

# Liquor licensing discussion paper



**Consumer and Business Services  
Attorney-General's Department**



**Government of South Australia**  
Attorney-General's Department



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Feedback on this discussion paper can be provided by email to [CBSReforms@sa.gov.au](mailto:CBSReforms@sa.gov.au) or by post to Consumer and Business Services, GPO Box 1719, ADELAIDE SA 5001. For queries about this discussion paper call our Customer Service Centre on 131 882.

Submissions close 5pm, Friday, 29 January 2016.



# Foreword

The liquor licensing framework has not been reviewed in its entirety for close to two decades. We must ensure it is still relevant and meeting the needs of today's community. It must be consumer focused with decisions concerning applications made in a timely manner using a holistic approach that incorporates relevant information from all agencies and members of the community for the overall benefit of the consumer.

This discussion paper focuses on three key themes; red tape reduction, a safer drinking culture and vibrancy. We need to reduce the red tape surrounding our liquor licensing framework with an overall goal of creating vibrancy and competition. The regulation of liquor should be modernised, promote greater flexibility and encourage entrepreneurs to emerge with new business models.

We need to consider opportunities to simplify the classification of licences while streamlining the development and liquor licensing application processes. Greater flexibility and simplicity will make it easier and more efficient for entrepreneurs to establish small licensed businesses such as small bars or food-focussed venues like tapas bars, strengthening the State's economy and enabling South Australia to nurture its diverse food and wine industry.

A number of measures such as the Liquor and Gambling Commissioner's Codes of Practice have already been implemented to minimise the harm and potential risks associated with the sale, supply and consumption of liquor. But we need to consider what other strategies may be introduced to create a safer drinking culture.

Adelaide is consistently rated as one of the world's most liveable cities. It is recognised internationally for its fine foods and wine. The South Australian food and wine industry is worth over \$17 billion and accounts for 40% of South Australia's total merchandise exports. South Australia must grow the recognition of our premium food and wine.

We must strike a reasonable balance between the regulation of the liquor industry and this Government's priority of creating a vibrant city. The introduction of the small venue licence saw the transformation of little-used laneways in Adelaide's Central Business District into vibrant spaces that attract people to the heart of our city.

The Government is inviting submissions to consider what other options may be available to encourage business activity and diversity in the liquor market, to promote the live music industry and provide for a safe, vibrant and enjoyable South Australia.

The release of this discussion paper will allow broad consultation with the South Australian public and industry about the existing liquor licensing framework with the view to identifying what improvements and efficiencies can be made.



The Hon John Rau MP  
Deputy Premier  
Attorney-General  
Minister for Justice Reform

# Our vision

Adelaide is consistently rated as one of the world's most liveable cities and was recently ranked the fifth most liveable city in the world. It is recognised internationally for its arts festivals, fine foods and wine.

Adelaide shares many qualities with the greatest cities in the world and is receiving recognition for the innovative ways, fresh energy and life that is being brought into the city.

Our vision is to create a simple and modern liquor licensing system that reflects community expectations and ensures that we continue to receive international recognition.

We need to consider how we can improve our present liquor licensing system to support innovation, create more South Australian jobs and provide consumers with choice. In order to do so, we need to identify where we can reduce red tape, encourage a safer drinking culture and contribute to vibrancy.

Where there is room for improvement, one of the symbols below will appear in the discussion paper:



### **Red tape reduction:**

This symbol indicates where there is an opportunity to streamline our current processes.

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### **A safer drinking culture:**

This symbol indicates where there is an opportunity to consider implementing other strategies to reduce alcohol-related harm.

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### **Vibrancy:**

This symbol indicates where there is an opportunity to consider implementing other strategies to encourage vibrancy.

## Submissions

The Government welcomes bold and brave ideas for proposed reform to ensure the best possible outcome for South Australia and invites all interested parties to make submissions on the discussion paper. For a summary of some of the key issues under consideration, see the section, 'Issues for consideration: tell us what you think', at the end of this paper.

