



Local Government Association
of South Australia

Reforms to Liquor Licensing Laws

**LGA Submission to
Legislative
Services, Attorney-
General's Department.**

December 2016

Reforms to Liquor Licensing Laws

Introduction

The Local Government of South Australia (LGA) is the voice of local government in South Australia, representing all 68 individual councils across the State. The LGA provides leadership, support, representation and advocacy to achieve better outcomes for councils and the communities they represent.

In addition to individual submissions from many SA councils, the LGA made a submission to Hon. T. R. Anderson as part of the review of the Liquor Licensing Act 1997. The LGA also made a supplementary submission highlighting our view that opportunities for small venue Licenses should be expanded state-wide, at the discretion of local councils.

Following the Government's response to the Review of the South Australian Liquor Licensing Act 1997, the LGA welcomes the opportunity to make a submission on the draft Liquor Licensing (Liquor Review) Amendment Bill 2016.

This submission has been prepared on behalf of local government in South Australia, with input from the LGA's Executive Committee and consultation with member councils. The poor timeframes offered by the Attorney-General's Department for consultation, including the Christmas and New Year period, have made it difficult to compile feedback and engage thoroughly with our members. As such, this document has yet to receive final endorsement from the LGA Board. It is made without prejudice to any submissions that may be provided from individual councils.

Issues

Our previous submissions to the review advocated for the new liquor licensing laws to be adaptive and enable producers and local businesses to innovate and achieve success. There are many recommendations in the review that support business growth and innovation, such as streamlining liquor licensing categories (recommendations 5-13), removing restrictions on trading hours and entertainment and allowing for more flexible trading at events (recommendations 14-34). The LGA welcomes the Government's acceptance of these recommendations.

This submission focuses on the following issues, being the legislative changes that are most relevant to SA councils:

1. Retaining the Small Venue License (Recommendations 11 and 77)
2. Removing a council's right to make submissions when a License application is advertised (Recommendation 69)
3. Introducing dry areas for short term events (Recommendation 82)

1. Retaining the Small Venue License (Recommendations 11 and 77)

The LGA would like the State Government to extend the Small Venue License to all areas of South Australia, to be implemented at the discretion of local councils. Many councils are keen to see the availability of small bar licenses extended to their areas to cater for a more diverse market and replicate the success that has been experienced in the Adelaide CBD.

The State Government's refusal to extend small bars outside of the Adelaide CBD is a missed opportunity for Adelaide's suburbs and South Australia's regional areas. Councils play an important role in economic development as the local place makers. The introduction of small bars could help drive local economic development in several areas with an established or growing night time economy such as main street precincts and regional tourism centres.

Expanding the scope of the small venue Licenses would support the state's economic priority related to premium food and wine. The state's tourism market would be attracted to small bars which showcase local wine and produce.

While we appreciate that small bars can currently be established outside of the CBD by applying for a different category of License, the time and costs required are a barrier and disincentive to entrepreneurial thinking and start-up businesses.

2. Removing a council's right to make submissions when a License application is advertised (Recommendation 69)

While the LGA appreciates that the Government is attempting to address any overlap between the planning and liquor licensing regimes, the new Planning, Development and Infrastructure Act 2016 (PDI Act) has already removed the ability of a local council to make representations in a matter that is dealt with or addressed at the planning level under the new Act.

Beyond this, the role of councils in the liquor licensing process should not be diminished. Councils provide the liquor licensing authority with a unique and valued insight into the history of licensed premises within a particular area and the potential sensitivities surrounding these premises that may not be revealed through a planning process. Having noted the details of the draft Community Impact Assessment Guidelines, it is anticipated that the Office of Consumer and Business Affairs will benefit from council insight and input when determining whether an application is in the public interest.

Any removal of a council's ability to influence licensing matters that affect their local community will rely on a robust advertising process to be coordinated by the liquor licensing authority to adequately notify and seek submissions from interested parties, including local residents and businesses.

The LGA sees that there will be a role for councils in dealing with any issues at the liquor licensing stage that were not afforded the opportunity to be not dealt with at the planning level. It is unclear as to the range of licensing matters that will be covered by the PDI Act. There is a need to clearly delineate responsibilities between the relevant planning authorities, including councils, and ensure there is an opportunity for councils to have input to any planning-type matters that do not fall under the Development Act 1993 or the new PDI Act. Ultimately, it is expected that the Bill provides for an equitable approach to licensing matters.

3. Introducing dry areas for short term events (Recommendation 82)

The LGA has advocated for a role for councils in determining dry zones for short term events. As such local government welcomes the introduction of a process for councils to establish temporary dry zones for up to 48 hours, which will reduce significantly the red tape of the current process and support councils desire to declare dry areas for particular events.

However, the LGA seeks clarification on the power of the Licensing Authority to vary or revoke proposed dry areas. The Liquor Licensing (Liquor Review) Amendment Bill 2016 as drafted omits the 'public interest' test referred to in the Government's own response. In this process, the Commissioner should only have the power to revoke or vary the proposed dry area if it is in the public interest to do so.



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