16 December 2016

BY EMAIL: lcrareview@justice.vic.gov.au

The Hon. Marlene Kairouz MP
Minister for Consumer Affairs, Gaming and Liquor Regulation
Level 26, 121 Exhibition Street
Melbourne VIC 3001

Dear Minister,

REVIEW OF THE LIQUOR CONTROL REFORM ACT 1998 (‘the LCRA’)

I refer to your letter dated 3 November 2016 and thank you for the opportunity to comment on the terms of reference and consultation paper regarding the Victorian Government’s review of the LCRA.

Coles Liquor is one of Australia’s largest liquor operators with 866 stores and 89 hotels nationally (of which we have 213 stores in Victoria that employ more than 1440 team members).

Coles Liquor is committed to the responsible service, supply and promotion of alcohol and supports the Victorian Government’s aim and focus of the review to identify ways to reduce red tape and regulatory burden. Coles Liquor is also conscious to ensure we have the right strategies in place to minimise harm associated with the sale of alcohol. Coles Liquor believes the Government has an opportunity with this review (given liquor licensing laws and the framework generally has not been reviewed in its entirety for close to twenty years) to modernise and simplify the legislation to meet the expectations of today’s consumers and not unnecessarily impede growth and innovation.

Coles Liquor has reviewed the terms of reference and consultation paper and offers the following comments for your consideration:

Facilitating a diverse industry and reducing Red Tape

Coles Liquor welcomes the Government’s primary intention to reduce red tape. Currently there are a number of processes and procedures within the licensing system which cause undue delay, increase costs for licensees and are an unnecessary regulatory burden.

Please find below some specific areas for improvement:

- **Planning and Liquor Licence Application overlap**

  It is well known that there is significant duplication between planning and licensing when making liquor licence applications. The planning approval process can deal with similar issues and evidence as to whether the sale of liquor is appropriate having regard to a number of factors and considerations.

  While Coles Liquor accepts there is some necessary overlap in the application process, we submit that there are opportunities to reduce duplication, expense and delay between the systems.
Given licensees must obtain separate approval from local Councils in order to operate licensed premises, we submit a Council’s ability to object or intervene at the liquor licensing level should be limited.

If a Council has approved the proposed licensed premises use and operation under the Planning and Environment Act 1987 and/or relevant planning scheme, then there should not be the ability for Council to object or intervene under the LCRA at the liquor licensing stage. There is unnecessary duplication and expense in the system at the present time.

Further, there should be a clear delineation between the responsibilities of the Victorian Commission for Gaming and Liquor Regulation (VCGLR) and Councils when it comes to liquor licence applications.

To ensure overall checks and balance, we are supportive of the LCRA continuing to provide for the VCGLR to have discretion to invite submissions or comments from particular groups or persons on any matters the VCGLR considers appropriate.

- **Alternative Dispute Resolution ('ADR')**

The LCRA does not include any reference to an ADR or conciliation process as part of the contested liquor licence application framework. It is well understood that ADR processes such as conciliation, mediation and preliminary conferences provide a transparent avenue to narrow issues, or resolve matters entirely, before they proceed to a formal contested hearing.

The benefits of ADR are also well understood and we submit some form of ADR process should be implemented in the LCRA in order to reduce red tape (e.g. cost and resource savings from reduced hearing times and administrative burden and less delay for licence application decisions) for industry participants and the VCGLR.

- **Advertising Requirements**

We note that all applications involving packaged liquor licences are required not only to be advertised by way of a public notice affixed to the premises for 28 days (as is required for almost all licence categories) but also an advertisement in the newspaper. We further note the newspaper advertisement requirement applies to any change to the operation of a packaged liquor licence (e.g. a simple change in the store’s licensed area). We submit the additional newspaper advertisement requirement is an unnecessary burden and inconsistent in its application across all licence categories and should be removed.

Alternatively, if advertising in a newspaper is still considered appropriate, it should only apply to new premises which, understandably, could have a greater impact on the local community (for example by adding to outlet density). However, as referred to above, there ought to be consistency amongst all licensed premises in advertising requirements given that certain premises (such as late night venues) could and do have a much greater impact on the local area and amenity than a premises permitted to sell alcohol for off premises consumption only.
Harm Minimisation

- Licensee Obligations - RSA Training

Coles Liquor is supportive of the current requirement to ensure that any person involved in the sale or supply of liquor complete the relevant Responsible Service of Alcohol course. However, we believe there should be some flexibility regarding the training methods available to licensees (i.e. face to face and online training). Online training:
- allows access to a wide range of participants including those in remote locations;
- allows deployment of learning in a controllable, yet flexible learning environment;
- can be conducted at a time which suits team members and be completed before commencing work;
- enables a consistent and cost effective approach. (i.e. not having different trainers with different approaches, less traveling expense etc);
- allows access to immediate and measurable learning objectives; and
- overcomes the highly manual administration process of organising and recording training via classroom method.

We would also welcome a nationally recognised Responsible Service of Alcohol training certificate as it ensures there is a consistent standard of training on a national basis.

Finally, we submit there is a real need and opportunity to have more targeted RSA training for all ‘Off Premises’ outlets as the current training aids and content is very much ‘On Premises’ focussed.

- Accord

We support a review into the types and nature of liquor accords in Victoria. We note that accords are not prescribed in the LCRA however serve a beneficial purpose by encouraging licensees and stakeholders to set standards of responsible service of alcohol in their locality and assist with developing local solutions to local problems. Coles Liquor is an active member of a number of accords throughout the country and Victoria, including packaged liquor accords in Shepparton, Geelong and Bendigo. We have seen great benefit in these packaged accords which allow packaged liquor businesses to discuss industry issues directly related to their operations.

Prescribing accords in the LCRA would provide a robust framework and greater governance on the workings of Accords. This would also better educate licensees, encourage participation and engagement and allow for a more efficiently managed Accord system in Victoria.

- Objects of the Act

Coles Liquor believes that a robust liquor licensing framework is one that adequately balances the needs of the majority of consumers and appropriately deals with the minority who consume alcohol at a harmful level.
Coles Liquor considers the current objects of the Act to still be relevant and strike the appropriate balance between harm minimisation and ensuring the requirements of today’s modern, diverse consumer and industry are also met.

Coles Liquor looks forward to confirmation of receipt of this submission and would welcome a meeting or further consultation with your or your department in due course.

If you require any further information, please contact me on (03) 9829 6664 or tim.omeara@coles.com.au

Yours sincerely,

Tim O’Meara
Legal Counsel
Licensing, Risk and Regulatory Compliance
Coles Liquor