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# Past changes

## Major changes

### 1984

The Government of South Australia approves the conduct of a comprehensive review of the liquor licensing legislative framework. The review recommended major changes to the way in which the legislation was administered including the creation of a licensing court for substantial applications and less formal applications to be referred to the Liquor and Gambling Commissioner (the Commissioner).

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### 1996

The then Attorney-General and Minister for Consumer Affairs asks Mr T. Anderson QC to undertake a review of the *Liquor Licensing Act 1985* and its operation. The review recommended relaxing the liquor laws to allow for outdoor eating and late night entertainment while increasing protections around the responsible service of alcohol. The *Liquor Licensing Act 1997* was introduced following this review.

## Minor changes

### 2009

Parliament passes the *Liquor Licensing (Producers, Responsible Service and Other Matters) Amendment Act 2009* in November. The legislation provided clarification around intoxication, enabled certain liquor products to be prohibited, allowed for the removal of unfinished liquor from restaurants, introduced entertainment consent, allowed for multiple codes of practice and made certain offences expiable. In December, the Attorney-General and Minister for Consumer Affairs announce a review focused on measures to address alcohol-related crime and anti-social behaviour.

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### 2010

The Government of South Australia releases 'A Safer Night Out' Discussion paper for public consultation. A total of 60 submissions were received and consideration was given to the submissions in drafting a revised General Code of Practice.

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### 2011

Parliament passes the *Liquor Licensing (Miscellaneous) Amendment Act 2011*. This amendment introduced a new expiable offence for offensive or disorderly behaviour, an ability for the Commissioner to suspend or impose licence conditions, an ability to issue a short term public order and safety notice, increased powers for the Commissioner of Police and increased penalties.

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### 2013

Parliament passes the *Liquor Licensing (Miscellaneous) Amendment Act 2013*. This amendment introduced the definition of 'intoxication' and 'public interest', redefined 'entertainment', broadened the scope of the codes of practice, created a new offence for behaving in an offensive or disorderly manner in the vicinity of a licensed venue, provided the Commissioner with the power to impose licence conditions on public interest grounds, enabled the Commissioner to vary trading hours, allowed for industry wide approvals and replaced the requirement for regulations to gazette dry area prohibition notices.

# Where are we now?

South Australia's *Liquor Licensing Act 1997* (the Act) regulates the sale, supply and consumption of alcohol in the State.

The Act governs liquor licence applications, approvals and compliance, and the activities of a licensed business.

It operates in the context of legislation, policy and programs introduced by other Government bodies such as South Australia Police (SAPOL), SA Health, local government and the Environment Protection Authority.

All decisions made by the Commissioner and the Licensing Court of South Australia are guided by the objects of the Act which are to:

- encourage responsible attitudes towards alcohol;
- minimise the harm associated with alcohol and the risk of intoxication;
- further the interests of the liquor industry and closely associated industries such as live music, tourism and hospitality;
- ensure that the liquor industry develops together with the needs of the community;
- ensure that alcohol does not detract from the amenity of community life; and
- encourage a competitive market.

A business that intends to sell liquor or have a gaming machine must apply to the Commissioner for a liquor licence.







# Applying for a liquor licence

## Business owners

Business owners often apply for a liquor licence after they have selected their premises, been through a rigorous development approval process and obtained finance.

Business owners may apply for one of twelve classes of liquor licence in their own name or as a trust or as a corporate entity. The twelve types of liquor licence are:

1. hotel licence
2. residential licence
3. restaurant licence
4. entertainment venue licence
5. club licence (including a limited club licence)
6. retail liquor merchant licence
7. wholesale liquor merchant's licence
8. producer's licence
9. direct sales licence
10. special circumstances licence
11. small venue licence
12. limited licence

Each type of liquor licence allows a business to sell or supply liquor provided that certain requirements are met relevant to each licence class such as the sale of food or trading during specified hours.

