

Community Participation in Liquor Licensing (SA).

Disclaimer

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1. Community Participation in Liquor Licensing – an overview

a. What is Community Participation in Liquor Licensing?

Community participation in liquor licensing refers to the involvement of local communities in liquor licensing processes. Specifically, it concerns how communities can influence decision-making and make an objection in response to a liquor licence application.

The involvement of community voices in the liquor licensing process is provided for by the *Liquor Licensing Act 1997*, which lets the community respond to proposed licences and ask that the licence either not be granted, or granted with certain conditions placed on it.

b. Which target audience should community participation in liquor licensing focus on?

Under the *Liquor Licensing Act 1997*, all communities have the opportunity to participate in liquor licensing processes.

c. How does community participation in liquor licensing help to prevent alcohol and drug-related issues?

There is strong international and Australian evidence linking the availability of alcohol with levels of alcohol consumption, and associated harms from alcohol.^{1,2,3,4} The ‘availability of alcohol’ refers to the density of bottle shops and drinking venues, and their trading hours, in a local area.

Regulating the availability of alcohol through mechanisms like harm minimisation-focused liquor licensing can help reduce harms from alcohol.

Communities have an important part to play in the liquor licensing process and influencing decision-making to prevent alcohol-related harms. It is critical to have community voices involved so the process is transparent and more representative of the needs of the local community.

1. Livingston M, Wilkinson C, Room R. 2016. Evidence check: Community impact of liquor licences.
2. The Royal Australasian College of Physicians and The Royal Australian and New Zealand College of Psychiatrists Alcohol Policy. 2016.
3. Miller P, Curtis A, Chikritzhs T, Toumbourou J. 2015. Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm. *Final report for NDLERF*.
4. Kypri K, McElduff P, Miller P. 2014. Restrictions in pub closing times and lockouts in Newcastle, Australia five years on. *Drug and Alcohol Review*, vol. 33 no. 3, pp. 323–326.

d. How effective is community participation in liquor licensing?

The influence of objections in liquor licensing decision-making is complex. A community objection is not a veto. Community objections to liquor licensing applications are one of several considerations taken into account by decision-makers.

Although it is difficult to say what weight is given to community objections, and how objections influence decision-making, we know that action to prevent alcohol harms is more effective when community members and partners work together.

Local Drug Action Teams (LDATs) are well placed to respond to potentially harmful liquor licence applications and ensure that community voices are heard in the process. Community participation in liquor licensing may be more effective when your LDAT's objection is further supported by a number of independent individual objections from other community members. The number of objections may be seen by decision-makers as an indicator of the negative social impact granting the licence may have.

2. Planning

a. Information about liquor licensing in South Australia

It is important that LDATs understand South Australia's liquor licensing laws and how the community can participate in the liquor licensing process.

Table 1 provides an overview of the South Australian (SA) liquor licensing system, the different types of liquor licences and permits, and the liquor licence application process. Links to more detailed information are provided throughout. Further information on how the community can participate in liquor licensing processes and object to liquor licence applications is outlined in *Section 3: Map your steps*.



Table 1: An overview of liquor licensing in South Australia

| Critical considerations | Details |
|--|--|
| The SA liquor licensing system | <p>In Australia, the liquor licensing process varies by state and territory because of the differing legislation. In South Australia:</p> <p>The Liquor Licensing Act 1997 controls the sale and supply of alcohol. legislation.sa.gov.au/lz/c/a/liquor%20licensing%20act%201997/current/1997.65.auth.pdf</p> <p>Consumer and Business Services is a division of the Attorney-General's Department and is responsible for regulating the liquor and gaming industries.</p> |
| The different types of liquor licences and permits | <p>A liquor licence or permit states where and when alcohol can be served. Different licences and permits are available to suit different businesses or community organisations (e.g. clubs, restaurants, entertainment venues, hotels, etc.).</p> <p>In addition to new liquor licences, licence variations are available for existing liquor licensees that want to change or extend the conditions of their licence. Licence holders may apply for extended trading authorisation (ETA) if they wish to trade outside of regular hours.</p> <p>Details about the different types of licences: cbs.sa.gov.au/licensing-and-registration/liquor/new-applicants</p> |
| The liquor licence application process | <p>Application</p> <p>How the community can find out about new licence applications is covered in Section 3.a.</p> <p>Liquor licence applications are submitted to Consumer and Business Services (CBS).</p> <p>Advertising</p> <p>Once a liquor licence application has been successfully lodged, CBS requires that, for most licence applications, signage be placed at the proposed premises advertising the application. Most applications must also be advertised on the CBS website as an advertised application notice. The purpose of the advertising is to notify the local community about the application.</p> <p>Note: only a notice of application is provided, not the licence application itself.</p> <p>Approval process</p> <p>The CBS grants a liquor licence when (for hotel and liquor merchant applications only) the licence is deemed necessary to meet the public's needs in that area and (for all licence types) the premises are appropriate to licence. The CBS will also consider if the license will not cause the negative impacts listed under Section 3.d such as undue disturbance to those living and working in the area, and when the applicant is a fit and proper person to hold a licence.</p> <p>Public objections</p> <p>Under Section 77 of the <i>Liquor Licensing Act 1997</i>, the public has the right to object to a licence application.</p> <p>For more information on public objections to liquor licences visit: cbs.sa.gov.au/licensing-and-registration/liquor/object-to-an-application</p> |

