

Tasmanian Family and Sexual Violence Alliance

SUBMISSION TO THE REVIEW INTO THE TASMANIAN LIQUOR LICENSING ACT 1990

**Working together for a
Tasmania free from family
and sexual violence**





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PREAMBLE

We thank the Tasmanian Government for this opportunity to contribute to reforms to the *Liquor Licensing Act 1990*. Given the clear evidence provided in this submission of the link between alcohol misuse and family violence, sexual violence, and child abuse, the Tasmanian Family and Sexual Violence Alliance (TFSVA) congratulates the government for its attention to the recommendations relating to liquor licensing outlined in the *2024 Rapid Review of Prevention Approaches to End Gender Based Violence*.

The Tasmanian Family and Sexual Violence Alliance (TFSVA) is the newly formed peak body for family violence and sexual violence, including child sexual abuse, and represents the sector across the continuum of primary prevention, early intervention, response and healing and recovery. We amplify the voices of lived experience and practice knowledge to improve systems, influence policy, and drive cultural change to end gendered violence.

While the documentation for this review notes a remit in terms of family and domestic violence only, the TFSVA has a wider remit, including sexual violence and child abuse. As such, throughout this submission, we use the term “family and sexual violence” (FSV) to denote family violence, sexual violence, and child abuse. We use this term and acronym unless citing other research, policy, and practice documents.



TERMS OF REFERENCE

- 1) What are your views about the current and future availability of liquor, including:
 - a) Where liquor can be sold - for example should it remain limited to a principal activity test or should liquor be available for sale as part of a business with multiple or broader activities? (Reference Section 24A of the *Liquor Licensing Act [LLA] 1990*).
 - b) Delivery of liquor, including rapid and same day delivery - for example, are there any reasons why delivery of liquor should be restricted such as certain times of day or minimum delays between order and delivery?
 - c) Who should have access to or be exposed to areas selling liquor – for example, the current Act allows areas to be designated as 18 years and over or restricts access by minors to require a guardian (Reference Section 84 of the *LLA 1990*).
 - d) Should there be limitations on accessing a licensed premises outside of the hours of liquor sales - for example, should people be allowed on a licensed premises when liquor sales are not allowable? (Reference Section 65 of the *LLA 1990*).
- 2) What challenges do you, your organisation or the people you represent face under the current legislation?
- 3) What impact will the intended changes have on your business or operations or the people you represent?
- 4) Do you see any consequential issues that may arise from the intended reforms?

Relevant Reforms Proposed

- 1) Considering and responding to the role that alcohol may play in contributing to FDV
- 2) Strengthening controls on alcohol access and availability to address the role that alcohol may play in FDV.



RESEARCH EVIDENCE

Consideration of the role of alcohol in family violence, sexual violence and child abuse (FSV) is complex given the various individual, social, institutional, and geographic factors that can contribute to dangerous misuse of alcohol and drugs. While most research in relation to family violence focuses on perpetrators' misuse of alcohol and other drugs, sexual violence research is mixed and considers both the misuse of alcohol by perpetrators and the consequential misuse of alcohol by victim-survivors in the aftermath of violence. As such, there may be difficulty in drafting the right policy and practice response to address perpetrators' misuse of alcohol without impinging on the survival strategies deployed by some survivors of violence. This is especially the case in family violence (FV) where the perpetrator and victim-survivor may cohabitiate.

Research Snapshot: Alcohol misuse and interpersonal violence

- ➡ Alcohol is a mediating and contributing factor in violence against women and children, but not a causative factor
- ➡ Men are more likely than women to engage in problematic, excessive binge drinking
- ➡ FV 3.4 times more likely when men engage in problematic alcohol use
- ➡ Link between alcohol misuse and FSV, including economic abuse, reproductive harms, and sexual abuse
- ➡ Alcohol misuse and problematic drinking directly correlated with harms to children's relationships with family, violence and maltreatment, health, well-being and developmental impacts, and social and education outcomes
- ➡ Alcohol misuse is a contextual or contributing factor in 25% to 54% of all FV incidents
- ➡ Alcohol-related FV incidents were twice as likely to involve extreme physical violence, involve other drug use, and increased the likelihood of recidivism
- ➡ Mixed evidence of alcohol misuse & FVO breaches
- ➡ Up to 50% of all sexual assaults (reported and unreported) involving the consumption of alcohol by the perpetrator, victim-survivors, or both
- ➡ Between 34% and 74% of perpetrators used alcohol at the time of assault, and that perpetrators who drank heavily on a date were more likely to commit SV
- ➡ No statistically significant relationship between sexual violence victimisation & alcohol misuse
- ➡ Child sexual abuse strongly linked to adult problematic drinking, with 370% increased likelihood of alcohol dependency in adulthood



Alcohol Misuse and Interpersonal Violence

The World Health Organization (2024a) notes that men are more likely than women to use alcohol, and to use alcohol excessively, including binge drinking. There is clear evidence that men's use and misuse of alcohol is a mediating and contributing factor to violence against women and children. In the UN Multi-Country Study on Men and Violence (cited in Laslett et al 2022) found that the odds of men engaging in intimate partner violence (IPV) were 3.4 times greater in the context of heavy drinking episodes, and more likely if they held negative attitudes to women.

In their scoping review of the evidence, Laslett et al (2025) note that violence, sexual jealousy and aggression, and coercion are more severe when alcohol is used by perpetrators, and that men are less likely to engage in safe sexual practices. Additionally, men's misuse of alcohol can exacerbate economic abuse by way of prioritising alcohol over family essentials, and decreasing family income by way of loss of income and unemployment; both of which may trigger an escalation of family violence.

Across the 100 studies explored by Laslett et al (2025), they report on three forms of harm to victim-survivors caused by alcohol misuse by men. These are harms to physical, reproductive, and mental health. Men's violence is more severe and their actions more volatile when under the influence of alcohol, resulting in acute and long-term physical injury and disablement. This physical violence extends to harms to reproductive health such as sexual injuries, inability to conceive, child deaths and unwanted pregnancies. Additionally, men's misuse of alcohol is linked to infidelity and risky sexual behaviours, which increases women's vulnerability to sexual transmitted infections. Women's mental health is harmed by men's misuse of alcohol and can lead to psychological distress, damaged self-esteem, anxiety and depression and suicidality, and create a context of constant vigilance, conflict, and decreased family functioning. It can also shrink the social life of victim-survivors through shame and self-isolation, often to avoid anticipated humiliation.

However, in the qualitative studies with victim-survivors scoped by Laslett et al (2025), women questioned a causal link between alcohol misuse and violence, noting that



violence also occurs when perpetrators are not drinking, or when they cannot access alcohol.

Further, as documented by Laslett et al (2025), there is significant evidence of harms to children from alcohol misuse. While harms can be generated from both men's and women's problematic drinking, as men misuse alcohol at higher rates, their drinking has a greater impact on children. Rates of children's exposure to problematic drinking patterns range from 6.2% (Italy) to 35% (Lithuania), and children exposed to violence are significantly more likely to live in households with men who self-report misuse of alcohol.

The harms cause to children from men's misuse of alcohol cut across relationships and family, violence and maltreatment, health, well-being and developmental impacts, and social and education outcomes (Laslett et al 2025). Children report estrangement and neglect from fathers who drink excessively (perhaps because of its attendant violence to their mothers). Children are also more likely to witness violence when men drink excessively, and become victims of neglect and child abuse. While child maltreatment because of the misuse of alcohol is clear, the research on this link is complicated by a lack of differentiation between father's and mother's drinking. The modelling of problematic alcohol use is also thought to contribute to adolescent drinking, along with children's aggressive behaviour. These harms to children's wellbeing may be moderated by better parenting by the non-alcohol-affected parent, connection to community and faith-based organisations, as well as social support. However, problematic drinking can lead to children taking on more responsibilities for caring (parents and siblings), and long-term distrust of people. Finally, the harms to children extend to their social and educational outcomes, including behavioural problems in school, lower education attainment, truancy, absenteeism, and suspensions. Children in homes with male relatives that drink excessively have reduced verbal and abstract reasoning, verbal learning, and memory. These harms (and protective measures) can vary across the life course.