### Limited licences

In 2014-15, the Commissioner granted approximately 8,000 applications for limited licences. Limited licences are temporary liquor licences for one-off special events or a series of special occasions. These licences can range from major events like Schutzenfest and the Clipsal 500 to low risk events with BYO liquor such as art exhibitions or graduation nights.



Once a business owner has selected the type of liquor licence they want to apply for, they must lodge an application with the Commissioner that provides information as to whether:

- they are a fit and proper person to hold a liquor licence. This considers a person's reputation, honesty and integrity;
- the premises are suitable;
- the business is likely to disturb the surrounding community or prejudice the safety of children; and
- all development approvals have been obtained through the local council or the relevant development authority.

A business owner must also pay an annual fee to the Commissioner based on the liquor licence class, capacity and trading hours of the venue.

### Annual fees

Licensed hotels, entertainment venues and special circumstances licences that have an authorised capacity of more than 400 people and trade past 4am pay the highest fee of \$11,337.

Hotels, sporting clubs and restaurants that have an authorised capacity of less than 200 people and close by 2am pay the base level fee of \$109.



In most cases, a business owner must also:

- provide written notice of the application to the local council and to their neighbours;
- advise that certain documents and material relevant to the application can be inspected;
- keep a notice of the application either on the premises or on the land where the premises will be constructed; and
- advertise the application in a newspaper circulating around the State and the local area.

### Did you know?

Over 90% of licensed venues pay \$740 or less in annual fees. In fact, approximately 70% of all licensees are only required to pay an annual fee of \$109.

### Advertising

In an online world, business owners who have to advertise their application for a liquor licence can pay up to \$600 for it to appear in the newspaper.

In most cases, business owners have already provided written notice of the proposed development to their neighbours or members of the public in order to obtain development approval.

Once an application is received, the Commissioner will then set a date and time to hear the liquor licence application.

All non-contested applications and limited licence applications are determined by the Commissioner. All other applications are determined by either the Commissioner or the Licensing Court of South Australia.

If a business owner provides all of the information on time, satisfies the conditions of the liquor licence class and there are no interventions or objections from SAPOL, the local council, landlords or members of the public, the Commissioner may grant the application.



If the Commissioner grants a liquor licence, the business owner must ensure that a number of requirements are met in order to retain the liquor licence. These requirements include:

- complying with the conditions of the liquor licence;
- displaying a copy of the licence near the front entrance of the premises;
- keeping records of all transactions involving the sale or purchase of liquor;
- not selling liquor to intoxicated persons or minors;
- not employing minors to sell alcohol; and
- complying with the relevant codes of practice.



### The 'needs test'

An application for a hotel licence or retail liquor merchant's licence (i.e. a bottle shop) also requires the business owner to demonstrate why the licence is necessary or why other licensed venues in the area do not adequately cater to the needs of the public. This is commonly known as the 'needs test'. South Australia is the only State to have a needs test. Other States have implemented different measures to balance competition and reduce alcohol-related harm.



#### Interstate considerations

New South Wales, Queensland and Western Australia require liquor licence applicants to consult with the local community before deciding to make an application. The details of the consultation must be provided in either a Community Impact Statement (CIS) in NSW and QLD or a Public Interest Assessment (PIA) in WA. Both the CIS and PIA allow the relevant authority to consider how the proposed licensed venue will impact upon the local community.

Victoria requires responsible planning authorities and local councils to consider the cumulative impact of licensed venues as part of the planning application process for the proposed licensed venue. The Victorian Commission for Gambling and Liquor Regulation must also consider the impact that may result from a concentration of licensed venues within designated inner Melbourne areas.

Tasmania and the Northern Territory require liquor licence applicants to provide a submission which sets out why granting the liquor licence is in the public interest. The relevant authority must then make a decision as to whether the liquor licence is in the best interests of the community.

