# FARE submission to the review of the Victorian Liquor Control Reform Act 1998

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### The submission places particular focus on strategies to reduce harm, one of the areas listed for comment within the Review of the Liquor Control Reform Act 1998 consultation paper.

The Foundation for Alcohol Research and Education (FARE)'s submission to the review of the *Liquor Control Reform Act 1998* addresses the Terms of Reference provided. The submission places particular focus on strategies to reduce harm, one of the areas listed for comment within the *Review of the Liquor Control Reform Act 1998 consultation paper*.

While FARE acknowledges that there were a variety of questions posed within the consultation paper, it is imperative that harm minimisation is prioritised to ensure adequate protection of the community from alcohol harm. While several other priorities were listed, including “reducing regulatory burden” and to “foster diversity and support small business”, these priorities are identified elsewhere in the remit of government and should be considered secondary priorities in the context of liquor legislation.

This submission aims to cover all areas of alcohol policy that may be activated through the *Liquor Control Reform Act 1998* and associated regulations. The current policy environments are identified, as well as future directions and specific recommendations for reform.

## Recommendations

1. Amend the Liquor Control Reform Act 1998 to ensure extended trading hours are no later than 2am for the supply of alcohol for on-licence premises. Ordinary trading hours should remain restricted to 11pm for any business that has not sought and been approved for extended trade.
2. Amend section 11 of the Liquor Control Reform Act 1998 to make the ordinary hours of the supply of alcohol 9am to 10pm for all packaged (takeaway) liquor licences.
3. Remove section 111(b) from to the Liquor Control Reform Act 1998 to ensure packaged liquor licences are not subject to late-night licences.
4. Amend the *Liquor Control Reform Act 1998* to empower the Commissioner declare ‘alcohol harm zones’ that stop future liquor licence applications, including packaged liquor for localities where alcohol harm is deemed to be significant.
5. Amend the *Liquor Control Reform Act 1998* to mandate the consideration of cumulative impact for every liquor licence application.
6. Update the Decision Making Guidelines on the Assessment of the Cumulative Impact of Licensed Premises under the *Liquor Control Reform Act 1998* to reflect the latest evidence.
7. Amend section 3B of the *Liquor Control Reform Act 1998* to ensure that supply of delivered alcohol is considered the point at which the product is physically transferred from the store (or a staff member representing the store) to the customer.
8. Amend the *Liquor Control Reform Act 1998* to restrict alcohol delivery services to businesses with packaged liquor licences.
9. Amend the *Liquor Control Reform Act 1998* to apply ordinary trading hours (9am to 10pm) for packaged liquor licences for online and delivery services.
10. Amend section 35 of the *Liquor Control Act 1998* to require all public notices to be advertised in local newspapers, both online and hardcopy.
11. Explore options for advertising new applications in digital media, including on social media platforms (such as Facebook and Twitter).
12. Amend section 36 of the *Liquor Control Reform Act 1998* to require the Commission to direct the applicant to notify nearby community buildings, facilities, and places that may be sensitive to a new licensed premises in writing for all licence applications.
13. Amend the *Liquor Control Reform Act 1998* to require the Commission to implement an online database for all liquor licence applications that are open for consultation.
14. Remove section 42(a) of the *Liquor Control Reform Act 1998* whereby the Commission may refuse to accept an objection if the person making such objections are deemed not to be personally affected.
15. Amend the *Liquor Control Reform Act 1998* to require licence applicants to prepare and submit Public Interest Assessments where the onus of proof sits with the applicant and where they must include compelling evidence that granting of the licence will be in the public interest.
16. Legislate to introduce a Community Defenders Office, based on the successful Alcohol Community Action Project (ACAP) pilot, to provide the Victorian community with greater access to resources that can assist them in participating in consultation around local liquor licensing.
17. Amend section 92A(3) of the *Liquor Control Reform Act 1998* to require that persons with interests of any variety are invited to make a submission to disciplinary inquiries.
18. Amend section 92 of the *Liquor Control Reform Act 1998* to require that local government is notified of inquiries into potential compliance breaches.
19. Remove section 1195(a) from the *Liquor Control Reform Act 1998* so minors cannot consume alcohol at an on-licence premises.
20. Amend the *Liquor Control Reform Act 1998* to incorporate irresponsible supply laws that prohibit the unsafe provision of alcohol to a minor (for instance, excessive amounts) or the inadequate supervision of the minor’s alcohol consumption.
21. Amend section 1195(e) of the *Liquor Control Reform Act 1998* to require adults to obtain written permission from a minor’s parent or guardian consenting to the supply of alcohol to their child by the adult in question.
22. Develop a comprehensive public education campaign that informs the general public of the laws surrounding the supply of alcohol to minors and the associated risks with underage alcohol consumption.
23. Amend section 4(2) of the *Liquor Control Reform Act 1998* to state that, “It is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by this Act must prioritise harm minimisation above all other considerations”.
24. Amend the *Liquor Control Reform Act 1998* to remove irrelevant objects, including those intending to “facilitate the development of a diversity of licensed facilities reflecting community expectations” and to “contribute to the responsible development of the liquor, licensed hospitality and live music industries”.
25. Amend section 4 of the *Liquor Control Reform Act 1998* to specifically identify harms associated with alcohol consumption (including family violence) for consideration in liquor licensing decisions and to better achieve harm minimisation.
