Submission to

Department of Justice and Regulation, Victoria

Review of the Liquor Control Reform Act 1998

Prepared by
The Australian Liquor Stores Association SEA Inc. (ALSA-SEA)

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Introduction

The Australian Liquor Stores Association South-East Australia (ALSA-SEA) welcomes the opportunity to make the following submission to be considered as part of the Review of the Victorian Liquor Control Reform Act 1998.

ALSA-SEA notes the review has come about as a result of a recommendation which was made by the Royal Commission into Family Violence and the Government of Victoria has committed to implement all of the recommendations which were made by the Royal Commission.

It is our experience that the regulation and administration of Liquor in Victoria is largely well-managed in encouraging a vibrant and dynamic industry that meets the needs of modern Australian lifestyles, while minimising the risk of harm from excessive alcohol consumption.

ALSA-SEA supports the aim of the review to identify ways of reducing administration or “red tape” and regulatory burden. This is extremely important and assists with ensuring the liquor licensing regime remains relevant for a modern society and economy.

ALSA-SEA believes reform to alcohol policy needs to give sufficient weight and prominence to measures that specifically target those who cause harm while respecting the right of the vast majority to continue to consume alcohol responsibly. Such measures fall broadly under the two (2) following areas:

1. Require individuals, through regulation, sanctions and policing of existing legislation, to take personal responsibility for their behaviour when consuming alcohol or supplying liquor to others, and also while on, or in the vicinity of licensed premises and in public places; and

2. Promote and encourage individuals and communities to take responsibility for alcohol consumption and behave in socially appropriate ways. This is achieved through targeted education, harm minimisation and treatment initiatives aimed at intervening early to avoid problematic drinking and any associated violence, as well as to prevent the recurrence of these behaviours.

Executive Summary

ALSA-SEA makes the following recommendations in regards to the Review of the Liquor Control Reform Act 1998:

**RECOMMENDATION:** ALSA SEA recommends the Victorian government review allocation of financial and other resources support for organisations whose goals and objectives do not match current government policy settings with a view to better allocating that support to treatment programs or specialised GP services.

**RECOMMENDATION:** ALSA-SEA recommends that the introduction in Victoria of an online only licence, similar to the current NSW approach of an extension to a normal Packaged Liquor Licence with “no walk-up sales” provision.
**RECOMMENDATION**: ALSA-SEA recommends that the Chief Commissioner of Police be restricted to evidence-based considerations that presently exist for other Objectors.

**ALTERNATIVE RECOMMENDATION**: If a single-step application process cannot be made to work, we recommend that the VCGLR only be entitled to consider alcohol-related, not amenity-related objections and that councils would only be entitled to examine amenity-related objections, such as those set out in Section 3A of the Liquor Control Reform Act 1998. This would be in keeping with each of the authorities’ respective areas of expertise and direct interests, and would still constitute a considerable simplification of the application process for all parties concerned.

**RECOMMENDATION**: ALSA-SEA recommends that the licence renewal deadline be moved from 31 December to 30 June.

**RECOMMENDATION**: ALSA-SEA recommends that the burdensome requirement to provide wholesale sales data be abolished. However, as part of its commitment to evidence-based policy initiatives and educating the public about responsible alcohol consumption, the Association welcomes any policy which gathers accurate and useful data about alcohol consumption while limiting the regulatory burden on the industry and, particularly, small independent retailers.

One possible example would be the establishment of an independent and non-partisan organisation devoted to the gathering and organisation of social and crime data, similar to the NSW Bureau of Crime Statistics and Research (BOCSAR).

**RECOMMENDATION**: ALSA-SEA recommends that the early and late trading hour provisions should be removed from the risk fee scheme. We recommend standard trading hours should be to have the option to open from 7am to 12 midnight from Monday-Saturday, including on Christmas Eve and New Year’s Eve, as well as on ANZAC DAY and that the hours on Sunday remain as 10am to 11pm.

**RECOMMENDATION**: Victoria should permit RSA training and certification to be conducted online by approved RSA on-line providers.
**RECOMMENDATION:** Victoria should allow mutual recognition of RSA training and certification from other Australian jurisdictions

**RECOMMENDATION:** ALSA-SEA agrees with the need for flexibility to deal with specific circumstances and supports conditions on licensees only where there is evidence of poor compliance history and that this be considered on a case by case basis – not simplistically applied to an entire category of licence.

**RECOMMENDATION:** ALSA-SEA recommends that all management and staff directly involved in the sale or supply of alcohol beverages should be required to undergo RSA training and certification.

**RECOMMENDATION:** ALSA-SEA recommends that the requirement to keep manual RSA register records in-store be abolished and replaced with efficient electronic record keeping.

**RECOMMENDATION:** ALSA-SEA recommends that secondary supply laws are vigorously and publicly enforced to ensure that business operators, their staff and the general public all understand their responsibilities.