#### Competition review recommendations

In 2003, the National Competition Review found that the needs test is a serious restriction on competition and should be abolished.

In 2015, the Commonwealth Government released its Competition Policy Review ('the Harper Review'). The Harper Review stated that some restrictions on the sale of alcohol appear to favour certain classes of competitors to the detriment of consumers. It recommended that all regulations must be assessed to determine whether there are other ways to achieve the desired policy objective that do not restrict competition.



## Other applications

### Entertainment and trading hours



Business owners who wish to provide entertainment such as live music or extend their trading hours must make a separate application to the Commissioner.

An application for entertainment or an extension of trading hours may be lodged at the same time as an application for a liquor licence. However, two separate applications must still be lodged.

#### Entertainment

If a business owner wants entertainment, they must specify what days and times the entertainment will be provided and what types of entertainment will be provided.

The Government has introduced a Bill into Parliament which, if passed, will only require applicants to apply for consent for entertainment after midnight or for certain prescribed entertainment.



### Responsible persons

Business owners who sell liquor are required to employ a responsible person to supervise and manage the sale of alcohol at the licensed venue.

A responsible person must be approved by the Commissioner. In order to be approved, the Commissioner must be satisfied that a responsible person is a fit and proper person and has the appropriate knowledge, skills and experience.

In 2014-15,  
4,000 responsible  
person applications  
were granted



#### Applications

Previously, when a person was approved as a responsible person, the approval applied to a specific venue. If a person was working as a responsible person at more than one licensed venue, or changed employment to a new licensed venue, a new application and approval was required for each venue. The Act has recently been amended so that approval as a responsible person now applies industry-wide.



### Crowd controllers



Business owners may also employ or engage crowd controllers. A crowd controller must be approved by the Commissioner under both the Act and the *Security and Investigation Industry Act 1995*. In order to be approved under the Act, a person must demonstrate that they have the appropriate knowledge, skills and experience to be a crowd controller. In order to be approved under the *Security and Investigation Industry Act 1995*, the Commissioner must be satisfied that the person is a fit and proper person.



## Dry areas

Applications for a dry area are generally made at the request of a local council who have decided that they want a particular area to be alcohol free.

The Commissioner and the Minister have the power to prohibit the consumption or possession of liquor in public places. Dry area prohibitions can be made for a short term to cover one-off major events such as New Year's Eve celebrations or for an ongoing period.



Presently, an application for a short-term dry area is determined by the Commissioner and an application for a long-term dry area is determined by the Minister. The dry area is enforced by SAPOL.

### **Example:**

#### **Short-term dry area**

Each year a metropolitan local council applies for a dry area to cover a Christmas Pageant for a period of three hours.

#### **Long-term dry area**

In 2014, the Adelaide City Council applied for a dry area in the South Park Lands. The State Government introduced a dry area across all of the Adelaide Park Lands each day from 8pm until 11am the following day until September 2015. The dry area in the Adelaide Park Lands was extended to September 2016.

# Intervening and objecting to a liquor licence application



## South Australia Police

In most cases, liquor licence applications are sent to SAPOL to assist the Commissioner in considering whether the business owner is a fit and proper person to hold a liquor licence. Information obtained from SAPOL helps the Commissioner to determine whether or not to grant a liquor licence.

Once the liquor licence application proceeds to a hearing before the Commissioner, SAPOL has the right to introduce evidence, make a submission or intervene in the liquor licence application.

### Example:

An application was made to extend the outdoor area of a licensed venue to provide entertainment to patrons. A number of noise complaints in relation to the licensed venue had previously been received by SAPOL. Consequently, SAPOL intervened in the liquor licence application. The Commissioner heard submissions from both the business owner and SAPOL. The application was granted by the Commissioner with conditions that the venue would have limited trading hours and be subject to a 12-month trial.

Applications for a responsible person or crowd controller are also sent to SAPOL to assist the Commissioner in considering whether the person is a fit and proper person.



