



**NSW/ACT Alcohol Policy Alliance  
Submission to the Two Year Review of the ACT  
Liquor Laws and Licensing Fees**

**November 2013**



## About the NSW/ACT Alcohol Policy Alliance

The NSW ACT Alcohol Policy Alliance (NAAPA) aims to reduce alcohol-related harms by ensuring that evidence-based solutions inform alcohol policy discussions in NSW and ACT. NAAPA currently has 41 member organisations from a range of fields including health, community, law enforcement, emergency services and research.

The following are the ACT members of NAAPA:

- Alcohol Tobacco and Other Drugs Association ACT (ATODA)
- Australian Medical Association ACT
- Canberra Recovery Service, Salvation Army
- Cancer Council ACT
- CatholicCare Canberra & Goulburn
- DIRECTIONS ACT
- Foundation for Alcohol Research and Education (FARE)
- Karralika Programs Inc.
- Public Health Association of Australia ACT Branch
- Ted Noffs Foundation (ACT)



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## Introduction

The NSW ACT Alcohol Policy Alliance (NAAPA) welcomes the opportunity to provide a submission to Australian Capital Territory (ACT) Justice and Community Safety Directorate's *Two Year Review of ACT Liquor Laws And Licensing Fees* ('Liquor Act Review') being undertaken by ACIL Allen Consulting. This Review provides the ACT Government with an opportunity to prioritise evidence-based policies to reduce alcohol-related harms.

In 2010 the ACT Government introduced a number of reforms to the *Liquor Act 2010* (ACT) (the Liquor Act), including the introduction of a risk-based licensing regime and allowing for community engagement in licensing matters through objection and complaint processes.

However, these reforms have not gone far enough to prevent alcohol-related harms. This is evidenced by responses from ACT Health representatives at the consultation forum hosted by ACIL Allen Consulting on 23 October 2013 which indicated that the ACT has experienced increases in alcohol-related hospital emergency department presentations and hospital separations over time.


FARE's 2013 *Annual Alcohol Poll* Snapshot on NSW and the ACT found that the majority (75 per cent) of adults believe that Australia has a problem with excess drinking or alcohol abuse, with 77 per cent believing that alcohol-related problems will either remain the same or get worse over the next five to ten years.<sup>1</sup> Three quarters (76 per cent) also believe that more needs to be done to reduce alcohol related harms.

Reforms to the regulation of alcohol must be comprehensive, and must acknowledge that the current system of regulation is not adequately mitigating alcohol-related harms to consumers and to others. The recommendations included within this submission are practical and proven solutions to reduce alcohol-related harms. The ACT Government should use this Review as an opportunity to introduce these policies and further demonstrate their commitment to reducing alcohol-related harms.



## Recommendations

1. The *Liquor Act 2010* should be amended to elevate harm minimisation to being the single primary Object of the Act and subordinate all other Objects.
2. Schedule 2 of the *Liquor Regulation 2010* should be amended to reduce trading hours for all new and existing liquor licences to the following:
  - Opening times for all licensed premises (including off licences) across the ACT should be no earlier than 10.00am; and
  - Standard closing times for all on licence (midnight) and off licence (11.00pm) premises should be retained, with extended trading venues' closing times limited to 3.00am and lockouts (preventing entry for patrons) no later than 1.00am.
3. The *Liquor Act 2010* should include outlet density provisions that:
  - Empower the Commissioner for Fair Trading and the Chief of Police to declare saturation zones where they deem alcohol-related harms to be significant; and
  - Require the Commissioner for Fair Trading to take into consideration the existing density of liquor outlets when making decisions on new liquor licence applications.
4. The *Liquor Act 2010* should be strengthened to prohibit the harmful discounting and promotion of alcohol products by including provisions under regulation 29 of the *Liquor Regulation 2010* that:
  - Address both on and off licence premises with equal weight;
  - Declare 'Shopper docket' (liquor promotion vouchers on the receipts for purchases) as a prohibited promotional activity;
  - Set a minimum price for alcohol at one dollar per standard drink; and
  - Prohibit point of sale promotional materials for liquor (e.g. '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.
5. The *Liquor Regulation 2010* should be amended to include provisions that licensees and managers of all new and existing off licence premises that sell alcohol among other consumer products, such as supermarkets, should be required to:
  - Isolate designated floor space for alcohol products (liquor area) away from other products; and
  - Disallow persons under the age of 18 entering the designated area on the premises.
6. Section 137 of the *Liquor Act 2010* should be extended to grant the Attorney General and the Commissioner for Fair Trading the powers to have active promotions discontinued or removed at their discretion.
7. The ACT Government should introduce a policy that prohibits alcohol promotions from being placed on ACT Government property.
8. The *Liquor Act 2010* should be strengthened to enhance community and stakeholder input in liquor licensing matters by:
  - Requiring all applicants for liquor licences, liquor permits, licence amendments and licence transfers to comply with public consultation requirements under Division 2.4 of the *Liquor Act 2010*;

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- Including easily accessible information on the Office of Regulatory Services (ORS) website on how community members can make complaints or objections relating to the *Liquor Act 2010*;
  - Requiring all applicants under Division 2.4 of the *Liquor Act 2010* to notify the following stakeholders within three days of submitting their licence application: ACT Health, ACT Policing, local hospitals, places of worship, educational institutions, facilities for vulnerable persons and managers of alcohol-free zones, public parks and sporting grounds. This notice to stakeholders should declare the submission date of the licence application, and note their rights as stakeholders to make written representations to the Commissioner for Fair Trading;
  - Requiring the Commissioner for Fair Trading under Division 2.4 of the *Liquor Act 2010* to follow-up with ACT Health and ACT Policing in relation to licence applications within 14 days of the consultation period closing. A lack of written representations from ACT Health and ACT Policing in relation to licence applications should not be presumed by the Commissioner for Fair Trading to be a tacit approval of an application; and
  - Establishing clear timeframes for ORS to acknowledge in writing the receipt, investigation and action on complaints (under Division 11.2 of the *Liquor Act 2010*) and representations from the public (under Division 2.4 of the *Liquor Act 2010*).
9. Secondary supply laws under the *Liquor Act 2010* should be strengthened, and public awareness of these laws should be improved, by:
- Removing the defence under section 110 (6) of the *Liquor Act 2010*, and in its place the *Liquor Act 2010* should declare that a licensee, permit holder or employee commits an offence if they sell or supply alcohol to a person under 18 years of age;
  - Amending the *Liquor Act 2010* to incorporate secondary supply and irresponsible supply laws which prohibit the provision of alcohol to minors and the inadequate supervision of a minor's alcohol consumption both at on and off licensed and permitted premises;
  - Amending the *Liquor Act 2010* to require adults to obtain consent from a minor's parent or guardian before supplying alcohol to a minor if the parent or guardian is not present to supervise the minor's alcohol consumption; and
  - Developing a comprehensive public education campaign that informs the general public of secondary supply laws and the risks associated with the consumption of alcohol by minors.
10. Controlled purchase operations should be legalised under Part 10 of the *Liquor Act 2010* to identify and prosecute licensees found to be selling alcohol to people under the age of 18 years.
11. Section 216 (1) (b) of the *Liquor Act 2010* should be amended to require the Liquor Advisory Board membership to consist of representatives from ORS, ACT Policing, the alcohol and other drug community sector, ACT Health, ACT Planning and Land Authority, and an academic with experience in alcohol policy.
12. Section 217 of the *Liquor Act* should be amended to define the Liquor Advisory Board's role as being to advise the Attorney General on alcohol-related harms and the *Liquor Act 2010*, including the provision of advice to the Attorney General on ways to strengthen the Act and the policies supporting it.
13. The collection of alcohol-related data in the ACT should be enhanced by:
- Amending Part 1.5 of Schedule 1 of the *Liquor Regulation 2010* to include the collection of cider sales as part of wholesale data collection;