**RECOMMENDATION:** ALSA-SEA recommends that the offence for allowing a minor onto a packaged liquor premise without a responsible adult be reviewed.

**RECOMMENDATION:** ALSA-SEA recommends that Liquor Accords must have a consistent transparent corporate governance practice and remain a strictly voluntary measure which is not to be used as a competitive tool to disadvantage non-party licensees.

**RECOMMENDATION:** ALSA-SEA recommends the introduction in Victoria of an independent and non-partisan statistical agency, similar to the NSW Bureau of Crime Statistics and Research, (BOCSAR) whose research could serve as the basis for evidence-driven harm minimisation policies.

**ALTERNATIVE RECOMMENDATION:** Alternatively ALSA-SEA recommends the Victorian government work with other State & Territory governments to share a national agency under the same principles as BOCSAR.

**Current State of Play of alcohol policy and harm in Victoria**

It is worthwhile providing some context to the Victorian licensing regime against other States and the impact this has had on alcohol-related harms.

The Victorian liquor licensing regime is considered to operate with a high degree of fairness and equity in comparison to other Australian States and Territories following the Competition reforms of the late 1990s. The licence application process, is by and large, easy to understand and make application. This has allowed the industry to flourish and develop a healthy level of competition in responding to customer demands and shopping experiences.
This could be said to be a contributor to Victoria and Melbourne earning a number of international and Australian accolades as a liveable and enjoyable city.

Vocal opponents of alcohol, such as the Alcohol Policy Coalition\(^1\) and the National Alliance for Action on Alcohol, would argue that increased outlet density, late-night trading, price competition, and ubiquitous alcohol advertising are all major contributors to alcohol-related harms. Victoria’s mature liquor market provides a good opportunity to compare the accuracy of such statements and policy positions.

The most reliable source of unbiased data on alcohol-related harms is the AIHW National Drug Strategy Household Survey.

Victoria compares very favourably to other States when looking at short-term harm (defined as having had more than four standard drinks on at least one occasion at least once a month):

### Table 1: People aged 14+ years at risk of injury on a single occasion of drinking, at least monthly\(^{(a)}\) by state/territory, 2013 (per cent)

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Table 1 shows - Due to changes in the drinking guidelines, it is only possible to compare changes in the rates of risky drinking from 2001 to 2010. Over that time-frame, which coincided with remarkable growth in the availability of alcohol, Victoria demonstrated a more significant decline in short-term risky drinking than what occurred nationally:

For males, the consumption of 7 or more standard drinks on any one day. For females, the consumption of 5 or more standard drinks on any one day.
Table 2 shows - Victoria also compares favourably when looking at risk of harm over a lifetime (defined as having more than 2 standard drinks per day on average):

Table 3 shows - Victorians are also more abstentious from alcohol and abstention rose in Victoria higher than it did nationally:

Table 3: People aged 12 years or older at risk of alcohol-related harm over a lifetime\(^{(a)}\) by state/territory, 2013 (per cent)
Table 4 shows - The above data suggests that the vast majority of Victorians have a very mature and responsible relationship with alcohol, consistent with other advanced economies (such as France, Italy, Spain) that have liberalised their liquor licensing regimes to more sensibly match customer preferences and drinking occasions.

It is also worth noting that Victorians comprehensively reject the favoured proposals of anti-alcohol advocates. The AIHW survey also questions support for various policy options.

The three least supported policies by Victorians are:
1. Increasing the price of alcohol
2. Reducing the number of outlets that sell alcohol
3. Increasing tax on alcohol to pay for health, education, and the cost of treating alcohol related procedures

The three most supported policies by Victorians are:
1. More severe legal penalties for drink driving (indicating the Government’s mandatory alcohol interlock policy is well supported)
2. Stricter enforcement of the law against serving customers who are drunk
3. Stricter enforcement of law against supplying minors

Unfortunately the AIHW doesn’t ask a wide array of policy questions apart from demand and supply options. Industry has conducted further research it is prepared to share confidentially, that shows the following policies are all supported at higher levels than the top three identified in the AIHW report (in order from most supported):

1. The intoxicated person involved in anti-social behaviour should make a contribution to fix up the damage they caused
2. Larger fines and sentences for violent patrons
3. Greater policing and security presence in late night entertainment centres
4. Guidance for parents on discussing alcohol with children
5. Improved public transport from late night entertainment centres
6. Special interventions and programs for problem drinkers
7. On-the-spot fines for drunken and disorderly behaviour
8. Better enforcement of existing laws by the police i.e. ‘zero tolerance’
9. Mandatory drug testing of violent patrons

In light of this comprehensive data and analysis, ALSA-SEA questions why the Victorian Government continues to financially support as well as provide Secretariat assistance to organisations whose goals and ideals do not match current Government policy settings or the opinions of their constituents.