b. Set your objectives

Setting objectives for your Community Action Plan activity is an important part of your LDAT planning process.

Some example objectives for community participation in liquor licensing are provided below.

Groups can develop their own objectives, although you may find these a useful starting point.

- Engage with [insert number] new partners to mobilize community groups to participate in objections to potentially harmful liquor licence applications
- Establish [insert number] new partnerships with community groups in the next 12 months to support participation in liquor licensing activities
- Increase community awareness of alcohol-related harms by [insert percent] within the next 12 months
- Increase community awareness of the impact that alcohol availability has on alcohol-related harm on the community by [insert percent]
- Increase community awareness by [insert percent] of their ability to contribute in liquor licensing decisions
- Increase community awareness of the liquor licensing process and how the community can participate in this process by [insert percent] within the next 12 months
- Improve community participation in the liquor licensing process by [insert percent] within the next 12 months
- Support [insert number] community groups to submit objections to potentially harmful liquor licence applications within the liquor licensing time frames in the [insert name] community.

c. Working with community partners

LDATs have a key role in building relationships in the community and finding allies that will support action to reduce the harm caused by alcohol in the community. Key community partners include the local council and police. The local council and police may also make an objection about a new liquor licence, and may be able to assist you with gathering some of the data about your local area (e.g. alcohol-related crime, anti-social behaviour, and property damage).

Liquor accords in South Australia are voluntary associations of liquor industry and community stakeholders. Depending on the area in question, they may involve liquor licensees, police, community members or organisations, and council. They typically seek to address anti-social behaviour and other problems arising from alcohol. Liquor accords may be more or less effective depending on the partners involved, the region in question, and the objectives of the accord. The Liquor Accords Australia website offers more detail and a list of active accords in South Australia.⁵

It is important for LDATs to work with partners who represent the population groups in their communities. Consider what population groups are in your community and who may be at risk of experiencing alcohol-related harms – you can partner with individuals and organisations who represent these groups. For example, if Aboriginal and Torres Strait Islander people are represented in your community, partner with Aboriginal and Torres Strait Islander people's organisations to make sure local action is responsive to local needs and representative of the community.

5. liquoraccord.org/sa

Partners may include:

- local council
- police
- local health organisations
- religious organisations
- schools
- school-parent committees
- various community groups (e.g. Aboriginal or Torres Strait Islander, women's, migrant and/or refugee, or groups of young people)
- local businesses
- liquor accords
- Rotary and Lions Clubs.

Useful resources:

The Alcohol and Drug Foundation's *Building Successful Local Drug Action Teams: A Practical Guide*. See *Part 3: Working with community partners*

d. Determine resources required

Below is an indicative list of resources required for LDATs when facilitating community participation in liquor licensing. The resources you may need will depend on a number of variables, such as the specifics of the licence application, why you're objecting to it, and your desired outcomes. Local Drug Action Teams may be able to provide some of these resources or work with partners who can provide additional support.

