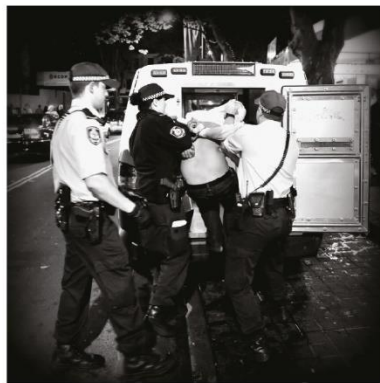




Submission to the ACT Building on Liquor Reform: White Paper



May 2016

About the NSW ACT Alcohol Policy Alliance

The NSW ACT Alcohol Policy Alliance (NAAPA) aims to reduce alcohol harms by ensuring that evidence-based solutions inform alcohol policy discussions in New South Wales (NSW) and the Australian Capital Territory (ACT). NAAPA currently has 48 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)
- The Royal Australasian College of Surgeons

To contact the NAAPA secretariat email info@naapa.org.au or for more information about NAAPA visit www.naapa.org.au

Contents

Summary	4
Submission format	4
1. NAAPA’s response to the proposals	6
i. Proposals to address alcohol related harm	6
ii. Proposal to promote a vibrant liquor and hospitality sector and reduce regulatory burden ..	15
2. Other issues for consideration.....	20
iii. Dispelling the myths.....	20
The harms from alcohol outweigh the harms caused by any other drug.....	20
Reducing late night trading leads to diversification of the night time economy	20
The live music industry has been experiencing changes for the past five years	21
iv. Other important measures for reform	21
Addressing the harms associated with off-licence premises.....	21
Increasing the enforcement powers for police.....	23
Improving data collection for publication and use	24
References	26

Summary

The NSW ACT Alcohol Policy Alliance (NAAPA) welcomes the opportunity to provide comment on *Building on Liquor Reform: White Paper* (White Paper). NAAPA has also provided submissions to the *Issues paper: Addressing alcohol-related harm*, the *Issues paper: Proposals for regulatory improvements* and the *Two year review of the ACT Liquor Laws and Licensing Fees*.

The White Paper outlines 40 proposals for amendments to ACT liquor laws which are aimed at building on the reforms implemented in the *Liquor Act 2010* (the Act) in 2010. NAAPA would like to express its strong support for addressing late night trading hours and urges the ACT Government to prioritise implementation of Proposal 1, Option 1, to make the last licensed time for on-licence premises 3am. The ACT Government should also prioritise implementation of other proposals including making harm minimisation the primary Object of the Act, introducing Controlled Purchase Operations and improving consultation with key stakeholders on liquor licensing applications.

It is anticipated that the ACT Government will receive numerous submissions from members of the alcohol industry asserting that late night trading measures are ineffective and harmful to the late night economy. The government must ensure that any claims are substantiated by independent data sources and that decisions are not made on the basis of anecdotes. The ACT Government must prioritise the health and safety of communities before the profits of the alcohol industry.

NAAPA does not support any relaxation of the ACT's current risk-based approach to liquor licensing and cautions against allowing exceptions from the Act. Exceptions undermine the policy intent and provide the opportunity for further exceptions to be provided by establishing a precedent.

Implementation of liquor reforms must not stop at on-licence premises. While the White Paper does address a number of key areas of liquor regulation, it fails to adequately address the contribution of off-licence venues to alcohol harm and the need for increased enforcement powers for police and data collection mechanisms. It is critical that the ACT Government uses the review of the Act to implement comprehensive reforms to liquor regulation in the ACT. Decisions must be evidence-based and align with the principles of harm minimisation to effectively reduce the harms from alcohol.

The outcome of the review of the *Liquor Act 2010* presents significant opportunities for the ACT Government to reform the way in which alcohol is regulated and to reduce the harms that impact so significantly on the lives of people in the ACT.

Submission format

NAAPA's submission is presented in two sections and should be read in conjunction with the White Paper. The policy positions should be considered as NAAPA's recommendations.

1. NAAPA's response to the proposals

The section will follow the format of the White Paper and addresses specific proposals under each of the following sections:

- i. Proposals to address alcohol-related harm.
- ii. Proposals to promote a vibrant liquor and hospitality sector and reduce regulatory burden.

NAAPA provides its position on specific proposals as support, support with amendment, support in-principle or reject. The criteria for these responses is provided below:

- Support – NAAPA supports the recommendation in full.
- Support with amendment – NAAPA supports the recommendation with suggested changes.
- Support in principle – NAAPA supports the recommendation in principle, but because insufficient detail is provided, NAAPA is unable to indicate full support until further details arise.
- Reject – NAAPA does not support the recommendation.

Proposals where NAAPA does not have a position are not included in this submission.

2. Other issues for consideration

This section will outline other issues for the Government's consideration that were not addressed in the White Paper and provide evidence for further reform. These are addressed in each of the following sections:

- iii. Dispelling the myths.
- iv. Other important measures for reform.

1. NAAPA's response to the proposals

i. Proposals to address alcohol related harm

Proposal 1

Options 1, 2 and 3 relating to the licensed times for general licences, on licences, club licences and special licences.

- A. Reduction of latest licensed time to 3am.
- B. Latest licensed time of 4am with fee increase.
- C. Latest licensed time of 5am with fee increase.

NAAPA position: Support

NAAPA supports Option 1 to reduce the latest licensed time for on-licence premises to 3am. This must be applied to all on-licence premises in order to be effective. Standard closing times (midnight) for all on-licence premises should be retained. The preference for Option A is consistent with the principle of harm minimisation.

Rationale

As noted in the White Paper, there is a significant body of research demonstrating the effectiveness of reduced licence hours in addressing alcohol-related harm. According to The National Drug Law Enforcement Research Fund, "[restricting] trading hours is the most effective and cost-effective measure available to policymakers to reduce alcohol-related harm associated with licensed venues".¹

Extended trading hours increase the availability of alcohol which is associated with an increase in assault,^{2,3} family and domestic violence,⁴ road crashes,⁵ child maltreatment⁶ and harmful consumption.⁷ An increase in trading hours is associated with an increase in harms.⁸ Australian and international research demonstrates that for every additional hour of trading, there is a 16 to 20 per cent increase in assaults and conversely, for every hour of reduced trading there is a 20 per cent reduction in assaults.^{9,10}

Research has also shown that alcohol-related assaults increase significantly after midnight.^{11,12} Research by the Bureau of Crime Statistics and Research (BOCSAR) in New South Wales looked at the relationship between alcohol and crime using New South Wales Police records. The study found that the proportion of alcohol-related assaults increased substantially between 6pm to 3am, with the highest rates of alcohol-related assaults occurring between midnight and 3am.¹³

This pattern has also been observed in the ACT, as noted in the *Issues paper: Addressing alcohol-related harm*. A report by the Australian Institute of Criminology (AIC) based on the findings from research conducted by the AIC in conjunction with ACT Policing also found that the majority of assaults occurred between the hours of midnight and 3am (34 per cent). This research looked at licensed premises in Civic and the Kingston/Manuka area and found that this pattern was observed in both locations.¹⁴

Australia is fortunate to have local examples demonstrating the effectiveness of reducing trading hours in reducing alcohol harm.