Family Violence

Just as there is a recognised cycle of family violence, in their qualitative research with IPV victim-survivors, Wilson et al (2016) found a related “cycle of escalating violence” in alcohol related IPV.



Figure 1: The cycle of alcohol-related intimate partner violence (Wilson et al 2017, 120).

Alcohol misuse is a contextual or contributing factor in 25% to 54% of all FV incidents (Leonard 2009; Mayshak et al 2020; Cho 2022), and alcohol-related FV incidents were twice as likely to involve extreme physical violence (incl. life threatening injuries), often involved other drug use, and increased the likelihood of recidivism (Mayshak 2020). Cho (2022) also found that perpetrators with substance use issues were more likely than those who do not use alcohol to “throwing things”, “pushing hard”, “kicking and punching” and “beating someone without mercy”.



In their qualitative study with victim-survivors, Wilson et al (2017), identified four phases when participants needed to change strategy to manage their and their children's safety in relation to alcohol-related FV. Only one of these phases—the first, preventing (i.e., limiting perpetrator's drinking)—is focused on access and use of alcohol. The other three phases are about predicting, responding, and protecting, and are aimed at the victim-survivors' actions. As noted by one participant in that research, counterintuitively, victim-survivors may in fact be waiting for total inebriation rather than attempt to control the perpetrator's access to alcohol:

I will usually wait for that stage when he would be too drunk to do anything, when he'll be unstable on his feet — that was the moment when I knew I was pretty much safe (Carla, 43 years).

There is mixed findings on the link between alcohol misuse and breaches of Family Violence Orders, with Napier et al (2015) finding that nearly 50% of breaches involved alcohol misuse, yet Mayshak et al (2020) found that in, at least the ACT and Queensland, incidents involving a breach were less likely to involve alcohol misuse.

In their regression modelling, Mayshak et al (2020) found that alcohol-related IPV and alcohol-related FV were 72% and 228%, respectively, more likely to also include other drug use. In their close parse of data from NSW and the Northern Territory, they also found that alcohol-related FV incidents were 26% to 91%, respectively, more likely to include a recidivist offender. In their deep dive into the NT data, they also found that alcohol-related FV incidents were more extreme, with a 97% increased likelihood of broken bones, 206% increased likelihood of life-threatening injuries, and 240% increased likelihood of serious bruising.

Sexual Violence

Alcohol misuse and abuse have been widely identified as a risk factor for sexual violence perpetration (Abbey et al 2014), with up to 50% of all sexual assaults (reported and unreported) involving the consumption of alcohol by the perpetrator, victim-survivor, or both (Abbey et al 2004). As Lippy and Degue (2014) identify, "...research has found a consistent link between alcohol use and sexual violence



perpetration, suggesting that strategies that modify alcohol access and use may result in reduced risk". Research suggests that between 34% and 74% of perpetrators used alcohol at the time of assault, and that perpetrators who drank heavily on a date were more likely to commit sexual violence (Abbey et al 1994). Underpinning these behaviours is the link between alcohol and how it interacts with other individual, social and population factors to increase the risk for violence.

In relation to young people's use of dating violence (including sexual violence), Rothman et al (2012) found a 123% increased likelihood of dating violence with high frequency or quantity of alcohol use by perpetrators, 147% increased likelihood with heavy episodic drinking, and 233% increased likelihood with problematic use of alcohol. Across the literature, it has been identified that young college/university women were at increased risk of sexual violence due to the normalisation of excessive alcohol use (by victims and perpetrators) in these environments (Lorenz and Ullman 2016).

As noted by Lippy and DeGue (2014) and Tharp et al 2013, alcohol use does not cause sexual violence, nor do the sociocognitive effects of alcohol use create an equal risk of engaging in sexual violence. Rather:

...the effects of alcohol consumption interact with existing individual-level risk factors for sexual aggression (e.g., general aggressiveness, belief in rape myths, hostility toward women, or exposure to violence in childhood...). Thus, the behavioral impact of alcohol is a product of its direct sociocognitive effects and the individual, community, and cultural context in which the drinking occur. Reducing alcohol use by potential perpetrators will not address the etiological roots of sexual violence, but it may mitigate a potent proximal risk factor and reduce perpetration rates (Lippy and DeGue 2014, 27).

An additional factor raised across the research evidence is the misuse of alcohol by victim-survivors as a survival strategy. Lorenz and Ullman (2016) note a victim-survivor's sexual assault history, irrespective of when this occurred is strongly associated with women's misuse of alcohol. However, this increased risk of alcohol misuse is mediated by prior drinking behaviours, which means there is no direct or statistically significant relationship between sexual violence victimisation and alcohol misuse, and that the relationship may be stronger between pre- and post-assault alcohol misuse. Lorenz and Ullman (2016) suggest that:



...alcohol use functions as both a risk factor and consequence of assault (Kaysen et al., 2006, Lawyer et al., 2010, Testa et al., 2003) and may lead to subsequent alcohol-involved assaults (Krebs et al., 2009a, Messman-Moore et al., 2012). Therefore, there may be a bi-directional relationship between alcohol use and alcohol-involved sexual assault risk.

However, there is a clear link between childhood sexual abuse (CSA) and alcohol misuse. Bryan et al (2015) found that there was a cascading bi-directional relationship between CSA, adult sexual victimisation, and increased rates of dangerous and problematic alcohol use. They identified that CSA correlated with problematic drinking in young adulthood, which increased the risk of sexual violence victimisation, which in turn escalated alcohol misuse. Lown et al (2010) note that both childhood physical and sexual abuse was highly correlated with last 12 months and lifetime alcohol consumption, with victim-survivors of CSA consuming nearly 60% more drinks in the past 12 months than those with no CSA history, and 370% increased likelihood of alcohol dependency.



Alcohol outlet density, opening hours and interpersonal violence

Unlike the mixed evidence of individual-level reforms aimed at reducing the impact of alcohol misuse on rates of FSV, community- and population-level strategies have been identified as the most impactful way to reduce the FSV harms of alcohol misuse. Addressing these higher-level drivers of alcohol misuse are central to the aims of the proposed reforms to the LLA.

Research Snapshot: Alcohol outlet density, availability & interpersonal violence

- ⇒ Statistically significant correlation between density of alcohol outlets and reported FV rates
- ⇒ Increased rates of FV in regions with high density of packaged alcohol outlets, which increases 29% for every outlet per 1,000 residents
- ⇒ Increased harms reported in relation to outlet density in low-SES communities
- ⇒ Restrictions on hours of operation may reduce rates of SV, but evidence is mixed
- ⇒ Alcohol-related sexual violence can be reduced by community- and population-level responses, especially community strategies such as bystander intervention training and population strategies such as outlet density
- ⇒ Irrespective of the site of alcohol use (licensed venues and home consumption), higher frequency and variety of venue use was correlated with child abuse
- ⇒ Pricing policies impact on rates of SV
- ⇒ Reforms to alcohol pricing, sale time, alcohol outlet density, drinking environment, marketing, and college/university policies all have direct correlations to reduced rates of FSV

Family Violence

There is some evidence to indicate that population- and community-level strategies can be effective interventions in FV rates. Livingston (2011), Kearns et al (2015), and Roman and Reid (2012) all found a link between density of alcohol outlets and reported FV rates. In Livingston's (2011) longitudinal study of alcohol outlet density in Melbourne, he found that there was a significant correlation between outlet density and family violence across all three types (hotel/pub, packaged liquor, on-premises), such that for every increase in the number of outlets per 1,000 residents resulted in increases in DV rates. While both hotel/pub and on-premises outlets accounted for an increase of 5.9% in DV incidents, the rates were significantly higher



for packaged alcohol outlets, where for every increase in the number of outlets per 1,000 residents there was a 28.6% increase in FV rates.

As Livingston (2011, 924) notes that "...it is plausible that increasing density of... [on-premises] outlets will result in increasing consumption of off-premise alcohol. This consumption is likely to take place within the home, increasing the risk of domestic violence". However, the relative disadvantage of locality mediated these results, with FV rates heightened in areas of socio-economic disadvantage irrespective of the type of outlet (Leonard 2009; Mayshak 2020); though, Mayshak et al (2020) noted that this varied across Australian states and territories.