- Basic administrative tools, including stationery, office supplies, phones, printing, a workspace for administrative duties.
- Skilled personnel to coordinate the objection process, including collecting local evidence and formulating a response.
- Knowledge/materials to engage community members and work in partnership with local organisations.
- Venue for meetings – this may include in-kind use of a meeting room from a partner organisation including a local library, schools, or community halls (your local council will have a list of available places for community use). It is not appropriate for meetings to be held in people's homes.
- Funds for catering at events and meetings.

e. Consider measures of success

While you are planning your activity, it is important to consider measures of success for your activity. Determine how you will evaluate the success of your activity linking your success measures to your objectives (see *Section 4: Measure your success*).

3. Map your steps

Activity may include some or all steps below, depending on the capacity of the LDAT and partner community organisations.

The key steps involved in supporting communities to participate in liquor licensing processes are provided below as a useful starting point for developing your liquor licensing activity and informing your approach.

These steps provide an indicative guide only; it is important to tailor your approach to your local community.

Local Drug Action Teams may address liquor licensing in a number of ways, such as:

- submitting an objection
- encouraging and assisting local residents to submit their own objections
- or working more broadly in the community to raise awareness of alcohol harms and the liquor licensing process.

a. Find out about new liquor licence applications

LDATs can find out about new liquor licence applications through the Consumer and Business Services (CBS) website, which produces a weekly online list of all new advertised application notices. The lists of advertised application notices are available here:

cbs.sa.gov.au/licensing-and-registration/notices-under-the-liquor-licensing-act-1997-and-gaming-machines-act-1992

The hearing date for the application is listed in the notice of application, and any objections must be submitted to the CBS as well as served on the applicant seven days before the hearing date. The address at which the objection must be served on the applicant is listed in the notice of application.

LDATs may wish to set up a system to monitor for new liquor licensing applications. Consider dividing up the work of monitoring among partner organisations in your LDAT. Some partners, such as police, may be in a position where their organisation must be notified about new applications.

b. Collect evidence to support your liquor licence objection

It is important to collect evidence to support your liquor licence objection.

To successfully object to a liquor licence, you must be able to provide evidence that links an individual liquor licence to alcohol-related harms in your community.

As you collect evidence to support your liquor licence objection you will be building a profile of your community. LDATs can create local community profiles in advance, so they are ready to respond to potentially problematic licence applications as they arise. Being proactive and collecting evidence early is recommended so communities can make strong submissions, particularly when timeframes for community participation are short.

It is important to draw on expert opinion and research to support your liquor licence objection. You may wish to divide responsibility for collecting evidence with your partners. Some partners may be well placed to collect certain types of data.

Local data on the following areas can be useful as they are relevant to objections under the *Liquor Licensing Act 1997*:

- health
- injury
- property damage
- safety of the general public
- pleasantness and attractiveness of the area (amenity).

Additional data to help build a community profile and support your liquor licence objection is outlined in Table 2.



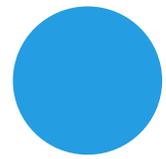
Table 2: Evidence to support liquor licensing objections

| Data | What it is | Why it is relevant |
|-----------------------|--|--|
| Liquor outlet density | <p>Liquor outlet density data provides information on:</p> <ul style="list-style-type: none">• the number of licensed premises in your Local Government Area (LGA)• the number of licensed premises in your LGA compared with other LGAs, including the SA and national average• how the number of licensed premises has changed over time. <p>Active licences can be found on the CBS website under liquor and gaming public register: cbs.sa.gov.au/liquor-and-gambling-public-register</p> <p>The advanced search function allows you to search by suburb, postcode, and type of licence.</p> | <p>If your community already has a high density of liquor outlets, especially in comparison to other LGAs, it will support your argument that adding another will increase harms from alcohol.</p> <p>If your liquor outlet density has increased rapidly, you can argue that there has been an introduction of many new outlets and the impact of the outlets on the community needs to be determined before introducing another.</p> |
| Trading hours | <p>A liquor licence only permits alcohol sales during certain hours. The hours of sale depend on the type of licence in question. Some days are a special case for hours of sale, such as Anzac Day and Christmas Day. Licence applicants can apply for an extended trading hour authorisation allowing them to trade outside of the standard hours for that licence.⁶</p> <p>Unfortunately, there is no active record kept of trading hour exceptions in SA. It would be up to your LDAT to collate the information about trading hours in your relevant area.</p> | <p>If your community has many late-trading venues, adding another – either by extending the hours of a current venue, or licensing a new one – could increase harms.</p> <p>If your community does not have many late-trading venues, you may still be concerned about noise, litter, drink-driving, intoxicated behaviour, and violence that can be associated with late trading.</p> |
| SEIFA rating | <p>Socio-economic indexes for areas (SEIFA) are produced by the Australian Bureau of Statistics (ABS). They map relative socio-economic advantage and disadvantage. For LDATs seeking more information, the ABS have produced a number of resources to explain how to use the indexes. You might want to start with the SEIFA basics⁷ or the video tutorial introducing SEIFA.⁸</p> | <p>Communities with a lower socio-economic status experience more alcohol-related harms than more advantaged communities.</p> <p>If your community's SEIFA is low it can help you demonstrate that your community is at higher risk of alcohol-related harms.</p> |