SAPOL may also become involved where a liquor licence has been granted to a business owner and noise complaints are received from members of the public or they are called to address a disturbance at a licensed venue.

SAPOL also enforces compliance with the Act through general patrols and the Licensing Enforcement Branch.



## Local councils

All liquor licence applications need to demonstrate that development approval has been granted. In most cases, the local council will approve the development application.

Once a liquor licence application proceeds to a hearing before the Commissioner, the local council has the right to introduce evidence or make any representations on any question arising from the application.

This right is often used as a means of imposing a condition on a liquor licence. In most cases, disputes are resolved at a conciliation conference. Local councils may also become involved where noise complaints are received.

**Example:**

In May 2015, the Government invited licensees to apply for the removal of conditions on their liquor licences which required patrons to be seated while consuming liquor in licensed outdoor areas after a successful 9-month trial. At the time of publishing, interventions have been received for 11 of the 31 applications to remove this condition.

**Landlords**

Landlords can object to a liquor licence application. An objection may be made by the landlord as the lease agreement with the business owner requires the landlord's prior consent to apply for the liquor licence to sell or supply liquor at the premises.

**Members of the public**

Members of the public can object to a liquor licence application other than a small venue licence or limited licence. Objections can be made by a member of the public for the following reasons:

- it is not consistent with the objects of the Act;
- the business owner has a bad reputation or character;
- the premises are unsuitable;
- it would cause noise and disturbance;
- it would prejudice the safety or welfare of children in the area; or
- it would have an adverse effect upon the area.



Where an application is for a hotel licence or retail liquor merchant's licence (i.e. a bottle shop), a member of the public may object to the liquor licence due to the number of hotels or retail liquor merchants already in the area. Often objections are received from competitors.

**Liquor and Gambling Commissioner**

If a person wishes to intervene in or object to a liquor licence application, they must do so by informing the Commissioner in writing at least seven days before the hearing.

In some cases, late objections are accepted as the person objecting to the application may be unfamiliar with the process or may have received late notification of the liquor licence application.

Where an objection from a member of the public or an intervention from SAPOL or the local council is received, the person objecting or intervening and the business owner are called to a conciliation conference.

The aim of the conciliation conference is to provide the parties with an opportunity to discuss the liquor licence application and attempt to reach an agreement.

### Conciliation conferences

In 2014-15, approximately 600 objections or interventions were received by the Commissioner in relation to liquor licence applications which resulted in 80 conciliation conferences.

Where parties are able to reach an agreement that is satisfactory to the Commissioner, an order will be made that reflects the outcome of the conciliation. In most cases, this will be done by placing conditions on the liquor licence.



### Example:

Some conditions that have been imposed on a liquor licence by agreement between the person objecting or intervening and the business owner require a licensee to:

- remove glass, rubbish, vomit or urine from nearby residential streets, particularly on Sunday morning prior to Church service;
- provide their personal mobile telephone number to residents;
- refrain from exposing their genitals while selling, serving or supplying liquor;
- obtain advice from a landscaping architect to increase the density of existing planting and foliage;
- patrol the car park of a premises;
- refrain from placing carpet in the near vicinity of the licensed premises;
- sort bottles between the hours of 8am and 6pm; and
- ensure cleaners do not park on certain streets.

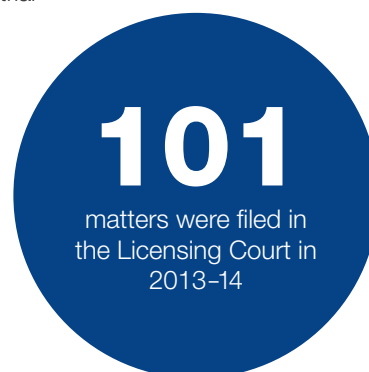
Where parties are unable to reach an agreement, the liquor licence application will be heard before the Commissioner or the Licensing Court of South Australia.