Additionally, Douglas (1998) and Gray et al (1999) suggest that restrictions in the hours of sale of alcohol, especially in rural and remote communities, contributed significantly to lowering rates of FV. However, in their systematic review of 11 international studies, Wilson et al (2014) found that there was weak evidence of associations between FV and population level and taxation alcohol strategies (e.g., pricing) and community level policies (e.g., hours of sales, density), and only limited impact on rates of FV with individual and couples-based treatments. They—along with Kearns et al 2015)—suggest that while population and community level strategies may be effective in reducing general crime and violence, the link to FV is tenuous at best.

Sexual Violence

In relation to the link between sexual violence and alcohol, the evidence of effective community and population level responses to alcohol policies and legislation is much stronger than in the case of FV. While most preventative sexual violence strategies are aimed at individual behavioural change, there is emerging research that alcohol policy may have a far greater impact.

Basile (2016) suggests that alcohol-related sexual violence can be reduced by community- and population-level responses. This was especially the case in school and college/university contexts, where bystander training reduced rates of sexual harassment and stalking victimisation and perpetration, and healthy relationships



training, which reduced negative bystander behaviours (such as violence-affirming behaviour) and rates of dating violence. Additionally, the use of hot-spot mapping of buildings and infrastructure reduced sexual violence perpetration and victimisation. As with FV, the rates of sexual violence could also be reduced by way of reducing the number of on-premises outlets in a specified area.

In relation to childhood abuse, Freisthler (2011) found that the drinking frequency and variety of drinking venues used by parental perpetrators was highly correlated, such that children, "...frequently going to bars, frequently going to parties in a parent's own home, and frequently going to parties in friends' homes" were positively related to child abuse. These factors are critical in assessing the harms caused by enabling alcohol outlets to facilitate children's access to these spaces.

In their systematic review of the literature on FSV and alcohol policy, Lippy and DuGue (2014) found that there is clear evidence that six alcohol policy areas are ideal for preventative measures to reduce family and sexual violence:

- ⇒ alcohol pricing,
- ⇒ sale time,
- ⇒ alcohol outlet density,
- ⇒ drinking environment,
- ⇒ marketing, and
- ⇒ college/university policies.

Each of these approaches are possible avenues through which the current reforms to the LLA may enhance the protective measures required to address the link between alcohol misuse and FSV. In the abridged table below, we provide the evidence specifically for FSV; however, as problematic use of alcohol has been linked to a range of crimes, including non-FSV violence, some strategies aimed at reducing alcohol misuse generally may also have a beneficial impact on rates of FSV.

The last of these policies is not discussed given that the context in Australia is vastly different to the US, where most college/university students live on campus and there



are strong drinking cultures in these environments. In Tasmania, the only university has recently closed the student pub on campus, and very few on-campus activities are catered with alcohol. The only remaining alcohol on premises outlet at the University of Tasmania is the staff club, which is restricted to staff use.

Table 1: Summary of evidence for alcohol policies on FSV (adapted from Libby & DuGue 2014, 29)

Policy	Description	Summary of Findings
PRICING POLICIES		
Excise tax	Increase alcohol tax rates (usually excise tax), which increase price	<i>SV</i> : Beneficial effects on rates of SV based on self-report and law enforcement data in four studies (Cook & Moore, 1993; Desimone, 2001; Grossman & Markowitz, 1999; Zimmerman & Benson, 2007) <i>Assault</i> : Beneficial effects on assault and injury rates based on law enforcement and hospital data as well as STIs and risk sexual behaviors in two systematic reviews (Elder et al., 2010; Wagenaar et al., 2010) <i>Alcohol use</i> : Beneficial effects on consumption in two systematic reviews (Elder et al., 2010; Wagenaar et al., 2009)
SALE TIME POLICIES		
Days of sale	Reduce or maintain current limits on days of sale	<i>IPV</i> : Mixed effects on IPV rates in law enforcement data in one systematic review (Middleton et al., 2010) <i>Assault</i> : Beneficial effects on physical assault rates in law enforcement data in one systematic review (Middleton et al., 2010)
Hours of sale	Reduce or maintain current limits on hours of sale	<i>Assault</i> : Mixed effects on assault and injury in hospital data in one systematic review (Hahn et al., 2010)
ALCOHOL OUTLET DENSITY POLICIES		
Privatization	Increase density by increasing sale of certain alcoholic beverages by private off-premise outlets	<i>Alcohol Use</i> : Harmful effects on consumption of privatized beverages in two systematic reviews (Campbell et al., 2009; Hahn et al., 2012)
Permissive licensing	Increase density by permitting sale of more types of alcoholic beverages at more premises	<i>Alcohol Use</i> : Harmful effects on per capita alcohol consumption in one systematic review (Campbell et al., 2009)
Bans	Decrease density by banning sale or consumption at outlets in an area (e.g., town, county)	<i>Injury</i> : Beneficial effects on alcohol-related medical visits (in isolated communities only) in one systematic review (Campbell et al., 2009) <i>Alcohol Use</i> : Beneficial effects on per capita alcohol consumption in one systematic review (Campbell et al., 2009)
General outlet density (not policy specific)	Increase in the number of alcohol outlets per capita or in a defined geographic area	<i>SV</i> : Harmful effects of higher density on rape rates using law enforcement data (Toomey et al., 2012) and rape/sexual assault victimization rates using self-report data (Markowitz, 2005); null effects on male sexual victimization by an intimate partner in one study (Waller, Iritani, Flewelling, et al., 2012)



Policy	Description	Summary of Findings
		<p>Assault: Harmful effects of higher density on assault, violent crime, and injury rates using law enforcement data in two studies and one review (Campbell et al., 2009; Liang & Chikritzhs, 2011; Pridemore & Grubasic, 2012) and hospital admissions data in three studies (Gruenewald & Remer, 2006; Livingston, 2011a; Mair, Gruenewald, Ponicki, & Remer, 2013)</p> <p>FV: Harmful effects of higher density on IPV using law enforcement data in four studies (Cunradi et al., 2011; Cunradi et al., 2012; Livingston, 2011b; McKinney, Caetano, Harris, & Ebama, 2009); mixed effects on self-reported IPV victimization for males and females in three studies (McKinney et al., 2009; Waller, Iritani, Christ, et al., 2012; Waller, Iritani, Flewelling, et al., 2012)</p> <p>Alcohol Use: Harmful effects of higher density on per capita alcohol consumption and self-reported binge drinking in one review (Campbell et al., 2009)</p>
DRINKING ENVIRONMENT POLICIES		
Enhanced enforcement	Increased enforcement of laws prohibiting "overservice" to intoxicated or underage patrons	<p>Violence: Mixed effects on violence-related outcomes using law enforcement and hospital data in three systematic reviews (Brennan, Moore, Byrne, & Murphy, 2011; Jones, Hughes, Atkinson, & Bellis, 2011; Rammohan et al., 2011)</p>
Responsible beverage service	Training (sometimes mandated) to increase ability of servers to prevent overservice	<p>Aggression: Beneficial effects on observed physical aggression in bars in one study (Graham et al., 2004)</p> <p>Alcohol Use: Beneficial effects on patrons subjectively rated as extremely drunk in one study (Lang, Stockwell, Rydon, & Beel, 1998)</p>
MARKETING POLICIES		
Ban on billboard and alcohol price ads	State and local bans of alcohol ads on billboards or ads that list alcohol price	<p>Child Abuse: Null effects on self-reported child abuse perpetration in one study (Markowitz & Grossman, 1998)</p> <p>Alcohol Use: Mixed effects of banning ads of alcohol prices (Nelson, 2001)</p>
Marketing exposure (not policy specific)	General exposure to alcohol advertising	<p>SV: Harmful effects of exposure to sexist alcohol advertising on rape, sexual assault, and exposure offenses against women using law enforcement data (Parker, Alaniz, & Cartmill, 2013)</p> <p>Alcohol Use: Harmful effects of advertising exposure on self-reported drinking initiation and levels and patterns of consumption in two reviews (Anderson, de Bruijn, Angus, Gordon, & Hastings, 2009; Smith & Foxcroft, 2009)</p>

Note. SV = sexual violence; FV = family violence; IPV = intimate partner violence; STI = sexually transmitted infection; BAC = blood alcohol concentration.



