# Exploring liquor licensing reform options in NSW

The NSW Government has been considering significant changes to its liquor licensing laws, which were proposed in a detailed Liquor Licensing Reform Options Discussion Paper for [consultation](https://www.haveyoursay.nsw.gov.au/liquor-licensing-reform).

The Discussion Paper proposed some positive changes that could improve community engagement and access to licensing consultation. These included aligning liquor licensing with development application planning processes, enhanced notifications and improving the inclusion and diversity of consultation. It also proposed restricting access for children and young people to bottle shops and the liquor sales areas of supermarkets, without a responsible adult.

However, many of the other proposed changes in the Discussion Paper involved winding-back evidence-based harm minimisation protections and community access to consultation. These were proposed without evidence of impact on the risk of alcohol harm, and without adequate offsets of harm reduction measures.

FARE’s submission to the consultation outlined ways that the NSW Government can strengthen the Liquor Act with evidence-based, community-centric measures to help protect the community from increased risk of alcohol harm.

## FARE’s recommendation:

### Strengthen community participation

**1.** Adopt a *community-centric* approach to liquor licensing, which prioritises the voice, expectations, needs and aspirations of the community, to minimise harm from alcohol to the community.

**2.** Strengthen the transparency of the community consultation process, by publishing all relevant documents on the Noticeboard, including community submissions and applicant responses.

**3.** Combine the best practices of the Development Application and Liquor Licensing processes into a joint Social Impact Assessment, retaining the 60-day consultation period.

**4.** Provide resourcing for targeted and independent support for members of the broader community (especially residents, community and health groups, service providers and businesses).

**5.** Include engagement with all relevant stakeholders such as people with lived experience, researchers and harm reduction policy experts, and public health bodies.

**6.** Maintain an open and diverse community consultation process for all applications. Do not restrict consultation timeframes or access based on an applicant-assessed risk rating.

### Protect the community with evidence-informed, risk-based licensing

**7.** Ensure that any new endorsements or licensing options added to expand operations also adds community consultation requirements and harm minimisation measures as conditions.

**8.** Commission independent research to determine the associated risks of harm from alcohol of different licence types and their conditions before reducing the number of licenses and subclasses.

**9.** Require all applications to have regulatory oversight before granting approval to operate. Do not provide ‘*interim approval’* for any applications, ‘low-risk’ or otherwise.

**10.** Maintain the enforcement action of penalty infringement notices. Do not allow breached venues to use ‘*Improvement Notices’* to continue trading while in breach of their license.

**11.** Ensure that license fees reflect all risk factors of each class, that they contribute to the costs associated with alcohol harm, and that they act as an incentive to reduce the risks of alcohol harm.

### Include all alcohol harm risk factors in risk-based licensing

**12.** Incorporate all risk factors of alcohol harm into risk ratings and license fees to ensure that risk-based licensing accurately reflects the risk of alcohol harm.

**13.** Retain the current four tiers of patron capacity risk loading (and associated fees) and apply to risk ratings from the outset (not just when non-compliant).

**14.** Retain ‘Location’ as a risk category, expand it to include both density and proximity, (not just Sydney CBD and Kings Cross), and include small bars in the risk assessment.

**15.** Retain the current trading hours restrictions. Maintain the six-hour closure requirement without exemptions and the current trading hours restrictions for Sundays and some public holidays.

**16.** Implement the proposed change of restricting access by children or young people to bottle shops and the liquor sales areas of supermarkets. Retain restrictions on access to hotels and club bars.

### Support clinically supervised sobering-up services

**17.** Retain the requirement that licensed venue staff ask a person who is intoxicated to leave. Abandon moves to create areas in licensed venues where people who are intoxicated can remain.

**18.** Investigate the funding of suitably qualified and experienced alcohol and other drug services to run safe, cost-effective, clinically supervised sobering-up services.

### Keep up with the rapidly changing environment

**19.** Include online alcohol sales and delivery outlets as a distinct license category, with community consultation requirements and risk-based fee calculations.

**20.** Limit deliveries to between 10 am and 10 pm to reduce risks of alcohol-related family violence and suicide which peak late at night in the home.

**21.** Introduce a delay of two hours between purchase and delivery of alcohol to stop the rapid supply of alcohol to people who may be intoxicated or dealing with alcohol dependence.

**22.** Ban predatory digital marketing by alcohol companies that target people who are vulnerable. These include incentives, bulk purchase discounts, delayed payments, and direct prompts.

**23.** Require alcohol retailers to display on their websites a prescribed warning about the risk of harm from alcohol, and a prescribed pregnancy warning label with a link to the Australian guidelines.

**24.** Retain the requirement to hold a liquor licence to sell no- and low-alcohol products. Restrict supermarkets and convenience stores from selling no- and low-alcohol products.

### Reduce the risk of alcohol harm - the purpose of liquor licensing

**25.** Prioritise harm reduction in liquor licensing above other considerations by amending the Liquor Act to make *‘minimising harm from the sale, supply and use of alcohol’* the *primary Object*.

**26.** Amend the Liquor Act to define alcohol harm to include effects on children, communities, and health; dependency; family and interpersonal violence; and economic, social and cultural effects.

[view submission](https://fare.org.au/wp-content/uploads/FARE-Submission-on-NSW-Liquor-Licensing-Reform-Discussion-Paper.pdf)