6. cbs.sa.gov.au/assets/files/AF_Extended_trading_authorisation.pdf

7. abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2033.0.55.001-2011-Main%20Features-SEIFA%20Basics-3

8. abs.gov.au/websitedbs/censushome.nsf/home/seifatutorials?opendocument&navpos=260



| Data | What it is | Why it is relevant |
|-----------------------------|---|--|
| Community profiles and data | <p>There are a number of existing sources of information that can inform your community profile.</p> <p>Your local council should have a profile of your area which they may share with you. The ABS has also put together community profiles that include data such as educational attainment and population demographics.</p> <p>You can download a community profile⁹ for your LGA and postal area from the ABS website.</p> | <p>Harms from alcohol vary between communities for many complex and interconnected reasons.</p> <p>Communities can be at an increased risk of harms if they have low educational attainment, limited employment opportunities, and lower relative socio-economic status.¹⁰</p> |
| Rates of violence | <p>Rates of alcohol-related violence include assaults and family violence. Ideally these rates would be compared over time and between areas.</p> <p>Your local police or council may have data on the rates of alcohol-related violence.</p> | <p>If your community is experiencing high rates of alcohol-related violence this is an important point to make in your objection. However, caution should be taken in relying too heavily on ‘alcohol-related’ crimes. This is because rates are dependent on the police at the time recording such information. If it is available, crimes such as assaults and family violence tend to be under-reported.</p> |
| Health outcomes | <p>Data on alcohol-attributable hospitalisations and deaths in your LGA may be helpful to your submission. Consider approaching your local health care providers, such as hospitals, to find out if they collect data you can use.</p> <p>You could also consider the Australian Institute of Health and Welfare’s (AIHW) data on alcohol harms,¹¹ including health outcomes. The AIHW’s report on the impact of alcohol on Australia’s burden of disease and injury may also be relevant.¹²</p> <p>You may also consider approaching treatment services that help people address their alcohol dependency.</p> | <p>Current rates of alcohol-attributable health issues in your community may be taken into consideration when the licence is being decided on.</p> <p>It can support the argument that increasing the availability of alcohol, either by increasing liquor outlet density or by extending venue trading hours, may increase the existing burden of alcohol-attributable health issues.</p> |
| Property damage | <p>Property damage refers to both public property (such as stolen or damaged street signs, or damaged nature strips) and private property (such as broken shopfront windows).</p> <p>Your local council, police, local business association, or residents in the entertainment precinct may be able to provide this data. It may also be useful to ask local businesses in the entertainment precinct/other areas with a concentration of liquor outlets what levels of damage and litter they must deal with after a Friday or Saturday night (e.g. vomit, smashed windows, noise, disruption etc.).</p> | <p>The <i>Liquor Licensing Act 1997</i> requires consideration of whether granting a licence will increase local property damage and decrease the overall amenity of the area.</p> <p>If there are already high rates of property damage, or an overall decrease in amenity, due to liquor outlets and their patrons’ behaviour you can argue on those grounds that granting or extending licences will increase those problems.</p> |

9. abs.gov.au/websitedbs/censushome.nsf/home/communityprofiles

10. Roche A, Kostadinov V, Fischer J, Nicholas R. 2015. ‘Evidence review: The social determinants of inequalities in alcohol consumption and alcohol-related health outcomes’. Report for VIC Health.

