

Submission to Commissioner for Liquor Licensing on amendments to the Liquor Licensing Act SA

RDA Barossa is a locally based regional development organisation whose role is to find ways to stimulate investment and jobs growth. As such, working with new business, new investors and business growth are core activities. With the globally operating wine industry and growing high value culinary and tourism sectors, a diversity of offer and quality dining and refreshment experiences are critical and growth in this area is a strategic priority. For the wine industry, as well as tourism and food industries a flexible, workable, purpose driven liquor licensing regime is required to stimulate potential growth and facilitate new jobs.

RDA has called for feedback from businesses working with the licensing framework. Overall, sentiment was positive about recent improvements in functionality of the Act and in some of the red tape reduction already implemented. However there was a strong sentiment that improvement is still required, particularly for events, small bars, live music and new diverse entrants. **The current application regime facilitates anti-competitive objections to new licenses and new premises** – an understandable (but not endorsed) business decision for an existing operator. However **it presents a serious impediment to investment in new hospitality venues and threatens the vibrancy and ultimately viability of the Barossa as a tourism destination.**

Issues for consideration:

Reducing red tape:

- Feedback indicates progress has been made from an operators perspective however new applicants face tortuous and often irrelevant processes. The “needs” test harks to an era of prohibition and some sense that a bottle shop can provide the needs of the community therefore prima facie there is no need for a licenced café, restaurant or wine bar? This provision is particularly conducive to anti-competitive objections. Perhaps a more purposive approach is to consider overall community impact of the proposed licence.
- For licenced premises, licences could be more flexible and responsive to the 21st Century, for wine producers the same. This may mean more categories for producers (does a boutique wine producer need to complete the same formalities as a casino operator?). There is a need to recognise that efficient sharing of crushing and processing facilities now means that each producer does not have these on site but is still a legitimate wine production business.
- Yes, there is confusion between the role of liquor licensing and other regulatory permissions in licenced premises –planning issues are important and a better cooperative case management system at local government level may help streamline this for the investor. The processes for planning and licensing could be a comprehensive process that manages both streams of regulation in the process.
- The role of objections and conciliation outcomes is a broader discussion about legitimate expectations of objection and determining outcomes. **Presently the process and the outcomes do seem to be arbitrary and a substantive reassessment of who may object and reasonable bases for objection may predetermine more consistent conditions.** The current bullying approach is not satisfactory (bullying by objectors, not the regulators)

- Appeals – could be prima facie heard together unless the circumstances dictate separate and discrete determinations – it may be that the liquor licensing is only relevant to a small part of the overall development etc.
- Crowd controllers under two acts seems the epitome of duplication – I am not familiar with the application of these provisions.
- More sensible and objective requirements for designated responsible person would be practical – ie an objective set of criteria and a process of designation that is clear about responsibility and consequences.

A safer drinking culture

- Demonisation of drinking other than in the case of drink drivers does not appear to have been effective. There is abundant evidence that cultures of drinking are very important and premises where the amenity is about meeting people, socialising, dancing, eating, live music etc place alcohol consumption in the context of integral and incidental, not the main or sole purpose of patronage. These venues all offer an experience, an occasion or a service and the service and consumption of alcohol is one of the accessible amenities. Education through formal and informal channels and family behaviours are more important and effective than seeking to limit alcohol consumption through the number of licensed premises. The community **impact consideration can continue to address extreme cases.**
- **Activation** of spaces after closing (such as has been trialled in Kings Cross Sydney) has shown positive effects and improved safety.
- **The needs test appears archaic and anti-competitive. Not only does it infer influences of prohibition but does not recognise changing needs and trends. Particularly in tourism areas it had been a horror. If we are licence constrained from providing consumers, including tourists, with the type and style and variety of venues that they want, we are closing the door to investment and export markets.**
- Alcohol in supermarkets could be convenient, if processes were enabled to manage sales to the vulnerable and the young. Controls on shoplifting by these would also be needed. There seems good reason for sales of wine and beer as part of a cultural normalisation. Not your fine wine shops but I suppose that becomes a matter of choice. The big two already achieve this with separated liquor outlets co-located with supermarkets. Foodland should have access to similar arrangements.
- Some form of support for hospitality workers to limit sale to intoxicated people (and not be vilified or abused for it) would be desirable. Maybe this could be police support, not necessarily resulting in fines but as backup for the licensed premises worker.
- Making water readily available to patrons may help.
- Regulating access to alcohol by minors with strong messaging might be as much as can be reasonably achieved – anything else is expensive, time consuming and potentially litigious.
- Community Events licenses: whilst staff at the Commission are generally accommodating and facilitative, applications for special licences do seem to impose rather strict burdens, processes and costs, especially a small community fundraiser. This is another area for better alignment and rationale between local government requirements and licensing requirements and perhaps insurance companies as I understand they drive much of the risk elimination phobia that increases regulation and cost.