Case Study 1: Newcastle, New South Wales

In 2008, the New South Wales Liquor Administration Board introduced modest restrictions to 14 hotels in Newcastle including a 3am closing time and 1am lockout. However, these times were later amended to 3.30am and 1.30am following a legal challenge by the licensed premises. Other measures introduced included having a supervisor on the premise from 11pm until closing time and introducing restrictions on the types of drinks that could be sold after 10pm such as banning the sale of shots, more than four drinks to one patron at any one time and mixed drinks containing more than one standard drink of alcohol.

An evaluation of these restrictions after 18 months found that there was a 37 per cent reduction in night time assaults between the hours of 10pm and 6am.¹⁵ Five years after the restrictions were introduced, a further evaluation found a sustained reduction in alcohol-related assaults with an average of a 21 per cent decrease in assaults per hour.¹⁶

Evidence also shows that the measures led to a diversification of the night time economy. A study commissioned by the Australian National Local Government Drug and Alcohol Advisory Committee found that between 2009 and 2011 there was a 9.6 per cent decline in 'drink' sales revenue in Newcastle which was offset by a 10.3 per cent increase in 'food' sales revenue.¹⁷

Case study 2: Sydney CBD and Kings Cross, New South Wales

On 24 January 2014, the New South Wales Government announced a package of measures aimed at reducing alcohol-related violence. The measures included 3am last drinks in conjunction with 1.30am lockouts and drink restrictions in Kings Cross and the Sydney CBD precinct. The measures also included a freeze on new liquor licences in the Sydney CBD precinct, a continuation of the freeze in Kings Cross and a 10pm closing time for all off-licence premises across New South Wales.

An independent evaluation of the restrictions in the Sydney CBD and Kings Cross precincts by the Bureau of Crime Statistics and Research (BOCSAR) found that the measures were associated with a reduction in non-domestic assaults of 32 per cent in Kings Cross and 26 per cent in the Sydney CBD precinct as well as no evidence of displacement of these types of assaults to adjacent areas. In one area of the Sydney CBD, the reduction in non-domestic assaults was as high as 40 per cent.¹⁸

Proposal 2

Demerit register and 5 star rating scheme.

NAAPA position: Reject

NAAPA does not support the introduction of a demerit register and 5 star rating scheme. The annual risk-based licensing should remain in place and swift and certain sanctions should be applied to breaches of the Act, the *Liquor Regulations 2010* (the Regulations) and *Liquor Promotion Guidelines* (the Guidelines). ACT Police should be granted the powers to swiftly and consistently impose meaningful sanctions on premises that contravene the Act and the Regulations. This issue will be discussed later in this submission.

Rationale

Rewarding licensees for complying with legislation is akin to rewarding citizens for abiding by the law. Alcohol is a harmful product and since there are significant risks associated with the sale and supply of the product, licensees have an obligation under the law to ensure they comply with relevant legislation. Owning a liquor licence is a privilege not a right.

The intention of a risk-based licensing scheme is to set fees for licensed venues according to the level of harm associated with the venue. Therefore, the basis of such schemes is to manage risks, with the overarching principle being that there is a fee to operate and licensees who increase the risk associated with their licence by breaching the Act pay a penalty fee. Appropriate penalties and fees should be applied to licensees who breach provisions of the Act.

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.¹⁹

Professor Mark Kleimann, Professor of Public Policy at the University of California contends that this approach is applicable to most contexts of law enforcement.²⁰ Rather than rewarding good behaviour, the approach of swift and certain sanctions should be applied to breaches of the Act, the Regulations and the Guidelines.

Proposal 6

Power for Commissioner to modify license conditions and impose special conditions.

NAAPA position: Support with amendment

NAAPA supports the extension of the Commissioner’s power to modify licence conditions at any time and impose special conditions on licensed premises. Conditions applied to licensed premises should be informed by the number of incidents associated with the venue, the compliance history and the complaints received from the public.

In line with the responsible service of alcohol (RSA), the government should consider implementing mandatory licence conditions for all new and existing on-licensed venues in the ACT. This should include the “cessation of alcohol service 30 minutes prior to close” which the White Paper mentions as a proposed special condition. In addition, the following mandatory licence conditions should also be implemented 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 10pm.
- Sales of more than four drinks to any patron at one time.
- Sales of alcohol mixed with energy drinks after midnight.

NAAPA notes that the modified licence conditions and special conditions would only be imposed after licensees have had the opportunity to make submissions and the Commissioner has considered these. While this process is supported, it should also allow for submissions from interested stakeholders who support the proposed measures or are concerned that the proposed conditions do not go far enough. Minimising harm from alcohol should be used to determine the best interests of the community.

Rationale

Challenges exist with the enforcement of liquor legislation, with an analysis of liquor licensing in Australia highlighting that “dealing with intoxication, both conceptually and practically, is one of the most challenging issues for police”.²¹ Given the complexity, the Commissioner needs the power to impose sanctions otherwise there is little incentive for licensees to comply with the Act. Enforcement of the Act is equally as important as the Act itself.²²

Implementation of mandatory licence conditions that align with RSA requirements will assist to reduce alcohol-related harms. RSA requirements are put in place to ensure that licensed venues are as safe as possible and include 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 2013 *National drug strategy household survey* found that the majority of ACT residents support stricter enforcement of laws against serving ‘drunk customers’ (83.9 per cent) and strict monitoring of late night licensed premises (78.3 per cent).²³ 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.²⁴

Proposal 7

Power for Commissioner to modify occupancy loadings.

NAAPA position: Support with amendment

NAAPA supports the extension of the Commissioner’s power to modify occupancy loadings at any time.

NAAPA notes that amended occupancy loadings would only be imposed after licensees have had the opportunity to make submissions and the Commissioner has considered these. While this process is supported, it should also allow for submissions from interested stakeholders who support the proposed changes or are concerned that the proposed amended occupancy loading is insufficient. Minimising harm from alcohol should be used to determine the best interests of the community.

Rationale

The Commissioner needs the power to respond to changing environments when the principles of harm minimisation and community safety are at risk. Like trading hours and venue type, occupancy is a risk factor for alcohol-related harm. High occupancy loadings increase violence by increasing accidental contact between intoxicated patrons.²⁵ It has also been found to reduce staff’s ability to detect intoxicated patrons and patrons’ inclination to report incidents to police.²⁶

Proposal 8

Amendment to the Object of the Act to prioritise harm minimisation.

NAAPA position: Support with amendment

NAAPA supports the proposal to make harm minimisation the primary Object of the Act. NAAPA does not support the proposed changes to wording relating to the harm minimisation Object of the Act. Alcohol is a drug and a harmful substance and the effects of alcohol consumption should not be down-played. NAAPA recommends that the primary Object of the Act be amended to “regulate the

sale, supply, promotion and consumption of liquor to minimise the harm and potential for harm associated with the consumption of liquor”.

To avoid any ambiguity, NAAPA recommends that the amendments to section 9 of the Act be undertaken in such a way that clearly define the primary Object of the Act (harm minimisation) and the subordinate Objects of the Act (industry development and consumer responsibility).

Rationale

The current Objects of the Act contain conflicting interests between harm minimisation, responsible development of the liquor industry, and personal responsibility. The Act should be amended to prioritise public health and safety over all other Objects of the Act. Harm minimisation is recognised as an important principle for action to reduce alcohol harm and has underpinned Australia’s National Drug Strategy since the launch of its predecessor, the National Campaign Against Drug Abuse in 1985.²⁷

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.²⁸

Proposal 9

Removal or discontinuation of active promotions.