- Requiring ORS to publicly report on the characteristics of licences to include occupancy, trading hours, licence type, and volume of alcohol sold for off licence;
- Requiring agencies within the ACT Government to annually publish alcohol harm data and trends. These agencies include:
  - ACT Health;
  - Office of Regulatory Services;
  - ACT Civil and Administrative Tribunal;
  - ACT Policing; and
  - ACT Ambulance Service.
- Collecting and reporting on the place of last drink for those alleged to have committed alcohol-related offences; and
- Amending Part 1.5 of *Liquor Regulation 2010* to assist licensee reporting of alcohol purchases to the Commissioner of Fair Trading by including a definition of 'wholesaler'.

14. A whole of government report on key alcohol-related harms indicators should be produced annually for the Liquor Administration Board and Attorney General to inform their decision making on alcohol policies.

15. ORS should be required to reflect the available alcohol-related health and crime data for the ACT in their consideration of a proposed premises' suitability under section 75 of the *Liquor Act 2010* when making decisions on new licence and permit applications or applications for licence amendments.

16. Part 1.4 of Schedule 1 of the *Liquor Regulation 2010* should be amended to require all new and existing on premises licensed venues in the ACT (as part of their licence conditions under regulation 7 of the *Liquor Regulation 2010*) to adhere to the following mandatory licence conditions related to responsible service of alcohol (RSA) that prohibit:

- Sales of shots, mixed drinks with more than 30ml of alcohol and ready mixed drinks stronger than five per cent alcohol by volume after 10.00pm;
- Sales of more than four drinks to any patron at one time; and
- Sales of alcohol mixed with energy drinks after midnight.

17. The transparency of RSA compliance should be enhanced by requiring the Office of Regulatory Services and the ACT Police to publicly report on compliance activities relating to the *Liquor Act 2010*. 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.

18. The transparency of RSA compliance should be enhanced by publicly naming and shaming on the website of the Office of Regulatory Services those premises that are found to have contravened the *Liquor Act 2010*, *Liquor Regulation 2010* or RSA standards.

19. ACT Police should be granted the powers to swiftly and consistently impose meaningful sanctions for premises who contravene the *Liquor Act 2010* and *Liquor Regulation 2010*. These powers should include on the spot 24 hour closures, stricter management plans for premises, and revocation of extended trading authorisations.

20. Section 146 of the *Liquor Act 2010* should be amended to grant broader powers to ACT Police to impose on the spot 24 hour closure of licensed venues in the event of an alcohol-related crime occurring on the premises where patrons or staff have been seriously injured



## Background

This section provides an overview of the available data on alcohol consumption, harms and attitudes towards alcohol control policies in the ACT. Where data was not publicly available, recommendations are made on data that should be sourced by ACIL Allens Consulting in undertaking this review.

### Alcohol consumption patterns

The Australian Institute of Health and Welfare (AIHW) *2010 National Drug Strategy Household Survey* (NDSHS) reported that in the 12 months prior to the survey, 86.5 per cent of ACT residents aged 14 years and over consumed alcohol.<sup>2</sup> This is higher than the national average of 80.5 per cent.

In the year prior to the 2010 NDSHS, 44.5 per cent of ACT residents aged 14 years and over consumed alcohol at levels that placed them at risk of an alcohol-related injury from a single occasion of drinking (more than four drinks per occasion).<sup>3</sup> Almost one in three (29.5 per cent) ACT residents aged 14 and over placed themselves at single occasion risk at least monthly. One in five (19.5 per cent) ACT residents aged 14 years and over consume alcohol at levels that place them at risk of lifetime harm (more than two standard drinks per day).

### Treatment episodes where alcohol was the principal drug of concern

Overall, there has been a 43.5 per cent increase in the number of treatment episodes in the ACT where alcohol was the principal drug of concern over the ten year period between 2001-02 and 2010-11. In 2001-02, 41.6 per cent of treatment episodes for client's own drug use involved alcohol as the principal drug of concern (that is, 1,164.8 out of 2,800 treatment episodes).<sup>4</sup> In 2010-11, this had increased to 53.8 per cent of treatment episodes for client's own drug use where alcohol was the principal drug of concern (that is, 1,672.1 out of 3,108 treatment episodes).<sup>5</sup>

When examining trends in alcohol treatment episodes per 100,000 population, a 27 per cent increase was observed from 358.8 treatment episodes per 100,000 population to 454.4 treatment episodes per 100,000 population between 2001-02 and 2010-11.



The table below provides an overview of the trends in alcohol treatment episodes between 2001-02 and 2010-2011.

Year	Alcohol treatment episodes total (no.)	Total (% of all treatment episodes)	Per 100,000 population <sup>6</sup>
2001-02	1,164.8	41.6	358.8
2002-03	1,192.01	40.3	364.1
2003-04	295*	22.4	89.7
2004-05	1,795.96	42.7	541.9
2005-06	2,056.17	45.4	613.5
2006-07	2,400.02	55.3	700.4
2007-08	1,790.72	48.9	514.0
2008-09	1,963.29	54.1	553.4
2009-10	1,874.71	54.8	518.2
2010-11	1,672.1	53.8	454.4

\*The total number of closed treatment episodes for the ACT in 2003-04 is an undercount due to data collection issues.

## ACT Health data

ACT Health representatives at the consultation forum hosted by ACIL Allen Consulting on 23 October 2013 indicated that hospitalisations and emergency department presentations for the toxic effects of alcohol, including acute alcohol intoxication and alcohol-attributable injuries, have increased in recent times. ACT Health representatives also provided information at the consultation forum suggesting that harms were greatest on weekends between midnight and 9am. Data relating to this should be sought from ACT Health, and should include:

- the number of alcohol-related hospitalisations;
- the number of alcohol-related emergency presentations;
- the number of alcohol-related emergency presentations where the patient arrived by ambulance;
- days of the week and times when alcohol-related emergency presentations are most likely to occur; and
- trends in alcohol-related hospitalisations and emergency presentations

## ACT Policing data

Data sought from ACT Policing reveals that between 1 July 2010 and 30 September 2013 there were over 2,469 alcohol-related assaults reported to ACT Policing. 1421 Over half (1,421 assaults, or 58 per cent of all alcohol-related assaults in the period) of these assaults occurred on licensed premises or in a public place. Of the 576 alcohol-related assaults that occurred in the City patrol zone between 1 July 2010 and 30 September 2013, a majority (436 assaults, or 76 per cent of all alcohol-related assaults in the period) of the alcohol-related assaults took place between 12.00am and 5.59am.