## Licensing Court of South Australia

The Licensing Court is comprised of judicial members from the Industrial Relations Court who have the jurisdiction to deal with certain matters under the Act.

The Licensing Court may hear applications for disciplinary action, review the decisions of the Commissioner or hear applications referred by the Commissioner.

Matters referred to the Licensing Court are heard in public and the decision can be appealed with the permission of the Supreme Court of South Australia.







## Managing a liquor licence

### Codes of practice

The Commissioner has established a General Code of Practice (General Code), which applies to all licensed venues and a Late Night Trading Code of Practice (Late Night Code), which currently applies to venues that trade past 3am.

The Codes aim to encourage responsible attitudes towards the promotion, sale, supply and consumption of alcohol and to reduce alcohol-related harm and anti-social behaviour.

The General Code requires business owners to assess the risks associated with their business and, amongst other things, requires mandatory responsible service of alcohol training for all staff involved in the supply of alcohol.

The Late Night Code requires venues to implement a range of measures at various times of the evening including queue management, drink marshals (to monitor the behaviour and alcohol consumption of patrons), enhanced closed circuit television (CCTV) and metal detectors. It also restricts entry onto the licensed venue (excluding the Adelaide Casino) after 3am and places restrictions on the use of glassware and the supply of certain types of alcoholic beverages after 4am.

### Review of codes of practice

The Government recently released its response to the Final Report on the Review of Codes under the Act. The Final Report made a total of 18 recommendations that all related to the Late Night Code. Most of the recommendations were accepted by the Government. It is proposed to bring forward a number of the measures contained in the Late Night Code to apply to venues earlier in the evening. A revised Late Night Code has been drafted based on the Government's response to the Final Report's recommendations. In August 2015, the Commissioner commenced consultation on the proposed changes. A revised Late Night Code will be introduced subject to that consultation process.



### Inspections

The Commissioner has inspectors who visit licensed venues to ensure that a business is being conducted in accordance with the requirements of the liquor licence.

The frequency of inspections depends on the level of risk of the licensed venue. Factors that may influence the level of risk include a venue's trading hours and capacity. Approximately 2,000 routine inspections were conducted last year.



## Noise complaints

Noise complaints can be lodged with the Commissioner by SAPOL, local councils or a person claiming to be adversely affected by the noise of a licensed venue. The Commissioner will seek to resolve the complaint through conciliation. If the Commissioner is unable to resolve the complaint, it may be referred to the Licensing Court of South Australia.

General noise complaints can also be made to SAPOL, local councils and the Environment Protection Authority.



## Changing a liquor licence

Business owners who want to make any changes to their liquor licence need to apply to do so to the Commissioner. Changes may include altering or redefining the licensed venue, or extending the trading area of the licensed venue or varying the trading hours or other conditions imposed on the licence.

## Surrendering or revoking a liquor licence

The Commissioner may determine whether a liquor licence needs to be surrendered or revoked. This may occur where a business owner has ceased to carry on a business or at the request of a business owner in certain circumstances such as the premises being renovated.





# Adelaide: a vibrant city

In 2013, the South Australian Government introduced small venue licences as part of its overall strategy to increase vibrancy in the city and make Adelaide a better place to live, work and visit. Currently, small venue licences are limited to the Adelaide CBD.

The creation of the small venue licence has provided entrepreneurs with an opportunity to develop new business models with limited risk to offer consumers variety and choice. It has also created over 300 jobs for South Australians.

For an annual fee of \$109, a small venue licence allows a business to:

- sell liquor;
- have a maximum capacity of 120 persons;
- trade from 11am until midnight (and until 2am with an Extended Trading Authority); and
- provide entertainment during standard trading hours.

## Applications

As at August 2015, 66 small venue licence applications had been received, and

- 51 licences granted;
- 2 licences approved subject to finalisation of building alterations;
- 8 were case managed by licensing and planning authorities; and
- 5 were withdrawn by the applicant.

To obtain a small venue licence, a business owner must be a fit and proper person.

