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Office of Liquor, Gaming and Racing  
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To whom it may concern,

**Hobsons Bay City Council Submission: Review of the *Liquor Control Reform Act 1998***

Hobsons Bay City Council welcomes the opportunity to respond to the review of the *Liquor Control Reform Act 1998*.

Council has recently adopted the Hobsons Bay Minimising the Harm of Alcohol Policy Statement 2016. This policy statement aligns with the consultation paper in relation to acknowledging that alcohol is a part of the community. However, it is essential to mitigate the potentially negative impacts, especially in relation to packaged liquor outlets and late night venues, via harm minimisation approaches - some of which can be achieved through the Liquor Control Reform Act.

The attached submission outlines the key issues for Hobsons Bay, along with a number of practical suggestions for the government. We look forward to the outcomes of the review.

If you would like to discuss this submission further, please contact Kathleen McClusky, Manager Strategy and Advocacy on 9932 1004 or email [kmccclusky@hobsonsbay.vic.gov.au](mailto:kmccclusky@hobsonsbay.vic.gov.au)

Yours sincerely,

Bill Millard  
**Director Strategic Development**



## **Submission to the Review of the *Liquor Control Reform Act 1998 (LCRA)***

### **Introduction**

Hobsons Bay City Council is located on the Port Phillip Bay, approximately seven to 20 kilometres south west of the Melbourne's Central Business District (CBD). The current population is estimated to be around 93,000 people.

Alcohol is a part of the Australian culture for many people. For most, drinking is associated with socialisation and relaxation, however there are risks associated with alcohol consumption, with some groups more at risk than others. The connection between alcohol consumption and family violence is also well established in the literature.

In addition, the health related impacts of alcohol consumption disproportionately affect disadvantaged groups, possibly due to compounding factors of other health issues and limited access to resources such as appropriate housing, health care, transport, employment and education.

### **Local government's role**

Victorian councils are required to protect and promote the health and wellbeing of the local community under the *Public Health and Wellbeing Act 2008*, the *Planning and Environment Act 1987*, and the *Local Government Act 1989*.

Hobsons Bay City Council's Community Health and Wellbeing Plan 2013-17 provides further support with a vision of:

*Valuing the wellbeing of our people and our place, now and into the future: A safe, clean, accessible and connected municipality, which values diversity, protects its heritage and environment, fosters a strong sense of community and provides opportunities to achieve the best possible health and wellbeing. A place that people are proud to call home.*

Council has also recently endorsed a Minimising the Harm of Alcohol Policy Statement 2016. The intention of the policy statement is to provide Council with direction for the minimisation of harm and, where possible, the prevention of risks associated with the excessive consumption of alcohol, especially those in relation to packaged and late night venues.

### **Response to terms of reference for the Review**

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

The regulatory process could be improved through the development of clear and consistent guidelines (and practice note) to ensure that all stakeholders have a shared understanding of the process (obtaining a planning permit and obtaining and liquor licence) and the extent of information that is required to obtain these.



In order to streamline the process, Council supports a requirement that liquor licensees should not be considered by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) prior to the issuing of a planning permit.

The practice note should provide a detailed list of supporting documentation and information that the applicant must provide for the planning permit and the liquor licence. This should also include social, health and wellbeing impacts.

## **2. Does the current licence type regime work? How could it be improved?**

The current licencing system is complex and confusing. In some instances it combines a complex range of permissible uses within a single licence type (e.g. a limited licence) making it difficult to monitor and assess the community impacts. Clearer definitions about each licence and its use would be helpful.

Packaged liquor licences are another example where a differentiation within this category should be considered to reflect the different impacts. For example, the background paper that informed Council's Minimising the Harm of Alcohol Policy Statement identified: big box outlets which provide cheaper prices, including buying in bulk, compared to late night packed liquor outlets and smaller boutique liquor outlets as being distinctly different. Research indicates that the floor size of a packaged liquor outlet determines the likely retail trade catchment. Council's view is the category of licence should reflect both the floor size of the venue and also the different level of risk they pose for the community.

In addition, further investigation of the extent of online purchasing and home delivery should be considered with a view to strengthening licence requirements.

## **3. How could the liquor licence application and renewal process be improved?**

As mentioned in the first question, the development of guidelines and a practice note would improve the process. Furthermore, the renewal process should be informed by a compliance history of the venue, coupled with relevant Victorian Police data that may impact on the renewal.

Council would also urge that any consideration of a new liquor licence, change to liquor licence or renewal to a venue that also includes a gaming licence and poker machines, ensure that the impacts of gaming are taken into consideration within the application.

