# Submission to the Tasmanian Liquor Licensing Act 1990 review

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### The review of the Tasmanian Liquor Licensing Act 1990 (the Act) provides the Tasmanian Government with an opportunity to prioritise evidence-based policies to reduce alcohol-related harms. FARE’s submission proposes 30 recommendations for the future directions of the Act by addressing the issues raised in the Discussion Paper for the Review of the Liquor Licensing Act 1990.

The review of the *Tasmanian Liquor Licensing Act 1990* (the Act) provides the Tasmanian Government with an opportunity to prioritise evidence-based policies to reduce alcohol-related harms. FARE’s submission proposes 30 recommendations for the future directions of the Act by addressing the issues raised in the *Discussion Paper for the Review of the Liquor Licensing Act 1990*.

## Recommendations

1. Amend the *Liquor Licensing Act 1990* 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. Alcohol sales data reports should be submitted by all licensees to the Commissioner of Licensing. These reports should include the volume in litres of the following beer; wine; cask wine; fortified wine; spirits; pre-mixed spirit-based drinks; and cider sold in the previous financial year.
2. The Tasmanian Government should conduct an audit of alcohol-related data presently collected, and should establish a policy for the routine collection and public reporting on the following types of data: alcohol-related offences, including alcohol-related assaults by type (domestic, non-domestic, against police officers), location (on licensed premises, in public spaces, domestic setting, other private property) and time; alcohol-related criminal justice data, including court appearances and convictions for alcohol-related offences; alcohol-related hospital emergency department presentations, hospitalisations and ambulance attendances; alcohol-related community services; alcohol sales data from licensed premises; place of last drink for acute alcohol-related hospitalisations and alcohol-related offences.
3. The *Liquor Licensing Act 1990* should be amended to include a single primary Object to minimise alcohol-related harms and secondary Objects which specify that: communities have a right to provide input and be consulted in relation to licence applications and licensing decisions; and the sale, supply and promotion of alcohol must be conducted in a safe and responsible manner with due consideration of the primary Object of the Act.
4. The *Liquor Licensing Act 1990* should be amended to treat the Objects of the Act (as proposed in recommendation one in this submission) as the criteria for the ‘best interests of the community’ test.
5. Thorough consultation processes should be developed that require all licence and permit applicants to directly notify in writing and consult with the following ‘consent authorities’ about their application. These authorities include local police, local government, local hospitals, places of worship, education institutions, facilities used by children and young people, facilities for vulnerable persons and managers of alcohol-free zones, public parks and sporting grounds. These notices should state the public’s right to make representations to the Commissioner in relation to the application. Copies of the notification letters sent to stakeholders should be submitted as part of the licence or permit application.
6. Thorough public interest assessment processes should be developed that require all licence and permit applicants to meet the following requirements: the applicant must assure the Commissioner that granting their application for a licence or permit is in the best interests of the community; applicants must substantiate and verify their public interest assurances with evidence; applicants must include information on local alcohol-related hospitalisation, crime and assaults data; and applicants must list other licensed premises in the local area and their proximity to the location of the applicant’s proposed premises.
7. The roles and responsibilities of the Commissioner and the Licensing Board under the Act should be improved, strengthened and clarified to ensure they: take into consideration and investigate claims made in an application and in related representations from the public and feedback from consent authorities; critically assess the suitability of the applicant for the licence or permit and the proposed premises for the licence or permit and the local area; follow-up up with consent authorities (local police, local government authority, and local hospital) if they have not engaged in the application process; and extend the time period from 14 to 30 days for the Commissioner to receive representations from the public and consent authorities in relation to a licence or permit application.
8. The *Liquor Licensing Act 1990* should be amended to adopt clear criteria for determining if an applicant is fit and proper to hold a licence or permit. This should include requiring applicants for all licenses and permits to successfully complete, and hold current certificates of training and assessment in management of licensed premises and in the safe and responsible service of alcohol.
9. The *Liquor Licensing Act 1990* should adopt clear criteria for determining if a licence or permit is suitable for the proposed premises and local area of the proposed premises. The Act should direct the Commissioner not to grant a liquor licence unless satisfied that the premises for the licence or permit application meets the ‘suitability’ criteria.
10. The *Liquor Licensing Act 1990* should be amended to include 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, trading hours and occupancy.
11. The *Liquor Licensing Act 1990* should be amended to include 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.