LEGISLATIVE RESPONSES

As noted in Figure 2 below, Laslett et al (2025) found that there were multiple ways in which policy and practice can shape the actions of alcohol-affect men and the impacts of their violence on women and children. Individual, social, and community/cultural moderators can enhance women's and children's safety and disable men's use of violence.

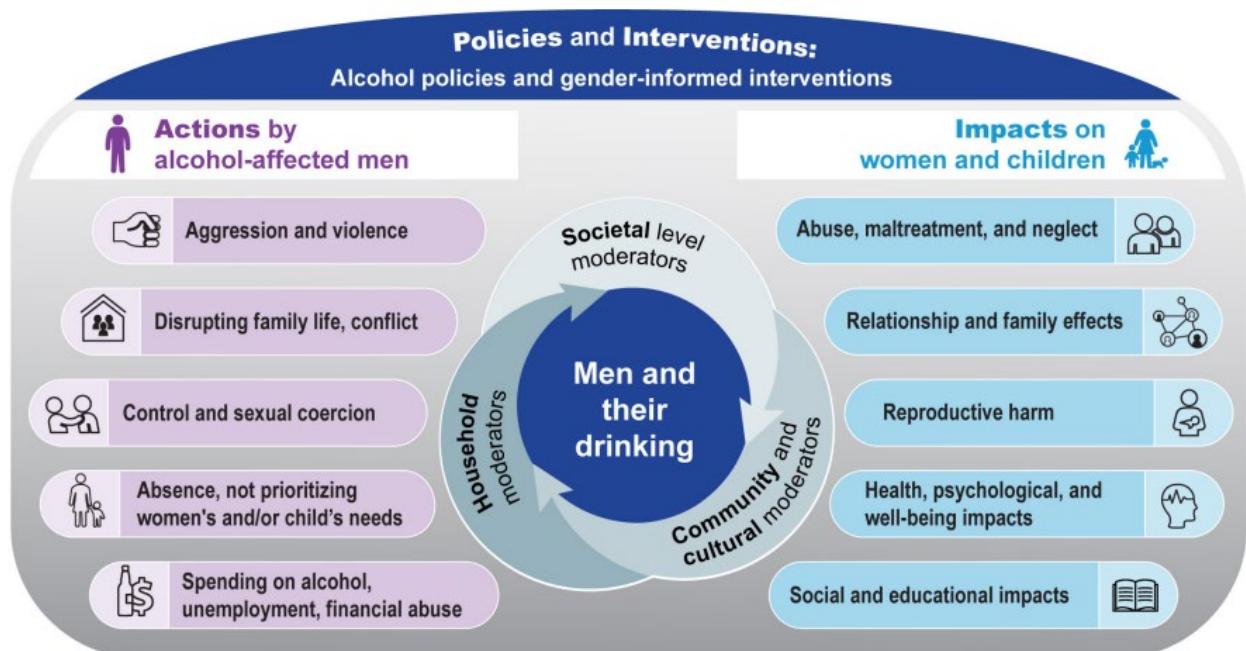


Figure 2: A model for understanding harms affecting women and children from men's alcohol use (Laslett et al 2025)

As such, addressing the legislative, policy, and practice gaps in preventing alcohol-related FSV requires that we consider not only the *LLA* but also the *Family Violence Act* (*FVA*). Wilson et al (2014) suggest that any intervention in the relationship between FSV and alcohol misuse must address "...all levels of the ecological framework (the population, community, relationship and the individual)". This means that an integrated approach is required.

Changes to the *LLA*, alone, will not shift the problematic relationship between alcohol and FSV. As noted below, apart from technical issues with regulating alcohol use, without reforms to both the *FVA* and the *LLA*, there is little that can be done to liquor licensing that will change the rates of FSV in Tasmania. However, based on



Mayshak et al's (2020) and Roman & Reid's (2012) research, increased oversight on the number of packaged alcohol (i.e., off-premises) outlets and their density and hours of operation and delivery, especially in disadvantaged communities, may have an impact on FSV rates by way of reducing the opportunities for heavy or binge-drinking.

It is important to note that there may be a disconnect between the goals of family violence strategies and treatment for problematic drinking behaviours. As noted by Gadd et al (2019, 1050):

...models of treatment for alcohol and drug use that acknowledge that 'relapse' is common are hard to reconcile with domestic abuse policy founded on compliance with court orders that insist upon 'zero tolerance' of reoffending (Benitez et al., 2010). Criminalizing responses are rarely challenged in domestic abuse policy [e.g., naming 'perpetrators']... [s]uch an approach runs contrary to academic conventions in substance use research where a concerted effort has been used to avoid stigmatizing terminology that reduces individuals' identities to their drug consumption (Broyles et al., 2014). Hence, acknowledgement of complexities in the power dynamics of domestic abuse that co-occurs with drug, alcohol and mental health problems raises acute challenges... for the delivery of policy that attempts to reconcile safety, justice and rehabilitation...

Understanding these conflicting priorities means that more attention needs to be paid to the content of behavioural change programs mandated for FSV perpetrators who have been identified as heavy or binge drinkers (Wilson et al 2017, 122; Cho 2022). As noted by Laslett et al (2025), the international evidence suggests that changing the cultural norms around men's misuse of alcohol may have generational impacts of reducing gender-based violence through the normalisation of sobriety and the moderation of alcohol use. However, increased regulation and legal constraints of problematic drinking by men who use violence against women and children can fundamentally change the experiences of violence even in cultures that support excessive alcohol use.

As modelled in Figure 2, Laslett et al (2025) recommend the use of socio-ecological model that addresses both the enablers and disablers of alcohol-related FSV. The WHO (2024b) argues that there are clearly evidenced policies that inhibit the harms of alcohol misuse in the context of interpersonal violence, including cost-effective population- or community-level "best buys" such as alcohol costs and taxes, limiting



the availability of alcohol, and banning or restricting the marketing and advertising of alcohol. WHO frames these as addressing *acceptability* of alcohol misuse, the *availability* of alcohol, and the *affordability* of alcohol.

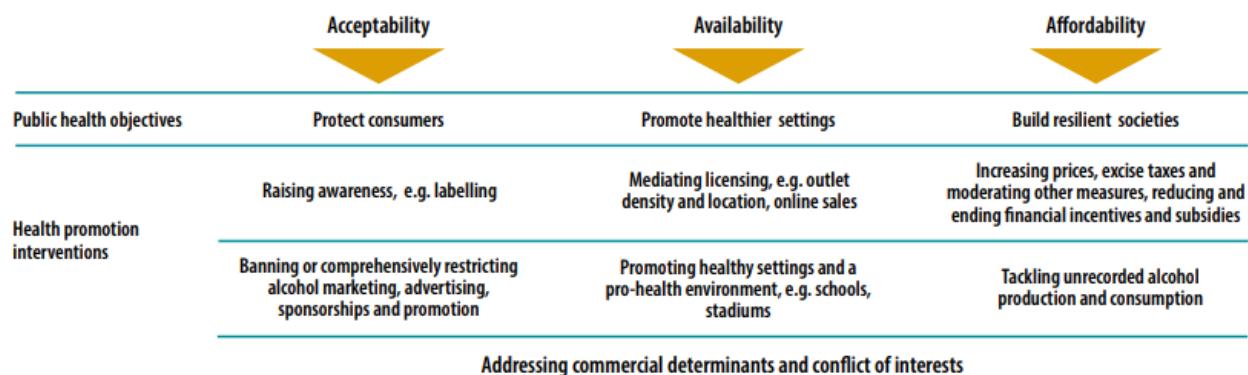


Figure 3: Determinants driving the consumption of alcohol (WHO 2025b)

As a primary prevention approach, it is notable that in this framing, tertiary responses such as barring orders of individual problematic drinkers are not considered an effective strategy. However, in the Australian context, several jurisdictions have sought to address individual-level drivers of problematic drinking by way of self-imposed, police, and licensee barring orders.

Barring, banning, and exclusion orders

Police and licensee barring orders exist in all Australian liquor control Acts (including the existing Tasmanian *Liquor Licensing Act 1990*, s.80) and will remain in the South Australian and ACT amendment Bills. These barring orders are limited to specific venues or licensed venues of a specified class or in a specified area, and for limited periods of time. For example, in Tasmania, barring orders cannot exceed six months (*Tasmanian Liquor Licensing Act 1990*, s.81). In the ACT, exclusion orders are for 12 months unless evidence is presented to a magistrate demonstrating that a shorter period would affect the requisite change. However, the *South Australia Liquor Licensing Act 1997* allows licensees to bar someone indefinitely if they have already been barred on two occasions.

