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Liquor Regulatory Reform
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DISCUSSION PAPER: TRANCHE 2 LIQUOR REFORM OPTIONS

The Foundation for Alcohol Research and Education (FARE) thanks the Department of Local Government, Industry Regulation and Safety (LGIRS) for the opportunity to respond to this paper.

FARE is a not-for-profit organisation with a vision for an Australia free from alcohol harms – where communities are healthy and well, and where laws, policies and programs are fair, equitable and just. Working with local communities, people with lived experience of alcohol harm, values-aligned organisations, health professionals, researchers and governments across the nation, we are improving the health and wellbeing of everyone in Australia.

Alcohol is no ordinary commodity. It is a harmful product requiring regulatory controls, including licencing laws based on harm prevention, not on industry profits. Alcohol contributes to chronic diseases like cancer, and to domestic, family and sexual violence (DFSV), disability, homelessness and mental ill-health. The SA Royal Commission into DFSV recently called alcohol a ‘*commercial determinant of violence*’, and the alcohol industry an ‘*industry that profits from harmful products*’.¹

Despite this, the proposed liquor reforms in WA appear to prioritise deregulation and industry benefits over meaningful harm reduction. As outlined in our 16 July 2025 letter to Minister Papalia, the Liquor Control Amendment Bill 2025 does not align with the Premier’s commitment to National Cabinet to review alcohol laws in relation to DFSV. This Discussion Paper also emphasises industry gains like ‘combined savings’ and ‘increased sales’. The SA Royal Commission recommended shifting responsibility from individuals to industries to help prevent DFSV. Yet, measures like the Banned Drinker Register, which place responsibility on individuals, show only mixed effectiveness according to a Deloitte report.² We therefore ask that the WA Government approach alcohol reform through this lens of harm and recognise and act on alcohol as a commercial determinant of harm.

Alcohol-related domestic, family and sexual violence (DFSV)

Alcohol is a major contributor to DFSV in Australia, increasing its frequency and severity.³ The Federal Government commissioned the ‘*Rapid Review of Prevention Approaches to End Gender-Based Violence*’, which recommended governments strengthen alcohol laws as part of a harm-reduction approach.⁴ This included recommending making prevention of gendered violence a primary objective, restricting sales and delivery hours and advertising. In response, the National Cabinet committed to review alcohol laws and their impact on family and domestic violence, aiming to identify best practice and report back.⁵ However, the measures outlined in this Discussion Paper do not reflect this national commitment, and in some ways are contrary to it.

The SA Royal Commission has recommended immediate adoption of the *Rapid Review* measures, including harm minimisation being the paramount objective of liquor laws, a 2-hour safety pause between order and delivery and restricting online sales and delivery timeframes.⁶ The WA Government has a clear opportunity to better protect women and children by regulating how alcohol is sold and delivered. Relaxed licensing laws directly affect alcohol availability and

community harm. For example, NSW saw an additional 1,120 domestic violence assaults after extending alcohol trading hours from 10pm to 11pm.⁷

Make harm minimisation the paramount object

The *'Rapid Review'* recommended governments adopt primary objectives in their Liquor Acts to prevent gendered violence as part of alcohol harm reduction. Such a change, if implemented in WA, would address the conflict between the current competing objects of the Act addressed in the Paper under *'Density of packaged liquor stores'*. It notes the Director of Liquor Licensing (DLL) is required to make decisions where the objects are in conflict. The paper notes these decisions can be overturned by the Supreme Court prioritising convenience over harm minimisation.

Recommendation 1. Amend the Liquor Control (LC) Act to make alcohol harm minimisation the paramount object of the Act and include domestic, family and sexual violence in the definition of alcohol-related harms.