NAAPA position: Support

NAAPA supports granting the Attorney-General and the Commissioner with the power to require a licensee to discontinue an active promotion that is a prohibited promotional activity.

Any licensee who engages in an activity that encourages excessive or rapid consumption of liquor or is prescribed by regulation, should be penalised appropriately and in accordance with section 137 of the Act.

Rationale

As the White Paper notes, under section 137 of the Act, it is an offence for a licensee or the employee of a licensee to conduct a prohibited promotional activity on licensed premises. Closing the loophole which currently allows existing prohibited promotional activities to continue is therefore supported.

Proposal 10

Extension of Attorney-General’s power to declare prohibited alcohol products.

NAAPA position: Support

NAAPA supports the extension of the Attorney-General’s power to declare prohibited alcohol products. Extension of the Attorney-General’s power to regulate the availability of alcohol is welcome.

Rationale

The nature of the retail alcohol market is rapidly changing and has included a diversification in alcohol promotion strategies and products.²⁹ The Attorney-General needs to be granted with the power to respond to changing situations including attempts by the alcohol industry to encourage irresponsible

alcohol consumption through product marketing and packaging. The below study below highlights the need to expand existing legislative frameworks to provide the ACT Government more power to address problematic and unethical alcohol promotions.

Case study 3: Bacchus Shot Bucket

In 2012, the self-regulatory alcohol advertising body, the Alcohol Beverages Advertising Code (ABAC) Scheme made a determination that the Bacchus Shot Bucket is irresponsibly packaged and marketed at young people.³⁰ While this decision was made by the ABAC, the Shot Bucket remained on store shelves across Australia because the Bacchus Distillery Pty Ltd is not a signatory to the ABAC scheme and is not obliged to act on the ABAC's decision. Despite contravening the alcohol industry's own self-regulatory body guidelines, state regulatory bodies were powerless to prevent the irresponsible marketing and promotion of the Bacchus Shot Bucket. When brought to the attention of the ACT Commissioner of Fair Trading, no action was taken, with the Commissioner indicating that "I do not believe the clear packaging displaying colour combinations, images or names used on the packaging have special appeal to children or young people or promote the product in a way that encourages children and young people to consume liquor. Food based colours and names may be attractive to many consumers, but would not have special appeal to a young person as is required to be a prohibited promotional activity under section 29 of the Regulation."³¹ This is despite the alcohol industry's own regulatory body finding the product to be in breach of its own code.

Proposal 13

Controlled purchase operations.

NAAPA position: Support

NAAPA supports the introduction of Controlled Purchase Operations (CPO). CPOs involve supervised minors attempting to buy liquor from licensed premises to test licensees' compliance with supply laws. CPOs need to occur on a regular basis as part of normal enforcement activities. Those licensees who are found to have breached the Act should be penalised appropriately.

Rationale

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. Licensees have nothing to fear from introduction of CPOs if they are doing the right thing and are compliant with the Act.

Compliance testing is not a new phenomenon. As the White Paper notes, part 6A of the *Tobacco Act 1927* enables tobacco compliance testing to occur. New Zealand currently uses CPOs for alcohol service and 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.^{32,33}

Proposal 14

Strengthening of incident reporting requirements.

NAAPA position: Support

NAAPA supports the strengthening of incident report requirements to ensure that incidents are recorded in an incident register as soon as possible, but no more than 24 hours after the incident occurs.

Rationale

Liquor licences are a privilege not a right. All licensed premises that sell alcohol carry some risk and it is the licensees' responsibility to manage these risks appropriately. All licensees should be subject to maintaining an incident register.

For venues that are considered 'low risk' the current regulatory burden should be minimal as the number of incidents requiring reporting should be low.

Proposal 15

Improved consultation for key stakeholders.

NAAPA position: Support with amendment

NAAPA supports amendments to the Act that notice of new applications be given to key stakeholders. The ACT Government Community Services Directorate should also be specified as a stakeholder to consult with.

This recommendation should be extended to include requirements for: applicants to provide notice of a new application within three days of submitting licence applications; and the Commissioner for Fair Trading under Division 2.4 to follow-up with ACT Health and ACT Policing in relation to licence applications within 14 days of the public consultation period closing.

Rationale

There is currently no formal process in the ACT by which relevant stakeholders are directly consulted about new liquor licence applications. Communities are affected by alcohol in a number of ways. For instance, they endure the noise and disruption from licensed venues, they avoid areas where alcohol use and misuse has led them to feel unsafe, they live alongside and are affected by alcohol-related violence and their children are witnesses of alcohol-fuelled violence. Only five per cent of Australians have made a complaint about a licensed venue and almost half feel they do not have enough say in the number of licensed venues in their local area.³⁴

Proposal 16

Outlet density management – declaration of "high risk zone".

NAAPA position: Support with amendment

NAAPA supports granting the Minister with the power to declare "high risk zones" where alcohol-related harms are deemed significant. NAAPA also supports inclusion of "high risk zones" as a factor when considering new liquor licence applications.

This proposal should be further strengthened by specifying that a liquor licence application in a “high risk zone” should only be approved if the Commissioner is satisfied that any public safety concerns of the Chief Police Officer, ACT Health and other relevant stakeholders, have been addressed.

Rationale

Research has consistently found an association between alcohol outlet density (for instance, 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, and child maltreatment.^{35,36,37}

Internationally, local authorities in England and Wales have been using saturation zones and cluster control policies to manage outlet density. Saturation zones impose limitations on the provision of new licences in areas where it has been identified there is a high density of licences.³⁸ They are established at the discretion of the individual local authority and are determined on the basis of existing outlet density levels and crime data including domestic violence statistics.³⁹ England and Wales have been using saturation zones since 2005.

Cluster control strategies prohibit new liquor licences for premises within a specified distance of existing licensed premises or other amenities (such as schools, hospitals, churches or places of religious worship). They are found in New York and Paris. New York has enacted these through their *Alcohol Beverage Control Act*. The legislation includes a ‘500 foot’ (150 metres) rule which prohibits new on-premise licences being issued within a 500 foot radius of three or more existing licences.⁴⁰ This has been in place since 1993. In Paris, the *Code de La Sante Publique* (public health legislation) defines protected areas within which new liquor licences are prohibited if they are within 75 metres of a licensed premise of the same category.⁴¹

Planning authorities, liquor regulators and local governments need to be supported with policies that allow them to prioritise the health and safety of the community ahead of business interests.

Proposal 17

Requirement for licensees other than off-licensees to also sell non-alcohol and low alcoholic options.

NAAPA position: Support

NAAPA supports mandating licensees other than off-licensees to also sell non-alcohol and low alcoholic options. These options should be provided and promoted in all on-licence premises and (except in the case of water, where adequate supplies of free water should be available) should be priced considerably lower than that of alcohol beverages to encourage their consumption.

Rationale

This amendment is consistent with responsible service of alcohol principles.

Proposal 19

Strengthen consideration of impact on nearby premises, places of worship, hospitals and schools.

NAAPA position: Support

NAAPA supports strengthening consideration of impact on nearby premises, places of worship, hospitals and schools to include “annoyance” to these premises, when considering license applications.

