

REVIEW OF THE *LIQUOR LICENSING ACT 1997*

TERMS OF REFERENCE

Background

In October 2015, the South Australian Government released a discussion paper for public consultation to ascertain what improvements can be made to the *Liquor Licensing Act 1997* ('the Act') in South Australia to reduce red tape, promote a safer drinking culture and create vibrancy.

Scope of the review

1. This review will assess the adequacy, effectiveness and relevance of the State's present liquor licensing regime and recommend what improvements can be made to the existing liquor licensing framework and the Act to:
 - modernise the regulation of liquor in South Australia;
 - reflect current day community attitudes and standards relating to the accessibility of liquor and related services;
 - promote greater business flexibility;
 - reduce administrative burden to business and Government alike;
 - foster compliance transparency; and
 - encourage new bold and dynamic business models.
2. The review will consider the issues raised in the Liquor Licensing Discussion Paper published by the South Australian Government on 2 October 2015 and any additional issues raised through the consultation process, including:

Reducing Red Tape

- opportunities to reduce red tape surrounding the State's liquor licensing system to enable business owners to easily navigate the liquor licence application process;
- barriers associated with a linear liquor licensing approval process and inconsistencies between liquor licensing and planning frameworks;
- improving the reliability and predictability of the planning and liquor licensing systems;
- the practicalities and effectiveness of imposing individual licence conditions;
- streamlining of appeal processes to reduce processing times and business costs; and
- exploring alternatives that ease the administrative burden on business owners in regard to the approval and ongoing compliance of responsible persons.

Promoting A Safer Drinking Culture

- considering that our liquor licensing system must place a high value on health and safety for the community, are the current measures to reduce alcohol-related harm effective and can they be improved;
- whether the 'needs test' remains an appropriate mechanism in order to balance competition and alcohol-related harm;
- enhancing community protection and whether the South Australian Government should play a role in the relationship between minors and alcohol; and
- the classification of dry areas that are responsive to community needs.

Vibrancy

- how the State's liquor licensing framework can be modernised to promote greater flexibility and encourage entrepreneurs to emerge with new and dynamic business models; and
- whether statutory liquor licence conditions and mandatory trading hours still reflect community expectations or is there an opportunity to reduce the administrative burden of applying for extended trading hours within each licence category.

3. Based on the assessment of the present liquor licensing framework, the review will make recommendations to the Minister to support:
- a modern liquor licensing system that encourages a competitive market, reduces red tape, promotes vibrancy and safety and addresses any additional issues raised through the consultation process; and
 - the relevance, efficiency and effectiveness of liquor licensing in South Australia.

Conduct of the review

The review will be conducted by the Honourable Timothy Anderson QC.

In conducting the review, the Honourable Timothy Anderson QC will:

- invite submissions from all sectors of the liquor industry and members of the public with an interest in liquor licensing;
- review all submissions received in response to the Liquor Licensing Discussion Paper;
- undertake a public consultation process, including with government organisations, businesses involved in the sale, supply and regulation of liquor and the community, to seek their views and experiences of the present liquor licensing system; and
- review and consider relevant developments and practices in liquor licensing policy interstate and overseas.

The Honourable Timothy Anderson QC will provide a report to the Minister by 30 June 2016.

The report will identify options to improve the efficiency, relevance and effectiveness of the South Australian liquor licensing system.