Despite issues with operationalisation, the South Australian government in its Liquor Licensing (Miscellaneous) Amendment Bill 2025 seeks to add voluntary barring orders



to the existing licensee and police barring orders for both on-premises and takeaway alcohol outlets. Self-exclusion agreements are also embedded into the *Liquor Amendment (Night-time Economy) Act 2020* in New South Wales and the ACT Liquor Amendment Bill 2025; though, only in relation to same-day delivery services. While self-exclusion is laudable, the adoption of these self-imposed orders by individual problematic drinkers has not been explored in detail, nor has the effectiveness of this strategy been evaluated.

Given the evidence cited above about the increased dangers from same-day alcohol delivery services and takeaway outlets, the emphasis on these alcohol providers in relation to barring orders appears to be an effective compromise to ensure that problematic drinking in the home is limited. Barring orders from on-premises venues (hotels/pubs) is more difficult, especially in communities with a high density of alcohol outlets and venues, where an individual could skirt self-imposed, police, and licensee barring orders by simply going to another outlet/venue or another region.

Without a central electronic registry of banned users and the mandatory requirement to show ID for all alcohol purchases, it is not feasible to have barring orders based on breaches of the FVA. Not only can users seek others to purchase alcohol on their behalf, when it comes of online purchases or home deliveries, users can ask others to order and receive the alcohol, which may exacerbate coercive control in the content of FSV. While barring orders linked to a home address for online or home delivery orders may be viable, it may place an undue burden on alcohol outlets to manage perpetrators' alcohol use, and may reduce the rights to access alcohol for cohabitating victim-survivors, and other adult residents who do not use violence.

Limits on availability of alcohol

The most significant and widespread way in which governments limit the availability of alcohol is by way of opening hours, which in most cases range from 8am to 10pm (though this varies across jurisdictions). However, there are exceptions to these limits for specified venues such as nightclubs. Somewhat ironically, given the commitment



to reducing the harms of interpersonal violence embedded in the objects of the law reform in South Australia, there are also exemptions to opening hours for specific days (s42A(3)), most of which are recognised days of increased violence against women and children. They have enabled longer opening hours (until 12am) on Christmas Eve and New Years Eve, and earlier hours (5am-8am) on ANZAC day. These provisions seem at odds to the intended objectives of the law reform in that state.

Apart from barring orders, the Tasmanian, NSW, ACT and South Australian liquor licensing Acts (and proposed Bills) have sought to limit the availability of alcohol to those underage and those already intoxicated. However, in NSW, ACT, and South Australia, the emphasis in law reform has been on the regulation of same-day deliveries, where control over availability is easier to operationalise.

Both the ACT and South Australian Bills aim to more tightly regulate same-day alcohol delivery services by

- ➡ limiting delivery timeframes to 10am-10pm,
- ➡ limit the amount of alcohol and number of deliveries in a 24-hour period,
- ➡ establish a 2-hour safety pause between sale and delivery,
- ➡ require age verification before delivery (either online and/or at the time of delivery), and
- ➡ create an offence for the delivery of alcohol to people under 18 years, leaving alcohol unattended, or delivery alcohol to intoxicated persons.

FARE (2025) notes that these provisions should not be limited to same-day deliveries and should be extended to all online sales and delivery of alcohol.

A critical point raised by ACT policy makers is the safety of same-day delivery staff who would be required to refuse delivery in some circumstances. In the Explanatory and Human Rights Compatibility Statement for the ACT Liquor Amendment Bill 2025, the government notes concerns about the health and safety of same-day delivery staff, who may be subject to violence from purchasers when they are mandated to refuse delivery if the purchaser has a self-imposed exclusion agreement, refuses to



show appropriate ID, or the purchaser in the delivery person's view is intoxicated. In NSW, ACT, and SA, the imposition of limits to same-day deliveries has been devolved to the licensee and their staff, all of whom are now required to undertake Responsible Service of Alcohol training (delivery staff have not been required to do so in the past). It is also problematic that the denial of delivery rests with a largely young and casual workforce, who may not have training in risk and safety assessment.

Locality and density of outlets

In addition to the proposed changes to the *Liquor Licensing Act 1997*, alcohol availability in South Australia is also informed by the requirement in the Act of all new licensees to conduct a Community Impact¹ Assessment, which includes the "harm that might be caused ...due to the excessive or inappropriate use of liquor". In that assessment tool, licensee must ensure that their venue:

- ⇒ minimises harm and potential for harm,
- ⇒ ensure the sale, supply and consumption of alcohol is undertaken safely and responsibly
- ⇒ ensure the sale and supply of alcohol is "consistent with the expectations and aspirations of the public"

Of particular note, these Community Impact Assessments must consider not only the broader harms from alcohol misuse, but also "...the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community), the adverse economic, social and cultural effects on communities (whether to a community as a whole or a group within a community) and domestic violence". The guidelines for conducting a community impact/interest assessment in South Australia can be found here:

https://www.cbs.sa.gov.au/_data/assets/pdf_file/0010/953371/CIAG-Liquor.pdf.

¹ In the South Australian Liquor Licensing (Miscellaneous) Amendment Bill 2025, it is proposed that "community impact" is replaced with "community interest".



Likewise, embedded in Division 5 of the *NSW Liquor Act 2007*, is the requirement to undertake a “cumulative impact assessment” that takes into consideration the density and type of alcohol venues/outlets in a specified region (see Appendix A), with the view that:

...granting any further relevant licences or related authorisations for premises in the area is likely to be inconsistent with the Authority's duty under section 72I(3) to ensure that the overall social impact of the granting of a licence or authorisation will not be detrimental to the well-being of the local or broader community (s.75c(1)(a) *NSW Liquor Act 2007*)

The current Tasmanian *Liquor Licensing Act 1990* (s.34) only requires that the Commissioner makes a decision “in the best interest of the community”. There is no legislated requirement to undertake a community impact or interest assessment.



RESPONSES TO REVIEW QUESTIONS

1. Availability of liquor

a) Where liquor can be sold

The TFSVA does not support expanding the availability of alcohol outside of the principal activity test. We suggest that harm minimisation should not be diminished by commercial interests, and we suggest that the proposal to expand the types of approved outlets will further normalise alcohol use.

Outlet density and trading hours, as demonstrated in the research evidence cited, are the strongest means by which to prevent alcohol-related FSV. In Appendix A, we provide legislative examples from NSW, South Australia and the Australian Capital Territory that offer some solutions to better regulating where and how liquor can be sold.

The TFSVA suggests that underpinning any community- or population-level preventative measures is the requirement of all licensed venues to conduct a community impact assessment, especially for new licenses or changes to existing licenses. These assessments need to consider more than risks and incorporate factors such as the density of all licensed venues in a specified region. This is especially important in the context of a rapid expansion of new housing estates.

The government is proposing to reduce the time to approve a liquor license, which will significantly reduce the opportunity for a complete impact assessment to be undertaken. Ten days for a low-risk approval will not provide the community sufficient time to respond to a license application, which is further hampered by the continuing use of newspapers and government websites for notifications of license applications. With geolocation enabled on most mobile devices, it is incumbent on the government to use contemporary communication methods to ensure that community is fully informed of any licence application (with the option of opting out of future notifications).



