Introduction

This submission from Darebin City Council is based on decades of practice wisdom that has attempted to manage the impacts of the current fragmentary regulatory framework around liquor licensing provisions with the negative outcomes to individuals, families and communities arising from increase in alcohol availability through all modes of outlets including big box packaged liquor.

In Darebin the current regulatory regime under the Act has resulted in a concentration of liquor licences in the areas of greatest disadvantage.

This is exacerbated by new modes of liquor supply exist today that did not exist when the LCRA's licensing regime commenced. For example, there is no specific licence for online supply.

Darebin City Council's overall position is that that the review strongly reaffirms the Objects of the Act to minimising harm by expanding the regulatory regime to manage the new liquor environment and the cumulative evidence associated with drinking harm.

Executive Summary

The fundamental assumption informing this submission is that there is a direct correlation between the increase in alcohol availability through all modes of outlets including big box packaged liquor and the increase in harm. The significance of this new environment requires Governments to reconfigure their regulatory regime as a first order action rather than merely reduce the regulatory burden.

Darebin City Council's submission is based on the principle that harm minimisation is a whole of Governments responsibility. One of the first steps is to better use and integrate all relevant legislation to become more agile and relevant.

The Planning and Environment Act can provide the necessary structural and systemic harm minimisation balances awhile the Liquor Control Reform Act can complement this by ensuring industry wide harm minimisation on a licence by licence basis.

In particular;

1. The Regulatory burden on an application by application basis can be decreased by introducing regional CAPS on liquor licences using the EGM CAPS as model.

2. That Regional Licencing CAPS be included into the Victorian Planning Scheme
3. That the following Objects of the LCRA be transferred to the Planning and Environment Act;

(a) To contribute to minimising harm arising from the misuse and abuse of alcohol, including by—

(i) Providing adequate controls over the supply and consumption of liquor

(ii) Ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life

4. That the Objects Liquor Control Reform Act 1998 is tailored to encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community by;

(i) restricting the supply of certain other alcoholic products

(ii) facilitating the development of a diversity of licensed facilities reflecting community expectations

(iii) contributing to the responsible development of the liquor and licensed hospitality industries

(iv) Regulating licensed premises that provide sexually explicit entertainment.

(v) Administer and monitor a 'fit and proper persons' test for all applicants.

Response to the terms of reference:

1. What opportunities are there for reducing the regulatory burden?

The Regulatory burden on an application by application basis can be decreased by introducing regional CAPS on liquor licences using the EGM CAPS as model.

Regional Licencing CAPS could be included and administered under into the Victorian Planning Scheme and provide clear signals for applicants where new (or transferring) licences would be supported.

By providing social impact statements reviewed by local government, could be offset by having liquor licences of greater length and flexibility.

This would have the added benefit of supporting a system wide harm minimisation approach which is currently lacking in the current regulatory regime.

This could be done by transferring the following objects of the Liquor Control Reform Act 1998 to the Planning and Environment Act 1989;
(a) To contribute to minimising harm arising from the misuse and abuse of alcohol, including by—

(i) Providing adequate controls over the supply and consumption of liquor

(ii) Ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life

This arrangement could also begin to improve the current licence type regime.

2. How should harm be considered in the licence application process?

In the current and emerging liquor environment this submission recommends a two tiered approach in considering harm and harm minimisation;

1. Addressing harm at a systemic / structural level under the Planning and Environment Act 1998; and

2. Addressing harm at a local venue level under the Liquour Control reform Act 1998

Applicants would be mandated to provide a health and social impact assessment that includes but not limited to health and crime data with packaged alcohol outlets to assess areas of saturation (oversupply). Data sources need to include ambulance data, hospital admissions and crime data.

The interrelationship between alcohol and family violence has been established. Academic experts could be further engaged to develop clear criteria and standardised benchmarks.

By reducing the overall regulatory burden, applicants in conjunction with State and local government could work together to create and promote a culture of responsible drinking at a local level.

Additional research needs to be undertaken around how to manage and reduce harm associated with on line liquor sales.

3. Could the current compliance and enforcement provisions in the LCRA be improved? If so, how?
The current compliance model is focused heavily on financial penalties. Often operators will factor fines into their operating costs when holding specific events. This attitude defeats the purpose of the penalty based approach in that income based enforcement is less likely to succeed.

The Act should give further regard to reinforcing the introduction of a layer of restrictions through imposing additional conditions on a liquor licence per offence and over time. This may start with additional security or more frequent training to ultimately suspending the numbers of days or hours a venue is permitted to operate.

The recent restriction of operating times for hotels in Kings Cross have had significant results in reducing alcohol related harm.

The most effective enforcement provision is for the State government to employ additional enforcement officers to create and support a culture of responsible drinking by improving relationships with and between operators, patrons and the broader community.

**Conclusion**

At present the application of the Liquor Control Reform Act 1998 privileges applicants and the market above harm minimization despite the object of the Act.

This review provides an opportunity for the State Government to better meet its duty of care by acknowledging the emerging evidence associated with alcohol related harm and to establish stronger safeguards without a further unnecessary burden on applicants.

Darebin Council would be keen to expand on this submission in person

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