26. Strengthen the *Liquor Control Reform Act 1998* to prohibit the harmful discounting and promotion of alcohol products by including provisions relating to prohibited liquor promotions within the *Liquor Control Reform Regulations 2009*, and ensuring that these are adequately enforced. These provisions should address both on- and off-licence premises with equal weight.
27. Include a provision within the *Liquor Control Reform Regulations 2009* with a requirement that alcohol is sold for a basic advertised price, removing discounts and special offers.
28. Amend the *Liquor Control Reform Act 1998* to prohibit the production and redemption of shopper docket promotions of alcohol.
29. Introduce a policy to remove alcohol advertising on publicly owned assets, such as public transport infrastructure.
30. Amend section 115 of the *Liquor Control Reform Act 1998* to include ‘undesirable’ products under the *Liquor Control Regulations 2009* to restrict the sale of such products.
31. Amend section 115 of the *Liquor Control Reform Act 1998* to provide the Minister the power to declare a product undesirable if:
    * the name of the liquor product, or its design or packaging, is indecent or offensive, or
    * the name of the liquor product, or its design or packaging, encourages irresponsible, rapid or excessive consumption of the product
    * the name of the liquor product, or its design or packaging, is likely to be attractive to minors
    * the liquor product is likely, for any reason, to be confused with soft drinks or confectionery
    * the liquor product is, for any other reason, likely to have appeal to minors, or
    * it is otherwise in the public interest to declare the liquor product to be an undesirable liquor product.
32. Amend the *Liquor Control Reform Act 1998* to increase licence fees by at least ten per cent.
33. Amend Part 5 of the *Liquor Control Reform Regulations 2009* to include risk loading based on outlet density within Local Government Areas.
34. Amend Part 5 of the *Liquor Control Reform Regulations 2009* to include floor-space as a risk-loading factor for packaged liquor venues.
35. Amend Part 5 of the *Liquor Control Reform Regulations 2009* to include the number of licensed venues owned by an operator as a risk loading factor for packaged liquor venues.
36. Use the existing powers within the *Crimes (Controlled Operations) Act 2004* to conduct Controlled Purchase Operations, whereby supervised minors attempt to purchase alcohol from licensed venues to test compliance.
37. Amend section 96A of the *Liquor Control Reform Act 1998* to allow police officers to suspend licences for up to 72 hours to ensure sufficient time to investigate and act on breaches of compliance.
38. Amend Part 4A of the *Liquor Control Reform Act 1998* to reduce the threshold for suspension under the demerit points system, so that three points over three years results in a 24-hour suspension, six points in the same time results in a seven-day suspension, and a 28-day suspension is warranted by the accrual of ten points.
39. Amend section 106(J) of the *Liquor Control Reform Act 1998* to include penalties for businesses and licensees that sell alcohol to individuals who are currently subject to barring orders.
40. Amend the *Liquor Control Reform Act 1998* to establish and maintain a violent venues register that names venues with a disproportionate rate of violent incidents and applies strict conditions to reduce alcohol harm.
41. Amend the *Liquor Control Reform Act 1998* to introduce legislation to allow for the development of regulations that can enforce compliance with Responsible Service of Alcohol (RSA) guidelines. These regulations should include measures to:
    * prevent the service of alcoholic drinks in glass containers after midnight in high-risk areas
    * restrict the sale of alcohol products that are designed to be consumed rapidly
    * prevent the supply of four or more alcoholic drinks to any single patron.
42. Amend section 108A of the *Liquor Control Reform Act 1998* to require completion of Responsible Service of Alcohol (RSA) accreditation for individuals involved in the supply of alcohol at restaurants.
43. Remove section 109A of the *Liquor Control Reform Act 1998* to ensure that alcohol may not be made available through vending machines.
44. Amend section 66AD of the Liquor Control Reform Act 1998 to strengthen the collection of wholesale data to:
    * permit the release of data (subject to appropriate confidentiality and de-identification requirements) to qualified researchers and local councils for the purpose of detailed analysis
    * require wholesale liquor supply information to include the date of delivery or dispatch of the liquor that is subject to the transaction
    * explicitly provide for the use and the information in liquor licensing and planning decisions
    * mandate the collection and reporting of point of sale data reflecting whether a transaction is conducted in-store or online, and whether or not it is delivered
    * provide Local Governments with access to point of sale alcohol volumetric sales data (such as litres/units of alcohol sold per premises by local geographic regions).
45. Work with all states and territories and the Commonwealth Government to develop nationally consistent and comprehensive data collection on liquor licences and associated alcohol harm.
46. Amend section 3AB of the *Liquor Control Reform Act 1998* to include “drugs or another intoxicating substance” in the definition of intoxication.
47. Amend the *Liquor Control Reform Act 1998* to replace the word “drunk”, where it appears, with the word “intoxication”.
48. Amend the *Liquor Control Reform Act 1998* where business types are exempt from requiring a licence to supply alcohol, restrict such businesses to supplying no more than two standards drinks to any one individual over a 24-hour period.
49. Amend section 7(2) of Part 3 the *Liquor Control Reform Regulations 2009* to require a minimum resolution of 720p on video surveillance to improve the identification of persons of interest.
50. Amend the *Liquor Control Reform Act 1998* to reverse the onus of proof of intoxication, so that an authorised officer’s testimony is taken as proof that a patron was intoxicated unless evidence is provided to the contrary.

view the submission

[view the media release](https://fare.org.au/hey-kidwant-a-beer-with-your-schnitty-crazy-law-lets-victorian-pubs-serve-alcohol-to-children/)

### Metadata