Relying on community to purchase newspapers or subscriptions, or regularly parse government websites is no longer an appropriate strategy.

b) Delivery of liquor, including rapid and same-day delivery

The TFSVA suggests that the current Act does not account for the rapid increase in, and access to, alcohol delivery services. In line with the recommendations made by the Foundation for Alcohol Research and Education (2025) and the ATDC, we suggest that amendments are made to the Act to include:

- ⌚ Restrict delivery timeframes to between 10am and 10pm, including Christmas Eve, New Year's Eve, and ANZAC day.
- ⌚ Establish a 2-hour safety pause between sale and delivery.
- ⌚ Ensure age verification is embedded in online ordering systems and alcohol delivery processes.
- ⌚ Establish an offence for delivering alcohol to a person under 18 years; leaving alcohol unattended; and delivering to people who are intoxicated.
- ⌚ Support delivery staff with delivery-specific Responsible Service of Alcohol (RSA) training and not penalise delivery staff for refusing delivery on the basis that the receiver cannot prove age, that no-one is home to accept the delivery, or that in the view of the delivery staff the receiver is intoxicated.
- ⌚ Ensure that retailers (not delivery staff) are liable for any breach of delivery restrictions

c) Exposure of minors to licensed venues

Given the critical importance of the Child and Youth Safe Organisation Framework to all activity in Tasmania, and the clear evidence of the role-modelling of alcohol misuse by parents, the TFSVA considers that limitations on access to licensed venues by children is essential, including access to licensed venues outside of trading hours. While the emphasis on access to



licensed venues is on hotels/pubs, we suggest that existing limitations should be expanded to include other licensed venues, including packaged alcohol outlets and delivery services.

d) Access to licensed venue outside of trading hours

As noted above, the TFSVA is concerned that any expansion to access licensed venues outside of trading hours is not perfunctory, and pays heed to the harms that can be caused to young and vulnerable people irrespective of whether alcohol is being served. Normalising access to licensed venues, even when alcohol is not being served, should be avoided.

2. Current challenges under the Act

The existing Act is no longer fit-for-purpose in the context of the Tasmanian Government's commitment to end gender-based violence, respond the recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, and enhance harm-minimisation principles.

As with the Alcohol, Tobacco and other Drugs Council of Tasmania (ATDC), the TFSVA is also concerned about the expansion of alcohol licenses for venues whose primary activity is not alcohol sales. This expansion is likely to further normalise alcohol use and expose children to alcohol misuse.

Further, without comprehensive regulation around the use of alcohol delivery services and online sales, any reforms to the existing protective measures implemented for on-site alcohol consumption will have limited impact on alcohol-related family violence; though, these remain critical to reducing alcohol-related sexual violence.

The TFSVA suggests that additional regulation of online sales and home delivery services are essential to address the strong correlation between at-home alcohol misuse and FSV, and role-modelling of alcohol misuse in the home context.



3. Impacts of the intended reforms

Some of the proposed changes to the Act will further entrench commercial interests over community impact, including the significant harms that are linked to same-day delivery of alcohol to perpetrators of FSV. As noted above, the TFSVA believes that reducing the time for license approvals is counter-productive to the commitments made by the government to address FSV, and that comprehensive community impact assessment processes (conducted by independent specialists) are essential to meeting the government's commitments.

4. Consequential issues arising from the reforms

The TFSVA is concerned that the intent of the proposed reforms is primarily enhancing commercial interests, whilst significantly reducing the opportunities for community oversight of license applications and thus increasing the possible community impacts. Harm minimisation must be the central object of the *Liquor Licensing Act 1990*. In the current Act and discussion paper provided on this review, harm minimisation is not embedded in proposed changes, nor is alcohol related harm or risk categories defined in line with community impacts (as opposed to commercial interests and operational considerations). These need to form the cornerstone of reforms to the Act if the government is to meet its commitments to reducing FSV and gender-based violence.

As has occurred in New South Wales, the TFSVA recommends that the Tasmanian Government work with providers of Responsible Service of Alcohol (RSA) training to:

- a) Increase awareness and capability to recognise the role of alcohol misuse in FSV.
- b) Increase capability of delivery staff to recognise intoxication.



- c) Increase capability of delivery staff to de-escalate conflict when delivery is refused on the grounds that the person refuses to prove age or are deemed intoxicated.

Finally, a comprehensive community impact assessment process (enabled via digital notifications) and well-regulated licensed venues will not only provide the conditions for better addressing alcohol-related harms, including FSV, it will also enliven a context in which community, government, and licensees are co-producers of safety and wellbeing.



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APPENDIX A

Examples of Legislative Constraints on Alcohol Availability

New South Wales

NSW Liquor Amendment (Night-time Economy) Act 2020, Division 1B (Same day liquor deliveries), s.114O

114O Self-exclusion

- (1) A person (the *participant*) may ask a same day delivery provider to enter into an agreement (a *self-exclusion agreement*) with the participant under which the participant agrees to be prevented from having liquor delivered by the same day delivery provider to the participant.
- (2) A self-exclusion agreement must comply with the requirements prescribed by the regulations.
- (3) The same day delivery provider must—
 - (a) enter into a self-exclusion agreement with the participant, and
 - (b) comply with the agreement.Maximum penalty—30 penalty units.
- (4) If a same day delivery provider sells or advertises liquor through an internet site or by other electronic means for same day delivery, the provider must ensure that—
 - (a) the internet site or other electronic means provides a way for a person to enter into a self-exclusion agreement with the provider, and
 - (b) any person accessing the internet site or other electronic means would reasonably be expected to be alerted to the ability to enter into a self-exclusion agreement.Maximum penalty—30 penalty units.
- (5) No civil or criminal liability is incurred by the same day delivery provider for an act done, or omitted to be done, in good faith and in accordance with this section, in relation to the participant.



Division 5 Cumulative impact assessments

72C Contents of cumulative impact assessment

- (1) A cumulative impact assessment must include the following—
 - (a) the reasons the Authority considers that granting any further relevant licences or related authorisations for premises in the area is likely to be inconsistent with the Authority's duty under section 48(5) to ensure that the overall social impact of the granting of a licence or authorisation will not be detrimental to the well-being of the local or broader community,
 - (b) details of the evidence on which the Authority has formed that opinion,
 - (c) a map showing the area the subject of the assessment,
 - (d) any other information prescribed by the regulations.
- (2) A cumulative impact assessment may relate to—
 - (a) all relevant licences and related authorisations for premises in an area, or
 - (b) only relevant licences or related authorisations, or classes of relevant licences or related authorisations, specified in the assessment, or
 - (c) only classes of premises specified in the assessment.
- (3) A cumulative impact assessment may also include guidance about other types of approvals in relation to an existing relevant licence that it considers are likely to have an overall social impact in the area to which the assessment applies that is detrimental to the well-being of the local or broader community, including—
 - (a) approval of changes to the specified boundaries of the licensed premises, within the meaning of section 94, if the change in boundaries would increase the floor space of the licensed premises, or
 - (b) approval of a variation to the conditions of the licence if the variation would extend the trading hours of the licensed premises.

72D Consultation with relevant stakeholders

After preparing a draft cumulative impact assessment, the Authority must—

- (a) consult about the draft assessment with relevant stakeholders for the assessment, and
- (b) give the stakeholders a reasonable period in which to provide feedback about the assessment.

72E Publication of cumulative impact assessment

If, after consulting with relevant stakeholders, the Authority still considers the cumulative impact assessment is necessary the Authority must publish it on a publicly accessible government website.

72F Review of cumulative impact assessment

- (1) The Authority must, at least every 2 years, review each cumulative impact assessment that is in force.
- (2) The first review of a cumulative impact assessment must be completed not later than 12 months after the assessment is published.
- (3) A review of a cumulative impact assessment must include consultation with relevant stakeholders for the assessment.



South Australia

South Australian Liquor Licensing (Miscellaneous) Amendment Bill 2025

53B—Community impact assessment guidelines

- (1) The Commissioner must, by notice in the Gazette, publish guidelines for the purposes of determining—
 - (a) whether or not an application is a designated application for the purposes of section 53A; and
 - (b) whether or not a designated application is in the community interest, (the **community impact assessment guidelines**).
- (2) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a notice under this section.
- (3) Without limiting section 53A(1) or (2)(a), the community impact assessment guidelines may provide for—
 - (a) matters relevant to an assessment of the likely impacts of a designated application on a community; and
 - (b) any other matter considered appropriate by the Commissioner.
- (4) The community impact assessment guidelines may set out requirements that apply to a designated application for the purposes of section 53A, including requirements that the applicant—
 - (a) provide documents, material or other information; and
 - (b) take certain steps or undertake consultation in accordance with the guidelines.
- (5) The provisions of the community impact assessment guidelines may be of general, limited or varied application according to—
 - (a) the class of designated application or licence; or
 - (b) the circumstances; or
 - (c) any other specified factor,

to which the provision is expressed to apply.