This funding could be better allocated towards treatment programs or specialised GP services than used to advocate policy positions incompatible to most Australian lifestyle preferences.

**RECOMMENDATION:** ALSA SEA recommends the Victorian government review allocation of financial and other resources support for organisations whose goals and objectives do not match current government policy settings with a view to better allocating that support to treatment programs or specialised GP services.

### Employment in Liquor Stores

The liquor industry is an important contributor to the Victorian economy, to employment and to the social fabric of Victoria, as noted in the discussion paper.

*Victoria has a large and diverse liquor and licensed hospitality industry that includes alcohol producers, restaurants and cafes, pubs, clubs, bars, packaged liquor outlets and other businesses. The department estimates that the industry supports over 60,000 jobs in the liquor production, wholesale and retail sectors.*

ALSA-SEA makes the observation that there are currently an estimated 165,500 people directly or indirectly employed in the sale, distribution and production of packaged liquor nationwide, with approximately 41,375 of those being indirectly or directly employed in Victoria and this includes 14,321 people directly employed in packaged liquor stores in Victoria.

The employment in the overall Victorian liquor industry is therefore likely to be considerably more than the 62,000 estimate contained in the consultation paper, as the overall employment numbers in the on-premise hospitality sector would be bolstered considerably by the service labour element associated with on-premise consumption.
ALSA-SEA supports the objectives of the LCRA as stated and works actively to promote voluntary campaigns to support standards of operation and compliance by our members above and beyond those required under the Act:

The relevant objects of the LCRA are to “…facilitate the development of a diversity of licensed facilities reflecting community expectations” and “…to contribute to the responsible development of the liquor, licensed hospitality and live music industries”.

Exempted Businesses

ALSA-SEA recognises that businesses exempted from the requirement to hold a licence are exempted largely in the interest of public amenity and legal continuity with the other states, and therefore, we support the list of exemptions in its current form.

Businesses prohibited from holding a licence

ALSA-SEA supports the system of exemptions from prohibitions in the case of special circumstances, such as tourist areas and areas with special needs.

Online only packaged liquor licence category

Victoria’s community and flexibility for the liquor industry would benefit from the introduction of an online-only packaged liquor licence category, similar to the current NSW approach of an extension to a normal Packaged Liquor Licence with “no walk-up sales” conditions.

At present, Victorian online liquor vendors are at a competitive disadvantage to online operators in other major States, such as NSW. Online operators based in Victoria are required to apply for a renewable limited licence, which may limit the range of products, customers, trading hours and means of delivery available to online retailers, and which poses both a considerable inconvenience for online retailers, and a competitive disadvantage when compared to bricks-and-mortar stores in Victoria or online operators based in NSW or other jurisdictions.

Under the NSW framework, an application for a packaged liquor licence that only sells via the internet, mail order, fax or telephone and is barred from bricks-and-mortar sales and “real world walk-up sales” requires a Category A Community Impact Statement (CIS), which requires far less stringent local stakeholder consultation than is required for a traditional packaged liquor licence.

These simpler requirements are in keeping with low impact of online stores on the local community, since their delivery-based service model is designed to serve a geographically scattered customer base. Nevertheless, a Category A CIS still requires the service of notice on stakeholders at two separate stages, which then have two 30-day periods to raise concerns or object to the grant of a licence. This framework requires a licensed premises where sales
take place to be nominated, which is generally only an office and need not be the location in
which liquor supplies are stored. These licences are subject to the same regulatory restraints
as other packaged retailers, such as the need for employees to undergo responsible service
of alcohol (RSA) training, and the obligation to refuse service to underage or intoxicated
persons.

The online business model is increasingly popular throughout Australia, as operators can
compete openly across state and territory borders and this format provides considerable
opportunities for resource-poor small business owners.

**RECOMMENDATION:** ALSA-SEA recommends that the introduction in Victoria of an online
only licence, similar to the current NSW approach of an extension to a normal Packaged
Liquor Licence with “no walk-up sales” provision.

**Licence application process – Chief Commissioner of Police**

At present, the Chief Commissioner “may object to the grant, variation or relocation of a
licence or BYO permit on any grounds he or she thinks fit” (Liquor Control Reform Act, s 39(1)).
This provides extraordinarily broad grounds for police objections, which is inconsistent
to the limited areas under which councils and the general public can make objection.

While not necessarily a present concern, this wide framework presently afforded the Chief
Commissioner may be more concerning and problematic should a more anti-alcohol
motivated individual hold the position in the future.

To ensure integrity of areas in which the Chief Commissioner may object, it is ALSA-SEA’s
recommendation that such objections be limited to the same evidence-based grounds of
objection for councils, the public at large and other stakeholders. This requirement should
apply for both new applications and existing licences.

Any unlimited power is of particular importance given that an application lodged by the Chief
Commissioner is likely to be given far greater weight than an application made by virtually
any other party, even if the reasons supporting this objection are weak or virtually non-
existent.

