹¹⁰ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 50A.
- ¹¹¹ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing (General) Regulations 2012*.
- ¹¹² Mathews, R. & Legrand, T. (2013). *Risk-based licensing and alcohol-related offences in the Australian Capital Territory*. Canberra: Foundation for Alcohol Research and Education (FARE) and the Australian Research Council (ARC) Centre of Excellence in Policing and Reporting, p.10.
- ¹¹³ Mathews, R. & Legrand, T. (2013). *Risk-based licensing and alcohol-related offences in the Australian Capital Territory*. Canberra: Foundation for Alcohol Research and Education (FARE) and the Australian Research Council (ARC) Centre of Excellence in Policing and Reporting, p.10.
- ¹¹⁴ ACT Government (2015). *Liquor (Fees) Determination 2015*, made under the *Liquor Act 2010* (ACT), s 227 (Determination of fees).
- ¹¹⁵ World Health Organization (WHO). (2000). *International guide for monitoring alcohol consumption and related harm*. Geneva: WHO.
- ¹¹⁶ World Health Organization (WHO). (2000). *International guide for monitoring alcohol consumption and related harm*. Geneva: WHO. Retrieved May 2015 from <http://apps.who.int/iris/handle/10665/66529>
- ¹¹⁷ Social Development Committee of the South Australian Parliament. (2014). *Inquiry into the sale and consumption of alcohol. Thirty sixth report of the Social Development Committee*.
- ¹¹⁸ Morrison, C. & Smith, K. (2015). *Disaggregating relationships between off-premise alcohol outlets and trauma*. Canberra: Monash University, Ambulance Victoria and Foundation for Alcohol Research and Education (FARE).
- ¹¹⁹ Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919-25.
- ¹²⁰ SA Police. (2015). *Annual report 2014-2015*. Adelaide: SA Police.
- ¹²¹ Government of South Australia Office of Crime Statistics and Research. (2014). *Offence profile*. Retrieved from: www.ocsar.sa.gov.au
- ¹²² Kleimann, M.A.R. (2013). Smart on crime. *Democracy Journal* 28 (Spring). Retrieved from: www.democracyjournal.org.
- ¹²³ Kleimann, M.A.R. (2010). *When brute force fails: How to have less crime and less punishment*. Princeton, NJ: Princeton University Press.
- ¹²⁴ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 128(C).
- ¹²⁵ New Zealand Police. (2011). *Operation unite: Controlled purchase operation*. Retrieved from: www.police.govt.nz
- ¹²⁶ Marriott-Lloyd, P. & Webb, M. (2002). *Tackling alcohol-related offences and disorder in New Zealand*. Wellington: New Zealand Police Policy Unit, Office of the Commissioner. Retrieved from: www.ndp.govt.nz
- ¹²⁷ White, V. & Bariola, E. (2012). *Australian secondary school students' use of tobacco, alcohol, and over-the counter and illicit substances in 2011*. Melbourne: Cancer Council Victoria. Report prepared for the Drug Strategy Branch of the Australian Government Department of Health and Ageing.
- ¹²⁸ Government of South Australia Attorney-General's Department (2015). *Liquor Licensing Act 1997*. Section 110(3).
- ¹²⁹ Government of South Australia. (2012). *Sale of tobacco to minors*. Retrieved from: www.sahealth.sa.gov.au
- ¹³⁰ New Zealand Police. (2011). *Operation unite: Controlled purchase operation*. Retrieved from: www.police.govt.nz
- ¹³¹ Marriott-Lloyd, P. & Webb, M. (2002). *Tackling alcohol-related offences and disorder in New Zealand*. Wellington: New Zealand Police Policy Unit, Office of the Commissioner. Retrieved from: www.ndp.govt.nz



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