

Hon Andrea Michaels MP
Minister for Consumer and Business Affairs
Karna Country
Via CBSReforms@sa.gov.au

Ref: A2640339

14 February 2025

Dear Minister Michaels,

Thank you for the opportunity to provide feedback on the *Liquor Licensing (Miscellaneous) Amendment Bill*. As South Australia's peak body for specialist domestic, family and sexual violence services, Embolden recognises that this is a vital opportunity for regulatory reform to reduce alcohol-related harms in our communities. We commend the Bill's reframing of the minimisation of harm as the paramount object of the Liquor Licensing Act, in alignment with a key recommendation of the *Rapid Review of Prevention Approaches to End Gender-Based Violence* released in August 2024.¹

While it is important to note that alcohol consumption and misuse are not underlying causes of domestic, family or sexual violence, the evidence is clear that alcohol is a critical contributing factor, particularly in increasing the severity and frequency of violence. In Australia, it is estimated that up to 50% of domestic and family violence incidents involve alcohol, with alcohol present in 73% of physical violence incidents in intimate partnerships.² Additionally, the consumption of alcohol by victim-survivors of domestic and family violence has been shown to increase the severity of harm they experience.³ Embolden therefore strongly supports the intent of the Bill to address the significantly harmful impacts of alcohol in its intersection with domestic, family and sexual violence.

Embolden appreciates the Bill's

addition of gender-based violence to the definition of alcohol-related harms. However, we strongly recommend that the proposed wording in the Bill – that is 'domestic violence,

¹ Government of Australia (2024). *Unlocking the Prevention Potential: accelerating action to end domestic, family and sexual violence*, <https://www.pmc.gov.au/resources/unlocking-the-prevention-potential>.

² Laslett, Anne-Marie et al (2015) *The hidden harm: alcohol's impact on children and families*. Canberra: Foundation for Alcohol Research and Education.

³ Choenni, V., Hammink, A., & van de Mheen, D. (2017). Association Between Substance Use and the Perpetration of Family Violence in Industrialized Countries: A Systematic Review. *Trauma, Violence, & Abuse*, 18(1), 37-50. <https://doi.org/10.1177/1524838015589253>.

gender-based violence’ – be replaced with the current preferred terminology: ‘domestic, family and sexual violence’. This ensures that the Act adequately encompasses the diversity and complexity of violence experienced in intimate partnerships and families, and explicitly encompasses sexual violence, which occurs both within and outside the context of domestic and family violence. This would also ensure consistency with terminology used by the South Australian Royal Commission into domestic, family and sexual violence, and the Federal Government’s Domestic, Family and Sexual Violence Commission.

We understand that significant effort has gone into the regulation of license density in South Australia, as well as other measures to regulate accessibility to alcohol. In Australia, alcohol supply reduction measures have been shown to decrease domestic and family violence incidents, including assaults and breaches of protective orders.⁴ However, in the wake of COVID-19, it has been concerning to see the rise in online retail sales undermine the gains made in regulating the accessibility of alcohol. Embolden is therefore very supportive of the proposed amendments to the Act to restrict sale and delivery timeframes, including the prevention of rapid delivery by establishing the 2-hour safety pause. However, we also commend to your office the submission by the Foundation for Alcohol Research and Education and the importance it places on ensuring that online sales and delivery provide the same level of protections as on-premises sales, including effective ID checks, specific Responsible Service of Alcohol training, and offences for provision of alcohol to intoxicated persons.

Given the significant evidence that extended access to alcohol increases the risk of alcohol-related harm, we have concerns with supply of alcohol before 8am on ANZAC Day and after 10pm on Christmas Eve and New Years Eve. While we understand early morning trading on ANZAC Day, for example, aligns with other Australian states, we would like to highlight Australian and international research, which has indicated a disproportionately higher rate of domestic violence among serving personnel and veterans, for whom ANZAC Day is often particularly significant.⁵ We also commend to your office the submission of the Foundation for Alcohol Research and Education and their recommendation to remove the discretion in Section 70 to further extend hours of operation.

Embolden also has concerns around the 150% increase in penalties for individuals under Section 29(1) in the Act, compared with the 50% increase in all other penalties. We do not

⁴ Clifford, Sarah et al (2024). Police-recorded adult sexual assault in the Northern Territory, Australia: Alcohol involvement and alcohol policy effects. *Drug and Alcohol Review*, 43(2): 519-528. <https://doi.org/10.1111/dar.13787>

⁵ Pollard, R and Ferguson, C (2020). Intimate Partner Violence within Australian Defence Force Families: An exploratory study. *Journal of Gender-Based Violence*, 4(2): 191-205, <https://doi.org/10.1332/239868020X15850130841880>; Cowlshaw, S. et al. (2022). Intimate Partner Violence in Military and Veteran Populations: A Systematic Review of Population-Based Surveys and Population Screening Studies. *International Journal of Environmental Research and Public Health*, 19(1): 8853, <https://www.mdpi.com/1660-4601/19/14/8853>.

support any measures that are likely to increase criminalisation of individuals, many of whom may be already disproportionately disadvantaged, for example through systemic and institutionalised racism.

Finally, we would like to take this opportunity to raise some considerations in relation to implementation, should the Bill be passed. It will be important to effectively monitor and evaluate how changes to the Liquor Licensing Act are operating in practice in relation to the new primary object of harm reduction. This would include ensuring the updated Community Interest Guidelines reflect harm reduction as the primary object of the Act.

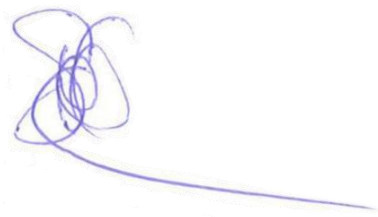
These questions and concerns notwithstanding, the South Australian government is absolutely to be commended for leading the way nationally in amending the South Australian Liquor Licensing Act in response to rapidly changing commercial environments that risk facilitating an increase in harms to individuals, families and communities.

Should you have any questions in relation to this submission, please contact Mary Leaker, Embolden's General Manager via mary@embolden.org.au

Kind regards,



Maria Hagias



Susie Smith

Co-Chairs of the Board of Embolden