**RECOMMENDATION:** ALSA-SEA recommends that the Chief Commissioner of Police be
restricted to evidence-based considerations that presently exist for other Objectors.

**Two-step licence application process**

There is significant overlap in the requirements imposed by the current two-step planning and
liquor licence application process which appreciably increases the regulatory burden upon
potential licensees and is particularly onerous on small businesses.
At present, planning permits for licensed premises in Victoria require a submission to obtain approval of both a location (detailing the premises’ surroundings) and a site plan (detailing the proposed premises) to the local council, together with an extensive written report outlining the details of the liquor licence sought, details of staff training in the management of patrons, existing or proposed hours of operation and several other factors.

Once a planning permit has been granted, potential licensees must then lodge an application for a liquor licence, which requires the re-submission of all of the above information to the Victoria Commission for Gambling and Liquor Regulation (VCGLR).

At present, businesses are required (prior to making applications), to occupy or hold (usually by renting) the premises in question throughout the lengthy and complex application process, yet are barred from selling liquor, which comprises their primary source of revenue, until a licence is granted. Therefore, the business risk, inefficiency and length of the current duplicated application process imposes considerable and unnecessary costs on the industry, particularly resource-poor small businesses.

The current objection process is overly complex and can lead to significant delays from organised activists. At the planning stage, council is generally restricted to considering objections claiming negative changes to the amenity of the area or the objector’s property, such as increased noise, traffic and, largely, does not have the power to consider objections based in misuse of alcohol. This was made clear in Hunt Club Commercial Pty Ltd v Casey City Council (“the Hunt Club case”), which determined that councils must be able to demonstrate a connection between the use of the particular land to sell packaged liquor and its social and economic effects on the community in order to reject a planning permit on alcohol grounds.

Since packaged liquor is consumed much later and away from the place it is purchased, any alleged social harms caused by the availability of alcohol will be spatially disconnected from the business itself, making it very difficult to establish the social or economic effects of proposed packaged liquor venues as a relevant planning consideration under Clause 52.27 of the Victorian Planning Provisions – Licensed Premises.

However, at the liquor licence application stage, when the argument that the grant of a licence would encourage the misuse or abuse of alcohol and interests of harm minimisation can finally be considered, the same amenity arguments can also be raised once more. This, effectively, allows objectors to delay or even deny the grant of licences by means of arguments and considerations which have already been rejected by councils and heavily swings the balance of proceedings against applicants, increasing the risk for business and placing unreasonable costs on applicants.

This is particularly onerous for small business who typically don’t have the resources (financial, professional legal staff etc) and often are not able to take on the risk of a lengthy application / approval process.
**RECOMMENDATION:** ALSA-SEA recommends that a streamlined, single-step application process be introduced in order to reduce the regulatory burden on potential licensees and allow a single opportunity for objections to proposed licenced premises to be lodged. By removing redundancies in the current duplicated process, such an arrangement would drastically reduce the duplicate council resources that are currently allocated to application reviews and the duration of the application process itself, while leaving the existing grounds of review and opportunities for community participation and objection unchanged. Indeed, community objection campaigns may become more disciplined and organised, as their resources and focus would no longer be stretched out over a complex, long bureaucratic process.

**ALTERNATIVE RECOMMENDATION:** If a single-step process cannot be made to work, we recommend that the VCGLR only be entitled to consider alcohol-related, not amenity-related objections and that councils would only be entitled to examine amenity-related objections, such as those set out in Section 3A of the Liquor Control Reform Act 1998. This would be in keeping with each of the authorities’ respective areas of expertise and direct interests, and would still constitute a considerable simplification of the application process for all parties concerned.

**Extension of licence renewal deadlines**

ALSA-SEA is supportive of the licence renewal deadline being moved from 31 December. This is largely because the Christmas/New Year period is the busiest time of the year for most liquor stores and placing the renewal deadline on one of the busiest days of the year (namely, New Year’s Eve) has created issues for a number of small independent operators in the past, who lack the resources and time to plan and lodge documents in advance of busy periods.

**RECOMMENDATION:** ALSA-SEA recommends that the licence renewal deadline be moved from 31 December to 30 June.

**Wholesale sales data**

The requirement for liquor wholesalers and holders of pre-retail liquor licences to report wholesale liquor supply information imposes an unnecessary regulatory burden on the industry and produces data which is poorly suited for its intended purpose.

There have been a number of trends in the liquor retailing industry over the last few decades, particularly the emergence of large ‘destination’ stores, the increased mobility of consumers and the rapid increase in popularity of online sales. Together, these have rendered local area alcohol sales data meaningless as a proxy for local consumption, as liquor is increasingly being consumed in areas far from the original point of purchase. This is especially true in the case of licensees who supply from national strategic corporate distribution centres, from which liquor is often shipped tens or hundreds of kilometres. Small on-premise businesses also purchase from these major retailers due to their superior product
range, convenience and prices. Therefore, liquor is often purchased by a shopper in a location far from the area indicated, and then consumed in another location again, resulting in further flawed wholesale supply information.