Subdivision 1A—Voluntary barring orders

124B—Voluntary barring orders

- (1) The Commissioner of Police or an authorised police officer must, on the request of a person made in accordance with this section, by order served on the person, bar the person from entering or remaining on—
 - (a) specified licensed premises or a specified part of such licensed premises; or
 - (b) licensed premises of a specified class or a specified part of such licensed premises; or
 - (c) licensed premises of a specified class within a specified area or a specified part of such licensed premises; or
 - (d) all licensed premises within a specified area or a specified part of such licensed premises.
- (2) A licensee or a responsible person for licensed premises must, on the request of a person made in accordance with this section, by order served on the person, bar the person from entering or remaining on the licensed premises or a specified part of the licensed premises.
- (3) A request under this section—
 - (a) must be made by the person; and
 - (b) must be made—
 - (i) in the case of a request under subsection (1)—in a manner determined by the Commissioner of Police; or
 - (ii) in the case of request under subsection (2)—in accordance with any requirements set out in the regulations; and
 - (c) must comply with any other requirements set out in the regulations.
- (4) An order under this section—
 - (a) has effect from the time it is served on the person; and
 - (b) remains in force—
 - (i) until the end of the period specified in the order; or
 - (ii) until revoked under this section,whichever occurs first.



(5) A licensee or a responsible person for licensed premises, or an employee of the licensee, who knows or ought reasonably to know that a person has been barred from the licensed premises under this section and who sells liquor (whether for consumption on or off the licensed premises) to the person, is guilty of an offence.

Maximum penalty: \$7 500.

Expiation fee: \$472.50.

(6) The Commissioner of Police or an authorised police officer must, on the request of the person who is the subject of an order under subsection (1), by subsequent order, revoke the order.

(7) If an order is revoked under subsection (6), the Commissioner of Police or an authorised police officer must, as soon as is reasonably practicable after the revocation, by notice in writing, notify each licensed premises to which the order relates of the revocation.

(8) A licensee or a responsible person for licensed premises must, on the request of the person who is the subject of an order under subsection (2), by subsequent order, revoke the order.

(9) Section 128 does not apply in relation to an order made under this section.

Australian Capital Territory

Liquor Act 2010

Division 8.10 Exclusion orders

143C Definitions—div 8.10

In this division:

excluded person—see section 143D.

exclusion order—see section 143D.

exclusion period—see section 143D.

143D Meaning of exclusion order, excluded person and exclusion period

An **exclusion order** is an order made by a magistrate that prohibits a person (the **excluded person**) from entering or remaining on licensed premises to which the order applies for a stated period (the **exclusion period**).

143E Application for exclusion order

- (1) The chief police officer may apply to a magistrate for an exclusion order for a person.
- (2) At least 2 days before applying for the exclusion order, the chief police officer must notify the commissioner of the chief police officer's intention to apply for the order.



- (3) The application must be in writing and include—
 - (a) a statement of the grounds on which the application is made; and
 - (b) information to support those grounds.
- (4) The chief police officer must—
 - (a) give a copy of the application to the person; and
 - (b) tell the person the time and date when the application is to be heard.
- (5) The application may be heard and decided in the absence of the person if the person has been given notice under subsection (4) (b).

143F Making of exclusion order

- (1) On application under section 143E, a magistrate may make an exclusion order for a person, but only if satisfied that—
 - (a) the person has, in company with others and on 1 or more occasions in the 12 months before the application was made, engaged in violent conduct on or in the immediate vicinity of any licensed premises; and
 - (b) making an exclusion order will reduce the risk to public safety.
- (2) An exclusion order applies to all licensed premises operated under the following licences:
 - (a) a general licence;
 - (b) an on licence (other than a restaurant and cafe licence);
 - (c) a club licence;
 - (d) a special licence.
- (3) However, on application by the chief police officer or the person, the magistrate may decide the exclusion does not apply to particular licensed premises (the *relevant premises*) if the magistrate is satisfied that—
 - (a) the person has a legitimate and genuine need to be on the premises; and
 - (b) allowing the person to be on the premises would not pose a risk to public safety.
- (4) The exclusion period must be 12 months unless the magistrate considers that a shorter period is appropriate having regard to the nature and seriousness of the conduct.
- (5) An exclusion order must state—
 - (a) the name of the excluded person; and
 - (b) if there are no relevant premises—that the exclusion applies to all licensed premises mentioned in subsection (2); and
 - (c) if there are relevant premises—that the exclusion applies to all licensed premises other than the relevant premises and the details of the relevant premises; and
 - (d) the exclusion period.
- (6) The magistrate must give a copy of the exclusion order to—
 - (a) the excluded person; and
 - (b) the chief police officer; and
 - (c) the commissioner.



Liquor Amendment Bill 2025

Division 8A.1 Important concepts

16 New divisions 8A.2 to 8A.7

Division 8A.2 Sale of liquor supplied by same-day delivery

143K Same-day delivery provider must give notice of who sells liquor supplied by same-day delivery

(1) Before a same-day delivery provider starts to take delivery orders for liquor sold by a person (the **seller**), the provider must give the commissioner written notice about the seller.

Note The seller may be the same-day delivery provider or someone else.

(2) The notice must—

- (a) state the name of the seller; and
- (b) include any other information prescribed by regulation.

(3) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) the person or a delivery person supplies the liquor to someone else under the order; and
- (d) the person has not given the commissioner written notice about the seller in accordance with this section.

Maximum penalty: 50 penalty units.

(4) An offence against this section is a strict liability offence.

143L Unauthorised sale of liquor supplied by same-day delivery

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) the person or a delivery person supplies the liquor to someone else under the order; and
- (d) the sale of the liquor (whether sold by the same-day delivery provider or someone else) was not authorised by a licence.

Maximum penalty: 100 penalty units, imprisonment for 12 months or both.

(2) In this section:

licence includes a licence (however described) under a law of a State or another Territory regulating the supply of liquor.

Division 8A.3 Same-day delivery restrictions

143M Daily liquor limit for same-day delivery

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order from a customer for the supply of liquor by same-day delivery; and
- (c) on a day, the person or a delivery person supplies the liquor to the customer or someone else under the order; and



(d) the amount of liquor supplied exceeds the amount prescribed by regulation, including any other liquor supplied by same-day delivery on that day under delivery orders taken from the customer by the provider.

Maximum penalty: 50 penalty units.

(2) An offence against this section is a strict liability offence.

143N Same-day delivery of liquor must be delayed

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) a delivery person supplies the liquor to someone else under the order; and
- (d) the supply happens before the end of the delayed delivery period for the order.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

- (a) the person is a delivery person; and
- (b) the person supplies liquor to someone else by same-day delivery under a delivery order; and
- (c) the supply happens before the end of the delayed delivery period for the order.

Maximum penalty:

- (a) if the person is also the same-day delivery provider—50 penalty units; or
- (b) in any other case—10 penalty units.

(3) An offence against this section is a strict liability offence.

(4) In this section:

delayed delivery period, for a delivery order, means the period starting at the time the same-day delivery provider takes the order and ending at the time prescribed by regulation.

143O Permitted times for same-day delivery of liquor

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) a delivery person supplies the liquor to someone else under the order; and
- (d) the supply happens outside the times prescribed by regulation.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

- (a) the person is a delivery person; and
- (b) the person supplies liquor to someone else by same-day delivery; and
- (c) the supply happens outside the times prescribed by regulation.

Maximum penalty:

- (a) if the person is also the same-day delivery provider—50 penalty units; or
- (b) in any other case—10 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

143P Same-day delivery of liquor not permitted to certain public places

(1) A person commits an offence if—



- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) a delivery person supplies the liquor to someone else under the order; and
- (d) the place of delivery is a prohibited public place.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if—

- (a) the person is a delivery person; and
 - (b) the person supplies liquor to someone else by same-day delivery; and
 - (c) the place of delivery is a prohibited public place.

Maximum penalty:

- (a) if the person is also the same-day delivery provider—50 penalty units; or
 - (b) in any other case—10 penalty units.

- (3) An offence against this section is a strict liability offence.

