



**ARC** Centre of Excellence  
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Foundation for Alcohol  
Research & Education



# Risk-Based Licensing and Alcohol-Related Offences in the Australian Capital Territory

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- helping communities to prevent and reduce alcohol-related harms;
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FARE is guided by the World Health Organization's [\*Global Strategy to Reduce the Harmful Use of Alcohol\*](#) for addressing alcohol-related harms through population-based strategies, problem-directed policies, and direct interventions.

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## Authors comments

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The views expressed by individuals throughout this research report do not necessarily reflect the policy position of their respective organisations.



## Acronyms

ACT	Australian Capital Territory
BYO	Bring Your Own Beverage
ORS	Office of Regulatory Services
PROMIS	Police Real-Time Offence Monitoring Information System
RBL	Risk-based Licensing
RSA	Responsible Service of Alcohol
SPSS	Statistical Package for the Social Sciences

# Summary

## Background and Aims

Since December 2010, the Australian Capital Territory (ACT) has calculated and set liquor licensing fees according to venue type, occupancy, and trading hours, a practice known as risk-based licensing (RBL). RBL was introduced in the ACT amid growing concerns about the prevalence of alcohol-related problems at licensed premises, increases in the proportion of assaults involving alcohol and increases in hospitalisations for alcohol-related injury. RBL aims to recover some of the policing and regulatory costs of alcohol-related offences with higher risk licensees required to contribute proportionally more to these costs by paying higher licensing fees.

In 2012, the Standing Committee on Justice and Community Safety Inquiry into Liquor Licensing Fees and Subordinate Legislation reported that one year after the introduction of RBL in the ACT, alcohol-related offences had declined. However it was not clear to what degree alcohol-related offences had declined at licensed premises in entertainment precincts after midnight. Also, concerns persisted, particularly among licensees, that RBL disadvantaged some licensees and failed to address the contribution of off-trade licensees and pre-loading to alcohol-related harms.

This study investigated the impacts of RBL on patterns of alcohol-related offences in the ACT and stakeholders' perceptions of its efficacy and limitations. It is the first study to attempt to evaluate the impacts of RBL on alcohol-related offences and to seek input from key stakeholders as to its efficacy and limitations.

## Methodology

The study employed quantitative and qualitative methods. Alcohol-related offences reported on the ACT Police Real-Time Offence Monitoring Information System (PROMIS) from 2010 to 2012 were analysed and disaggregated by location (for example public place, licensed premise, house or other location), suburb and time. Semi-structured interviews were conducted with police, licensees and regulators to aid interpretation of police offence data.

## Results and Discussion

The study found that from May 2010 until December 2012, all offences declined in the ACT by 21% in absolute terms and alcohol-related offences specifically relevant to RBL declined by 25%. For all offences and offences not involving alcohol, the majority of this decline was seen from 2010 to 2011 (by 15.1% and 16.8% respectively). However, for offences involving alcohol including those specific to RBL, there were larger declines in offences from 2011 to 2012 (by 16.5 and 16.6 % respectively).

From 2010 to 2011, the proportion of all offences involving alcohol increased by 1.9%, while the proportion not involving alcohol declined by 1.9%, and alcohol-related incidents specifically relevant to RBL did not change significantly. From 2011 to 2012, the proportion of all offences involving alcohol decreased by 1.3% and those specifically relevant to RBL decreased by 0.6%, however the



proportion not involving alcohol increased by 1.3% during this time. This may have been due to increased police intervention with and reporting of offences in the first year of RBL (2011), followed by an adaptation to the reforms including the increased police presence and hence fewer alcohol-related incidents in the second year of RBL (2012).

Alcohol-related incidents relevant to RBL declined from 2011 to the end of 2012 at all times, locations and for all offence types by similar proportions. However there was a relationship between the year and the suburb that these incidents were reported in. Specifically, the proportion of all incidents reported in Civic increased from 2010 to the end of 2012. One possible explanation for this is that the funding generated from RBL to partly fund alcohol prevention has resulted in earlier intervention with and reporting of alcohol-related incidents, particularly in Civic where the concentration of police is reportedly high. This finding may also reflect an increase in the density of on-trade premises in Civic during this period.

Interviewees believed that the community had benefited from additional policing targeted at alcohol and that this had enabled earlier intervention with alcohol-related offences. Some interviewees suggested that RBL was compounding the issue of pre-loading because the higher fees were raising the price of drinks sold on-trade and thereby encouraging greater consumption of cheaper, off-trade drinks. Studies of alcohol sales data could help to evaluate these claims by examining whether the average price of alcohol sold on-trade and the proportion of alcohol sold off-trade have increased since 2010. However, this level of data is not currently available in the ACT.

## Conclusions

RBL has coincided with declines in alcohol-related offences throughout the ACT. This trend was corroborated by almost all interviewed who felt that RBL had benefitted the ACT, particularly in providing more police resources for alcohol prevention. In light of these findings and the significant costs of alcohol-related incidents to the ACT community, there is a good case for RBL to continue. RBL helps to recover the policing costs in preventing and intervening with alcohol-related offences and does so in a way which ensures that the venues with the greatest number of risk factors paying a larger share of these costs. Furthermore, it has achieved this without any detrimental impacts on the liquor licensing market as there is no evidence that the number of liquor licenses in the ACT has significantly changed since RBL's introduction.

However, the study also highlighted a number of factors overlooked by RBL. Chief among these are the contributions of outlet density, preloading and off-trade licensing to alcohol-related offences. To what extent these factors are within the remit of RBL or are better addressed through complementary policy reforms remains to be determined. For instance, addressing outlet density demands an examination of saturation points, particularly in Civic and other entertainment precincts. Results of such a study could be used to inform and enforce caps on outlet numbers in these areas. Pre-loading may be more effectively tackled by setting a minimum price on all alcohol sold than by reforming RBL. The licensing practices of off-trade licensees need to be audited to determine if they warrant similar regulation to on-trade premises.

# Introduction

Alcohol is estimated to be involved in at least half of all incidents of violence and disorder in Australia.<sup>1</sup> Alcohol-related incidents are estimated to occupy 10% of police time costing \$747 million annually, and an additional \$953 million in social, justice, and loss of life costs to governments.<sup>2, 3</sup> Many occur at or in close proximity to licensed premises selling alcohol for consumption on the premises or “on-trade”.<sup>4</sup>

Since December 2010, the Australian Capital Territory (ACT) has calculated fees for on-trade licensed premises according to venue type, occupancy, and trading hours, a practice known as risk-based licensing (hereafter “RBL”). One year after the introduction of RBL in the ACT, alcohol-related offences had declined;<sup>5</sup> however, the extent of reductions at licensed premises in entertainment precincts after midnight was unclear. Furthermore, concerns persisted, particularly among licensees, that RBL disadvantaged some licensees and failed to address the contribution of off-trade licensees and pre-loading to alcohol-related harms. This study explores changes in alcohol-related offences in the ACT since RBL was introduced, and police, licensees and regulators’ perceptions of the consequences and limitations of RBL.