11. aihw.gov.au/getmedia/ec088003-9cd4-4a74-9d9b-a27ad100aca0/ah16-4-6-alcoholrisk-harm.pdf.aspx

12. aihw.gov.au/reports/burden-of-disease/impact-alcohol-illicit-drug-use-on-burden-disease/contents/summary

Useful resources:

The Alcohol and Drug Foundation's *Building Successful Local Drug Action Teams: A Practical Guide*. See *Part 1: Identifying alcohol and drug issues*

c. Get the community involved

LDATs have an opportunity to involve the community in liquor licensing processes. This may involve raising awareness in the community about why licensing matters, how the community can get involved in the process, and gathering local feedback and needs. For example, as price also affects alcohol consumption levels, community members may be particularly concerned about bulk-purchase, barn style bottle shops opening in their neighbourhood, heavily discounted take-away liquor promotions, and irresponsible 'happy hour' or other cheap drink promotions at drinking venues.

The number of objections may be seen by decision-makers as an indicator of social impact and increase the influence on decisions. Therefore, when your LDAT lodges an objection to a licence, it is worthwhile encouraging community objections and assisting community partners and local residents to submit their own objections to that same licence.

LDATs may raise local awareness and engage the community in a number of different ways, including:

- speak to the local paper
- hold a community meeting
- create a Facebook group/discussion
- form a coalition with local organisations.

Useful resources:

The Alcohol and Drug Foundation's *Building Successful Local Drug Action Teams: A Practical Guide*. See *Part 2: Community consultation*

d. Formulate your response

When formulating your response, focus on the following:

- **Community concerns.** You need to clearly articulate the community's concerns about how the new licence would affect the community. Consider how you can demonstrate the validity of those concerns with the data you have. Link your argument to the *Liquor Licensing Act 1997* grounds for making an objection. Draw on expert opinion and research when possible. Consider the concerns of your LDAT, community members and partner organisations.
- **The outcome you are seeking.** Depending on the specific licence application you may be seeking different outcomes. Perhaps you want restrictions such as a cap on trading hours, a ban on late-night trading, and certain types of drink restrictions (like no shots or doubles) or you may not want the licence granted at all. You may be more likely to get restrictions placed on a licence than to have the licence denied.

All objections to a liquor licence must be in writing and clearly state the reasons for the objection, including evidence to support those reasons.

Community concerns, the outcome you are seeking, and the data about your community, should all guide how you put your objection together. Objections should also be put together in consultation with the community and partner organisations.



Grounds for making an objection:

- That the grant of the application would not be consistent with the objects of the Act or would be contrary to the Act in some other way.
- The applicant is not a fit and proper person to hold a licence.
- The premises isn't suitable to be licenced.
- It will cause undue disturbance, annoyance or inconvenience to people in the area.
- It will affect the 'amenity' of the area.
- Concerns about the safety or welfare of children attending schools in the area.
- There are already enough options in the area for people to attend a licensed premises (this objection only applies to hotel-related applications).
- There are already enough options in the area for people to buy alcohol (this objection only applies to retail liquor merchant applications).

Liquor Licensing Act 1997

The details of the *Liquor Licensing Act 1997* are important because they indicate what will be considered when the licence is being determined, and therefore what kinds of objections are relevant.

The object of this Act is to regulate and control the sale, supply and consumption of liquor for the benefit of the community as a whole and, in particular:

- i. to encourage responsible attitudes towards the promotion, sale, supply, consumption and use of liquor, to develop and implement principles directed towards that end (the responsible service and consumption principles) and minimise the harm associated with the consumption of liquor
- ii. to further the interests of the liquor industry and industries with which it is closely associated — such as the live music industry, tourism and the hospitality industry — within the context of appropriate regulation and controls
- iii. to ensure that the liquor industry develops in a way that is consistent with the needs and aspirations of the community
- iv. to ensure as far as practicable that the sale and supply of liquor contributes to, and does not detract from, the amenity of community life
- v. to encourage a competitive market for the supply of liquor
- vi. to ensure that the sale and supply of liquor occurs in such a manner as to minimise the risk of intoxication and associated violent or anti-social behaviour including property damage and causing personal injury.

e. Lodge your objection

Objections must be lodged with CBS and ‘served’ on the applicant at least seven days prior to the hearing date listed in the notice of application. Served means presenting documents to a specified relevant person. In this case the relevant person is the licence applicant, whose details can be found in the notice of application.