Rationale

Communities know about the impact that alcohol has on their local area and the challenges they face when dealing with decision makers. Communities are affected by alcohol in a number of ways. They endure the noise and disruption from licensed venues, they avoid areas where alcohol use and misuse has led them to feel unsafe, they live alongside and are affected by alcohol-related violence and their children are witnesses of alcohol fuelled violence. The assessment of liquor licence applications needs to be strengthened to ensure new liquor licences or amendments made to existing liquor licences do not have negative impacts on the community.

Proposal 20

Amendment to the fee structure to recognise the contribution of high-volume off licences to preloading and alcohol related harm.

NAAPA position: Support

NAAPA supports increased annual licence fees for high-volume off-licences. To effectively address alcohol harms caused by off-licence premises, this amendment needs to be accompanied by changes to alcohol pricing and promotion. This will be discussed later in this submission.

Rationale

Risk-based licensing assists to offset policing and other safety measures required to address the harms caused by alcohol.⁴² While increased licence fees for off-licence premises will assist to mitigate alcohol harms, this amendment on its own is inadequate to comprehensively address the alcohol harms caused by off-licence premises.

The contribution of off-licence premises to alcohol harm should not be underestimated. Nearly 80 per cent of alcohol consumed in Australia is sold at packaged liquor outlets, and this proportion has been steadily increasing.⁴³ There is a growing body of research highlighting the association between density of packaged liquor outlets and rates of alcohol harm including changes in rates of assault, domestic violence and chronic alcohol-related disease.^{44,45,46} As such, alcohol policies aimed at reducing alcohol harm need to encompass more than intervention in late-night entertainment precincts.⁴⁷ Reforms to the regulation of alcohol need to comprehensively address off-licensing and its contribution to alcohol harms.

ii. Proposal to promote a vibrant liquor and hospitality sector and reduce regulatory burden

Proposal 22

Amendment to the fee structure to encourage the development of small bars and licensed restaurants.

NAAPA position: Reject

NAAPA does not support any amendment to the fee structure for restaurants, cafes and small bars. The current risk-based licensing fee structure should remain in place.

Rationale

Actively encouraging the development of small bars and licensed restaurants should not be an objective in itself. Currently, there is no evidence to suggest that small bars and other similar venues reduce the risk of alcohol consumption on a per capita basis.

Proposal 23

Allow all licensees other than off licensees to have several extended trading hour authorisations per year.

NAAPA position: Reject

NAAPA does not support allowing licensees other than off-licensees to have several extended trading hour authorisations per year. NAAPA also opposes any extension of the current latest licensed time of 5am for on-licensed premises, even for special events.

Rationale

Proposal 23 undermines the policy intent of proposal 1. Allowing licensees to extend trading until 7am (the current latest licensed time is 5am) and at no extra charge is not consistent with risk-based licensing. This provides opportunities for loopholes to be created and sets a precedent for further relaxation of the Act.

Proposal 25

Recognition of interstate RSA qualifications.

NAAPA position: Support in principle.

NAAPA supports the need for national consistency between states and territories in the content and delivery of Responsible Service of Alcohol (RSA) courses that is based on best practice, as long as this does not lessen current arrangements in the ACT.

All staff in licensed venues who have direct contact with patrons, including but not limited to bar staff, should receive training in RSA so they have an understanding of the issues and risks and can better support the venue in managing alcohol service. States and territories should enhance compliance and enforcement activities in relation to the RSA.

Rationale

All states and territories require that licensees and their staff undertake RSA training. Such programs focus on the attitudes, knowledge, skills and practices of people serving alcohol at licensed venues and aim to prevent intoxication and underage drinking.⁴⁸

NAAPA cautions against any assumption that there is little difference in RSA qualifications across jurisdictions. While the underlying principles may be similar, an examination of the current RSA policies reveals variation between states and territories in terms of the types of courses provided, length and content of courses and the duration of the licence. For example, some states and territories require RSA managers to be on premise for venues trading during late night hours so that they can oversee the operation of staff and patrons. Similarly, while an ACT RSA qualification needs to be renewed every three years, the need to renew an RSA qualification is not required in QLD and WA.

It is important for RSA training to be streamlined and consistent. Mechanisms need to be in place to ensure the quality and effectiveness of the RSA training provided. It also must ensure that those who require RSA certification in the ACT remain fully aware of their responsibilities under the Act. Any guidelines or short courses that are provided must not diminish the quality of the training. For instance, in NSW the Office of Liquor Gaming and Racing (OLGR) has restricted some forms of online training that only require a very short period of time for the participant to pass the course.

Proposal 28

Clarification of on-licence subclasses.

NAAPA position: Support

NAAPA supports the clarification of on-licence subclasses relating to the consumption of liquor as part of restaurant and café licences and venues which may operate in more than one licence subclass.

Rationale

This clarification is consistent with risk-based licensing and will ensure that licensees pay licence fees that reflect the level of risk at their venues.

Proposal 29

Removal of requirement for restaurants/cafes to maintain incident registers.

NAAPA position: Reject

NAAPA does not support the removal of requirements for restaurants and cafes with standard licensed times or any other licensed venue to maintain incident registers. All licensees should be subject to maintaining incident registers.

For venues that are considered 'low risk' the current regulatory burden associated with maintaining incident registers should be minimal as the number of incidents requiring reporting is likely to be low.

Proposal 30

Removal of requirement for restaurants/cafes to provide RAMPS.

NAAPA position: Reject

NAAPA does not support the removal of requirements for a Risk Assessment Management Plan (RAMP) to be provided with an application for a restaurant and café licence for standard licensed times.

Proposal 31

Power for Commissioner to request completion or amendment of a Risk Assessment Management Plan.

NAAPA position: Support

NAAPA supports granting the Commissioner with power to require a licensee to amend an existing RAMP to address changes, specifically in relation to the management of alcohol-related violence on premises.

As per current arrangements, all applications for a licence which authorise liquor to be sold and consumed on the premises require a RAMP to be provided to the Commissioner for approval. NAAPA does not support any changes to this requirement.

Rationale for proposals 29 to 31

Liquor licences are a privilege not a right. Alcohol is a harmful product and all licensed premises carry some risk. Licensees need to manage these risks appropriately through development of RAMPS and the maintenance of incident registers. The Commissioner also needs the power to respond quickly to changing environments when the principles of harm minimisation and community safety are at risk.

Proposal 32

Exceptions from Act and provisions of the Act.

NAAPA position: Reject

NAAPA does not support any exceptions from the requirement to hold a liquor licence. NAAPA notes that the list of proposed businesses/institutions to be exempted is very broad, ranging from nursing homes and florists to limousine and tour businesses. It is not clear why these businesses/institutions have been lumped in the same category.

Rationale

Alcohol is no ordinary commodity and should not be treated like an everyday item, such as cereal or magazines. The final report of the National Competition Policy Review acknowledged that there is a clear justification for alcohol to be regulated due to the harm that it causes.⁴⁹ As such, any business that intends to supply alcohol as part of their service of operation should not be exempt from the Act.

It is also important to understand that alcohol has been classified by the World Health Organization as a Group 1 carcinogen. This classification is only given to products that have been proven to cause cancer in humans. This is the same classification given to tobacco smoke and asbestos. Alcohol is a teratogen, neurotoxin and mind/mood altering substance. It is for these reasons that business or health services should not be exempt from the Act.