## Why Risk-Based Licensing?

In many jurisdictions, legislation regulates trading hours, occupancy, discounting and responsible service of alcohol (RSA) practices for on-trade premises.<sup>6, 7</sup> Reducing the density of licensed premises and regulating the characteristics and practices of on-trade premises can contribute to reductions in alcohol-related offences<sup>4, 8</sup> since licensed premises are the place of last drink for offenders in one third of all alcohol-related assaults in Australia.<sup>9</sup>

RBL takes the regulation of some of these factors further by using them to determine licensing fees. On-trade licensees pay fees commensurate with their likely risk of alcohol-related harm according to their trading hours, occupancy and in some cases, their venue type and compliance with licensing legislation. RBL helps to recover the policing and regulatory costs of alcohol-related incidents with higher risk licensees paying more than lower risk ones. It may also provide an incentive to modify risk factors such as trading hours and occupancy. Ontario, Canada was the first jurisdiction to implement RBL, followed by Victoria, Queensland and the ACT (see table 1).<sup>7</sup> New Zealand is currently considering introducing RBL.<sup>10</sup>

Although no research has evaluated the effects of RBL itself on alcohol-related offences, there is empirical evidence that the factors it typically considers are separately known to increase the risk of alcohol-related harms. Australian and international studies have shown that assaults occur most frequently at licensed premises after midnight.<sup>11,12</sup> Extended trading hours increase alcohol consumption and related harms,<sup>13</sup> while restricting trading hours especially in problematic premises, can reduce assaults.<sup>14</sup> High occupancy can increase violence by increasing accidental contact between intoxicated patrons.<sup>15</sup> It also reduces staff’s ability to detect intoxicated patrons and patrons’ inclination to report incidents to police.<sup>16</sup>



Table 1. Summary of Risk-Based Licensing models (adapted from<sup>7</sup>).

	Victoria	Queensland	Australian Capital Territory	Ontario, Canada
Date of introduction	August 2009	January 2009	December 2010	2008 and 2009
Risk factors				
Trading hours	✓	✓	✓	✓
Occupancy	✓	✓	✓	✓
Past conduct/compliance	✓	✓		
Licence type			✓	
Location				✓
Gross purchase value of liquor sold (for off-trade licenses)		✓	✓	
Provision of meals		✓		
Staff training and management				✓
Honesty and Integrity				✓
Financial responsibility				✓

## Risk-Based Licensing in the ACT

RBL was introduced in the ACT in response to growing concerns about the prevalence of alcohol-related problems at licensed premises.<sup>17</sup> Before RBL's introduction, assault-related offenses among offenders admitted to the ACT police watch house had increased by 25% from 2005-06 to 2008-09,<sup>18</sup> with the proportion involving alcohol increasing from 58 to 64%. Similarly, the proportion of hospital separations for alcohol-related injury increased by 53% for males and 35% for females from 2000-01 to 2009-10.<sup>19</sup> Assault was the cause of up to 10% of these alcohol-related injuries.<sup>19</sup>

According to the ACT Attorney General, Mr Simon Corbell: *"Risk based licensing is aimed squarely at tackling community concerns about alcohol-related crime, violence and antisocial behaviour, particularly at night"* (page 14).<sup>20</sup> This is consistent with the harm minimisation goals of the *Liquor Act 2010* to: *"regulate the liquor industry in a way that minimises harm caused by alcohol abuse,*

*including— (i) adverse effects on health; (ii) personal injury; (iii) property damage; and (iv) violent or anti-social behaviour”.*<sup>21</sup>

RBL is enacted through the *Liquor Act 2010* and administered by the Office of Regulatory Services (ORS).<sup>21</sup> On-trade licensees pay a base fee according to venue type, with additional fees levied for each trading hour beyond midnight and occupancies greater than eighty patrons (see [Appendix A](#)). This formula applies to fees for annual license renewals<sup>1,22</sup> To illustrate how the formula works, a nightclub trading until 5am with an occupancy level of more than 350 people pays \$25,184 per annum to renew their liquor license. By contrast, a bar with the same occupancy levels and trading hours pays \$16,790 per annum to renew their liquor license while a restaurant with the same conditions pays \$8,394 per annum. Shorter trading hours and smaller occupancies incur lower fees. For instance, a night club trading until 1am with an occupancy level of between 80 to 150 people pays \$8,394 per annum to renew their liquor license, a bar with the same occupancy and trading hours pays \$5,595, while a restaurant with the same conditions pays \$2,797.

The annual license renewal fees paid by off-trade licensees are based solely on the gross liquor purchase value for the annual reporting period (see [Appendix B](#)). For off-trade licensees, renewal fees range from \$532 per annum for less than or equal to \$5,000 gross liquor purchased, to \$27,355 per annum for in excess of \$7,000,000 gross liquor purchased.

RBL coincided with a suite of reforms to the *Liquor Act 2010* (see [Box 1](#)) which must be considered when evaluating it.<sup>23</sup>

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<sup>1</sup> New applicants pay different fees according to venue type only.

### Box 1. Reforms to the Liquor Act coinciding with Risk-Based Licensing<sup>23</sup>

- Mandatory RSA training for licensees, employees and crowd controllers working at a licensed premise.
- Mandatory risk assessment management plans for all new liquor license applications to be approved by the Commissioner for Fair Trading.
- Power for the Commissioner for Fair Trading to impose and vary conditions on a license at any time.
- Provision for the public to comment on new liquor license applications and change of business license models.
- New criminal offences for supplying liquor to intoxicated people; promoting liquor in a way that encourages excessive and rapid consumption of alcohol and a new public order offence to protect employees who refuse service under RSA principles.
- Emergency power for AFP ACT Policing to close a premises for up to 24 hours.
- Power for the Minister to declare a lockout by regulation.
- Requirement for all licensees and permit holders to keep an incident register. The register must include all incidents (that is a confrontation or event that involves violent, unlawful or anti-social behaviour) that occur at or in the close vicinity of a licensed or permitted premise or any incident that involves a licensed or permitted premise.
- New patron responsibilities with fines issued by police to patrons for:
  - Failing to leave a premise at the direction of the licensee, an employee or crowd controller (\$440); Abusing a staff member who fails to serve a person (\$220); or
  - Supplying liquor to another patron who is intoxicated (\$110).

## Methodology

This mixed methods study derives quantitative findings from police reported alcohol-related offences, and qualitative findings from interviews with key stakeholders. Where possible, the interview data is used to triangulate findings from the AFP ACT Policing data to assist in its interpretation, a practice called methods triangulation. This practice recognises that different methods elucidate different aspects of a research question. For this study, it enables a more complete assessment of RBL by combining numbers of alcohol-related incidents with contextual information from stakeholders at the coalface of RBL and alcohol-related incidents. The Australian National University Science and Medical Delegated Ethics Review Committee approved the study<sup>2</sup>.

