

Public health and public participation: a critical comparison of liquor licensing legislation in Australia and the UK

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Introduction and Aims: A common principle underpinning liquor licensing legislation internationally is regulating the sale of liquor to protect public amenity and safety. Legislation in Australia and the UK also, uniquely, addresses health-related objectives. Licensing objectives in these countries influence the grounds for public submission in the licensing process, and therefore community participation more broadly. This study critically compares the objectives and approaches to community participation in liquor licensing legislation in Australian and the UK (11 pieces of legislation) in order to evaluate how community members can participate in the licensing process.

Method / Approach: Utilising a discourse analysis method, detailed information on each Act was recorded in an Excel spreadsheet to analyse the objectives of each Act as well as the provisions for community participation, which include grounds for public submission and restrictions on which members of the public can make submissions.

Key Findings: Almost all Acts' objectives were based on the protection of amenity and safety, with only five of 11 containing a reference to health. Within provisions for community participation, grounds for public submission also had a greater emphasis on amenity and safety as compared to health-related grounds. Three jurisdictions placed geographical restrictions on which members of the public could make submissions.

Discussions and Conclusions: The inclusion of health as a licensing objective and grounds for public submission to licensing applications allows for a greater scope in community participation as compared to approaches that are based on only grounds of amenity and safety. However, the practical application of health-related grounds for submission may restrict participation to certain stakeholders familiar with epidemiological evidence.

Implications for Practice or Policy: Recent high-profile examples such as Woolworths' plans to build a large packaged liquor store in Darwin have highlighted how licensing legislation may not adequately address community concerns. This analysis helps identify the shortcomings of licensing legislation that may hinder adequate community participation.

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