Prevent late night and rapid delivery

Alcohol harms are exacerbated by the rapid expansion of online sale and delivery (OS&D), which has vastly increased availability, creating unique risks to the community. (Currently, alcohol can be sold or delivered until midnight in WA.) Yet OS&D measures are absent from the Tranche 1 measures in the tabled Bill and from this Tranche 2 Discussion Paper. This is despite evidence of OS&D harms in WA,⁸ and evidence that alcohol-related family violence and suicides peak late at night in the home:

- Alcohol-related assaults increase substantially between 6pm and 3am, with 37% of these assaults occurring in the home and 57% of those being family violence.⁹
- Suicides and sudden or unnatural deaths involving alcohol predominantly happen at night, in the home environment.¹⁰

There are currently no restrictions on alcohol being rapidly delivered in WA. Rapid alcohol delivery (ie. in less than 2 hours) fuels higher risk alcohol use and contributes to people 'topping up' when they normally would have stopped drinking; this increases the likelihood of higher-risk alcohol use. Rapid delivery enables impulsive purchases and the continuation of an existing alcohol session:

- One in 5 adults used alcohol delivery sites to continue a home drinking session. People who use alcohol at higher risk levels are 7 times more likely to order it to continue a session.¹¹
- 38% of people ordering rapid delivery drank over 10 standard drinks on that occasion.¹²
- 77% of people who ordered rapid delivery would have stopped if it was unavailable.¹³

In December 2023, the Department of Local Government, Sport and Cultural Industries proposed a 2-hour safety pause between alcohol order and delivery to the Harm Minimisation Working Group on Liquor Reform. The proposals in this Discussion Paper are sadly a significant backwards step from that proposal and will not meet the Premier's National Cabinet commitment. In addition to the SA Royal Commissioner, a Victorian Coroner also called for a 2-hour safety pause in February 2025.¹⁴

Recommendation 2. Amend the LC Act to specify that takeaway and delivery hours are between 10am and 10pm to prevent late night delivery of alcohol which contributes to family violence and suicide. Amend the LC Act to include a 2-hour safety pause between the online order and the delivery of alcohol to prevent higher-risk rapid delivery.

Specific reform options

1. Streamlining licensing and adding flexibility - Simpler licence categories

Different licence categories reflect different business types and different risks of alcohol harm for each. It aligns administration processes, compliance and licensing fees with these different business

types and associated risks. The structure and number of categories should reflect this risk profile and not be ‘streamlined’ solely for the benefit of industry profits. The discussion paper lists some ways of supporting applicants through the licensing framework. These may better achieve the goal without the added risks associated with conflating licence conditions with different risks.

Recommendation 3. Implement Option 5 to not the change licence categories (other than implementing an OS&D license category (see Recommendation 4) but instead implement proposals to support applicants through the licensing framework.

Effective regulation of alcohol relies on directly monitoring and enforcing compliance with the most relevant commercial entities. In WA, however, there is no licence category for OS&D, allowing delivery companies to operate under another company’s licence—such as a liquor store—without holding their own licence. This limits the Government’s oversight, reduces accountability, and prevents enforcement actions like licence suspension or cancellation. It also removes opportunities for public consultation on new OS&D businesses. Attempting to stretch traditional licence conditions to fit the very different OS&D model can lead to impractical requirements and exemptions. With up to three separate commercial entities often involved—the sales platform, the licensed store, and the delivery driver—regulation becomes fragmented and ineffective. Victoria has addressed this through a dedicated ‘Remote Seller’ licence, offering a clearer and more enforceable framework.¹⁵

Recommendation 4. Amend the LC Act to establish a separate, specific liquor licence for OS&D, to align the administration, licence fees and conditions with the business model, entities and risks of harms associated with OS&D. Require retailers to have this licence to deliver or sell alcohol online.

2. More flexible arrangements for existing licensees - Less documentation on display at premises

The paper proposes reducing the amount of licencing paperwork required to be displayed at premises. There is also additional information that licensees should display at premises. The Government should require the display of the National Alcohol Guidelines which aims to reduce health risks from drinking alcohol. The Guidelines contain important health information, such as a recommendation on the number of weekly and daily standard drinks, and advice for women who are pregnant or breastfeeding. Most Australians (61%) report not being familiar with the content of the National Alcohol Guidelines.¹⁶

Recommendation 5. Amend the Act or Regulations to require licensees to display a prescribed health notice explaining the National Alcohol Guidelines.