### Quantitative methods

A proposal was submitted to AFP ACT Policing to access data on all offences reported in the ACT in “PROMIS”<sup>3</sup> from January 2010 to December 2012<sup>4</sup>. AFP ACT Policing provided de-identified unit record data for the specified date range. The offence data was coded and analysed using Statistical Package for the Social Sciences (SPSS) version 20. While data was collected prior to the introduction of RBL, it was captured in broader text fields in PROMIS which could not be easily extracted for reporting in line with the requirements of this study. Consequently the analyses were restricted to 1 May to 31 December in each year to ensure comparability.

There were three stages of data analysis. First, descriptive statistics on the number and proportion of all offences involving alcohol were performed.

Next, alcohol-related offences considered relevant to licensed premises and RBL (referred to hereafter as “alcohol-related incidents”) were selected. Because the objective of RBL is to reduce alcohol-related crime, violence and antisocial behaviour in entertainment precincts,<sup>20</sup> offences not meeting these criteria or considered outside the remit of licensed premises (for example traffic offences, fare evasion, and fraud) were excluded from subsequent analyses. For the subset of incidents relevant to RBL, chi-square analyses<sup>5</sup> were performed exploring associations between the time, suburb and location where incidents were reported. These variables were coded according to methods used in a recent study of alcohol-related violence in the ACT.<sup>18</sup>

Finally, we explored changes between 2010 and 2012 in the proportion of all offences involving alcohol and those that were relevant to RBL, relative to the proportion not involving alcohol. The percentage reduction in these proportions and their associated confidence intervals were calculated using methods described elsewhere.<sup>26</sup> Chi-square analyses were also performed to look for relationships between the year and the suburb, time, and location that incidents were reported.

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<sup>2</sup> Protocol number 2012/581

<sup>3</sup> Police Real-Time Online Management Information System.

<sup>4</sup> These dates were selected because they represented the period one year before and two years after the introduction of RBL in the ACT.

<sup>5</sup> Chi-square tests are a non-parametric statistical test used to determine if two categorical variables are independent.

## Qualitative methods

Semi-structured interviews lasting up to one hour were conducted with two licensees, three police officers experienced in intervening with alcohol-related incidents, and two staff from ORS (n=7). Snowball sampling<sup>6</sup> was used to recruit interviewees.

The interviews sought participants' views on the impacts of RBL on licensees, alcohol-related offences, and the risk factors it overlooks. Participants were also asked to comment on preliminary data showing changes in alcohol-related offences from 2010 to 2012. The interviews were digitally recorded and coded into themes. The interview schedule is at [Appendix C](#).

## Study limitations

The study findings are limited by the availability and reliability of the AFP ACT Policing data. Data on the involvement of alcohol in offences was only available from May 2010 so analyses were restricted to May to December each year. Consequently, we could not examine alcohol-related incidents before May 2010 and excluded some peak times for alcohol-related offences such as New Year's Day and Easter.

Also, because AFP ACT Policing does not document offenders' place of last drink, it was not possible to reliably attribute incidents to licensed premises. Furthermore, the AFP ACT Policing data do not identify whether the victim, the offender, or both were intoxicated in alcohol-related incidents. The reliability of the reporting time for alcohol-related offences is also limited because it may reflect the time when the offence occurred or the time when the victim reported it to police which may have been days after it occurred.

The representativeness of the qualitative data is also limited by the small sample size employed. A larger sample was beyond the scope of this study. Nevertheless, this study provides an important preliminary exploration into stakeholders' perceptions of RBL that future work can build upon.

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<sup>6</sup> Snowball sampling is a technique for gathering research subjects through the identification of an initial subject who is used to provide the names of other actors. Given the study required participants with expertise related to RBL and alcohol prevention, this was the most appropriate sampling method to use.

## Results

Quantitative results are presented in two sections. The first section describes the number and types of alcohol-related incidents occurring in the ACT from 2010 to 2012, and the suburbs, locations and times they were reported at. The second section describes the changes from 2010 to 2012 in the proportion of offences that involved alcohol and were relevant to RBL, and in the suburbs, locations and times that they occurred. In all analyses, sensitivity analyses were undertaken that included the offences reported in January to April in 2011 and 2012: these did not substantively change our results. Thus the findings for May to December of each of the three years are reported.

### 1. Alcohol-related incidents of relevance to Risk-Based Licensing in the ACT

From 1 May to 31 December in 2010, 2011 and 2012, in total, 62,480 offences were reported by ACT Police. Of these offences, 7,304 (11.7%) involved alcohol, and 3,421 (46.8%) of these alcohol-related offences were considered relevant to RBL in that they resulted in or had the potential to result in personal injury, property damage, violence or anti-social behaviour. As shown in table 2, common assault was the most common incident relevant to RBL, followed by trespass and breach, property damage, and burglary, robbery, theft or stolen motor vehicle. Alcohol-related incidents of relevance to RBL are the focus of the remaining quantitative results.

Table 2. Alcohol-related offences classified according to their relevance to RBL (1 May - 31 December for 2010, 2011, 2012)

	Number of offences	% of all alcohol-related offences	% of alcohol-related incidents relevant to RBL
<b>ALCOHOL-RELATED INCIDENTS RELEVANT TO RBL</b>			
Common assault	1395	19.1	40.8
Sexual assault or indecency	105	1.4	3.1
Homicide/manslaughter/attempt or threaten murder/grievous bodily harm or weapons incident	82	1.2	2.4
Trespass or breach	562	7.7	16.4
Property damage	550	7.5	16.1
Burglary, theft, robbery or stolen motor vehicle	557	5.5	11.8
Drunk and disorderly	34	0.5	1.0
Fight in a public place	21	0.3	0.6
Obstructing or resisting a public officer	219	3.0	6.4
Offensive, harassing, endangering or intimidating behaviour	50	0.7	1.5
<b>TOTAL INCIDENTS RELEVANT TO RBL</b>	<b>3421</b>	<b>46.8</b>	<b>100.0</b>
<b>ALCOHOL-RELATED INCIDENTS NOT RELEVANT TO RBL</b>			
Traffic incidents	3274	44.8	NA
Other offences (each accounting for less than 5% of all alcohol-related offences) <sup>7</sup>	609	8.4	NA
<b>TOTAL INCIDENTS NOT RELEVANT TO RBL</b>	<b>3883</b>	<b>53.2</b>	<b>NA</b>
<b>TOTAL ALCOHOL-RELATED OFFENCES</b>	<b>7304</b>	<b>100</b>	<b>NA</b>

<sup>7</sup> Includes fire/arson or bomb incident, taxi fare evasion, nuisance phone calls, computer crime including child pornography, drug incident, underage drinking, public urination, supply alcohol to youth, violation of responsible service of alcohol, public nuisance, public consumption, noise pollution, confinement, warrant, failure to appear in court, Arrest on bail/escape custody, aid suicide, unlawful possession

### Suburb, location and time of alcohol-related incidents

Alcohol-related incidents relevant to RBL were most prevalent in the 'other suburbs' (55.7%) and Civic (25.0%), followed by Belconnen (5.4%) and Braddon and Acton (3.9%) (see table 3). All the other suburbs each accounted for less than 3% of all incidents. Across all suburbs, alcohol-related incidents were most prevalent in public places (on a street, footpath or bike path) (36.7%), and domestically (33.4%), with similar proportions reported at licensed premises (15.3%) and other locations (14.5%).

