# Submission to the NSW Liquor Act 2007 and the Gaming & Liquor Administration Act 2007 review

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### This review provides the New South Wales (NSW) Government with an opportunity to reform liquor licensing and prioritise evidence-based policies that are proven to reduce alcohol-related harms. FARE supports the submission prepared by the NSW ACT Alcohol Policy Alliance (NAAPA) to the Review process, which makes 20 recommendations.

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## Recommendations

1. Make licensing processes more timely and reduce the burden on community stakeholders, by introducing standard time frames for decision-making by the Independent Liquor and Gaming Authority (ILGA) and the Office of Liquor Gaming and Racing (OLGR) within the Liquor Act 2007, including a maximum of: seven days to notify objectors and complainants that the authorities have received their objections or complaints; 30 days to notify stakeholders of the authorities’ action regarding objections or complaints; and 90 days to resolve objections and complaints.
2. Allow decision-making bodies to apply lessons from individual licensing decisions to precincts by: Appropriately resourcing ILGA and OLGR to conduct independent investigations where harms data and complaint volumes in a locality indicate the need for a broader response to alcohol-related harms and other issues; and Amending the Liquor Act 2007 to empower ILGA with the jurisdiction OLGR currently possesses to make proactive precinct wide decisions.
3. Make the responsibility for regulating liquor licensing independent of industry interests by removing liquor licensing regulation from the Department of Trade and Investment and relocating the licensing authorities within an independent office that more directly connects liquor licensing with, and facilitates input from, policing, family and community services, health, justice, land and planning, and local government.
4. Amend the Objects of the Liquor Act 2007 to elevate harm minimisation to be the sole primary Object of the Act alongside the interests of communities; and subordinate all other Objects.
5. Introduce saturation zones in areas of NSW that are identified as having too many licensed premises and/or too many associated alcohol-related problems. Within these zones a moratorium should be placed on all new licences and in the interim, the operation of current freeze precincts should be extended beyond their current expiry dates.
6. Reduce trading hours for all new and existing liquor licences to the following: All existing 24 hour liquor licences should be abolished and the current policy of not granting new 24 hour licences should remain in place; Opening times for all licensed premises (including packaged licences) across NSW should be no earlier than 10.00am; Standard closing times for all on-licence premises across NSW from Monday to Saturday should be midnight, with extended trading venues limited to 3.00am and lockouts (preventing entry for patrons) no later than 1.00am. Standard closing time for Sundays should remain at 10.00pm; Closing times for packaged licensed premises across NSW should be no later than 10pm; and Existing licensees should be given no more than one year to incorporate these changes to their businesses.
7. Subject small bars to the same rules and regulations as other licence types. This includes restrictions on trading hours, licence conditions, liquor freeze precincts and Community Impact Statement (CIS) policies. Current exemptions for small bars should be removed from the Liquor Act 2007.
8. Strengthen secondary supply laws and the community awareness of these laws by: Amending the Liquor Act 2007 to incorporate irresponsible supply laws which prohibit the unsafe provision of alcohol (e.g. excessive amounts) or the inadequate supervision of the minor’s alcohol consumption; Requiring adults to obtain written permission from a minor’s parents or guardians consenting to the supply of alcohol to their child by the adult in question; and x Developing 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.
9. Introduce a risk based licensing fee system that, as a minimum, offsets the cost of alcohol-related harm borne by Government and the community. Criteria established for the development of the scheme should be based on, as a minimum, the duration of trading hours and crowd capacity.
10. Introduce a process for the annual renewal of liquor licenses, with licensees who fail to submit their renewal having their licence revoked. This process should be tied to the annual risk-based licensing fee.
11. Strengthen the Liquor Act 2007 to prohibit the harmful discounting and promotion of alcohol products by including within the Liquor Regulations 2008 provisions relating to prohibited liquor promotions, and ensure that these are adequately enforced. These should address both on- and off-licence premises with equal weight.