Exceptions undermine the policy intent and provide the opportunity for further exceptions to be provided by establishing a precedent. It is important that the licence types, including liquor permits, comply with the harm minimisation Object of the Act.

Proposal 33

Amend licence terms to allow 3 year licences.

NAAPA position: Reject

NAAPA does not support amendment of licence terms to allow all licences to be issued for up to three years. The current licence system should be maintained.

Rationale

Liquor licences are a privilege not a right. As such, the liquor licence renewal process should not be viewed as a burdensome administrative process but an important and necessary requirement aimed at managing the risks associated with supply and consumption of alcohol. These risks outweigh the regulatory burden currently experienced by licensees.

The regulatory system needs to be able to respond quickly to changing environments. This is best achieved through maintaining the current licence terms and ensuring these reflect the level of risk associated with different venue types.

Proposal 37

Complaints.

NAAPA position: Support

NAAPA supports amendments to section 177 of the Act so that the Commissioner may accept a complaint that is not in writing without further limitations. NAAPA also welcomes the updating of the Access Canberra website to provide more relevant information to the community on how to make complaints. Information for complaints should also be displayed on A5-sized stickers in the front window of licensed premises and on posters at the entrances of licensed events.

An added barrier to community engagement in licensing matters is that the burden of proof rests with complainants to convince the regulatory authorities to intervene. This reiterates the need for Access Canberra to be better resourced in order to manage complaints in a timely manner, and to have the capacity to undertake its own investigations in relation to complaints against licensed venues.

Rationale

There are currently limited mechanisms for a member of the public to make a complaint regarding a liquor licence. Complaints processes should not be limited to a formal letter and include an option to make a complaint online or over the phone, to ensure all members of the community have the ability to make a complaint if required.

While members of the public have the right to make a complaint about liquor licence operations, including the impact it has on community amenity or concerns with RSA practices, there is limited awareness on how members of the public would make such a complaint. Providing more relevant information on the Access Canberra website will assist to increase public awareness of complaints processes.

Proposal 39

Exempt non-profit community organisations from having to obtain a permit to sell liquor at up to six small fundraising functions per year.

NAAPA position: Reject

NAAPA does not support exempting non-profit community organisations from having to obtain a permit to sell liquor at up to six small fundraising functions per year.

Rationale

Alcohol is no ordinary commodity and the supply of alcohol, regardless of purpose, carries some risk. Exempting non-profit community organisations from requiring a permit for small functions will remove the ability for authorities to monitor community events where alcohol is sold or supplied. This could involve events where children and young people are present.

Exemptions undermine the policy intent and provide the opportunity for further exemptions to be provided by establishing a precedent. It is important that the licence types, including liquor permits, comply with the harm minimisation Object of the Act.

Proposal 40

Amendment of “special licence” class to facilitate caterers’ functions.

NAAPA position: Support in principle

Amendments to the “special licence” class to facilitate caterers’ functions need to reflect the scope and type of events caterers provide services for. The Commissioner needs to be satisfied that any potential risks have been addressed.

It is recommended that any amendments to the “special licence” category include a definition of “caterer” in the Act. Under this licence, caterers should be required to:

- include a Risk Assessment Management Plan (with their application)
- comply with RSA requirements at all times
- maintain an incident register
- notify the Commissioner of an upcoming event and comply with any conditions set by the Commissioner relating to that specific event.

Rationale

The regulation of caterers must be considered in the context of RSA provisions within the Act and harm minimisation best practices. It is important that any proposal does not provide opportunities for loopholes to be created. An example of this is in New South Wales (NSW) where a late night venue used a catering licence to avoid adhering to the appropriate community impact requirements.⁵⁰ This example illustrates the need to ensure that any new proposal does not provide opportunities for loopholes to be exploited. It is imperative that RSA compliance and best practice harm minimisation are maintained and effectively enforced in the ACT.

2. Other issues for consideration

iii. Dispelling the myths

It is no surprise that members from the alcohol industry are spruiking a range of myths relating to liquor licence reform. Similar myths surfaced during liquor reform processes in both New South Wales and Queensland. Unsurprisingly, these myths were not grounded in evidence. It is anticipated that the ACT Government will receive numerous submissions from members of the alcohol industry asserting that late night trading measures are ineffective and harmful to the late night economy. The government must ensure that any claims are substantiated by independent data sources and that decisions are not made on the basis of anecdotes.

The harms from alcohol outweigh the harms caused by any other drug

Data from the 2013 *National drug strategy household survey*⁵¹ shows that alcohol is the main drug of concern in relation to violence. Almost five million Australians aged 14 and over (26 per cent) had been the victim of an alcohol-related incident such as verbal or physical abuse in 2013. Most of these were related to verbal abuse (22 per cent), a decline since 2010. In the same year, the proportion of the population aged 14 and over who were affected by an illicit drug related incident was 8.3 per cent while the proportion of people experiencing verbal abuse was 6.6 per cent.⁵²

In addition, a study of police detainees which looked at whether alcohol and drugs were a factor in their offending found that 30 per cent of people attributed their offending to alcohol, more than the percentage of all other illicit drugs combined (19 per cent).⁵³ In 2013-14, there were more than 12,000 ambulance attendances attributable to alcohol compared to 1,200 for ice in metropolitan Melbourne.⁵⁴ This equates to 45 patients a day because of alcohol, compared to an average of four people daily for crystal methamphetamine ('ice'). Based on this evidence, industry's claims that drugs cause more harms than alcohol, should be rejected.

Reducing late night trading leads to diversification of the night time economy

The NSW experience provides an example of how reducing late night trading has led to diversification of the night time economy. Claims by segments of the alcohol industry that earlier closing times in Sydney are having a 'disastrous' impact on the night-time economy are unfounded and based on anecdotal claims from alcohol industry representatives. It is expected that licensees within the Sydney CBD precinct would experience a change in business after the introduction of the 3am last drinks and the 1.30am lock outs, as the purpose of these measures was to reduce the availability of alcohol during late night trade to reduce high levels of alcohol harms. The night-time economy is broader than the alcohol industry and the impacts of the alcohol industry should not be viewed in isolation of the broader night-time economy. Current evidence suggests that reducing trading hours can diversify and strengthen the night time economy.

A study commissioned by the Australian National Local Government Drug and Alcohol Advisory Committee, the *Australian Night Time Economy: A first analysis: 2009 to 2011* examines the Night Time Economies in the Local Government Areas of a range of Australian cities, including Newcastle.⁵⁵ The report found that between 2009 and 2011 there was a 9.6 per cent decline in 'drink' sales revenue and a 10.3 per cent increase in 'food' sales revenue.⁵⁶ The decline in 'drink' sales revenue, was therefore largely offset by the increase in 'food' sales revenue, which resulted in a diversification of the night time economy. This change is also confirmed by anecdotal reports which suggest that the night time economy in Newcastle became more diverse and vibrant after the changes were introduced.