Chi-square analysis revealed a relationship between the suburb and location where alcohol-related incidents were reported ( $\chi^2(21)=1047.05, p < .001$ ). In Civic, incidents were most prevalent in public places (61.2%) and licensed premises (27%). In Acton and Braddon, incidents were more prevalent in public places (45.9%) and domestically (23.3%) than licensed premises (11.3%), but in Belconnen they were more common in public places (33.3%) and licensed premises (21.5%) than domestically (14.5%).

**Table 3. The suburbs alcohol-related incidents were reported at disaggregated by location (1 May - 31 December for 2010, 2011, 2012).**

Suburb		Location				
		House	Licensed premise	Public place <sup>8</sup>	Other <sup>9</sup>	All locations
<b>Civic</b>	N (%)	9 (1.1%)	231 (27.0%)	524 (61.2%)	92 (10.7%)	856 (100.0%)
<b>Acton and Braddon</b>	N (%)	31 (23.3%)	15 (11.3%)	61 (45.9%)	26 (19.5%)	133 (100.0%)
<b>Kingston, Manuka and Griffith</b>	N (%)	21 (17.8%)	28 (23.7%)	55 (46.6%)	14 (11.9%)	118 (100.0%)
<b>Philip and Woden</b>	N (%)	8 (10.7%)	9 (12.0%)	24 (32.0%)	34 (45.3%)	75 (100.0%)
<b>Belconnen</b>	N (%)	27 (14.5%)	40 (21.5%)	62 (33.3%)	57 (30.6%)	186 (100.0%)
<b>Tuggeranong and Greenway</b>	N (%)	11 (12.8%)	26 (30.2%)	24 (27.9%)	25 (29.1%)	86 (100.0%)
<b>Gungahlin</b>	N (%)	14 (23.0%)	13 (21.3%)	22 (36.1%)	12 (19.7%)	61 (100.0%)
<b>Other suburbs</b>	N (%)	1023 (53.7%)	163 (8.6%)	483 (25.3%)	237 (12.4%)	1906 (100.0%)
<b>All ACT</b>	<b>N (%)</b>	<b>1144 (33.4%)</b>	<b>525 (15.3%)</b>	<b>1255 (36.7%)</b>	<b>497 (14.5%)</b>	<b>3421 (100.0%)</b>

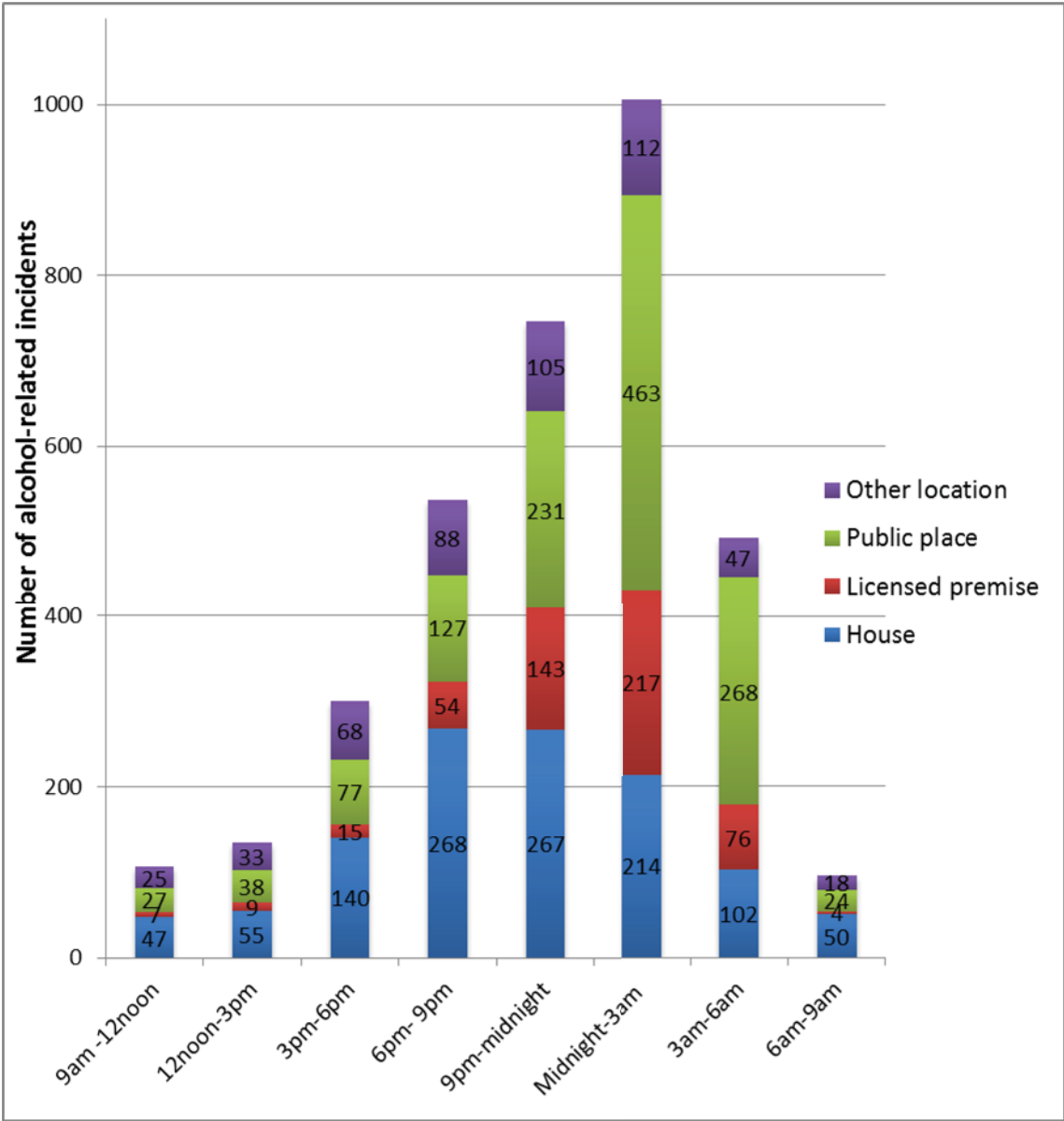
<sup>8</sup> Public place= on a street, footpath or bike path.