- (4) In this section:

prohibited public place means—

- (a) a bus interchange; or
 - (b) a bus station; or
 - (c) a light rail stop; or
 - (d) a public place that is within 50m from—
 - (i) a bus interchange; or
 - (ii) a bus station; or
 - (iii) a light rail stop; or
 - (iv) a shop; or
 - (v) licensed premises or permitted premises; or
 - (e) a permanent alcohol-free place; or
 - (f) a temporary alcohol-free place.

143Q Self-exclusion from same-day delivery of liquor

- (1) A person may tell a same-day delivery provider to exclude the person (a **self-excluded person**) from—

- (a) the supply of liquor by same-day delivery by the provider; and
 - (b) direct advertising and marketing from the provider about the supply of liquor by same-day delivery.

- (2) A regulation may make further provision in relation to the exclusion of a person under subsection (1).

- (3) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
 - (b) the person offers to take a delivery order for the supply of liquor by same-day delivery; and
 - (c) the person does not, at the time the offer is made, provide a way, which complies with any requirements prescribed by regulation, for someone to tell the provider they are to be a self-excluded person.

Maximum penalty: 50 penalty units.



(4) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order from a customer for the supply of liquor by same-day delivery; and
- (c) a self-excluded person is—
 - (i) the customer; or
 - (ii) specified in the delivery order as the person to whom the liquor will be delivered.

Maximum penalty: 50 penalty units.

(5) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person advertises or markets directly to a self-excluded person about the supply of liquor by same-day delivery.

Maximum penalty: 50 penalty units.

(6) An offence against this section is a strict liability offence.

Division 8A.4 Responsible service of alcohol by same-day delivery

143R Same-day delivery provider and delivery person must have same-day delivery RSA certificate

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) the person does not hold a current same-day delivery RSA certificate.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) a delivery person supplies the liquor to someone else under the order; and
- (d) the delivery person does not hold a current same-day delivery RSA certificate.

Maximum penalty: 50 penalty units.

(3) A person commits an offence if—

- (a) the person is a delivery person; and
- (b) the person supplies liquor to someone else by same-day delivery; and
- (c) the person does not hold a current same-day delivery RSA certificate.

Maximum penalty: 10 penalty units.

(4) An offence against this section is a strict liability offence.

(5) For this section, a same-day delivery provider that is a corporation **holds a current same-day delivery RSA certificate** if each person in the corporation having day-to-day control of delivery operations for the supply of liquor by same-day delivery holds a current same-day delivery RSA certificate.

143S Same-day delivery provider must keep same-day delivery RSA certificates

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person fails to keep a copy of a current same-day delivery RSA certificate for—



- (i) if the provider is an individual—the provider; and
- (ii) if the provider is a corporation—each person in the corporation having day-to-day control of delivery operations for supplying liquor by same-day delivery; and
- (iii) each delivery person who currently supplies liquor by same-day delivery under delivery orders taken by the provider.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

Division 8A.5 Same-day delivery—children, young people and intoxicated people

143T Same-day delivery provider must verify customer age

- (1) A person commits an offence if—
 - (a) the person is a same-day delivery provider; and
 - (b) the person takes a delivery order from a customer for the supply of liquor by same-day delivery; and
 - (c) the person has not verified the customer's age in a way that complies with any requirements prescribed by regulation.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

143U Same-day delivery of liquor not permitted to child or young person

- (1) A person commits an offence if—
 - (a) the person is a same-day delivery provider; and
 - (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
 - (c) a delivery person supplies the liquor to another person under the order; and
 - (d) the other person is a child or young person.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if—

- (a) the person is a delivery person; and
 - (b) the person supplies liquor to another person by same-day delivery; and
 - (c) the other person is a child or young person.

Maximum penalty:

- (a) if the person is also the same-day delivery provider—50 penalty units; or
 - (b) in any other case—10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

- (4) This section does not apply in relation to a young person if the young person—

- (a) was at least 16 years old at the time of the offence; and
 - (b) had, at the place of delivery and before the time of the offence, shown a delivery person an identification document identifying the young person as an adult.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

143V Delivery person may refuse to supply liquor without identification document



A delivery person may refuse to supply liquor to a person by same-day delivery if, when asked at the place of delivery, the person does not show the delivery person an identification document identifying the person as an adult.

143W Same-day delivery of liquor not permitted to intoxicated person

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) a delivery person supplies the liquor to another person under the order; and
- (d) the other person is intoxicated.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

- (a) the person is a delivery person; and
- (b) the person supplies liquor to another person by same-day delivery; and
- (c) the other person is intoxicated.

Maximum penalty:

- (a) if the person is also the same-day delivery provider—50 penalty units; or
- (b) in any other case—10 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

143X Same-day delivery of liquor must not be left unattended

(1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) the person takes a delivery order for the supply of liquor by same-day delivery; and
- (c) a delivery person supplies the liquor to someone else under the order; and
- (d) the delivery person leaves the liquor unattended at the place of delivery.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if—

- (a) the person is a delivery person; and
- (b) the person supplies liquor to someone else by same-day delivery; and
- (c) the person leaves the liquor unattended at the place of delivery.

Maximum penalty:

- (a) if the person is also the same-day delivery provider—50 penalty units; or
- (b) in any other case—10 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

Division 8A.6 Protections for delivery people

143Y Abusive, threatening or intimidating behaviour toward delivery person

(1) A person commits an offence if—

- (a) a delivery person is at a place of delivery under a delivery order; and
- (b) the delivery person, at a place of delivery under a delivery order, refuses to supply liquor by same-day delivery to the person or someone else (the **intended recipient**); and



- (c) the delivery person tells the intended recipient they refuse to supply the liquor because doing so would contravene this Act; and
- (d) the person engages in abusive, threatening or intimidating behaviour towards the delivery person; and
- (e) the behaviour is because of the refusal.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

143Z Same-day delivery provider must report incidents

- (1) This section applies if—

- (a) an incident occurs involving abusive, threatening or intimidating behaviour towards a delivery person at the place of delivery under a delivery order; or
- (b) an incident occurs involving a person refusing to show a delivery person an identification document at the place of delivery under a delivery order; or
- (c) an incident prescribed by regulation occurs in the course of the supply of liquor by same-day delivery under a delivery order.

- (2) The same-day delivery provider who took the delivery order must give the commissioner a written report about the incident within 24 hours after it happened.

- (3) The report must include the following details:

- (a) a description of the incident;
- (b) the date and time the incident happened;
- (c) the name, address and contact details of each person involved in the incident, including—
 - (i) the same-day delivery provider; and
 - (ii) the delivery person;
- (d) any action taken by the provider or a delivery person in relation to the incident;
- (e) if the incident is reported to a police officer—any reference number for the report.

- (4) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) an incident mentioned in subsection (1) occurs; and
- (c) the person does not give the commissioner a report about the incident in accordance with this section.

Maximum penalty: 10 penalty units.

143ZA Victimisation of delivery person for refusing to supply liquor by same-day delivery

- (1) A person commits an offence if—

- (a) the person is a same-day delivery provider; and
- (b) a delivery person refuses, or proposes to refuse, to supply liquor by same-day delivery under a delivery order taken by the provider because they reasonably believe that doing so would constitute an offence against this Act; and
- (c) the provider takes, or threatens to take, detrimental action against the delivery person; and
- (d) the provider does so wholly or partially because of the delivery person's refusal or proposed refusal.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.



(3) A regulation may prescribe action that is or is not detrimental action.

Division 8A.7 Miscellaneous

143ZB Same-day delivery provider must keep records of supply and refusal to supply

(1) This section applies if a delivery person—

(a) supplies liquor by same-day delivery under a delivery order; or

(b) is at the place of delivery under a delivery order but refuses to supply the liquor.

(2) The same-day delivery provider who took the delivery order must make a record of the supply or refusal.

(3) The record must—

(a) include the information prescribed by regulation; and

(b) be made in a way prescribed by regulation.

(4) A person commits an offence if—

(a) the person is required to make a record of the supply or refusal; and

(b) the person does not make the record in accordance with this section.

Maximum penalty: 20 penalty units.

(5) A person commits an offence if—

(a) the person makes a record of the supply or refusal; and

(b) the person does not keep the record for at least 6 years.

Maximum penalty: 50 penalty units.

(6) An offence against this section is a strict liability offence.

143ZC Exemptions

A regulation may make provision for an exemption from 1 or more provisions of this part.