Business owners who are eligible to apply for a small venue licence can be assigned a Case Manager. Case Managers work together with the business owner to navigate and simultaneously lodge development and liquor licensing applications.

Once the development application is lodged, the Adelaide City Council and Consumer and Business Services take approximately six weeks to assess the applications.

Unlike other licence classes, only SAPOL can intervene in a small venue liquor licence application. Members of the public can still raise concerns through submissions rather than the objection process. Those concerns are taken into consideration by the Commissioner in determining whether or not to grant the small venue licence or any conditions to be imposed. However, there is no requirement on the business owner to attend a conciliation conference which reduces delay and cost.

Once a decision is made, only the business owner and the Commissioner of Police have the ability to seek a review of the Commissioner's decision in the Licensing Court of South Australia.

The feedback in relation to small venues has been overwhelmingly positive and has allowed Adelaide to develop a distinct and unique small bar culture.

# South Australia: premium food and wine

South Australia's food and wine industry is worth over \$17 billion and accounts for 40% of our total merchandise exports.

The growing world demand for high quality food and wine, combined with our strong reputation for food safety, biosecurity and product integrity, creates significant opportunities for South Australia.

Our challenge is to make sure that the world is aware of our premium food and wine, its high quality and the regions where it is produced.

We need to consider how we can simplify and modernise our liquor licensing system to support innovation and job creation in a retail space.

## **Did you know?**

The South Australian Government aims to increase international exports of differentiated and processed food and wine from \$2.8 billion in 2013-14 to \$3.2 billion in 2016-17.

# Issues for consideration: tell us what you think

The South Australian Government is committed to progressing reform to create a liquor licensing system that promotes a vibrant entertainment environment, and encourages a competitive market by removing barriers to entry and red tape while seeking to reduce alcohol related harm and anti-social behaviour.



## **Reducing red tape**

We need to reduce the red tape surrounding our liquor licensing system and enable business owners to easily navigate the liquor licence application process.

**Is there too much red tape when applying for a liquor licence?**

**Do we need twelve liquor licence categories?**

**Is there confusion as to the role of the liquor licensing framework and other legislative frameworks imposed by bodies such as planning, noise and health?**

The linear liquor licence approval process duplicates steps already taken by a business owner in the separate council development approval process. This means that prior approvals granted and consultation already undertaken in the development process is subject to further scrutiny.

**Should consultation on planning and liquor licence applications occur at the same time?**

**Should local councils have the right to intervene in a liquor licence application having already approved the development application?**

An objection to a liquor licence from a member of the public can cause unnecessary delay for the business owner and can provide a second forum for an objector to be heard. Change is needed to improve the reliability and predictability of the planning and liquor licensing systems.

**At what point in the process should a member of the public be able to voice their concerns? How?**

Individual liquor licence conditions imposed as a result of conciliation can create inconsistency and are difficult to enforce. We need to consider whether the conditions being imposed as a result of conciliation are the right solution.

**Should standard liquor licence conditions be developed and implemented where disagreements arise? If so, what should those conditions be based on? For example, should it be based on the licence class, zone or capacity of the venue?**

Business owners who wish to appeal a liquor or planning decision may have more than one appeal process to navigate. We need to consider whether we can streamline the appeal processes for business owners to reduce the time taken and the costs incurred.

**Should appeals against decisions where there are both elements of liquor and planning be heard together?**

The approval of crowd controllers under two separate Acts creates an administrative burden for the applicant.

**Should crowd controllers be approved under two Acts?**

We need to consider whether we can make further improvements to ease the administrative burden in relation to responsible person approvals while ensuring ongoing compliance.

**Would the removal of the requirement for the Commissioner to approve the responsible person reduce administrative burden?**

**Should other mechanisms be introduced to ensure appropriate responsible persons are in the industry?**

**Should responsible persons be tested for being under the influence of drugs and alcohol while on duty?**

We also need to consider whether we can improve the application process for dry areas and allow another authority to become responsible for responding to the needs of members of the community. We also need to consider whether the enforcement powers in dry areas should be expanded to include other authorities.