Further ACT Policing data is also needed to inform this Review. ACT Policing data is needed to inform this review and should include information on:

- the number of alcohol-related incidents for the period for which data is available;
- alcohol-related incidents by day of the week;
- alcohol-related incidents by time of day;
- alcohol-related incidents by suburb;
- trends in alcohol-related incidents.

Accessing data on alcohol-related incidents in the ACT by the indicators listed above will provide an indication of when and where incidents are most frequent, which will have implications for policy responses to alcohol-related assaults and other alcohol-related crimes.

## Public opinion on alcohol control policies

In addition to trends on alcohol consumption and harms, it is also important to ascertain community support for alcohol control policies. The 2010 NDSHS asked Australians whether or not they supported a various alcohol policy measures.<sup>7</sup> There was majority support for a range of policy measures including restricting late night trading of alcohol (63.6 per cent) and strict monitoring of late night licensed premises (78 per cent). The table below provides a summary of policies where a majority support is demonstrated by ACT residents.<sup>8</sup>

Policy measure	Support in ACT (%)
Banning alcohol sponsorship of sporting events	52.4
Serving only low-alcohol beverages at sporting events	56.1
Increasing the size of standard drink labels on alcohol containers	61.0
Increasing the number of alcohol-free public events	62.9
Restricting late night trading of alcohol	63.6
Increasing the number of alcohol-free dry zones	64.7
Adding national drinking guidelines to alcohol containers	65.3
Limiting TV advertising until after 9.30pm	69.1
Strict monitoring of late night licensed premises	78.0
Stricter enforcement of laws against serving drunk customers	83.3
More severe penalties for drink driving	84.8



# Policy areas for reform

## Harm minimisation

The Objects of the Liquor Act, outlined in section 9, are the tenets that guide the interpretation and purpose of the legislation. The Objects are:

[To] regulate the sale, supply, promotion and consumption of liquor –

- a) to minimise the harm associated with the consumption of liquor; and
- b) to facilitate the responsible development of the liquor and hospitality industries in a way that takes into account community safety; and
- c) in a way that encourages and supports liquor consumers to take responsibility for—
  - i) their consumption of liquor; and
  - ii) their behaviour if it is affected by the consumption of liquor’.<sup>9</sup>

The Objects of the Liquor Act contain conflicting interests between harm minimisation, responsible development of the liquor industry, and personal responsibility.

Alcohol is not an ordinary commodity. It has been the subject of special regulations for centuries in light of its use and misuse contributing to an array of short and long term harms to the individual and community at large. Government has an obligation to protect its citizens against agents of harm, including alcohol, which can have wide-reaching, negative impacts on individuals and the community.<sup>10</sup>


The impacts of alcohol misuse are rarely limited to the drinkers themselves – many innocent people suffer due to someone else’s drinking.<sup>11</sup> Therefore, controlling aspects of the physical and social environment that are empirically demonstrated to contribute to alcohol-related harms should be subject to Government regulation.<sup>12</sup> Australian Governments have adopted a harm minimisation approach to addressing alcohol policy and regulation. The Commonwealth Government has defined harm minimisation as aiming to ‘...address alcohol and other drug issues by reducing the harmful effects of alcohol and other drugs on individuals and society’.<sup>13</sup> In order to protect the public from alcohol-related harms, it is the role of all levels of governments to implement prevention and intervention measures.

## Recommendation

1. The *Liquor Act 2010* should be amended to elevate harm minimisation to being the single primary Object of the Act and subordinate all other Objects.

## Trading hours

Licensed and permitted times for the sale and supply of liquor are detailed in Schedule 2 of the *Liquor Regulation 2010* (the ‘Liquor Regulations’). The standard trading hours for off licence premises are 7.00am to 11.00pm. The standard trading hours for clubs, general, on licence and special licences are 7.00am to midnight. The trading hours that operate outside of the standard trading hours depend on the hours approved by decision makers; the earliest these licence categories can sell alcohol is 7.00am, with the latest being 5.00am.



Studies have shown that assaults occur most frequently at licensed premises after midnight.<sup>14 15</sup> Data sought from ACT Policing reveals that between 1 July 2010 and 30 September 2013 there were over 2,469 alcohol-related assaults reported to ACT Policing. 1421 Over half (1,421 assaults, or 58 per cent of all alcohol-related assaults in the period) of these assaults occurred on licensed premises or in a public place. Of the 576 alcohol-related assaults that occurred in the City patrol zone between 1 July 2010 and 30 September 2013, a majority (436 assaults, or 76 per cent of all alcohol-related assaults in the period) of the alcohol-related assaults took place between 12.00am and 5.59am.

Regulation of trading hours is an effective harm minimisation tool. As concluded by the National Drug Law Enforcement Research Fund in their report *Dealing with alcohol-related harm and the night-time economy*, '[Restricting] trading hours is the most effective and cost-effective measure available to policymakers to reduce alcohol-related harm associated with licensed venues'.<sup>16</sup> Modest reductions in the trading hours of licensed venues can substantially reduce alcohol-related harms. This has most recently been demonstrated in Newcastle, where in 2008 the NSW Liquor Administration Board introduced mandatory licence conditions which were applied to 14 hotels in the Newcastle central business district (CBD). These conditions include 3.30am closing times and 1.30am lockouts. An evaluation carried out in the 12 months following the introduction of these restrictions found that there was a 37 per cent reduction in alcohol-related assaults in the Newcastle CBD when compared to a control site,<sup>17</sup> with no geographic displacement to the nearest late-night district of Hamilton.<sup>18</sup>

Australian and international research has consistently demonstrated that extended trading hours for licensed premises are associated with increased alcohol-related harms, including road traffic crashes and assaults.<sup>19 20 21</sup> There is also a relationship between how early venues can open and alcohol-related harms. Restrictions on the opening times of licensed premises are also associated with reductions in alcohol-related assaults, ambulance call-outs and emergency department presentations.<sup>22</sup>


The 2010 NDSHS found that a majority (63.6 per cent) of ACT residents support restricting the late night trading of alcohol.<sup>23</sup> When asked what time they thought pubs, clubs and bars should close, 79 per cent of NSW and the ACT respondents to the *2013 Annual Alcohol Poll* conducted by the Foundation for Alcohol Research and Education (FARE) selected 3am or earlier.<sup>24</sup>

## Recommendations

2. Schedule 2 of the *Liquor Regulation 2010* should be amended to reduce trading hours for all new and existing liquor licences to the following:
  - Opening times for all licensed premises (including off licences) across the ACT should be no earlier than 10.00am; and
  - Standard closing times for all on licence (midnight) and off licence (11.00pm) premises should be retained, with extended trading venues' closing times limited to 3.00am and lockouts (preventing entry for patrons) no later than 1.00am.