<sup>9</sup> Other location= bank, office, hotel/motel, chemist/surgery, hospital, shop, carpark, school, church, seaport, tram terminal, bus depot, police station, garage attached to residence, garage not attached to residence, service station, recreational centre.



As shown in Figure 1, alcohol-related incidents gradually increased from the late afternoon until the evening when they peaked between midnight and 3am. They then declined until 6am and remained at low levels until late afternoon. Chi-square analyses revealed that the times alcohol-related incidents were reported depended on location ( $\chi^2(21)=392.863, p <.001$ ) and suburb ( $\chi^2(14)=553.81, p <.001$ ). Two-thirds of incidents reported from midnight to 6am occurred in public places (48.8%) or licensed premises (19.5%), and the proportion of incidents reported at these locations increased over the course of the evening and peaked between 3am and 6am (see Figure 1). During the day (from 6am to 6pm), domestic incidents were most prevalent.

Figure 1. The time and location of alcohol-related incidents relevant to RBL (1 May - 31 December for 2010, 2011, 2012).



In Civic, the majority (77%) of incidents were reported from midnight to 6am (see table 4). In other areas, the time that incidents were reported was associated with its distance from Civic. For example, in Acton and Braddon which are just outside Civic, proportionally more incidents were reported after midnight than before midnight. While in Tuggeranong/Greenway, approximately 17km from Civic, more incidents occurred before midnight than after midnight.

**Table 4. The suburbs alcohol-related incidents were reported at disaggregated by time (1 May - 31 December for 2010, 2011, 2012).**

SUBURB		Time*			
		Midnight-6am	6pm-midnight	6am- 6pm	All times
<b>Civic</b>	N (%)	659 (77.0%)	133 (15.5%)	64 (7.5%)	856 (100.0%)
<b>Acton and Braddon</b>	N (%)	62 (46.6%)	43 (32.3%)	28 (21.1%)	133 (100.0%)
<b>Kingston, Manuka and Griffith</b>	N (%)	52 (44.1%)	48 (40.7%)	18 (15.3%)	118 (100.0%)
<b>Philip and Woden</b>	N (%)	13 (17.3%)	44 (58.7%)	18 (24.0%)	75 (100.0%)
<b>Belconnen</b>	N (%)	77 (41.6%)	70 (37.8%)	38 (20.5%)	185 (99.5%)
<b>Tuggeranong and Greenway</b>	N (%)	25 (29.1%)	35 (40.7%)	26 (30.2%)	86 (100.0%)
<b>Gungahlin</b>	N (%)	25 (41.0%)	29 (47.5%)	7 (11.5%)	61 (100.0%)
<b>Other suburbs</b>	N (%)	586 (30.8%)	881 (46.2%)	438 (23.0%)	1905 (99.9%)
<b>All ACT</b>	<b>N (%)</b>	<b>1499 (43.8%)</b>	<b>1283 (37.8%)</b>	<b>637 (18.6%)</b>	<b>3419<sup>a</sup> (100.0%)</b>

a= note the time was not reported in two cases;

\* note, we used only 3 categories for time for this chi-square analysis because the cell sizes were too small using 3 hourly time intervals.

## 2. Changes in alcohol-related incidents from 2010 to 2012.

### Changes in the proportion of all offences involving alcohol and relevant to RBL

Table 5 presents the number and percentage of all offences in 2010, 2011 and 2012 disaggregated by whether they involved alcohol and if they were relevant to RBL. Table 6 presents the absolute percentage changes in offences reported each year from 2010 to 2012 according to whether they involved alcohol, and whether they were relevant to RBL. It also presents the percentage changes in the proportion of all offences involving alcohol and relevant to RBL given that the total number of offences reported declined each year. Table 6 shows that all offences declined from 2010 to 2012 regardless of whether they involved alcohol or not. However, in 2011, the proportion of offences not involving alcohol was significantly lower (by 1.9%) than in 2010, while the proportion involving

alcohol was significantly higher (also by 1.9%). From 2011 to 2012 the reverse was true. Over this period, the proportion of offences involving alcohol significantly declined (by 1.3%) as did those specifically relevant to RBL (by 0.6%), while the proportion not involving alcohol increased by 1.3%. These trends persisted after adjusting for changes in the ACT population over the three years<sup>10</sup>.

**Table 5. Changes from 2010-2012 in the proportion of offences involving alcohol including alcohol-related incidents of specific relevance to RBL**

	2010		2011		2012	
	N	% of all offences	N	% of all offences	N	% of all offences
All offences	23,704	100	20,133	100	18,643	100
Offences not involving alcohol	21,114	89.1	17,564	87.2	16,498	88.5
All alcohol-related offences	2,590	10.9	2,569	12.8	2,145	11.5
Alcohol related incidents of relevance to RBL <sup>11</sup>	1,290	5.4	1,162	5.8	969	5.2

**Table 6. Absolute and proportional changes in offences from 2010-2012**

	Absolute change in offences			Percentage change in the proportion of all offences		
	2010-11	2011-12	2010-12	2010-11 % change (95% CI)	2011-12 % change (95% CI)	2010-12 % change (95% CI)
<b>All offences</b>	-15.1%	-7.4%	-21.4%			
<b>Offences not involving alcohol</b>	-16.8%	-6.1%	-21.9%	-1.9* (-2.4, -1.2)	+1.3* (+0.6, +1.9)	-0.6 (-0.1, +1.9)
<b>All alcohol related offences</b>	0.8%	-16.5%	-17.2%	+1.9* (+1.2, +2.4)	-1.3* (-1.9,-0.6)	+0.6 (-0.1,+1.2)
<b>Alcohol-related incidents relevant to RBL<sup>xi</sup></b>	-9.9%	-16.6%	-24.9%	+0.3 (+0.8, -0.1)	-0.6* (-0.1, -1.0)	-0.2 (-0.7, +0.2)

<sup>10</sup> Given space restrictions, these analyses are not presented.

<sup>11</sup> Includes common assault, sexual assault or indecency without consent, homicide/murder and attempted murder, grievous bodily harm, fights in public places, weapons incidents, property damage, burglary, theft robbery or stolen motor vehicle, trespass/breach, offensive threatening harassing or endangering behaviour, obstructing or resisting an official.

\* the % reduction was statistically significant as the 95% confidence intervals did not cross 0.

### Changes in alcohol-related incidents by suburb

From 2010 to 2012, alcohol-related incidents declined in absolute numbers in all suburbs except Belconnen where they increased (see table 7). There was a relationship between the year and suburb where alcohol-related incidents were reported ( $\chi^2 (14) = 33.35, p < .01$ ). From 2010 to 2012, the declines in alcohol-related incidents in Civic were of a smaller magnitude than in Acton and Braddon, Philip and Woden and Tuggeranong and Greenway.

