# Submission to the Review of Liquor Licensing Act 1990 (Tasmania) Proposals Paper

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### FARE's submission to the Review of the Liquor Licensing Act 1990 – Proposals Paper, supplements the views previously outlined in its December 2013 submission to the Discussion Paper of the same name. FARE has put forth a total of 46 recommendations for the State to strengthen or reconsider some of its proposals, emphasising the need for Tasmania's liquor licensing decisions to be made in the context of minimising alcohol harms.

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## Recommendations

1. That the Liquor Licensing Act 1990 should be amended to include an objectives provision where:  
   the primary Object should be minimisation of alcohol harm;  
   any other Objects should be subordinate to the primary Object of harm minimisation; and  
   a secondary Object be included which regulates the sale, supply and promotion of alcohol in a safe and responsible manner that is consistent in achieving the primary objective of minimising alcohol harm.
2. That responsible development of the industry is clearly defined.
3. That the liquor regulations are amended to set out matters that the Licensing Board or Commissioner for Licensing will have regard to in determining the ‘best interests of the community’.
4. That a community impact statement process be introduced for all liquor licences and high risk permit applications.
5. That a definition of high risk is specified in the regulations.
6. That the community impact assessment process requires all licence and high risk permit applicants to meet the following requirements:  
   applicants 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. That 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 licences 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.
8. That the Liquor Licensing Act 1990 be amended to apply a ‘fit and proper’ test to all licence and permit applications.
9. That the Liquor Licensing Act 1990 be amended to include an ongoing requirement for licensees to demonstrate on an annual basis that they remain fit and proper.
10. That the Liquor Licensing Act 1990 be amended to require licensees to complete Responsible Service of Alcohol training every five years.
11. That licensees are held responsible for ensuring that employees have completed the required Responsible Service of Alcohol training and that these qualifications are up-to-date.
12. That the requirement for all licensees, permit holders, and their staff who serve alcohol to others to hold current Responsible Service of Alcohol qualifications be adequately enforced.
13. That the Liquor Licensing Act 1990 be amended to include a risk-based licensing fee system that, as a minimum, offsets the cost of alcohol 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.
14. That the Liquor Licensing Act 1990 be amended to give power to the Board and Commissioner to apply conditions to all licence and permit types such as 3am last drinks and 1.30am lockouts.
15. That the Liquor Licensing Act 1990 be amended to provide for an appeals process that will allow for appeals both for and against conditions being made on a licence.
16. That the Liquor Licensing Act 1990 be amended to introduce mandatory Responsible Service of Alcohol licence conditions for all new and existing on-licence venues including:  
    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;  
    sales of alcohol mixed with energy drinks are prohibited after midnight;  
    a supervisor must be on the premises from 11.00pm until closing with the sole purpose of monitoring Responsible Service of Alcohol practices;  
    patrons are not to be allowed to stockpile drinks; and ¾ the sale of alcohol must cease 30 minutes prior to closing time.
17. That if the proposal to maintain separation between the planning and development and the liquor licensing processes is adopted, clear lines of responsibility and open communication channels are established or enhanced, to ensure that all relevant issues are considered in the decision making process and there is an understanding of the deliberations undertaken as part of the other process.
18. That open and transparent communication processes are formalised between the regulators and local government to ensure that all local governments understand the licensing process and their ability to participate in that process.
19. That regulators also develop and/or maintain dialogue with police, public health providers, emergency services personnel and the community.
20. That the Liquor Licensing Act 1990 be amended to: ¾ replace the term drunk with intoxicated, interpreted to be someone affected by alcohol or some other substance. ¾ clearly describe indicators of intoxication.
21. That the proposal be adopted to develop guidelines identifying intoxication and how it can be determined and include these in the Responsible Service of Alcohol training course.