## Outlet density and saturation zones

There are currently 675 active liquor licences in the ACT.<sup>25</sup> Decision-makers are required to take into consideration the suitability of a licensed premises' location under sections 10 (g)-(h) and 27 of the Liquor Act. Under section 75 of the Liquor Act, the Office for Regulatory Services (ORS)



Commissioner for Fair Trading (the ‘Commissioner’) must consider a range of information when deciding whether a premise is suitable for a licence or permit. Section 78 specifies the elements of a proposed premises impact, including:

- the proposed premises noise impact;<sup>26</sup>
- implications of the volume of people attracted to the proposed premises;<sup>27</sup>
- whether the premises would be likely to cause undue disturbance, inconvenience or offence to the local community;<sup>28</sup> and
- the proximity of the premises to a place of public worship, a hospital, residential premises or a school.<sup>29</sup>

When determining a licence application, ORS is not required by the Liquor Act to take into consideration the number and proximity (density) of active licenced premises in the relevant local area.

Research has consistently found an association between alcohol outlet density (i.e. the number of active liquor licences in an area) and negative alcohol-related outcomes such as assaults, adolescent drinking, domestic violence, drink driving, homicide, suicide, chronic alcohol-attributable diseases and child maltreatment.<sup>30 31 32 33 34 35</sup>

To regulate outlet density and saturation zones (where there is a high density of licensed outlets and incidence of alcohol-related harms) the ACT should include outlet density provisions in order to prevent alcohol-related harms.


## Recommendations

3. The *Liquor Act 2010* should include outlet density provisions that:
  - Empower the Commissioner for Fair Trading and the Chief of Police to declare saturation zones where they deem alcohol-related harms to be significant; and
  - Require the Commissioner for Fair Trading to take into consideration the existing density of liquor outlets when making decisions on new liquor licence applications.

## Pricing and promotion

Section 137 of the Liquor Act contains provisions for penalising licensees and permit-holders who conduct inappropriate promotional activities. Under the Liquor Act, prohibited promotional activities are those that either encourage excessive or rapid consumption of liquor, or are prescribed under regulation 29 of the Liquor Regulations. Under section 213 of the Liquor Act the Attorney General may also declare prohibited liquor products if it has a special appeal to children or young people, or if it may be confused with confectionery or a non-alcoholic drink. The Commissioner may make guidelines in relation to advertising liquor under section 223 of the Liquor Act. The *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)* (the ‘Promotion Guidelines’) are intended ‘to assist those involved in advertising liquor to understand what is appropriate in relation to the promotion of liquor’.

The promotion of alcohol influences the age at which young people begin drinking alcohol as well as their levels of consumption.<sup>36</sup> Of particular concern are price-based promotions, as there is an inverse relationship between the price of alcoholic beverages and levels of consumption and harms.<sup>37</sup>



Point of Sale (POS) promotions are promotions found within or on the exterior of licensed premises at the point where an alcohol purchase is made (e.g. 'happy hours', free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices). POS promotions involve price or volume discounts and have been found to be particularly effective in encouraging the purchase of increased volumes of alcohol.<sup>38 39</sup> POS promotions are likely to affect overall consumption of underage drinkers, as well as the consumption patterns of harmful drinkers, and regular drinkers.<sup>40</sup> This is partly because young people are capable of interpreting the messages and images of alcohol advertisements in the same way that adults do.<sup>41</sup> Consumer studies reveal that exposing young people to alcohol advertising increases the likelihood of them starting to consume alcohol as well as increasing consumption in those already consuming alcohol.<sup>42 43 44</sup>

The Liquor Act and Promotion Guidelines need to address contemporary alcohol promotions, advertisements and promotional materials which take place on, or are distributed from, licensed premises. The propensity for a promotion to facilitate risky drinking should be taken into consideration by the Commissioner when dealing with a promotion complaint, including the:


- nature of the liquor promotion and how it may encourage the consumption of liquor;
- promotional price of the alcohol product;
- duration of the promotion;
- implications of the promotion for public safety and amenity; and
- children's exposure to the promotion or promotional materials in question.<sup>45</sup>

It is particularly important to minimise the exposure of minors to liquor promotions in public-access areas, such as restaurants with bar sections, supermarkets with liquor sections, and shopping malls that host packaged liquor outlets. Currently the Promotion Guidelines and the Liquor Regulations do not adequately address promotions in off licence premises.

## Recommendations

4. The *Liquor Act 2010* should be strengthened to prohibit the harmful discounting and promotion of alcohol products by including provisions under regulation 29 of the *Liquor Regulation 2010* that:
  - Address both on and off licence premises with equal weight;
  - Declare 'Shopper docket' (liquor promotion vouchers on the receipts for purchases) as a prohibited promotional activity;
  - Set a minimum price for alcohol at one dollar per standard drink; and
  - Prohibit point of sale promotional materials for liquor (e.g. '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.
5. The *Liquor Regulation 2010* should be amended to include provisions that licensees and managers of all new and existing off licence premises that sell alcohol among other consumer products, such as supermarkets, should be required to:
  - Isolate designated floor space for alcohol products (liquor area) away from other products; and
  - Disallow persons under the age of 18 entering the designated area on the premises.



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6. Section 137 of the Liquor Act 2010 should be extended to grant the Attorney General and the Commissioner for Fair Trading the powers to have active promotions discontinued or removed at their discretion.
  7. The ACT Government should introduce a policy that prohibits alcohol promotions from being placed on ACT Government property.

## Community and stakeholder input

The Liquor Act provides for members of the public to object to new licence applications or to submit complaints about existing licensees by making written representations to the Commissioner. However there is no formal process by which relevant stakeholders are directly consulted about new licence applications.

An applicant for a liquor licence or licence amendment must comply with the consultation provisions under sections 34-36 of the Liquor Act. To notify the public of their licence application, applicants are required under section 34 (1) of the Liquor Act to display a sign on the premises and to publish a notice in a daily newspaper. Regulation 9 (1) of the Liquor Regulations requires all public notices to include a statement noting that written representations can be made about the application and the start and end date for the consultation period on these representations. Under section 35 of the Liquor Act, any member of the public may provide written representations to the Commissioner. Public representations made to the Commissioner for Fair Trading must be restricted to the suitability of:


- the proposed licensee;
- close associates of the proposed licensee;
- influential people;
- people in the day to day control of the premises; or
- the premises itself.<sup>46</sup>

The consultation period for written representations under regulation 10 of the Liquor Regulations is 30 days starting on the day when the licence application is publicly notified. The Commissioner may extend this consultation period through publication in a daily newspaper under section 36 (2) of the Liquor Act. There are, however, no prescribed timeframes under the Liquor Act or Liquor Regulations for ORS to acknowledge in writing the receipt, investigation or action on complaints and representations from the public.