12. The *Liquor Licensing Act 1990* should be amended to reduce standard trading hours to 10am-12am for all new and existing licenses and permits (except for out-of-hours permits) and reduce extended trading hours for all new and existing premises with out-of-hours permits to 12am-3am, with lock-outs no later than 1am.
13. The *Liquor Licensing Act 1990* should be amended to introduce mandatory responsible service of alcohol licence conditions for all new and existing on-licence venues including the: sales of shots, mixed drinks with more than 30mL of alcohol and ready mixed drinks stronger than five per cent alcohol by volume are prohibited after 10.00pm; sales of more than four drinks to any patron at one time are prohibited; and sales of alcohol mixed with energy drinks are prohibited after midnight; a supervisor must be on the premises from 11pm until closing with the sole purpose of monitoring responsible service of alcohol practices; patrons are not to be allowed to stockpile drinks; and the sale of alcohol must cease 30 minutes prior to closing time.
14. The Liquor Licensing Act 1990 should be amended to require licensees, permit holders, and their staff who serve alcohol to others to have up-to-date responsible service of alcohol qualifications.
15. The Commissioner should publicly name and shame on the website of the Gaming Liquor branch of the Department of Treasury and Finance those premises that are found to have contravened responsible service of alcohol offences under the Act.
16. The *Liquor Licensing Act 1990* should be amended to require planning and development consent prior to a licence or permit application being submitted to the Liquor Board.
17. The *Liquor Licensing Act 1990* should be amended to grant the Commissioner of Police, local government authorities and the Commissioner for Licensing the power to declare liquor outlet saturation zones in areas of Tasmania 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.
18. The *Liquor Licensing Act 1990* should be amended to include a definition of “intoxication” in a clear and measurable way.
19. The *Liquor Licensing Act 1990* should be amended to remove the exemption under section 77(2) of the Act for a minor to control or possess alcohol under supervision by an adult in a workplace or training environment.
20. The *Liquor Licensing Act 1990* should be amended to prohibit and restrict the harmful and irresponsible promotion of liquor, and introduce criteria to determine whether promotions are ‘harmful’ or ‘irresponsible’. The criteria should cover the nature of the promotion and how it may encourage liquor consumption, promotional price of the alcohol product, duration of the promotion, implications of the promotion for public safety and amenity and the exposure of children to the promotion.
21. The Minister responsible for alcohol control should be granted the power to have active promotions deemed to be harmful or irresponsible discontinued or removed at their discretion.
22. Liquor Promotion Regulations should be introduced under the Act which contain detailed provisions on prohibited and restricted alcohol promotions that: address promotions conducted at on and off-licence premises with equal weight; set a minimum price for alcohol at one dollar per standard drink; declare ‘Shopper dockets’ (liquor promotion vouchers on the receipts for purchases) a prohibited promotional activity; prohibit point of sale promotional materials for liquor (e.g. ‘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; and prohibit alcohol promotions from being placed on State and Local Government property.
23. The *Liquor Licensing Act 1990* should be amended to grant the Minister responsible for alcohol control special powers to direct the relevant authority to prohibit a liquor product on the basis that: the product is likely to have a special appeal to children or young people; the product is likely to be confused with confectionery; the product is likely to be confused with a non-alcoholic drink; the name of the liquor product, or its design or packaging, is indecent or offensive; the name of the liquor product, or its design or packaging encourages irresponsible, rapid or excessive consumption of the product; and it is deemed by the Minister to be in the public interest to prohibit the liquor product.
24. Members of the public should be allowed to make representations requesting the Minister responsible for alcohol control to prohibit a liquor product.
25. The *Liquor Licensing Act 1990* should be amended to include as a mandatory licence condition for all licenses and permits (where alcohol is consumed on premises) to ensure that free drinking water is readily available for patrons on premises.
26. The *Liquor Licensing Act 1990* should be amended to provide the public with more opportunities for members of the public to participate and provide input in licensing matters, such as the submission of complaints that may initiate disciplinary action.
27. The *Liquor Licensing Act 1990* should be amended to grant powers to authorities to swiftly and consistently impose meaningful sanctions for premises who contravene the Act. These powers should include on the spot 24 hour closures.
28. The *Liquor Licensing Act 1990* should be amended to introduce Controlled Purchase Operations to identify and prosecute licensees found to be selling alcohol to people under the age of 18 years.
29. The *Liquor Licensing Act 1990* should be amended to include under section 71 of the Act the offence provision in relation to the supply of alcohol to minors in private settings and the responsible supply of alcohol to minors in private settings currently under section 26 of the *Police Offences Act 1935.*
30. The *Liquor Licensing Act 1990* should be amended to require the Commissioner and the Police to publicly report on compliance activities relating to the Act. 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.

[view the submission](/wp-content/uploads/FARE-submission-to-the-2013-Review-of-the-Tasmanian-Liquor-Licensing-Act-1990-FINAL.pdf)

### Metadata