The live music industry has been experiencing changes for the past five years

A common argument made by opponents of late night trading restrictions is that these have had an adverse impact on the live music industry. When looking at NSW as an example, there is little reliable evidence to suggest an adverse impact on the live music industry. The Live Music Office identified a 40 per cent reduction in the value of door charge receipts and 19 per cent reduction in attendance across the Sydney Entertainment Precinct in the two years to February 2015⁵⁷ (equating to average annual decreases of 20 and 9.5 per cent, respectively). These data have been conveyed as representing an adverse effect of liquor regulation. Such volatility, however, pre-dated the measures. For example, Live Performance Australia reported a state-wide 14.9 per cent reduction in revenue and 8.5 per cent reduction in attendance in 12 months to June 2012.⁵⁸ Such volatility has also affected Western Australia, where lockout legislation is not in place, with live music venue closures being described as an “emergency situation”.⁵⁹

Evidence exists to suggest the *Creative & Performing Arts Activities* industry in NSW has actually experienced a period of relative strength since the new liquor regulation. Decline among the count of *Creative Artists, Musicians, Writers and Performers* businesses has slowed from 6.7 per cent in 2012-13 to 2.1 per cent in 2014-15. The number of *Performing Arts Operation* businesses in NSW, which declined by 9.1 per cent in 2012-13, recorded growth of 5.4 per cent in 2014-15.

Similarly, the number of *Performing Arts Venue Operation* businesses, which decreased by 8.4 per cent in 2012-13, recorded a 9.7 per cent increase in 2014-15. Growth has also been reflected in employment figures, with more than 15,000 jobs added to the *Arts & Recreational Services* industry in the 12 months to November 2015, representing growth of 24.9 per cent (see Figure 3). This included 13,000 full-time positions (a 43.2 per cent increase) and approximately 2,000 part-time positions (a 6.1 per cent increase).

iv. Other important measures for reform

Reforms to the regulation of alcohol must be comprehensive to effectively mitigate the harms from alcohol. While the White Paper does address a number of key areas of liquor regulation, it fails to adequately address the contribution of off-license venues to alcohol harm and the need for increased enforcement powers for police and data collection mechanisms. Reform in these areas is required to support the introduction of late night trading hour restrictions and other evidence-based reforms proposed by the ACT Government.

Addressing the harms associated with off-licence premises

Reducing alcohol harm will take more than reforming on-licence arrangements. As the White Paper notes, off-licence premises contribute to pre-loading and alcohol harm. Nearly 80 per cent of alcohol consumed in Australia is sold at packaged liquor outlets, and this proportion has been steadily increasing.⁶⁰ Alcohol is being made available at much cheaper prices than at licensed venues. Increased affordability of alcohol is a concern as evidence shows that the lower the price of alcohol, the higher the levels of consumption.⁶¹

To comprehensively reform the regulation of alcohol and ensure consistency in the ACT Government’s commitment to harm minimisation, policies targeted at reforming off-licensing need to be implemented. Off-licensing reforms need to address the issues of promotions, supermarkets and trading hours.

Promotions

As previously raised by NAAPA, the Act currently does not provide grounds for regulatory intervention in the reckless discounting of liquor at off-licence premises. Price-based liquor promotions are very concerning as there is an inverse relationship between the price of alcoholic beverages and levels of consumption and harms.⁶² Similarly, Point of Sale (POS) promotions involving price or volume discounts are particularly effective in encouraging the purchase of increased volumes of alcohol.^{63,64}

The *Responsible Promotion of Liquor Guidelines* (Promotion Guidelines) do not prohibit promotions of alcohol printed on 'shopper dockets' (a discount voucher on the bottom of a shopping receipt). In 2015, one in six (16 per cent) Australian drinkers bought a particular alcohol product because of a shopper docket, an increase from 12 per cent of drinkers in 2014.

The Promotion Guidelines do not cover online promotions of liquor by outlets licensed to sell liquor in the ACT. The Victorian guidelines for responsible liquor advertising and promotions are more extensive, covering signs, banners, flyers, posters, newspaper or internet advertisements, websites, social media (such as Facebook or Twitter) and SMS text messages.

In addition, children and young people are being exposed to alcohol promotions on public transport, such as buses, trains and at bus and train stops. The ACT Government has a role to play in protecting children from exposure to alcohol promotions and must remove alcohol advertisements from state property.

NAAPA position

NAAPA recommends that the Act be strengthened to prohibit the harmful discounting and promotion of alcohol products by including provisions under regulation 29 of the Regulation that:

- Set a minimum price for alcohol of at least one dollar per standard drink.
- Address alcohol promotions by both on and off-licence premises with equal weight.
- Declare 'Shopper dockets' (liquor promotion vouchers on the receipts for purchases) as a prohibited promotional activity.
- Prohibit point of sale promotional materials for liquor (such as 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.
- Cover online promotions.
- Prohibit the placement of alcohol promotions on ACT Government property.

In addition, compliance and enforcement of the provisions under the Regulations which prescribe harmful discounting of alcohol should be monitored and enforced.

Supermarkets

Children and young people are being exposed to alcohol via supermarkets where alcohol can be sold within the store along with other products such as bread and milk. Isolating supermarket floor space designated for alcohol away from other products and disallowing minors from entering the designated liquor area would minimise the exposure to children, young people and other vulnerable people to alcohol promotions while shopping or in the course of their employment.

NAAPA position

NAAPA recommends that the Regulation be amended to include provisions requiring licensees and managers of all new and existing off-licence premises that sell alcohol among other consumer products, such as supermarkets, to:

- Isolate designated floor space for alcohol products (liquor area) away from other products.
- Enforce section 120 of the Act to ensure that persons under the age of 18 are not entering the designated area on the premises.

Trading hours

Off-licence premises should not be exempt from reduced trading hours. Reducing off-licence trading hours will contribute to an overall reduction in alcohol harm, as demonstrated by research in Switzerland and Germany. A reduction in off-licence trading hours in Geneva, combined with a reduction in availability by banning sales from gas stations and video stores, had a significant effect on hospital admission rates among adolescents and young adults. Depending on the age group, a reduction in availability resulted in a decrease in alcohol-related hospital admissions of 25 to 40 per cent.⁶⁵ In Germany, a reduction in trading hours of off-licence premises in Baden-Wurttemberg resulted in a nine per cent fall in alcohol-related hospitalisations among adolescents and young adults.⁶⁶

NAAPA position

NAAPA recommends that Schedule 2 of the Regulation be amended to reduce trading hours for all new and existing off-licence premises to the following:

- Opening times for all off-licence premises across the ACT should be no earlier than 10am.
- Standard closing times for all off-licence premises should be 10pm.

Increasing the enforcement powers for police

As previously raised by NAAPA, challenges exist with the enforcement of liquor legislation, with an analysis of liquor licensing in Australia highlighting that “dealing with intoxication, both conceptually and practically, is one of the most challenging issues for police”.⁶⁷ These challenges for police include being unable to prosecute breaches because of the vague definitions of intoxication and the amount and form of evidence required to achieve a successful prosecution.⁶⁸

While NAAPA welcomes proposed amendments to introduce Controlled Purchase Operations (CPOs), licensees who are found to have breached the Act need to be penalised as soon as possible after the breach occurs for the CPOs to be effective. 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.

In addition, the Act needs to be amended to allow police to issue an emergency closure order in the event of a recent significant incident which threatens the safety of patron(s) and the community. Currently, under section 146 (1) of the Act, a senior police officer may only order a licensee, or permit-holder, to close licensed premises, or permitted premises for 24 hours if the 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.