Licence applicants are not required to directly contact key stakeholders and notify them of their intention to apply for a liquor licence; nor are licence applicants required to notify the Commissioner of their proposed premises' proximity to both existing licensed premises in the area, and stakeholders or facilities that would be sensitive to licensed premises trading in the local area (e.g. local hospitals, places of worship, educational institutions, facilities for vulnerable persons, and managers of alcohol-free zones, public parks and sporting grounds).

Under section 38 (3) of the Liquor Act, licensees who apply for their licence to be amended from one subclass to another (e.g. from a restaurant licence to a nightclub licence) must comply with the public consultation provisions in sections 34-36 of the Act. Sections 176-182 of the Liquor Act contain provisions for members of the public to submit complaints to the Commissioner in relation to existing licensees or commercial permit-holders, if there are reasonable grounds for occupational discipline as detailed under section 183 of the Liquor Act. These grounds include:





contravening or not complying with the Liquor Act; lack of suitability of the licensee or the licensed premises; and the licensee allowing the premises to cause undue disturbance or inconvenience to people living in the vicinity of the licensed premises.


## Recommendations

8. The *Liquor Act 2010* should be strengthened to enhance community and stakeholder input in liquor licensing matters by:
  - Requiring all applicants for liquor licences, liquor permits, licence amendments and licence transfers to comply with public consultation requirements under Division 2.4 of the *Liquor Act 2010*;
  - Including easily accessible information on the Office of Regulatory Services (ORS) website on how community members can make complaints or objections relating to the *Liquor Act 2010*;
  - Requiring all applicants under Division 2.4 of the *Liquor Act 2010* to notify the following stakeholders within three days of submitting their licence application: ACT Health, ACT Policing, local hospitals, places of worship, educational institutions, facilities for vulnerable persons and managers of alcohol-free zones, public parks and sporting grounds. This notice to stakeholders should declare the submission date of the licence application, and note their rights as stakeholders to make written representations to the Commissioner for Fair Trading;
  - Requiring the Commissioner for Fair Trading under Division 2.4 of the *Liquor Act 2010* to follow-up with ACT Health and ACT Policing in relation to licence applications within 14 days of the consultation period closing. A lack of written representations from ACT Health and ACT Policing in relation to licence applications should not be presumed by the Commissioner for Fair Trading to be a tacit approval of an application; and
  - Establishing clear timeframes for ORS to acknowledge in writing the receipt, investigation and action on complaints (under Division 11.2 of the *Liquor Act 2010*) and representations from the public (under Division 2.4 of the *Liquor Act 2010*).

## Secondary supply

The Liquor Act specifies offences for the sale and supply of liquor to children and young people, and the consumption of liquor by children and young people at licensed premises or events. If licensees, permit-holders, employees or 'other persons' supply alcohol to a child or young person at a licensed premise or licensed event, they are liable for penalties under sections 110-112 of the liquor Act. Under section 110 (6) of the Liquor Act, the offences for the sale and supply of liquor to a young person do not apply if the minor was at least 16 years old at the time of the offence.

The rationale for preventing and discouraging the supply of alcohol to minors by licensees, their staff, and other adults (including family members) is that under-age drinking is harmful. Consumption of alcohol by minors is associated with a 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.<sup>47 48</sup> In recognition of this, the National Health and Medical Research Council's (NHMRC) *Australian Guidelines on Reducing Health Risks from Alcohol Consumption* (the 'NHMRC Guidelines') recommend that for persons under the age of 18, not consuming alcohol is the safest option.<sup>49</sup>



The ACT secondary supply legislation is lagging behind other jurisdictions in this area. New South Wales, Tasmania, Northern Territory, and Queensland have introduced secondary supply laws that aim to prohibit the provision of alcohol to people under the age of 18 years by anyone other than an adult or guardian. Irresponsible supply laws are also in place in Queensland, Tasmania and the Northern Territory, which prohibit the unsafe provision of alcohol (e.g. excessive amounts) or the inadequate supervision of a minor's alcohol consumption.<sup>50 51 52</sup> Irresponsible supply laws should be introduced in the ACT and should apply to licensed, public and private settings. Enforcement of existing secondary supply laws concerning licensed and permitted premises also needs to be strengthened.

To complement the introduction of further secondary supply laws, there is the need for a public awareness campaign to communicate the new laws, the rationale behind them and their purpose.

## Recommendations

9. Secondary supply laws under the *Liquor Act 2010* should be strengthened, and public awareness of these laws should be improved, by:
  - Removing the defence under section 110 (6) of the *Liquor Act 2010*, and in its place the *Liquor Act 2010* should declare that a licensee, permit holder or employee commits an offence if they sell or supply alcohol to a person under 18 years of age;
  - Amending the *Liquor Act 2010* to incorporate secondary supply and irresponsible supply laws which prohibit the provision of alcohol to minors and the inadequate supervision of a minor's alcohol consumption both at on and off licensed and permitted premises;
  - Amending the *Liquor Act 2010* to require adults to obtain consent from a minor's parent or guardian before supplying alcohol to a minor if the parent or guardian is not present to supervise the minor's alcohol consumption; and
  - Developing a comprehensive public education campaign that informs the general public of secondary supply laws and the risks associated with the consumption of alcohol by minors.

## Controlled purchase operations

Prosecution for an offence of supplying liquor to a young person under section 110 (7) requires a police officer to have witnessed the supply of alcohol to the person. The ACT does not currently have laws in place that enable police to assess a licensee's compliance with laws relating to the sale or supply of liquor to minors.

Controlled purchase operations (CPOs) involve supervised minors attempting to buy liquor from licensed premises to test licensees' compliance with supply laws. New Zealand currently utilises CPOs 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.<sup>53 54</sup>

Legalising CPOs will make licensees more attentive in their observation of 'supply to minors' legislation so as to avoid being exposed by a CPO for contravening the Liquor Act.



## Recommendation

10. Controlled purchase operations should be legalised under Part 10 of the *Liquor Act 2010* to identify and prosecute licensees found to be selling alcohol to people under the age of 18 years.

## Liquor Advisory Board membership and function

The function of the Liquor Advisory Board (LAB) is to advise the Attorney General ‘about matters associated with the operation of the Act’.<sup>55</sup> Under section 218 of the Liquor Act, the LAB is required to meet at least twice a year but may conduct its meetings and determine the dates and locations of these meetings as it considers appropriate.

The LAB is chaired by the Commissioner, and other members of the Board are appointed by the Attorney General.<sup>56</sup> Section 216 (1) (b) of the Liquor Act directs the Attorney General to appoint Board representatives from: the Australian Federal Police; liquor consumers; Aboriginal and Torres Strait Islander peoples; small businesses; and hospitality industry interest groups, including Clubs ACT and the Australian Hotels Association ACT (AHA ACT).