22. That the Liquor Licensing Act 1990 be amended to prohibit minors from the sale, supply, service, control or possession of alcohol.
23. That the Liquor Licensing Act 1990 be amended to give the Commissioner power to prohibit or restrict the irresponsible advertising and promotion of alcohol.
24. That detailed criteria for determining prohibited and restricted alcohol promotions be established and regulated. This should include advice regarding actions that licensees can take to reduce the risks associated with alcohol promotions.
25. That criteria for determining prohibited and restricted alcohol promotions should:  
    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 ¾ prohibit alcohol promotions from being placed on state and local government property.
26. That the Liquor Licensing Act 1990 be amended to reduce standard trading hours to 10.00am- 12.00am for all new and existing on-licences and permits (except for out-of-hours permits).
27. That extended trading hours for all new and existing on-licences with out-of-hours permits be reduced to 12.00am-3.00am, with lockouts no later than 1.00am.
28. That the Liquor Licensing Act 1990 be amended to reduce standard trading hours to 10.00am- 10.00pm for all new and existing off-licences.
29. That consideration of outlet density be required by the Licensing Board as part of the assessment of applications for a liquor licence.
30. That the Commissioner of Police, local government authorities and the Commissioner for Licensing be given 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 and that within these zones, a moratorium should be placed on all new licences.
31. That the Liquor Licensing Act 1990 be amended to grant special powers to the Minister responsible for alcohol control to prohibit alcohol products on the basis of clear criteria.
32. That the criteria to be used by the Minister for assessing whether an alcohol product should be prohibited be articulated in regulations.
33. That the following be removed from the proposal: ‘and the Minister has consulted with liquor industry representatives and the manufacturer (if known).’
34. That members of the public be allowed to make representations to seek prohibition of an alcohol product.
35. That the Liquor Licensing Act 1990 be amended to require the provision of free drinking water in licensed premises and that all licensed premises be required to meet this condition.
36. That the Liquor Licensing Act 1990 be amended to allow mandatory collection of standardised alcohol sales data from wholesale and producer liquor licence holders that is consistent with the data requirements under the National Alcohol Sales Data Project.
37. That alcohol sales data collected from wholesale and producer liquor licence holders be publicly reported.
38. That data should be collected on the volume in litres of beer, wine, cask wine, fortified wine, spirits, pre-mixed spirit-based drinks, and cider sold in the previous financial year.
39. That the proposal for Tasmania to participate in the National Alcohol Sales Data Project be adopted.
40. That the Liquor Licensing Act 1990 be amended to create offences for licensee obligations and ensure compliance and enforcement by licence and permit holders.
41. That the Liquor Licensing Act 1990 be amended further to include provision for the authorities to have the power to swiftly and consistently impose meaningful sanctions for premises who contravene the Act. These powers should include on the spot 24 hour closures.
42. That funding for the proposal to support responsible service and consumption of alcohol initiatives be achieved by using revenue generated by a risk-based licensing system to provide certainty and consistency of funding.
43. The Liquor Licensing Act 1990 be amended to provide members of the public with more opportunities to participate and provide input in licensing matters, such as the submission of complaints that may initiate disciplinary action.
44. The Liquor Licensing Act 1990 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.
45. The existing secondary supply laws found under section 71 of the Liquor Licensing Act 1990 and section 26 of the Police Offences Act 1935 be amended to either collate the laws under one Act or alternatively:  
    the secondary supply provisions under the Liquor Licensing Act 1990 should note the relevant secondary supply offence provisions under the Police Offences Act 1935, and  
    the Police Offences Act 1935 should note the secondary supply provisions under the Liquor Licensing Act 1990
46. The Liquor Licensing Act 1990 be amended to require the Commissioner and the Police to publicly report on compliance activities relating to the Act, including the number of venues inspected and their location, the times of day that these venues were inspected and the number of identified breaches of compliance.

[view the submission](/wp-content/uploads/FARE-Submission-to-the-Proposals-Paper-Review-of-the-Liquor-Licensing-Act-1990.pdf)

### Metadata