Currently, this is not the case and as a result applications to extend the hours of operation for a liquor licence translates to an automatic extension of hours and access to poker machines.



**4. Is there scope for streamlining the interaction between licensing and planning processes? What are the biggest opportunities?**

An important opportunity for streamlining the licensing and planning processes is by improving the VCGLR and councils' understanding of each other's roles, recognising that both have equally important but distinct roles. It would also assist councils to have a better understanding of how the VCGLR assesses harm minimisation and the subsequent actions that it takes if its officers identify specific issues at an outlet.

From a local government perspective, Council would appreciate a greater recognition of its local knowledge and understanding of the direct impacts and harms of different licenses on the amenity of an area and its residents. The scope for consideration when assessing amenity and harm/harm minimisation could be addressed through the *Liquor Control Reform Act 1998* and the *Planning and Environment Act 1989*.

**5. How can the LCRA better foster diversity and support small business?**

Activation of an area includes the need for the diversity of businesses, including a range of business types and operating hours. To improve the real and perceived perceptions of safety the types of liquor licences should also vary (e.g. not an accumulation of packaged and late night) as well as having businesses opening into the evening that are not focused around alcohol and or do not hold a liquor licence.

The balance and tipping point of how many is too many liquor licences needs to be further considered, especially in relation to creating an environment that is inclusive and accessible for all community groups, not just those wanting to drink. This could include caps and or stronger considerations around cumulative impacts when considering new applications.

**6. Could the current harm minimisation measures in the LCRA be improved? If so, how?**

Key considerations, particularly for local government include: managing both the cumulative and social impacts of packaged liquor given the current gaps within the legislation, the increasing access to purchasing of alcohol online, and the need to address the advertising of alcohol at social events and public spaces (particularly those where young people are present e.g. sporting events and transport infrastructure).

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

Potentially, a similar process to the one that applies to gaming could be considered, whereby the vulnerability of communities results in a cap on licence types issued in an area.



In addition, the scope of Practice Note 61 could incorporate more detailed categories (e.g. based on the activity centres hierarchy) so that the practice note could be applied to a range of different settings rather than the current 'one size' approach.

**8. How should the LCRA encourage best practice harm minimisation behaviour by licensees?**

Best practice could be supported by the provision of all relevant data e.g. compliance, and data sharing between the key stakeholders including the VCGLR, Victoria Police and local government.

In addition, data on the scale of alcohol sales at each venue/outlet within a municipality would assist councils to monitor alcohol consumption and provide useful information when assessing permit applications for new outlets.

**9. Could the current controls on patron behaviour in the LCRA be improved? If so, how?**

There is currently limited direction within the LCRA in relation to controls around patron behaviour after they leave a venue. Harm minimisation strategies could be put in place such as levels of security, and access to public transport and or taxi ranks.

Additional training could also be supplied to venue staff to strengthen their ability to identify issues and maintain an acceptable crowd behaviour.

The number of late night venues within an area will also impact the potential risk of poor behaviour due to walking to and from venues. This can be further impacted by late night packed outlets providing opportunities for side loading.

**10. What opportunities are there to address family violence within the LCRA?**

As mentioned previously there is clear evidence of a strong link between alcohol and family violence.

Maintaining a strong data base is essential to monitoring trends. Victoria Police need improved and efficient reporting mechanisms. Organisations, such as Turning Point, who currently provide some data and mapping, should be funded to improve and expand their work.



**11. Could the current compliance and enforcement provisions in the LCRA be improved? If so, how?**

Currently, the penalties for breaching the conditions of a liquor licence are not strong enough to deter venues, as profits made from holding the event/ activity far outweigh the fine. Consideration should be given to increasing the penalties or extra conditions the licence e.g. additional security and suspending trading hours.

It is also essential that this is accompanied by closer monitoring, therefore compliance officers from VCGLR would need to be further resourced.

**12. Are there other measures that could reduce harm? What would be the cost and benefits in including them?**

There are some commonalities between the promotion of alcohol and gambling, particularly in relation to advertising and online access. In order to reduce harm, it is essential that the high profile of both is restricted either through controls of where advertising can be placed in the public realm, through media and in locations and at times where young people are likely to be exposed.

In addition, trading hours should be reviewed. Ordinary trading hours of 9am rather than 7am need to be introduced. Furthermore trading hours should be considered in relation to the context of exiting premises and the potential cumulative impacts.

The use of online sales of alcohol is challenging and needs to be monitored closely in order to better understand both its scale and who is purchasing to help prevent underage and or risky drinking.