The membership of LAB is biased towards representatives of the alcohol industry and does not require representation for health professionals and researchers from the alcohol and other drug sectors. Membership of LAB should include as a minimum, representation from the following:

- ACT alcohol and other drugs sector;
- a researcher with relevant experience in the study of alcohol policy and regulation;
- ACT Department of Health;
- ACT Planning and Land Authority; and
- ACT Police.

The function of the LAB should also be redefined to include providing advice to the Attorney General on not only the operation of the Act, but also the application of the Act and changes to the Act.

The operational capability of LAB duplicates that of the Multi-Agency Liquor Taskforce (MALT), which was established by ACT Policing to address issues within and outside of licensed premises.<sup>57</sup> The MALT provides a platform for the licensee to work with Police on the operations of their premises. Members of AHA ACT, Clubs ACT and various licensees participate in MALT meetings on occasion.

## Recommendations

11. Section 216 (1) (b) of the *Liquor Act 2010* should be amended to require the Liquor Advisory Board membership to consist of representatives from the ORS, ACT Policing, the alcohol and other drug community sector, ACT Health, ACT Planning and Land Authority, and an academic with experience in alcohol policy.
12. Section 217 of the Liquor Act should be amended to define the Liquor Advisory Board’s role as being to advise the Attorney General on alcohol-related harms and the *Liquor Act 2010*, including the provision of advice to the Attorney General on ways to strengthen the Act and the policies supporting it.



## Data collection, publication and use

Under regulation 1.20 of the Liquor Regulations, licensees who sell liquor by wholesale under an off licence are required to report their annual sales to the Commissioner and the Chief Health Officer of the ACT. Wholesalers must report on the volume in litres of beer (including full, mid and low strength), wine (including regular and low strength bottled and cask wine as well as fortified wine) and spirits (premixed and standard) sold. Currently cider sales are not reported on; nor is a definition of what constitutes a 'wholesaler' included in the Liquor Regulations.

ACT data collection on alcohol-related harms can be improved in a number of ways. Under the Risk Based Licensing system, licensees are required to report to ORS on their occupancy, trading hours, licence type, and volume of alcohol sold for off licence. ACT would benefit from reporting annually on the characteristics of licensed premises to assess the impact that ACT alcohol policies (such as the risk-based licensing measures) have on harms and the ability for these policies and programs to address these harms.

ACT hospitals and police should also routinely collect and report on data on the place of last drink for acute alcohol-related hospitalisations and alcohol-related offences. This information would be useful in identifying which premises or areas are associated with incidents of alcohol-related harm.


As noted in the Terms of Reference of this Review, several government agencies (ACT Health, ORS, ACT Civil and Administrative Tribunal) and service providers (ACT Policing, ACT Ambulance Service) in the ACT collect alcohol-related data. To strengthen and improve the data collection in the ACT, alcohol-related data collected by these agencies should be reported publicly on an annual basis.

Alcohol-related ACT Health and Policing data that is collected and published should be used by ORS to aid their consideration of a proposed premises' suitability under section 75 of the Liquor Act when determining licence applications or applications for licence amendments. Broadening the collection and use of alcohol-related data in the ACT will assist in gaining an understanding of the true extent of alcohol harms in the ACT.

## Recommendations

13. The collection of alcohol-related data in the ACT should be enhanced by:

- Amending Part 1.5 of Schedule 1 of the *Liquor Regulation 2010* to include the collection of cider sales as part of wholesale data collection;
- Requiring ORS to publicly report on the characteristics of licences to include occupancy, trading hours, licence type, and volume of alcohol sold for off licence;
- Requiring agencies within the ACT Government to annually publish alcohol harm data and trends. These agencies include:
  - ACT Health;
  - Office of Regulatory Services;
  - ACT Civil and Administrative Tribunal;
  - ACT Policing; and
  - ACT Ambulance Service.
- Collecting and reporting on the place of last drink for those alleged to have committed alcohol-related offences; and

- 
- Amending Part 1.5 of *Liquor Regulation 2010* to assist licensee reporting of alcohol purchases to the Commissioner of Fair Trading by including a definition of ‘wholesaler’.

14. A whole of government report on key alcohol-related harms indicators should be produced annually for the Liquor Administration Board and Attorney General to inform their decision making on alcohol policies.
15. ORS should be required to reflect the available alcohol-related health and crime data for the ACT in their consideration of a proposed premises’ suitability under section 75 of the *Liquor Act 2010* when making decisions on new licence and permit applications or applications for licence amendments.

## Responsible service of alcohol

The principle of harm minimisation is included as the primary Object of the Liquor Act. The Commissioner must give consideration to the principles of harm minimisation and community safety when making any decisions in relation to licences and permits. Under Division 8.1 of the Liquor Act, it is an offence for licensees, permit-holders, their employees and crowd controllers to supply liquor without certified responsible service of alcohol (RSA) training. RSA training is required to be renewed every three years. Under part 1.4 of Schedule 1 of the *Liquor Regulation 2010* licensees ‘must engage in practices and promotions that encourage the responsible supply and consumption of liquor’ as part of their licence conditions under regulation 7 of the Liquor Regulations. The compliance reporting of RSA requirements is not publicly available.

The Commissioner also has the power to impose extra licence conditions on venues already prescribed in the Liquor Act under section 31 (2). These extra conditions can include that stated levels of security must be used for certain events or that the licensee must not allow people to entered the licensed premises after a stated time.

RSA requirements are put in place to ensure that licensed venues are as safe as possible and includes a range of responsibilities for licensees and people working in licensed venues. These responsibilities include providing water and food to patrons, not serving alcohol to intoxicated persons and the service of alcohol in measures that reduce the risk of rapid consumption.

The 2010 NDSHS found that the majority of ACT residents support stricter enforcement of laws against serving ‘drunk customers’ (83.3 per cent) and strict monitoring of late night licensed premises (78.0 per cent).<sup>58</sup> 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.<sup>59</sup>

## Recommendations

16. Part 1.4 of Schedule 1 of the *Liquor Regulation 2010* should be amended to require all new and existing on premises licensed venues in the ACT (as part of their licence conditions under regulation 7 of the *Liquor Regulation 2010*) to adhere to the following mandatory licence conditions related to responsible service of alcohol (RSA) that prohibit:
  - Sales of shots, mixed drinks with more than 30ml of alcohol and ready mixed drinks stronger than five per cent alcohol by volume after 10.00pm;
  - Sales of more than four drinks to any patron at one time; and
  - Sales of alcohol mixed with energy drinks after midnight.