Further analyses revealed a significant 4% increase in the proportion of all alcohol-related incidents reported in Civic from 2010 to 2012 (95% CI= 0.7% to 7.7%), largely due to a 6.5% increase in the proportion of incidents reported in Civic from 2011 to 2012 (95% CI= 2.9% to 10.3%).

Table 7. Changes in alcohol-related incidents from 2010-2012 disaggregated by suburb

	2010		2011		2012		All years	% change	% change	% change
	N	%	N	%	N	%	N	2010-11	2011-12	2010-12
Civic	319	24.7%	258	22.2%	279	28.8%	856	-19.0%	+8.0%	-13.0%
Acton and Braddon	51	4.0%	50	4.3%	32	3.3%	133	-2.0%	-36.0%	-37.0%
Kingston, Manuka and Griffith	45	3.5%	41	3.5%	32	3.3%	118	-9.0%	-22.0%	-29.0%
Philip and Woden	33	2.6%	28	2.4%	14	1.4%	75	-15.0%	-50.0%	-58.0%
Belconnen	50	3.9%	69	5.9%	67	6.9%	186	+38.0%	-3.0%	+34.0%
Tuggeranong and Greenway	31	2.4%	37	3.2%	18	1.9%	86	+19.0%	-51.0%	-42.0%
Gungahlin	19	1.5%	27	2.3%	15	1.5%	61	+42.0%	-44.0%	-21.0%
Other suburbs	742	57.5%	652	56.1%	512	52.8%	1906	-12.0%	-21.0%	-31.0%
<b>Total</b>	<b>1290</b>	<b>100.0%</b>	<b>1162</b>	<b>100.0%</b>	<b>969</b>	<b>100.0%</b>	<b>3421</b>	<b>-9.9%</b>	<b>-16.6%</b>	<b>-24.9%</b>

### Changes alcohol-related incidents by time, location and type

There were declines from 2010 to 2012 in the number of alcohol-related incidents across all times, locations and offence types. Chi-square analyses showed no significant relationships between any of these three variables and the year that incidents were reported. Put simply, changes from 2010 to 2012 in the type of incident and the times and locations they were reported at, were consistent across all levels of those variables.

## Qualitative findings

The primary themes elicited from the interviews were the consequences of RBL for licensees and alcohol-related incidents, as well as the factors that it overlooks and the ways it could be improved. These themes are elaborated on with examples and direct quotes where appropriate, below. Participants' reactions to and explanations for preliminary data on the changes in alcohol-related incidents since RBL's introduction are also described. The quotes are those of the people interviewed and not representative of all licensees, police and/or regulators.

### Consequences of RBL for licensees

The RBL framework did not seem to provide licensees with much incentive to modify trading hours, venue type or occupancy. Regulators said a small but insignificant number of licensees shortened their trading hours or became Bring Your Own Beverage (BYO) in response to RBL. One licensee "seriously considered changing their trading hours or occupancy" and "would never open another cocktail bar because of the restrictions". The other licensee said they would never change their trading hours or occupancy as this would be permitting "a nanny state" and "things only get going at 11pm".

The increased fees and occupancy restrictions imposed by RBL were thought to have financial implications for some licensees, particularly smaller venues. One licensee thought that many small venues would close if RBL continued and felt it should better relate to licensees' size and capacity to pay. The occupancy restrictions imposed by RBL had been bad for their business:


"The strict control on capacities had a massive effect on our business financially. It was unwarranted and we asked the authorities to review it. We went from 140 to 110 (in capacity) and you notice that on a Saturday night, and the customers notice it..." (Licensee).

### Consequences of RBL for alcohol-related incidents

All interviewees recognised the benefits of the additional alcohol prevention police funded by RBL, and those police and regulators interviewed believed this had reduced alcohol-related incidents. However, one police officer pointed out this reduction may have been result of there being fewer police officers on the beat at some times.

The additional police resources funded by RBL were thought to have changed the policing of alcohol-related incidents in the following ways:

- Earlier police intervention with alcohol-related incidents and more ownership of the issue by police (police);
- Better working relationships and more contact between licensees, police and ORS (police and regulators);
- Policing gaining more "intelligence" about clubs and pubs (police); and
- Increased policing of licensed venues overall, but concentrated in Civic (both licensees).



Although licensees acknowledged the increased policing of their venues since RBL's introduction, they were not convinced that RBL had been beneficial. One licensee thought the increased fees were simply a way for the government to make more revenue. Both licensees felt that RBL had a number of unintended consequences that had contributed to more violence including:

- Increasing the price of drinks on-trade and thereby increasing pre-loading and illicit drug use (both licensees);
- “Pushing some small venues out of the market” and “forcing more people to go to the larger venues where intermingling was more likely to cause problems” (one licensee); and
- “More heavy-handed security in venues” (one licensee).

### Factors that RBL overlooks

Preloading, the number and density of licensed premises, the simplicity of the criteria used to determine licensing fees and the lack of review and appeal processes for fees were cited as the main oversights of RBL.

When asked directly about whether RBL underestimates the effects of preloading, two police officers interviewed and both licensees agreed. One police officer said the increased preloading was reflected in more consumption of alcohol in public. Licensees thought that off-trade licensees and BYO restaurants were the source of this preloading and needed to pay higher fees and have mandatory RSA. Some police officers interviewed thought that licensees could better address preloading by screening out highly intoxicated people at the door, thereby enabling earlier police intervention.

In addition to preloading, other factors cited as being overlooked by RBL included:

- The number and density of licensed premises (police, regulators and one licensee);
  - The “riskiness” of the venue location with locations such as Civic argued to warrant higher fees (police and one licensee); and
  - Licensees’ compliance with the Liquor Act, age and type of clientele, alcohol discounting and risk management strategies (one licensee).
- Some suggestions were made as to how RBL and licensing overall could be improved, including:
- Rewarding compliance with licensing legislation with reduced RBL fees and penalising breaches with additional fees or disciplinary action (one licensee and one regulator);
  - An annual review of RBL fees and avenues to appeal them (one licensee);
  - Trialling lock-outs or staggered closing times with coordinated transport options in Civic in conjunction with RBL (police);
  - A master plan for licensing in Canberra (one police officer); and
  - Investigating the saturation points for different entertainment precincts in terms of license numbers (regulators).

### Reactions to time trend data

Interviewees were presented with data showing reductions in alcohol-related offences relative to all offences from 2010 to 2012 and were asked to comment on the consistency of the data with their own experiences. For all police and one licensee, these trends were consistent with their experiences. The other licensee said the data were consistent with their impression of what was happening in Canberra and Civic, but not with their experiences. Regulators interviewed had no direct experience of alcohol-related offences, but were aware of the reductions documented in Government reviews.

