# Submission in response to the Liquor licensing discussion paper (South Australia)

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### The Foundation for Alcohol Research and Education (FARE) provided a submission to the South Australian Government's review of the Liquor Licensing Act 1997, which is an opportunity to introduce policies which improve the health, safety and wellbeing of all South Australians. FARE makes a total of 30 recommendations for the South Australian Government, outlining reforms that are proven solutions to reduce alcohol-related harms.

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## Recommendations

FARE recommends that the South Australian Government:

1. Amend the *Liquor Licensing Act 1997* to elevate harm minimisation to being the single primary Object of the Act, and subordinate all other Objects.
2. Specify that the object of the *Liquor Licensing Act 1997* is also to encourage responsible liquor consumption attitudes in line with the National Medical Health and Research Council’s *Australian guidelines to reduce health risks from drinking alcohol.*
3. Acknowledge within the *Liquor Licensing Act 1997* that alcohol is a toxic substance whose consumption causes harm to consumers and to others from intoxication, disease and addiction.
4. Ensure that the Review of the *Liquor Licensing Act 1997* recognises the SA Government’s ‘Health in All Policies’ approach to policy development, and accordingly consults with the Department of Health and stakeholders from public health, alcohol and other drugs sectors.
5. Ensure that alcohol harm prevention policy development is independent of industry interests.
6. Enhance the availability and accessibility of information regarding licence applications by:
   * implementing a stakeholder database and notification system for new licence applications that members of the public and authorities can sign up to receive
   * developing more ‘user-friendly’ websites for Consumer and Business Services that make tracking new licence applications and licence approvals easier for the general public.
7. Improve the ability of communities to participate in objections and complaint processes by:
   * providing more detailed guides on participation in objection and complaints processes for concerned community members through the Consumer and Business Services website, local government offices, and community legal centres
   * reducing the requirement for complaints to be endorsed by other community members from ten individuals to one individual from another household in the area
   * expanding the capacity of the Commissioner for Licensing to investigate complaints against licensees in order to reverse or reduce the burden of proof that rests on complainants.
8. Place the onus of proof on the applicant/licensee to satisfy the authority that an intervention is not required in relation to the operation of the licence.
9. Amend part 3 of the *Liquor Licensing Act 1997* to reduce trading hours for all new and existing liquor licences to the following:
   * Commencement of liquor trading for all licensed premises (including off-licences) across South Australia should be no earlier than 10am.
   * The standard time for conclusion of liquor trading for all on-licence venues should be midnight (12am).
   * The standard time for conclusion of liquor trading for all off-licence venues should be 9pm, with no extension later than 10pm.
   * Extensions for conclusion of on-licence liquor trading should be limited to 3am, with  
     one-way doors preventing re-entry for patrons no later than 1am.
10. Subject small bars to the same rules and regulations as other licence types in regards to trading hours.
11. Retain the condition under section 37(1) of the *Liquor Licensing Act 1997* that effectively disallows supermarkets from selling alcohol.
12. Empower the Commissioner for Licensing to declare saturation zones which ban future liquor licence applications for localities where alcohol-related harms are deemed to be significant.
13. Require the Commissioner for Licensing to take into consideration the existing density of liquor outlets when making decisions on new liquor licence applications.
14. Allow the Commissioner for Licensing to apply lessons from individual licensing decisions to precincts by:
    * conducting investigations where harms data and complaint volumes in a locality indicate the need for a broader response to alcohol-related harms and other issues
    * amending the *Liquor Licensing Act 1997* to allow for precinct-wide decisions.
15. Amend Section 37 of the *Liquor Licensing Act 1997* to disallow persons under the age of 18 from entering premises licensed to sell takeaway liquor.
16. Introduce secondary supply laws into the *Liquor Licensing Act 1997*, which incorporates the following:
    * irresponsible supply laws which prohibit the unsafe provision of alcohol (including excessive amounts) or the inadequate supervision of the minor’s alcohol consumption
    * a requirement for adults to obtain informed written permission from a minor’s parents or guardians consenting to the supply of alcohol to their child by the adult in question
    * a comprehensive public education campaign informing the general public of the laws surrounding the supply of alcohol to minors and the associated risks with underage alcohol consumption.
17. Make provisions of the Late Night Code apply to all venues trading after midnight, with no exemptions. These provisions should be extended to include prohibiting the:
    * sale of shots, mixed drinks with more than 30ml of alcohol, and ready mixed drinks stronger than five per cent alcohol by volume after 10pm
    * sale of more than four drinks to any patron at one time
    * sale of alcohol mixed with energy drinks after midnight.
18. Enhance the transparency of Responsible Service of Alcohol compliance by requiring Consumer and Business Services and the South Australian Police to publicly report on compliance activities relating to the *Liquor Licensing Act 1997*. This includes 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.
19. Enhance the transparency of Responsible Service of Alcohol by publicly naming and shaming on the website of Consumer and Business Services those premises that are found to have contravened the *Liquor Licensing Act 1997*, The General Code of Practice or the Late Night Trading Code of Practice in relation to Responsible Service of Alcohol
20. Strengthen the *Liquor Licensing Act 1997* to prohibit the harmful discounting and promotion of alcohol products by including provisions that:
    * address both on- and off- licence premises with equal weight
    * address online promotion practices of South Australian liquor licences
    * prohibit point of sale promotional materials for liquor (such as ‘happy hours’, free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices) from being displayed on and around licensed premises where minors are likely to be present
    * declare ‘shopper dockets’ (liquor promotion vouchers on the receipts for purchases) as a prohibited promotional activity
    * introduce regulations that limit the placement of alcohol promotions in public spaces where minors may be present
    * set a minimum price for alcohol at one dollar per standard drink.
21. Extend the *Liquor Licensing Act 1997* to grant the Minister and the Commissioner for Licensing the powers to have active promotions discontinued or removed at their discretion.
22. Introduce a policy that prohibits alcohol promotions from being placed on SA Government property.
23. Introduce a risk-based licensing fee system for all licence types 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.
24. Retain the annual licence renewal process.
25. Amend the *Liquor Licensing Act 1997* to include:
    * collection and public reporting of alcohol sales data to inform the National Alcohol Sales Project
    * collection and public reporting of data on liquor licensees’ occupancy, trading hours and compliance with the liquor legislation
    * public reporting of data pertaining to disciplinary action against licensees.
26. Produce a whole of government report on key alcohol-related harms indicators annually for Consumer and Business Services and Attorney General to inform their decision making on alcohol policies.
27. Extend the collection of alcohol-related data to include other types of data such as:
    * alcohol-related emergency department presentation
    * alcohol-related ambulance attendances
    * alcohol-related criminal justice data
    * alcohol-related community services data.
28. Amend Section 128C of the *Liquor Licensing Act 1997* to clarify the incidents that would warrant a temporary closure of a licensed premises. It is important that this includes alcohol-related violence which results in serious injury to persons in or near licensed premises.
29. Legalise controlled purchase operations under Part 7 of the *Liquor Licensing Act 1997* to identify and prosecute licensees who sell alcohol to people under the age of 18 years.
30. Remove the words “made a false statement, or” from Section 110 (3b) of the *Liquor Licensing Act 1997*.

[view the submission](https://www.fare.org.au/wp-content/uploads/FARE-submission-on-the-Liquor-licensing-discussion-paper-SA-FINAL-web.pdf)

[view the media release](https://www.fare.org.au/wp-content/uploads/SA-GOVT-OVERISGHT-ALCOHOL-HEALTH-IMPACT-ABSENT-FROM-DISCUSSION-Final-11022016.pdf)

### Metadata