NAAPA position

NAAPA recommends that ACT Police be granted the powers to swiftly and consistently impose meaningful sanctions for premises that contravene the Act and the Regulation. These powers should include stricter management plans for premises and revocation of extended trading authorisations.

In addition, section 146 (1) of the Act should be amended to allow a senior police officer to issue an emergency closure order in the event of a recent significant incident which threatens the safety of patron(s) and the community.

Improving data collection for publication and use

The White Paper does not contain any proposals aimed at improving the collection, publication and use of alcohol-related data. This is another significant omission given the collection of accurate, alcohol-related data can assist with monitoring trends in per capita consumption of alcohol, assessing the effectiveness of programs and policies, informing liquor licensing decisions and ultimately, reducing alcohol-related harms. Data policy reforms in the ACT need to address the areas of alcohol sales data and the collection and use of alcohol-related data more broadly.

Alcohol sales data

Under sections 1.19 and 1.20, Schedule 1 of the Regulations, sales data is collected from off-licence premises in two separate forms asking for a) the volume of wholesale alcohol sold and b) the supplier's name and address and gross price paid for the liquor from that supplier. While the first form asks about volume of different beverage types the form is not itemised by each purchaser/retailer to allow geographical context to where the alcohol is most likely to be consumed and the second, which tracks the location of suppliers, does not itemise by drink type, volume or date. Currently cider sales are not reported on nor is a definition of what constitutes a 'wholesaler' included in the Regulations. Thus the forms used by the ACT omit the ability to look at local consumption levels.

More information on the collection of alcohol sales data across Australia can be found in Attachment 1. This research paper, *Understanding alcohol sales data in Australia*,⁶⁹ was developed by the Centre for Alcohol Policy Research in 2016. It highlights the importance of collecting alcohol sales data and proposes an ideal approach to measuring alcohol consumption at the state and territory level in Australia.

NAAPA position

NAAPA recommends that the collection of alcohol sales data in the ACT be enhanced by:

- Amending Part 1.5 of Schedule 1 of the Regulation to include the collection of cider sales as part of wholesale data collection.
- Amending Part 1.5 of Regulation to assist licensee reporting of alcohol purchases to the Commissioner of Fair Trading by including a definition of 'wholesaler'.
- Implementing the recommendations made by the Centre for Alcohol Policy Research in *Understanding alcohol sales data in Australia*.⁷⁰

Collection and use of alcohol-related data

In addition to alcohol sales data, the collection and use of alcohol-related data in the ACT can be improved in a number of ways. Under the risk-based licensing system, licensees are required to report to the Office of Regulatory Services (ORS) on their occupancy, trading hours, licence type, and volume

of alcohol sold under an off-licence. The 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.

Alcohol-related ACT Health and ACT 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 Act when determining licence applications or applications for licence amendments. Broadening the collection and use of alcohol-related data will assist in gaining an understanding of the true extent of alcohol harms in the ACT. Alcohol-related data collected by these agencies should be reported publicly on an annual basis.

The collection and use of alcohol-related data by health departments will be further enhanced by a new National Health and Medical Research Council funded project, due to commence in July 2016. Deakin University will oversee and evaluate an intervention that aims to reduce alcohol-related injury in the community through a randomised trial in eight emergency departments in Victoria, NSW and the ACT. Calvary Hospital is one of the hospitals taking part in the pilot study. A key aspect will be the introduction of mandatory "last-drinks" data collection within existing hospital IT systems for triage/clinician follow-up.

NAAPA position

NAAPA recommends that the collection and use of alcohol-related data be strengthened by:

- Requiring the Office of Regulatory Services to publicly report on the characteristics of off-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.

In addition, NAAPA recommends that a whole of government report on key alcohol-related harms indicators be published annually to inform public policy and decision-making on alcohol. This report should be made public.

References

- ¹ Miller, P., Tindall, J., Sönderlund, 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: Oxford University Press.
- ² 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).
- ³ 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).
- ⁴ Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919–25.
- ⁵ 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.
- ⁶ Laslett, A.M., et al. (2015). *The hidden harm: Alcohol's impact on children and families*. Canberra: Foundation for Alcohol Research and Education (FARE).
- ⁷ 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.
- ⁸ Babor, T., et al. (2010). *Alcohol: No ordinary commodity. Research and public policy*. 2nd Edition. Oxford: Oxford University Press.
- ⁹ 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.
- ¹⁰ 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.
- ¹¹ 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).
- ¹² Briscoe, S. & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*
- ¹³ Briscoe, S. & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*
- ¹⁴ Smith, L., Morgan, A. & McAtamney, A. (2011). *Policing licensed premises in the Australian Capital Territory*. Australian Institute of Criminology, AIC Reports Technical and Background Paper.
- ¹⁵ 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*, 106 303-310.
- ¹⁶ 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, 323–326.
- ¹⁷ Bevan, T (2013). *The Australian Night Time Economy A First Analysis 2009 to 2011*. Canberra: The National Local Government Drug and Alcohol Advisory Committee.
- ¹⁸ 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.
- ¹⁹ 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>.
- ²⁰ Kleimann, M. A. R. (2010). *When brute force fails: How to have less crime and less punishment*. Princeton NJ: Princeton University Press.
- ²¹ Trifonoff, A., Andrew, R., Steenson, T., Nicholas, R., & Roche, A. (2011). *Liquor licensing legislation in Australia: Part 3 police expectations and experiences*. Adelaide: Flinders University, National Centre for Education and Training on Addiction (NCETA).
- ²² Nicholls, R., Trifonoff, A. and Roche, AM. (2014). Liquor licensing legislation – Australian police perspectives. In Manton, E., Room, R., Giorgi, C, Thorn, M (Eds.), *Stemming the tide alcohol: liquor licensing and the public interest* (pp179-187). Canberra: Foundation for Alcohol Research and Education in collaboration with The University of Melbourne, 2014.