3. Strengthened harm minimisation

Giving the DLL increased control over advertising and promotion of alcohol

This proposal to give the DLL increased control over advertising and promotion of alcohol is an important step in the right direction. However, the DLL will require greater guidance regarding what promotional practices are unacceptable, given the rapidly changing nature of how alcohol is marketed. The list of unacceptable promotional practices on the DLL policy website should be prescribed in legislation or regulation as being prohibited with offences and appropriate penalties. This list should be inclusive but not exhaustive. To this list should be added relevant unacceptable OS&D promotional practices, such as delayed payment; sending direct prompts; ‘buy-now’ buttons or offering incentives for a minimum spend or volume.

Recommendation 6. Amend the LC Act or Regulations, adding new clauses to specifically ban unacceptable marketing practices, including those listed in DLL policy, with appropriate penalties. Extend the list of unacceptable promotional practices to the digital marketing of OS&D, including

prohibiting retailers from offering delayed payment; sending direct prompts; 'buy-now' buttons or offering incentives for a minimum spend or volume.

Require community involvement in the development of any community-based interventions

Community-based alcohol restrictions can be an effective harm reduction measure, whether in crisis or not, if developed and implemented by local communities. Any community intervention must be community-led, not just imposed externally, which risks discriminatory and stigmatising approaches. Evaluations of community-led alcohol restrictions show significant health and social benefits.¹⁷

Recommendation 7. Do not grant any new powers to the Minister to externally impose community-based interventions such as new alcohol restrictions, without community involvement. Establish clear criteria, with oversight, under which circumstances such an intervention might occur, including requiring community involvement in the decision-making.

Density of packaged liquor stores

This section highlights the problem addressed above about the Objects of the Act being in conflict. The real problem is not just the definition of 'locality' being an imprecise measure of density. The problem is in having competing Objects in the Act. However, there is also substantial evidence showing that liquor outlet density is a key risk factor of alcohol harm:

- A higher concentration of hotel licences strongly predicts partner violence.¹⁸
- Higher densities of alcohol outlets in an adolescent's immediate neighbourhood are related to increased likelihood of alcohol use.¹⁹
- The density of alcohol premises is positively related to rates of assault, while the density of takeaway outlets is related to the rate of alcohol use disorders.²⁰

Currently the Act addresses the density of alcohol supply by the licence application process having regard to the existing premises in the locality. However, this is not addressed as a harm minimisation calculation of cumulative risk and not reflected in license fees. It is framed as a 'sufficient supply' assessment, being '*satisfied that local packaged liquor requirements cannot reasonably be met by existing premises in the locality*'. The definition in the Act for 'local liquor requirements', ie. '*requirements of consumers for packaged liquor*' (s36B) is circular with no proposed measurement.

This is not an adequate measure of the risk of increased outlet density or of alcohol supply. There are no requirements for calculating a risk rating (and related licence fees) for outlet or supply density, (only licence type and seating capacity). An equivalent for outlet density in each geographic area needs to be developed that includes both physical outlets and online sale and delivery of alcohol and included in a calculation of risk factors with related licence fees.

Recommendation 8. Amend the Act and Regulations to incorporate a risk factor calculation of supply density, (as an equivalent for outlet density), that includes all alcohol sold and delivered in a geographic area.

Thank you for your consideration. We would be pleased to meet to discuss this submission further.

Kind regards,



AYLA CHORLEY

CHIEF EXECUTIVE OFFICER

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- ⁴ Rapid Review (2024) *Unlocking the Prevention Potential: accelerating action to end domestic, family and sexual violence* <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>
- ⁵ Prime Minister (2024) *Meeting of National Cabinet - Media statement*. Friday 6 September 2024 <https://www.pm.gov.au/media/meeting-national-cabinet-7>
- ⁶ SA DFSV Royal Commission (2025) *With Courage: South Australia's vision beyond violence* <https://www.royalcommissiondfsv.sa.gov.au/publications/With-Courage>
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- ¹³ VicHealth (2020) *On-demand alcohol delivery services and risky drinking*. <https://www.vichealth.vic.gov.au/media-and-resources/publications/alcohol-delivery-risky-drinking>
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