Interviewees were then asked to comment on possible explanations for the decline in alcohol-related offences.

Factors related to RBL and licensing most commonly cited as explanations for the results included:

- The greater number, visibility and involvement of police (police, regulators and licensees);
- The multiagency liquor taskforce (police and regulators); and
- Mandatory RSA training (one licensee and one regulator).

Factors unrelated to RBL and licensing that were raised as competing explanations for the results included:

- The global financial crisis (one police officer, one licensee and regulators);
- A more rehabilitative, less punitive approach to dealing with alcohol-related offences (police and regulators);
- Seasonal trends in alcohol-related offences (one licensee and regulators); and
- Government interventions including the Good Sports Program<sup>12</sup>, media campaigns about alcohol-related violence, the alcopops tax, and legislation banning smoking in pubs and clubs (police).

Legislation banning smoking in pubs and clubs was thought to influence alcohol-related incidents because: “they have to leave to go outside and smoke, possibly line up again to get back inside at the busy establishments....It gives them something else to do....” (Police).

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<sup>12</sup> An Australian Government funded program that encourages large sports clubs to promote an alcohol free environment for their players.

# Discussion

## Summary of quantitative findings

This study aimed to determine if alcohol-related incidents have declined in the ACT since the introduction of RBL in December 2010 and in particular, if there have been proportionally fewer incidents after midnight, in Civic, and at licensed premises.

The study showed that there have been declines in the absolute number of all offences, including those involving alcohol, since the introduction of RBL in December 2010. From May 2010 until December 2012, all offences declined in the ACT by 21% in absolute terms and alcohol-related offences specifically relevant to RBL declined by 25%. For all offences and offences not involving alcohol, the majority of this decline was seen from 2010 to 2011 (by 15.1% and 16.8% respectively). However, for offences involving alcohol including those specific to RBL, there were larger declines in offences from 2011 to 2012 (by 16.5 and 16.6% respectively). In other words, from 2011 to 2012, alcohol-related incidents of relevance to RBL declined by a larger magnitude than offences not involving alcohol.

The study also looked at the changes in the proportion of all offences involving alcohol over this period to control for changing trends in overall crime levels. From 2010 to 2011, the proportion of all offences involving alcohol increased by 1.9%, while the proportion not involving alcohol declined by 1.9%, and alcohol-related incidents specifically relevant to RBL did not change significantly. However, from 2011 to 2012, the proportion of all offences involving alcohol decreased by 1.3% and those specifically relevant to RBL decreased by 0.6%, however the proportion not involving alcohol increased by 1.3% during this time. This pattern of findings may be because the first year of RBL (2011) saw more police intervention with and reporting of offences due to the additional police available. Then, in the second year of RBL, RBL and the other licensing reforms became more embedded in the ACT and patrons adapted to the greater police presence in licensed premises, resulting in fewer offences. Further studies would be needed to confirm if this downward trend continues.

Since RBL's introduction, the absolute number of alcohol-related incidents relevant to RBL have declined at all times and locations. However, we found no evidence that there were proportionally fewer incidents after midnight or in licensed premises from 2010 to 2012. Yet, there were smaller declines in alcohol-related incidents in Civic than in some of the outer suburbs of Canberra such as Philip and Woden, Tuggeranong and Greenway. In fact, the proportion of all alcohol-related incidents reported in Civic increased significantly from 2010 to 2012. For Civic, this trend may reflect greater police presence in Civic leading to earlier intervention with incidents but also potentially, more reporting of incidents. It may also reflect an increase in the density of on trade liquor outlets during this time.



## Summary of qualitative findings

A secondary aim of the study was to gain insights from police, licensees and regulators as to the efficacy and limitations of RBL.

All interviewed agreed that the additional police for alcohol prevention funded by RBL had benefited the ACT and police and regulators felt that it had enabled earlier intervention with alcohol-related incidents and better working relationships between police, regulators and licensees. Licensees were less convinced of the benefits of RBL with one suggesting that its impacts were concentrated in Civic.

Licensees also endorsed some unintended consequences of RBL. Chief among these were that RBL has increased the price of alcohol on-trade and made “pre-loading” with alcohol purchased off-trade a more economical choice. When asked directly about whether RBL overlooks the issue of preloading and off-trade venues, licensees and most police interviewed agreed.


The number and density of licensees was another commonly cited oversight. Some also thought that licensing fees should consider licensees’ compliance history, location, clientele, risk management and pricing, and be reviewed annually.

It remains unclear if RBL has encouraged many licensees to change their trading hours or occupancy as there is no data available on this. Licensees thought RBL disadvantages smaller venues and would push many of these out of the market. However, these claims were not substantiated by license regulators who felt that RBL had minimal effects on trading hours or occupancy. Furthermore, the total number of on-trade licensees has not changed significantly since RBL’s introduction.

## Policy implications and future directions

RBL has coincided with declines in alcohol-related offences throughout the ACT. This trend was corroborated by almost all interviewed who felt that RBL had benefitted the ACT, particularly in providing more police resources for the prevention of alcohol-related offences. It is inherently difficult to demonstrate that a single policy intervention is directly and independently responsible for a population level change such as a decline in alcohol-related offences. This is true for RBL as demonstrated by the multiple competing explanations for the declines in alcohol-related offences that were raised by interviewees. However, a good case can be made for the continuation of RBL. Aside from the fact that stakeholders believe RBL benefits public health and safety, RBL helps to recover the costs of alcohol prevention policing in a way that ensures that the venues with the most risk factors pay the greatest share of these costs. Furthermore, there is no evidence that RBL has been detrimental to the liquor licensing market in that there has been no significant change in the number of liquor licenses since its introduction.

The interviews highlighted important factors that RBL does not include which may be limiting its capacity to minimise alcohol-related harms. It is important to consider these factors and determine whether they can be addressed within the RBL framework, or should be the focus of additional complementary policy reforms. Chief among the factors thought to be overlooked by RBL were pre-



loading and off-trade licensees: both of which were also raised in public submissions to the ACT Government's Inquiry into RBL.<sup>20</sup> Some interviewees suggested that RBL was compounding the issue of pre-loading because the higher fees were raising the price of drinks sold on-trade. Studies of alcohol sales data could help to evaluate these claims by examining whether the average price of alcohol sold on-trade and the proportion of alcohol sold off-trade have increased since 2010. Whether pre-loading and off-trade premises can be addressed by RBL alone remains to be seen. Preloading may be more effectively tackled by setting a minimum price on all alcohol sold. As well as the analysis of sales data outlined above, the licensing practices of off-trade licensees need to be audited to determine if they warrant similar regulation to on-trade premises.