As a result of its skewed and inaccurate results, this wholesale information is likely to lead to flawed and misdirected harm minimisation policies. Misallocation of valuable police and alcohol education or other government policy resources can easily result from data that suggests that liquor sales are concentrated in an area in which they are not.

**RECOMMENDATION:** ALSA-SEA recommends that the burdensome requirement to provide wholesale sales data be abolished. However, as part of its commitment to evidence-based policy initiatives and educating the public about responsible alcohol consumption, the Association welcomes any policy which gathers accurate and useful data about alcohol consumption while limiting the regulatory burden on the industry and, particularly, small independent retailers.

One possible example would be the establishment of an independent and non-partisan organisation devoted to the gathering and organisation of social and crime data, similar to the NSW Bureau of Crime Statistics and Research (BOCSAR).

### Review of liquor licence renewal fees

The base Packaged Liquor Licence (PLL) fee for a packaged liquor store in Victoria is excessive, at over three times the base PLL fee in NSW. ALSA-SEA supports an approach that links actual compliance performance history with a licensee, but not a one size fits all approach of applying a fee on subjective class of licence, such as to all packaged liquor stores without any objective evidence.

The Association also objects to the imposition of a $5,549.30 risk fee for PLL’s authorised to trade during what are increasingly normal retail trading hours – but are considered under the Act to be “non-standard hours”, i.e. before 9am and/or after 11pm Monday-Saturday, before 10am and/or after 11pm Sunday and before 12 noon and/or after 11pm on ANZAC Day.

The imposition of that hefty risk fee on non-standard trading hours on the overall class of a Packaged Liquor Licence is not based on evidence, it clearly harms Victorian businesses – both large and small – and is a source of major inconvenience for customers.

The ability to operate later at night allows businesses to serve the requirements of young professionals, locals residents and tourists who have been to a movie or a show and wish to enjoy a BYO beverage with a late dinner at a local café or at home.

Importantly, the ability to trade earlier in the morning will also help aged retirees and pensioners who prefer to purchase their alcohol beverages (generally in small quantities) during their daily early morning shopping trips, which are part of their normal daily socialisation. However they also wish to get back home before the heat of a hot summer’s day and not have to make a special, separate trip back to the shops during the day, to purchase any alcohol beverages.
The supposed “risk” fee is levied, without any evidence of any increased risk, merely for the right to trade when our customers expect in what are increasingly normal retail services and shopping hours before the current restriction of 9:00am on a normal weekday or before noon on ANZAC Day. Our industry finds the imposition of such a harsh risk fee for the right to trade for a few extra hours to provide the service our customers expect on only one or two days per year, to be wholly disproportionate.

The same fee is levied if a Packaged Liquor Licensee wishes to trade later on even one or two days of the year e.g. after 11:00pm on Christmas Eve or New Year’s Eve.

Consequently, small business operators with very tight margins are often unable to afford this additional fee on their licence, so are cut off from these important opportunities to satisfy their customers and are further disadvantaged.

**RECOMMENDATION:** ALSA-SEA recommends that the early and late trading hour provisions should be removed from the risk fee scheme. We recommend standard trading hours should be to have the option to open from 7am to 12 midnight from Monday-Saturday, including on Christmas Eve and New Year’s Eve, as well as on ANZAC DAY and that the hours on Sunday remain as 10am to 11pm.

**RSA training – Allowance for online RSA training**

Victoria is the only state which does not allow for Responsible Service of Alcohol (RSA) training and certification to be issued online. Other states, such as NSW, have comprehensively proven that the online RSA system can ensure online RSA students are just as proficient as their counterparts who undertake training in classrooms or correspondence courses. They have ensured that fraud and impersonation can be guarded against by requiring a valid email address with security protections and a valid form of identification. The introduction of an online RSA system would greatly aid rural and regional Victorians, who live far away from the small number of RSA training centres which are primarily concentrated in major cities.

The introduction of quality online RSA training will significantly reduce the red-tape burden that is applied to retail and liquor industry sales and promotional staff who either transfer to, or visit Victoria in the course of their business employment.

**RECOMMENDATION:** Victoria should permit RSA training and certification to be conducted online by approved RSA on-line providers.

**RSA training – Mutual Recognition of RSA training from other jurisdictions**

Victoria would benefit and it makes sense for mutual recognition to be allowed for accredited RSA training from other jurisdictions to be recognised in Victoria.

This would provide further encouragement and support for interstate and international winemakers or other beverage producers to host tastings and allow employees of multi-site operators to move between states and take advantage of additional employment.
opportunities. A good example of that situation are those staff working on both sides of the border in cities such as Albury/Wodonga and the many other border towns along the Murray River.