12. Introduce a minimum price for alcohol at one dollar per standard drink, with alcohol not being permitted to be sold for less than this price.
13. Introduce a policy that prohibits alcohol promotions from being placed on state and local government property.
14. Strengthen the responsible service of alcohol by: Strengthening enforcement measures throughout NSW, including Compliance Officers visiting licensed premises outside of regular business hours; Introducing mandatory RSA-related licence conditions for all new and existing on-premises licensed venues in NSW, including alcoholic drink restrictions (i.e. sale of ‘shots’, mixed beverages with more than 30mL of alcohol, ready-to-drink beverages with more than five per cent alcohol volume, beverage quantity limitations and time limitations on their sale) and additional RSA actions (i.e. RSA marshals, no drink stockpiling by patrons, ceasing sale and supply of alcohol 30 minutes before closing time); Enhancing the transparency of RSA compliance by requiring OLGR and the NSW Police to publicly report on compliance activities relating to the Liquor Act 2007, the number of venues inspected and their location, the times of day that these venues are inspected and the number of identified breaches of compliance; and Extending enforcement powers to provide local government employees with the ability to enforce RSA provisions under the Liquor Act 2007.
15. Enable police and regulatory authorities to penalise irresponsible alcohol servers and retailers by legalising controlled purchase operations for identifying and prosecuting licensees found to be selling alcohol to people aged under 18 years.
16. Amend the Liquor Act 2007 to include mandatory collection and public reporting of alcohol sales data and data on liquor licensees’ occupancy, trading hours and compliance with the liquor legislation.
17. The collection of alcohol-related data should be extended to include other types of data such as: Alcohol-related emergency department presentation; Alcohol-related ambulance attendances; Alcohol-related criminal justice data; and Alcohol-related community services data.
18. Improve public awareness, engagement and input in licensing matters by: Amending CIS forms to require all licence applicants to publish notices of their licence application in local newspapers and write to the owners and occupiers of nearby community buildings, facilities and places that may be sensitive to a new licenced premises (i.e. hospitals, places of worship, educational institutions, facilities for vulnerable persons, alcohol-free zones, public parks and sporting grounds), notifying them of the licence application and of their rights to make submissions to ILGA; Sufficiently resource ILGA to independently review, assess and follow up with CIS stakeholders as to whether they were contacted by applicants in relation to licence applications, and whether they have any objections to the application in question. A lack of a response should not be considered to be assent to a licence application; Abolish the ‘Category A’ and ‘Category B’ CIS system, replacing it with a standard CIS form based on the present ‘Category A’ CIS and revised stakeholder notification provisions; Enhancing the availability and accessibility of information regarding licence applications by implementing a notification system for new licence applications that members of the public and authorities can sign up to receive and developing more ‘user-friendly’ websites for OLGR and ILGA that makes tracking new licence applications and licence approvals easier for the general public; Extend the time frames for communities to respond to new licence application from 30 days to 60 days.
19. Improve communities ability to participate in objection processes by ensuring that alleviate: The burden of proof that currently rests on objectors is reduced by providing ILGA with sufficient resources to cross-reference applicants’ CIS with harms data from government agencies and to investigate objections; and the burden of proof that currently rests on objectors by delivering more ‘user-friendly’ information (e.g. fact sheets and information links to local alcohol-related data) for objectors to refer to through ILGA and OLGR’s websites.
20. Improve communities ability to participate in compliance processes by: Providing for members of the general public to submit complaints on grounds detailed in Part 9 of the Liquor Act 2007; Expanding the capacity of ILGA to investigate complaints against licensees in order to reverse or reduce the burden of proof that rests on complainants; and Deliver more information on where to direct complaints and how to submit complaints through OLGR and ILGA’s web-sites, local government offices, and community legal centres.

[view the submission from fare](/wp-content/uploads/FARE-Submisison-Review-of-the-Liquor-Act-2007-30-August-2013.pdf)

[view the submission from naapa](/wp-content/uploads/NAAPA-Submission-NSW-Liquor-Act-Review-FINAL.pdf)

### Metadata