17. The transparency of RSA compliance should be enhanced by requiring the Office of Regulatory Services and the ACT Police to publicly report on compliance activities relating to the *Liquor Act 2010*. 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.
18. The transparency of RSA compliance should be enhanced by publicly naming and shaming on the website of the Office of Regulatory Services those premises that are found to have contravened the *Liquor Act 2010*, *Liquor Regulation 2010* or RSA standards.

## Meaningful sanctions

Swift and certain sanctions are an effective approach to deterring contravention of the liquor laws and regulations by licensees, permit holders and applicants for licences and permits. The 'swift and certain' approach follows the argument 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.*<sup>60</sup>

Dr Mark Kleimann, Professor of Public Policy at the University of California contends that this approach is applicable to most contexts of law enforcement.<sup>61</sup> This approach of swift and certain sanctions should be applied to breaches of the Liquor Act, Liquor Regulations and Liquor Promotion Guidelines.

Swift and certain sanctions create strong and predictable deterrents and penalties for offensive and dangerous conduct by licensees, permit holders and their staff on licensed premises. All recommendations in this submission, as well as existing provisions within the legislation, would be supported by swift enforcement and certain warnings and penalties.

Under section 146 (1) of the Liquor Act, a senior police officer may order a licensee, or permit-holder, to close licensed premises, or permitted premises for 24 hours. This is called an emergency closure order. An emergency closure order is allowable if the Liquor Act has been breached, or is likely to be breached; and the closure of the premises is necessary to prevent or reduce a significant threat or risk to the safety of the community.

This does not clearly provide for closures in the event of a significant incident that recently occurred which threatens the safety of patron(s) and the community. There is the need for the temporary closure of licensed premises in the event of a patron being seriously injured from an alcohol-related assault occurring on the premises. Temporary closures are meaningful sanctions which serve as a practical aid for police and ambulance services to respond to, and preserve the crime scene of, incidents where patrons of licensed venues are victims of an alcohol-related crime and severely injured.

## Recommendations

19. ACT Police should be granted the powers to swiftly and consistently impose meaningful sanctions for premises who contravene the *Liquor Act 2010* and *Liquor Regulation 2010*. These powers should include on the spot 24 hour closures, stricter management plans for premises, and revocation of extended trading authorisations.





20. Section 146 of the *Liquor Act 2010* should be amended to grant broader powers to ACT Police to impose on the spot 24 hour closure of licensed venues in the event of an alcohol-related crime occurring on the premises where patrons or staff have been seriously injured.



# References

- <sup>1</sup> Foundation for Alcohol Research and Education (FARE). (2013). *2013 Foundation for Alcohol Research and Education Annual Alcohol Poll Snapshot: New South Wales*. Canberra: FARE.
- <sup>2</sup> Australian Institute of Health and Welfare (AIHW). (2011). 2010 National Drug Strategy Household Survey report. July. Drug Statistics Series Number 25P. Canberra: AIHW, p.64.
- <sup>3</sup> Australian Institute of Health and Welfare (AIHW). (2011). 2010 National Drug Strategy Household Survey report. July. Drug Statistics Series Number 25P. Canberra: AIHW, p.65.
- <sup>4</sup> Australian Institute of Health and Welfare (AIHW). (2012). Alcohol and other drug treatment services in Australia 2001-02: report on the National Minimum Data Set. Drug treatment series no. 2. AIHW Cat. no. HSE 28. Canberra: AIHW, p. 18.
- <sup>5</sup> AIHW. (2012). Alcohol and other drug treatment services in Australia 2010-11: report on the National Minimum Data Set. Drug treatment series no. 18. Cat. no. HSE 128. Canberra: AIHW, p.26.
- <sup>6</sup> Australian Bureau of Statistics. (2013). Australian Demographic Statistics, Mar 2013. Cat. No. 3101.0. Retrieved from: <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3101.0Mar%202013?OpenDocument>>.
- <sup>7</sup> Australian Institute of Health and Welfare (AIHW). (2011). 2010 National Drug Strategy Household Survey report. July. Drug Statistics Series Number 25P. Canberra: AIHW, p.175.
- <sup>8</sup> Australian Institute of Health and Welfare (AIHW). (2011). 2010 National Drug Strategy Household Survey report. July. Drug Statistics Series Number 25P. Canberra: AIHW, p.175.
- <sup>9</sup> *Liquor Act 2010* (ACT) section 9.
- <sup>10</sup> Heather, N. (Date unknown). *National Alcohol Harm Reduction Strategy: Response to consultation document*. Accessed at: <http://www.fead.org.uk/docs/NH4.pdf>
- <sup>11</sup> Laslett, A-M., Catalano, P., Chikritzhs, Y., Dale, C., Doran, C., Ferris, J., Jainullabudeen, T., Livingston, M, Matthews, S., Mugavin, J., Room, R., Schlotterlein, M. and Wilkinson, C. (2010). *The Range and Magnitude of Alcohol's Harm to Others*. Fitzroy, Victoria: AER Centre for Alcohol Policy Research, Turning Point Alcohol and Drug Centre, Eastern Health.
- <sup>12</sup> Heather, N. (Date unknown). *National Alcohol Harm Reduction Strategy: Response to consultation document*. Accessed at: <http://www.fead.org.uk/docs/NH4.pdf>
- <sup>13</sup> Commonwealth Department of Health and Ageing (DoHA). (2004). *Module 5: young people, society and AOD: learner's workbook*. Canberra: Commonwealth of Australia.
- <sup>14</sup> 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.
- <sup>15</sup> 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.
- <sup>16</sup> Miller, P., Tindall, J., S nderlund, A., Groombridge, D., Lecathelinais, C., Gillham, K., et al. (2012). *Dealing with alcohol-related harm and the night-time economy*. Monograph Series No. 43. Canberra: National Drug Law Enforcement Research Fund. Citing Babor, T., Caetano, R., Casswell, S., Edwards, G., Giesbrecht, N., Graham, K., et al. (2010). 'Modifying the drinking context: licensed drinking environment and other contexts', Chapter 10 in *Alcohol: No Ordinary Commodity*. Oxford, UK, New York, USA: Oxford University Press.
- <sup>17</sup> Kypri, K., Jones, C., McElduff, P. & Barker, D. (2011). 'Effects of restricting pub closing times on night-time assaults'. *Addiction* 106(2): 303-310.
- <sup>18</sup> Ibid.
- <sup>19</sup> National Drug Research Institute (NDRI). (2007). *Restrictions on the Sale and Supply of Alcohol: Evidence and Outcomes*. Perth: National Drug Research Institute, Curtin University of Technology.
- <sup>20</sup> Jones, C. Kypri, K., Moffatt, S., Borzycki, C., and Price, B. (2009). 'The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW'. *Crime and Justice Bulletin*, No. 137.
- <sup>21</sup> Rossow, I. & Norstrom, T. (2011). 'The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities'. *Addiction* 107(3), 530-537.
- <sup>22</sup> Jones, C. Kypri, K., Moffatt, S., Borzycki, C., and Price, B. (2009). 'The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW'. *Crime and Justice Bulletin*, No. 137.
- <sup>23</sup> Australian Institute of Health and Welfare (AIHW). (2011). 2010 National Drug Strategy Household Survey report. July. Drug Statistics Series Number 25P. Canberra: AIHW, p.175.