**RECOMMENDATION:** Victoria should allow mutual recognition of RSA training and certification from other Australian jurisdictions

**Licence Conditions imposed by VCGLR**

ALSA-SEA does not support imposing blanket conditions on a new licence simply on the basis of the category of licence – but does support imposing conditions on individual liquor licensees, where evidence clearly proves a history of poor compliance practices by that Licensee.

**RECOMMENDATION:** ALSA-SEA agrees with the need for flexibility to deal with specific circumstances and supports conditions on licensees only where there is evidence of poor compliance history and that this be considered on a case by case basis – not simplistically applied to an entire category of licence.

**RSA training requirements**

ALSA-SEA recognises that mandatory RSA training for management and staff directly involved in packaged and on-premises liquor licences is crucial to the responsible service and supply of liquor. However, the current scheme outlined in the Act, which does not require the holders of wine and beer producers, major event and restaurant and cafe licences to undergo RSA training, is inconsistent and arbitrary.

RSA training provides servers and handlers of alcohol with information indispensable to its responsible service and consumption and there is nothing in the nature of the exempted categories which renders this information unnecessary. Further, the ease and speed with which RSA certification can be acquired, particularly if it becomes accessible online, demonstrate that RSA certification is not a burdensome requirement to impose on the currently exempted categories.

It also incentives a licensee to secure an ‘exempt-licence’ so they are not responsible for the administration and cost burden of ensuring all team members have RSA qualifications. These operators can then blur the lines in how the premise operates. For example, restaurants often run sophisticated bar operations.

To have some classes of Licensees and staff exempt from the need to understand and abide by RSA practices is a gap that ALSA-SEA believes is a loophole open for servers of alcohol beverages in those circumstances to deliberately or unwittingly serve intoxicated or underage patrons.

**RECOMMENDATION:** ALSA-SEA recommends that all management and staff directly involved in the sale or supply of alcohol beverages should be required to undergo RSA training and certification.
Additionally, there is a current requirement to keep manual records (register) of all management and staff with their current RSA certification included.

This is an antiquated piece of red tape and in an era where all of these records should be available electronically the requirement should be scrapped and replaced with efficient electronic database records.

**RECOMMENDATION:** ALSA-SEA recommends that the requirement to keep manual RSA register records in-store be abolished and replaced with efficient electronic record keeping.

**Support for imposition of penalties for offences**

ALSA-SEA supports the current arrangement, which creates a range of offences relating to both non-complying licensees and also to customers. These offences are more heavily weighted towards the actions of the licensee, while a few, such as the supply of liquor to minors or the intoxicated by otherwise eligible customers (“secondary supply”), may be the fault of both the offending store and the customer alike.

In light of the strong public support for the person who has committed the crime to more adequately “pay for it”, ALSA-SEA suggests the Government consider re-weighting or creating new offences which are directly aimed at the offending patron rather than the licensee.

For example, it is often our experience that the licensee is prosecuted for an underage or secondary supply offence, while the offender who has used fake ID or knowingly supplied to a minor is let off with a warning.

It is important that these laws are vigorously and publicly enforced to ensure that business operators, their staff and the general public all understand their responsibilities.

**RECOMMENDATION:** ALSA-SEA recommends that secondary supply laws are vigorously and publicly enforced to ensure that business operators, their staff and the general public all understand their responsibilities.

ALSA-SEA recommends that the offence for allowing a minor onto a packaged liquor premise without a responsible adult be reviewed, particularly where no purchase or supply has or will take place.

The current regulation causes challenges for our members, who in the strictest sense of the word are guilty of an offence if they have allowed a minor to wander the store, select a product and then attempt to purchase, even if it is then refused after ID checking. In most small family-run stores or in large destination-style stores, the first point of customer contact is at the point of sale and it is at this point that ID is requested. They do not have team members stationed at the entrance to check for ID prior to customer entry.
Further, it creates challenges with stores attached to supermarkets which have both an entry directly into the supermarket and an entry/exit to the street or shopping centre. Minors may seek to use the liquor store as a short-cut, yet have no intention of making a purchase. It also prevents legitimate non-liquor sales which many members have diversified their customer offers.

**RECOMMENDATION:** ALSA-SEA recommends that the offence for allowing a minor onto a packaged liquor premise without a responsible adult be reviewed.

**Liquor accords**

ALSA-SEA recognises the growing importance of liquor accords which allow licensees to enter into measures designed to ensure responsible consumption and service of alcohol in concert and therefore, we welcome the formal recognition of accords in the Act. However, the Association is concerned by the increasing role of the VCGLR in shaping the agendas and actions of accords. Accords must be allowed to be organised under corporate governance structures, while remaining open and transparent, with publicly available records of minutes, agendas and collective decisions. Accords must remain a strictly voluntary measure which is not to be used as a competitive tool to disadvantage non-party licensees.