**Should local councils have the power to declare short-term dry areas?**

**Should other enforcement strategies in dry areas be considered?**

### **A safer drinking culture**

Our liquor licensing system must place a high value on health and safety for the community. We must consider whether the current measures in place to reduce alcohol-related harm are effective and what we can do to improve.

**How can we improve the harm minimisation provisions in our legislation?**

**What role should SAPOL play in the application process?**

**Should the number and hours of trading of licensed venues in an area be a relevant consideration?**

**Should a retail liquor merchant's licence be limited or categorised by size?**

**Should closing times, lock-out times or last drinks be set for particular areas?**

We need to consider whether the needs test is still the appropriate mechanism to use in order to balance competition and alcohol-related harm.

**Is there a need to regulate competition? If so, what regulation is appropriate and in what circumstances?**

**Should alcohol be able to be sold in supermarkets?**

Penalties should act as a deterrent and enable liquor inspectors or SAPOL to respond quickly and effectively to breaches of our liquor licensing laws. Change is needed to increase inspectors' compliance and enforcement powers to ensure that any breaches of liquor laws are dealt with swiftly and public safety remains a priority.

**Should other mechanisms be introduced to detect breaches?**

**Should other penalties be introduced to assist with enforcement? (For example, expiation notices.)**

The liquor licensing system regulates the sale of alcohol in public places. The consumption or possession of alcohol at private events including those attended by minors is presently unregulated.

To enhance community protection, we need to consider the relationship between minors and alcohol and the role that the South Australian Government should play in the future.

**Should we regulate the consumption or possession of alcohol by minors at private parties? If so, how?**

The South Australian Government does not have the power to regulate the price of alcohol. We need to consider how the price of alcohol impacts upon alcohol-related harm and whether the State and Commonwealth Governments can work closely together to address this issue.

**Should the State Government be working together with the Commonwealth Government to reduce alcohol access and abuse?**



**Vibrancy**

Our liquor licensing framework should be modernised to promote greater flexibility and encourage entrepreneurs to emerge with new business models.

**Are the objects of the Act outdated?**

**Do annual liquor licence fees need to be reviewed?**

**Should small venue licences currently restricted to the CBD be available in other locations?**

**Is there a better way to regulate a producer's licence to meet the Government's strategic premium food and wine policy?**

We need to assess whether statutory liquor licence conditions and mandatory trading hours still reflect community expectations. Consideration should be given to the risk of reducing the administrative burden of applying for and extending trading hours within each licence category.

**Are the statutory liquor licence conditions outdated?**

**Is the requirement to apply separately for an extension of trading hours or entertainment consent unnecessary red tape that impacts vibrancy?**

**Should statutory liquor licensing conditions be captured within a code rather than legislated?**

# Next steps

We will work closely together with all those who are involved in the sale, supply and regulation of liquor.

The Government invites all interested parties to make submissions on the discussion paper which will be open until **5 pm, Friday, 29 January 2016**.

Feedback on this discussion paper can be provided by email to [CBSReforms@sa.gov.au](mailto:CBSReforms@sa.gov.au) or by post to Consumer and Business Services, GPO Box 1719, ADELAIDE SA 5001. For queries about this discussion paper call our Customer Service Centre on 131 882.

## **Important information about your submission**

If you don't want the public to read your answers, please write "confidential" on your submission.

Please be aware that unless you write "confidential" on your submission it will be made public.

If someone asks for your answer through the Freedom of Information Act process, and if you have told us your answers are confidential, we will contact you and explain what is happening.

However, we have to follow the law. Even if your answers are confidential, we will still have to let someone read your confidential answers, if they ask for them through the Freedom of Information Act process.





Consumer and Business Services  
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**Government of South Australia**  
Attorney-General's Department