- ²³ Australian Institute of Health and Welfare (AIHW). (2014). *National drug strategy household survey detailed report*. Canberra: AIHW, p.175.
- ²⁴ 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.
- ²⁵ Jones C, Kypri K, Moffatt S, Borzycki C, Price B. (2009). *The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW*. Sydney: NSW Bureau of Crime Statistics and Research.
- ²⁶ Green J, Plant MA. (2007). Bar bars: A review of risk factors. *Journal of Substance Use*, 12(3):157-89.
- ²⁷ Department of Health (n.d.) *Module 5: Young people, society and AOD: Learner's workbook, 6.1 What is harm minimisation?* Australian Government, updated 2004. Retrieved from: <http://www.health.gov.au/internet/publications/publishing.nsf/Content/drugtreat-pubs-front5-wktoc~drugtreat-pubs-front5-wk-secb~drugtreat-pubs-front5-wk-secb-6~drugtreat-pubs-front5-wk-secb-6-1#the>
- ²⁸ Heather, N. (Date unknown). *National Alcohol Harm Reduction Strategy: Response to consultation document*. Retrieved from <http://www.fead.org.uk/docs/NH4.pdf>
- ²⁹ Jones, S., (2014). *Point-of-sale alcohol promotions – the need for effective regulation*. In Manton, E., Room, R., Giorgi, C, Thorn, M (Eds.), *Stemming the tide alcohol: liquor licensing and the public interest* (pp137-148). Canberra: Foundation for Alcohol Research and Education in collaboration with The University of Melbourne, 2014.
- ³⁰ Australian beverage advertising code complaints panel (2012). *ABAC complaints panel final determination no: 112/11B*. Retrieved from: <http://www.abac.org.au/wp-content/uploads/2013/04/112-11B-FinalDetermination-with-addendum-Bacchus-13Feb12.pdf>
- ³¹ White, P. (2012, 11 December). Letter to the Foundation for Alcohol Research and Education.
- ³² New Zealand Police. (2011). *Operation Unite: Controlled purchase operation*. 16 May 2011. Retrieved from: <http://www.police.govt.nz/news/release/28122.html>.
- ³³ 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 <http://www.ndp.govt.nz/moh.nsf/indexcm/ndp-publications-tacklingalcoholoffences>.
- ³⁴ Foundation for Alcohol Research and Education. (2011). *Annual alcohol poll: Community attitudes and behaviours*. Canberra: Foundation for Alcohol Research and Education.
- ³⁵ 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*. MDCH: Michigan.
- ³⁶ Livingston, M. (2008). A longitudinal analysis of alcohol outlet density and assault. *Alcoholism: Clinical and experimental research* 32(6): 1074-1079.
- ³⁷ Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919-925.
- ³⁸ Matthews, S. (2010). *To compare regulatory and planning models which reduce crime in the night time economy*. Churchill Fellowship Report, Winston Churchill Memorial Trust, Australia
- ³⁹ Hadfield, P. & Measham, F. (2009). England and Wales pp19-50. In Hadfield, P. (ed) *Nightlife and crime: social order and governance in international perspective*. New York: Oxford University Press Inc.
- ⁴⁰ New York State Liquor Authority. (2013). *Measuring the distance: The 200 and 500 foot rules*. New York: New York State Liquor Authority, Division of Alcohol Beverage Control.
- ⁴¹ Ordonnance en droit constitutionnel français. (2015). *Code de La Sante Publique*. Article L3335-1 and L3335-2
- ⁴² Chapter 16 – risk-based licensing and alcohol-related offences in the Australian Capital Territory (finish)
- ⁴³ Euromonitor International (2012). *Alcoholic drinks in Australia*. Euromonitor International Ltd London
- ⁴⁴ Livingston, M. (2008). A longitudinal analysis of alcohol outlet density and assault. *Alcoholism: Clinical and Experimental Research* 32(6): 1074-9.
- ⁴⁵ Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919-925.
- ⁴⁶ Livingston, M.(2011). Alcohol outlet density and harm: comparing the impacts on violence and chronic harms. *Drug and Alcohol Review*30(5): 515-23.
- ⁴⁷ Livingston, M. (2014). Liquor regulation: beyond the night-time economy. In Manton, E., Room, R., Giorgi, C, Thorn, M (Eds.), *Stemming the tide alcohol: liquor licensing and the public interest* (pp79-86). Canberra: Foundation for Alcohol Research and Education in collaboration with The University of Melbourne, 2014.
- ⁴⁸ Babor, T., et al. (2010). *Alcohol: No ordinary commodity. Research and public policy. 2nd Edition*. Oxford: Oxford University Press.

-
- ⁴⁹ Harper, I. et al. (2015). *The Australian Government Competition Policy Review: Final Report*. Canberra: Commonwealth of Australia
- ⁵⁰ Matthew Moore (2011). Loophole caters to the liquor needs of new nightclub. *The Sydney Morning Herald*. Retrieved from <http://www.smh.com.au/nsw/loophole-caters-to-the-liquor-needs-of-new-nightclub-20110418-1dlrw.html>
- ⁵¹ Australian Institute of Health and Welfare (AIHW). (2014). *National drug strategy household survey detailed report 2013*. Drug statistics series no. 28. Cat. no. PHE 183. Canberra: AIHW.
- ⁵² Australian Institute of Health and Welfare (AIHW). (2014). *National drug strategy household survey detailed report 2013*. Drug statistics series no. 28. Cat. no. PHE 183. Canberra: AIHW.
- ⁵³ Payne, J., and Gaffney, A on behalf of the Australian Institute of Criminology. (2012). Trends & issues in crime and criminal justice. No.439. Retrieved from: http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi439.pdf
- ⁵⁴ Lloyd B., Matthews S., Gao C. X., Heilbronn C., Beck, D. (2015). *Trends in alcohol and drug related ambulance attendances in Victoria: 2013/14*. Fitzroy, Victoria: Turning Point.
- ⁵⁵ Bevan, T (2013). *The Australian Night Time Economy A First Analysis 2009 to 2011*. Canberra: The National Local Government Drug and Alcohol Advisory Committee.
- ⁵⁶ Ibid.
- ⁵⁷ Live Music Office (2016, 19 February). *Sydney CBD sees drop in live music performance revenue since introduction of lockout laws*. Retrieved from: <http://livemusicoffice.com.au/drop-in-live-performance-revenue-and-nightclub-attendance-in-sydney-cbd-since-introduction-of-lockout-laws/>
- ⁵⁸ Live Performance Australia. (2014). *LPA Ticket Attendance and Revenue Survey 2014*. Retrieved from: <http://reports.liveperformance.com.au/ticket-survey-2014/states#state-pc-movement>
- ⁵⁹ Foster, B. (2015, 20 February). Live music venues closing in Perth at 'critical' level. *WA Today*. Retrieved from: <http://www.watoday.com.au/wa-news/live-music-venues-closing-in-perth-at-critical-level-20150220-13kee7.html>
- ⁶⁰ Euromonitor International (2012). *Alcoholic drinks in Australia*. Euromonitor International Ltd London
- ⁶¹ 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.
- ⁶² Wagenaar, A.C., Salois, M.J., and 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.
- ⁶³ 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.
- ⁶⁴ 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.
- ⁶⁵ Wicki, M. & Gmel, G. (2011). Hospital admission rates for alcoholic intoxication after policy changes in the canton of Geneva, Switzerland. *Drug and Alcohol Dependence* 1 November 2011 Vol 118: Issues2-3 pp209-215
- ⁶⁶ Marcus, Jan; Siedler, Thomas (2013) Reducing binge drinking? The effect of a ban on late-night off-premise alcohol sales on alcohol-related hospital stays in Germany, Beiträge zur Jahrestagung des Vereins für Socialpolitik 2013: Wettbewerbspolitik und Regulierung in einer globalen Wirtschaftsordnung – Session. *Health Economics*. No. G07-V1.
- ⁶⁷ Trifonoff, A., Andrew, R., Steenson, T., Nicholas, R., & Roche, A. (2011). *Liquor licensing legislation in Australia: Part 3 police expectations and experiences*. Adelaide: Flinders University, National Centre for Education and Training on Addiction (NCETA).
- ⁶⁸ Trifonoff, A., Andrew, R., Steenson, T., Nicholas, R., & Roche, A. (2011). *Liquor licensing legislation in Australia: Part 3 police expectations and experiences*. Adelaide: Flinders University, National Centre for Education and Training on Addiction (NCETA).
- ⁶⁹ Rankin, G., and Livingstone, M. (2016). *Understanding alcohol sales data in Australia*. Canberra: Foundation for Alcohol Research and Education.
- ⁷⁰ Rankin, G., and Livingstone, M. (2016). *Understanding alcohol sales data in Australia*. Canberra: Foundation for Alcohol Research and Education.