**RECOMMENDATION:** ALSA-SEA recommends that Liquor Accords must have a consistent transparent corporate governance practice and remain a strictly voluntary measure which is not to be used as a competitive tool to disadvantage non-party licensees.

**Family violence**

ALSA-SEA and our members have a zero tolerance for violence in the family or any other circumstances and support policies based on non-partisan evidence that reduces or eliminate this scourge on Australian society. It is important that efforts to deal with this issue genuinely add to the understanding of what drives violent behavior and the best strategies to deal with those drivers, not overly simplistic assumptions about causality.

Being under the influence of alcohol (or other substances) should not be considered as a defence and must not be used as an excuse for violent behavior.

As many commentators are beginning to note, there is a growing body of understanding that there is no single “cause” of violence against family members or others in the community – male or female.

One example is the recent commentary from Mary Barry\(^2\), the CEO of *Our Watch* on the large body of evidence reviewed by that organisation that there are many factors at work including what are acceptable social norms

\(^2\)“The large body of evidence reviewed by Our Watch in the last year overwhelmingly shows that although there is no single cause of domestic violence, there are certain factors that consistently predict – or drive – higher levels of this violence.”
“Being poor does not ‘cause’ domestic violence. Nor does drinking alcohol. All of us know individuals (many of us are such individuals) to whom these characteristics apply, who are not violent and never would be. So rather than looking at any of these factors in isolation, we need to understand them in relation to the more significant drivers of violence.”

Mary Barry says that “According to the latest VicHealth National Community Attitudes towards Violence Against Women Survey, one in four young people (16-24) agrees that partner violence can be excused if the person is so angry they lose control. One in 10 of these young people believes that partner violence can be excused if the offender is heavily affected by alcohol.

There is no excuse for violence. We know the one thing that is never absent from an act of domestic violence is a perpetrator with a sense of entitlement – and the power – to be violent.”

The evidence and proposed strategies are discussed in the paper “Change-the-story-framework-foundations” 3

To better inform the understanding of the issue and how society can minimise this complex problem, ALSA-SEA would welcome the introduction in Victoria of an independent and non-partisan statistical agency, similar to the NSW Bureau of Crime Statistics and Research, (BOCSAR) whose research could serve as the basis for evidence-driven harm minimisation policies.

An alternative and more cost efficient approach could be considered for the Victorian government to work with other State & Territory governments to share a national agency under the same principles as BOCSAR.

The evidence clearly identifies that there is no correlation with availability of alcohol beverages purchased from packaged liquor licensed outlets as the number of PLL’s has increased by around 21% over the period from 2008 to 2015, while alcohol per capita consumption continued to fall with the 2014 ABS data showing it to be 26% lower than it was in 1975.

That long term trend of declining alcohol consumption over recent decades demonstrates a changing relationship with how Australian society consumes alcohol beverages with significant decline in volume products and growth in high quality, premium products across all categories of alcohol beverages.


Government data in NSW has also clearly demonstrated that the increasing number of liquor stores in that state is not linked whatsoever with increased rates of alcohol-related assaults (neither domestic nor non-domestic), as shown by the graph below.
Table 5 NSW Packaged Liquor Licence Growth v Alcohol-Related Assault Rates (2008-2015)

**Table 5 shows** - BOCSAR data expressed as rates of assault per 100,000 and NSW OLGR data on licence numbers

**RECOMMENDATION:** ALSA-SEA recommends the introduction in Victoria of an independent and non-partisan statistical agency, similar to the NSW Bureau of Crime Statistics and Research, (BOCSAR) whose research could serve as the basis for evidence-driven harm minimisation policies.

**ALTERNATIVE RECOMMENDATION:** Alternatively ALSA-SEA recommends the Victorian government work with other State & Territory governments to share a national agency under the same principles as BOCSAR.

**Conclusion**

ALSA-SEA is supportive of regulatory reforms that reduce red tape and compliance burden on operators of liquor stores in Victoria which produces more efficient regulation, while supporting evidence based regulation that ensures the safe and responsible social consumption of alcohol beverages without harm to the community.

We look forward to the Department’s consideration of our submission

Terry Mott
CEO
Overview of ALSA-SEA (Australian Liquor Stores Association SEA)

The Australian Liquor Stores Association SEA Inc. (ALSA-SEA) has a charter to create and promote a responsible, sustainable and diverse off-premise liquor sector across Victoria, South Australia and Tasmania by effective and relevant engagement of all stakeholders.

ALSA-SEA represents all sizes of liquor stores from local independent and often family run packaged liquor stores to those operated by the national chain operators. It has representatives from independent and chains from each of those three States on its Committee.

ALSA-SEA was formed in 2015 by the Australian Liquor Stores Association Inc. which is the National Industry Association for the Liquor Store Sector and its membership represents around 80 per cent of value of the market for take-away retail packaged liquor stores around Australia.