You must complete and attach an objection form to your objection before lodging it:

cbs.sa.gov.au/assets/files/AF_Notice_of_objection.pdf

You can then lodge your objection via:

Email: liquorandgaming@sa.gov.au

Post: Licensing and Registration
GPO Box 2169, Adelaide, SA, 5001

In person: 91 Grenfell Street, Adelaide, SA, 5000

f. Follow up

Conciliation hearings

After filing an objection, all parties that are part of the contested application are invited to speak before CBS in a forum aimed at discussing the concerns and finding solutions. CBS will attempt to find ways the objection can be resolved.

Contested hearings

If the objection can't be resolved, then the application progresses to a contested hearing. This hearing may be before CBS or before the Licensing Court depending on the specifics of the disagreement.

A contested hearing involves sworn evidence being given, and there may be witnesses called and examined. You can appear yourself or have legal representation appear on behalf of your LDAT's objection.

A CBS decision may be appealed in the Licensing Court, but will go no farther. If the initial decision was made by the Licensing Court, their decision may be appealed in the Supreme Court.

Having a follow up debrief with partners provides a good opportunity to keep a sense of cohesion and momentum in your group. Discuss what worked well, what didn't, and improve your planning and strategising for next time.

g. Measuring success and reporting

Measure the success of your liquor licensing activity:

- i. Collect measures of success with the community organisations you are engaging with, as well as the community members you have been reaching with your liquor licensing activity.
- ii. Report on your success, acquit your funds and consider other things you can do to support your community (see Section 5: Next steps).

4. Measure your success

Some example measures of success, and tools to measure the success of community participation in liquor licensing are provided below. You may find these a useful starting point for measuring the success of your Community Action Plan activity.

| | |
|---------------------------------|--|
| Process measures | <ul style="list-style-type: none"> • Engage with [insert number] community organisations to assist in establishing partners to support work in liquor licensing activity • Recruitment of [insert number] partners involved to participate in a liquor licence objection • Conduct [insert number] meetings held with partners to increase knowledge of how to participate in liquor licensing objections • Conduct [insert number] community events to raise awareness of how the community can participate in local liquor licensing matters • Increase local awareness and engage the community by increasing the number of local media articles focused on addressing local liquor licensing issues by [insert number] • Increase evidence collected to support a liquor licence objection (e.g. profiling local community issues related to a liquor licensing issue) by [insert number] • Submit [insert number] liquor licence objections within 12 months • Increase number of objections from [insert area] community members and/or [insert name] community organisations by [insert number]. |
| Impact/outcome measures | <ul style="list-style-type: none"> • [insert number] partners will report on stronger connections between community and partner organisations as a result of participating in community liquor licensing activities • [insert number] participants will report an increase in awareness of the benefits of strong partnerships and how to become involved in and influence decision-making regarding liquor licensing matters • [insert number] community members and partners will report an increase in awareness of alcohol-related harms in the community • [insert number] community members and partners will report an increase in awareness of the liquor licensing process • The number of liquor licence applications to be refused or altered (e.g. conditions put in place) will decrease by [insert number] as a result of community participation in liquor licensing activities • [insert number] partners will report an increase in awareness of the harms associated with increased availability of alcohol • Police report that number of incident reports (e.g. anti-social behaviour and other problems arising from alcohol) associated with risky drinking decreased by [insert number]. |
| Tools to measure success | <ul style="list-style-type: none"> • Document analysis (e.g. meeting minutes, submissions from community members and partners, etc.) • Partnerships analysis • Liquor outlet density data • Trading hours exemptions lists • Focus groups • Interviews. |

5. Next steps

Other things you can do to support your community:

1. Work with your community partners to educate older adults about alcohol and other drugs:
see *Alcohol, Other Drugs and Older Adults* toolkit
2. Work with your community partners to further connect and strengthen your community:
see *Strong and Connected Communities* toolkit
3. Work with your community partners to encourage greater engagement with volunteering:
see *Involving Volunteers* toolkit.

6. More information

Alcohol and Drug Foundation
community.adf.org.au

Consumer and Business Services
cbs.sa.gov.au/licensing-and-registration/liquor

Liquor Licensing Act 1997
legislation.sa.gov.au/LZ/C/A/Liquor%20Licensing%20Act%201997.aspx