- 
- <sup>24</sup> Foundation for Alcohol Research and Education (FARE). (2013). *2013 Foundation for Alcohol Research and Education Annual Alcohol Poll Snapshot: New South Wales*. Canberra: FARE.
- <sup>25</sup> ACT Office of Regulatory Services (ORS). (2013). 'Liquor Licence Public Registers'. 3 October 2013. Retrieved from: <[http://www.ors.act.gov.au/community/liquor/liquor\\_licence\\_public\\_registers](http://www.ors.act.gov.au/community/liquor/liquor_licence_public_registers)>.
- <sup>26</sup> *Liquor Act 2010* (ACT) section 78 (g).
- <sup>27</sup> *Liquor Act 2010* (ACT) section 78 (h).
- <sup>28</sup> *Liquor Act 2010* (ACT) section 78 (i) (i).
- <sup>29</sup> *Liquor Act 2010* (ACT) section 78 (i) (ii).
- <sup>30</sup> Michigan Department of Community Health (MCDH) Bureau of Disease Control, Prevention & Epidemiology. (2011). *The association of increased alcohol outlet density & related harms: Summary of key literature*. Michigan: MDCH. Retrieved from: <[http://www.michigan.gov/documents/mdch/Outlet\\_Density\\_Associated\\_Harms\\_Summary-3.10.2011\\_373894\\_7.pdf](http://www.michigan.gov/documents/mdch/Outlet_Density_Associated_Harms_Summary-3.10.2011_373894_7.pdf)>.
- <sup>31</sup> Livingston, M. (2008). 'A Longitudinal Analysis of Alcohol Outlet Density and Assault'. *Alcoholism: Clinical and Experimental Research* 32(6): 1074-1079.
- <sup>32</sup> Livingston, M. (2008). *A Longitudinal Analysis of Alcohol Outlet Density and Assault*. *Alcoholism: Clinical and Experimental Research*, 32(6), 1074-1079.
- <sup>33</sup> Livingston, M. (2011). *A longitudinal analysis of alcohol outlet density and domestic violence*. *Addiction*, 106(5):919-925.
- <sup>34</sup> Livingston, M. (2011). *Alcohol outlet density and harm: comparing the impacts on violence and chronic harms*. *Drug and Alcohol Review*, 30, 515-523.
- <sup>35</sup> Livingston, M., Laslett, A-M., & Dietze, P. (2008). *Individual and community correlates of young people's high-risk drinking in Victoria, Australia*. *Drug and Alcohol Dependence*, 98:241-248.
- <sup>36</sup> Anderson, P., De Bruijn, A., Angus, K., Gordon, R., and 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.
- <sup>37</sup> Wagenaar, AC., Salois, MJ., and Komro, KA. (2009). 'Effects of beverage alcohol price and tax levels on drinking: a meta-analysis of 1003 estimates from 112 studies'. *Addiction* 104: 179-190.
- <sup>38</sup> 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.
- <sup>39</sup> 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.
- <sup>40</sup> Meier, P., Booth, A., Stockwell, A., Sutton, A., Wilkinson, A., and Wong, R. (2008). Independent Review of the Effects of Alcohol Pricing and promotion. Part A: Systematic Reviews. Sheffield: the University of Sheffield.
- <sup>41</sup> 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.
- <sup>42</sup> Anderson, P., de Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies. *Alcohol and Alcoholism* 44(3): 229-243.
- <sup>43</sup> 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.
- <sup>44</sup> 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).
- <sup>45</sup> The ABAC Scheme Ltd. (2012). *The ABAC Scheme: Alcohol Beverages Advertising (And Packaging) Code*. Retrieved from: <<http://www.abac.org.au/wp-content/uploads/2013/06/ABAC-Code-at-1-March-2012-.pdf>>.
- <sup>46</sup> Office of Regularory Services. (2013). 'Liquor – Community'. Retrieved from: <[http://www.ors.act.gov.au/community/liquor/liquor\\_-\\_community#input](http://www.ors.act.gov.au/community/liquor/liquor_-_community#input)>.
- <sup>47</sup> Babor, T., Caetano, R., Casswell, S., Edwards, G., Giesbrecht, N., Graham, K., et al. (2010). 'Modifying the drinking context: licensed drinking environment and other contexts', Chapter 10 in *Alcohol: No Ordinary Commodity*. Oxford, UK, New York, USA: Oxford University Press.
- <sup>48</sup> National Health and Medical Research Council (NHMRC). (2009). *Australian guidelines to reduce health risks from drinking alcohol*. Canberra: Commonwealth of Australia.
- <sup>49</sup> Ibid.
- <sup>50</sup> *Liquor Act 1992* (QLD) section 156A.
- <sup>51</sup> *Police Offences Act 1935* (TAS) section 26.



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<sup>52</sup> *Liquor Act 2013* (NT) section 106C.

<sup>53</sup> New Zealand Police. (2011). 'Operation Unite - Controlled purchase operation'. 16 May 2011. Retrieved from: <<http://www.police.govt.nz/news/release/28122.html>>.

<sup>54</sup> Marriott-Lloyd, P. and Webb, M, (2002). *Tackling Alcohol-Related Offences and Disorder in New Zealand*. Wellington: New Zealand Police Policy Unit, Office of the Commissioner. Retrieved from: <<http://www.ndp.govt.nz/moh.nsf/indexcm/ndp-publications-tacklingalcoholoffences>>.

<sup>55</sup> *Liquor Act 2010* (ACT) section 217.

<sup>56</sup> *Liquor Act 2010* (ACT) section 216.

<sup>57</sup> Australian Federal Police (AFP). (2012). *Act Policing Annual Report 2011–12*. Canberra: AFP, ACT Policing, p.44. Retrieved from: <<http://www.police.act.gov.au/~media/act/pdf/act-policing-annual-report-2011-12.ashx>>.

<sup>58</sup> Australian Institute of Health and Welfare (AIHW). (2011). 2010 National Drug Strategy Household Survey report. July. Drug Statistics Series Number 25P. Canberra: AIHW, p.175.

<sup>59</sup> National Drug Research Institute (NDRI). (2007). *Preventing harmful drug use in Australia, Restrictions on the Sale and Supply of Alcohol: Evidence and Outcomes*. Perth: NDRI, Curtin University.

<sup>60</sup> Kleimann, M. A. R. (2013). 'Smart on Crime'. *Democracy Journal* 28 (Spring). Retrieved from: <<http://www.democracyjournal.org/28/smart-on-crime.php?page=all>>.

<sup>61</sup> Kleimann, M. A. R. (2010). *When Brute Force Fails: How to Have Less Crime and Less Punishment*. Princeton NJ: Princeton University Press.



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