Many interviewed also felt that RBL overlooks the number and density of licenses in the ACT. Compared to other jurisdictions, the ACT has the second lowest number of licenses per capita.<sup>6</sup> However, areas with high outlet density such as Civic are disproportionately affected by alcohol-related incidents. Suggestions to explore the licensing "saturation points" of ACT's entertainment precincts to mitigate outlet density should be considered by the ACT Government. Results of such studies could be used to inform caps on the number of outlets in Civic and other entertainment precincts which could be enforced through the *Liquor Act*.

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## Appendices

### Appendix A. Examples of fees payable to renew on-trade liquor licenses in the ACT<sup>22</sup>

License Type	Total occupancy loading for premises	Trading Hours	Annual Fee (\$)
On Licence Nightclub	≤ 80 people	Standard (ie close by midnight)	3597
		Other licensed times (ie close after midnight)	5995
	> 80 but ≤ 150 people.	Standard	4796
		1am	8394
		2am	10793
		3am	13192
		4am	15590
		5am	17998
	>150 but ≤350 people	Standard	5995
		1am	11992
		2am	14391
		3am	16790
		4am	19188
		5am	21586
	>350 people	Standard	7195
		1am	15590
		2am	17988
		3am	20387
	4am	22786	



		5am	25184
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License Type	Total occupancy loading for premises	Trading Hours	Annual Fee (\$)
On Trade License	≤ 80 people	Standard (ie close by midnight)	1198
		Other licensed times (ie close after midnight)	1998
Restaurant and Café	> 80 but ≤ 150 people.	Standard	1598
		1am	2797
		2am	3597
		3am	4397
		4am	5196
		5am	5995
	>150 but ≤350 people	Standard	1998
		1am	3997
		2am	4796
		3am	5595
		4am	6396
		5am	7195
	>350 people	Standard	2397
		1am	5196
		2am	5995
		3am	6795
		4am	7975
		5am	8394

License Type	Total occupancy loading for premises	Trading Hours	Annual Fee (\$)
<b>On Trade License</b>	≤ 80 people	Standard (ie close by midnight)	2397
		Other licensed times (ie close after midnight)	3997
<b>Bar</b>	> 80 but ≤ 150 people.	Standard	3198
<b>General License</b>		1am	5595
<b>Club License</b>		2am	7195
		3am	8794
		4am	10393
		5am	11992
		Standard	3997
<b>Special License</b>	>150 but ≤350 people	1am	7994
		2am	9594
		3am	11193
		4am	12792
		5am	14391
	>350 people	Standard	4796
		1am	10393
		2am	11992
		3am	13591
		4am	15190
	5am	16790	



## Appendix B. Examples of fees payable to renew off-trade liquor licenses in the ACT<sup>22</sup>

License type	Annual renewal fee
Gross liquor purchase value for the reporting period <sup>a</sup> ≤ \$5,000	\$532.00 for standard licensed times <sup>b</sup>
Gross liquor purchase value for reporting period > \$5,000 but ≤ \$100, 000	\$1,806.00 for standard licensed times
Gross liquor purchase value for reporting period > \$100,000 but ≤ \$500,000	\$3,902.00 for standard licensed times
Gross liquor purchase value for reporting period > \$500,000 but ≤ \$1,000,000	\$6,034.00 for standard licensed times
Gross liquor purchase value for reporting period > \$1,000,000 but ≤ \$3,000,000	\$10,298.00 for standard licensed times
Gross liquor purchase value for reporting period > \$3,000,000 but ≤ \$7,000,000	\$18,827.00 for standard licensed times
Gross liquor purchase value for reporting period > \$7,000,000	\$27,355.00 for standard licensed times

- a. Reporting period means
- for a licence held for a financial year—the financial year ending immediately before the day 2 months before the license is due to expire or is due for renewal (whichever is earlier).
  - for a licence held for less than a financial year—the period from the issue of the licence until the day 2 months before the license is due to expire or is due for renewal (whichever is earlier).
- b. Standard licensed times means 7am to 11pm. No fees are stipulated for off-trade licensees trading outside these standard times.

## Appendix C. Interview Schedule

### OBJECTIVES AND DESIGN OF RBL

What is your understanding of the policy objective of risk based licensing?

If this policy objective clear in your opinion?

Are there any important risk factors that RBL misses? If so, what are they?

Are you aware of any other countries that have implemented similar risk based licensing schemes?

Do you think there have been any unintended consequences of risk based licensing and the liquor licensing reforms? If so, please describe.

For licensees only: Do you believe the licensing fees created by RBL are “unduly unfavourable”? If so, explain how.

The recent inquiry into risk-based licensing suggested that RBL underestimates the potential contribution of pre-loading and off-trade licensees to alcohol-related incidents. What are your views on this?

### IMPACTS OF RBL

What are your overall perceptions about the levels of alcohol-related offences including violence in the ACT since 1 December 2010 when risk based licensing and the associated reforms to the Liquor Act were introduced?

What are your perceptions of the policing of alcohol-related offences since risk based licensing and the associated reforms to the Liquor Act were introduced in 2010 – has this changed or stayed the same? If it has changed, how has it changed?

What other interventions have been implemented since 2010 that might have influenced the level of alcohol-related offences in the ACT?

Overall, do you believe risk based licensing has been beneficial to the public health and safety of the ACT community? If so, why? If not, why not?

For Regulators only: Are you aware of any changes in the number of licensees or trading hours of licensees since RBL was introduced?

For licensees only: Have the changes to licensing fees under RBL prompted you to consider changing the trading hours or occupancy loadings for your venue? Or other licensees that you are aware of?

How could liquor licensing legislation and risk based licensing in particular be improved?

What are the alternatives to risk-based licensing in the ACT context and do you think these would have more or less impact than the current risk-based licensing scheme?

#### QUESTIONS IN RESPONSE TO TIMES SERIES DATA ON ALCOHOL-RELATED OFFENCES

	May-December 2010	May-December 2011	May-December 2012	% change from 2010-2012	% change from 2011-2012
All offences	23704	20133	18643	-21.35%	-7.40%
Offences not involving alcohol	21114	17564	16498	-21.90%	-6.10%
All alcohol related offences	2590	2569	2145	-17.18%	-16.50%
Key alcohol-related offences relevant to RBL [1]	1290	1162	969	-24.80%	-16.60%

#### What are your views about these trends?

What do you think is driving these trends? Put another way, what factors explain these trends?

How do these trends fit with your experiences of the changes (if any) in alcohol related since RBL and the liquor licensing reforms were introduced on 1 December 2010?

What other than liquor licensing reforms do you think may be driving these trends?

1. Includes common assault, sexual assault or indecency without consent, homicide/murder and attempted murder, grievous bodily harm, fights in public places, weapons incidents, property damage, burglary, theft robbery or stolen motor vehicle, trespass/breach, offensive threatening harassing or endangering behaviour, obstructing or resisting an official.



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