The Board of ALSA is comprised of the Presidents from each of the State & Territory Liquor Stores Associations, plus one representative from Woolworths Liquor Group.

Nationally, ALSA member organisations include LSA NSW & ACT, LSA NT, LSA WA, ALSA-SEA (representing Victoria, South Australia and Tasmania), in addition to Woolworths. ALDI Stores have also recently joined our LSA NSW organisation.

Member stores include some of the most recognised and trusted brands in liquor retailing across Australia. Nationally, these range from small, independent and family-owned local convenience outlets, independently owned and run outlets operating under banners such as Cellarbrations, Little Bottler, Local Liquor, Liquor Barons, Porters and many more, through to Endeavour Drinks Group (Woolworths) packaged liquor outlets including Dan Murphy’s, BWS Liquor. Additionally, ALDI licensed stores are members in NSW.

ALSA-SEA Aims and Values

ALSA-SEA focuses on the Victorian, South Australian and Tasmanian political environment representing the views of the retail liquor sector to government and other stakeholders, to seek legislative outcomes that will improve the business viability and regulatory environment, or at least reduce the impact of new regulation on the businesses of our members.

ALSA-SEA takes an active role in commentary and shaping alcohol policy and regulation along with the other key industry market sectors, including beverage producers and other hospitality groups.

ALSA-SEA believes that alcohol consumption is ultimately an issue of individual responsibility. However, ALSA-SEA and our members fully accept that we have a responsibility to work with governments and the community to minimise alcohol-related harm to individuals and communities.
ALSA-SEA continues to promote standards of operation for its members beyond the minimum required standards of legal compliance and has implemented a range of voluntary product and service control initiatives across our members’ stores, which are focused on responsible supply and promotion of alcohol.

ALSA-SEA has a demonstrated commitment to responsible supply and promotion of alcohol beverage products and has in place many voluntary responsible service and supply initiatives.

The Packaged Liquor Sector Significantly Contributes to the Victorian Economy

There are 2,039 Packaged Liquor Licences in Victoria which underpin an estimated 41,375 jobs directly and indirectly employed in Victoria and this includes an estimated 14,321 people directly employed in packaged liquor stores in Victoria.

Nationally, the packaged liquor sector underpins employment of 165,500 with over 47,500 people directly in the retail liquor store sector across Australia, including many trainees and apprentices, in addition to a further 118,000 indirect jobs.

ALSA-SEA Promotes the National ALSA Initiatives

The key initiatives are supported by point-of-sale material and include:

“ID-25” – If a customer looks under the age of 25, we encourage customers to take it as a compliment, as our staff will ask to see proof-of-age identification prior to selling them alcohol

“Don’t Buy It For Them” – Designed to discourage secondary purchase and supply, and educate customers and staff they have a joint responsibility when it comes to discouraging underage drinking

“ALSA Product Ranging Guidelines” – Incorporates a check-list guide to assist individual operators to make sensible product ranging decisions on products that may have been packaged and marketed irresponsibly.

ALSA was a founding Board member of DrinkWise – a not-for-profit, independent research and social change agency funded by the Australian alcohol beverage industry. Through research, community-based programs and social marketing campaigns, it is dedicated to building a safer drinking culture in Australia. The Board of DrinkWise encompasses both industry and community members. ALSA continues to have a seat on the DrinkWise Board and plays an active role including providing retail outlet distribution support for DrinkWise campaigns.

ALSA has also provided the same retail outlet distribution support for Commonwealth Government point-of-sale campaigns on responsible drinking, including standard drinks educational campaigns. The ALSA Executive has participated on a number of national committees to jointly develop Commonwealth alcohol education campaign direction and content.
ALSA owns and runs the Retail Liquor Development Foundation (RLDF) to provide cost-effective training for liquor store staff, managers and owners, to develop career paths for young people in the industry and to encourage responsible and professional retailing by the constituent members of ALSA. This program has been relaunched as ALSA-TRAIN, an online website training program which also forms the theoretical pathway for the government-accredited Certificate IV Retail Management qualification.

ALSA has also recently launched ALSA Retail Insights – a website knowledge resource for liquor retailers and the industry to access up-to-date information with modules including a retail calculator toolkit for managing profitability, market insights, shopper insights, energy efficiency management and retail merchandising. Other modules currently under development include retail store design and layout.
References:

1 Alcohol Policy Coalition – Five Steps to a safer healthier Victoria March 2014

2 Mary Barry Mamamia news/current affairs 10 December 2016

3 Kim Webster and Michael Flood (2015), Framework foundations 1: A review of the
evidence on correlates of violence against women and what works to prevent it.
   http://www.ourwatch.org.au/getmedia/16ee669d-2cdf-4d04-9fa4-21cfb5ec1ad8/Change-the-

Tables 1,2,3,4:

Table 5: Combined Data from NSW BOCSAR and NSW OLGR