



Workshop Program

Tuesday 17 November 2015 commencing at 6.15pm

Reception Room, Civic Centre, 128 Prospect Road, Prospect SA 5082

**Workshop Chair: Matt Grant,
Director Business and Economic Development**

Agenda

Workshop Opening

- Apologies –
- On Leave – Mayor David O’Loughlin

Page

Notes from previous workshop.....	3
Workshop Items	6
1 IT Strategy	6
2 Small Bar Liquor License	7
Future Workshop and Council Agenda Items	8

Meeting Close



Workshop Guidelines

The following details provide an overview of the procedures to be observed:

1. The Workshop will be held on the first and second Tuesday of each month, other than January of each year, between the hours of 6.15pm and 9.30pm (commencing with a light meal for elected members and staff), for the term of the Council or until the Council determines to discontinue the Workshop structure.
2. The need for extraordinary Workshops will be assessed and determined by the CEO.
3. The Workshops will be held in the Reception Room, Civic Centre, 128 Prospect Road, Prospect SA 5082.
4. The time, date and location may be subject to change by the CEO where necessary.
5. The Workshops will be open to the public and media. Notice of a Workshop and the program for a Workshop is to be placed on the Council's website.
6. No decisions will be made at the Workshops. There will be the opportunity for discussion and questions and answers only, and the provision of guidance to the Administration.
7. The CEO or proxy will convene and chair the Workshop to ensure the smooth running of the meeting. The proxy will be determined by the CEO on a needs basis.
8. All Elected Members will be encouraged to attend.
9. The CEO will ensure the Program and papers for the Workshop, which will include Agenda items for the following Council Meeting, will be provided to members by the Friday preceding the Workshop to allow time for members to read the reports and prepare their questions prior to the Workshop.
10. Notes will be made of the general issues and items covered by the Workshop, given that no decisions can be made, and distributed to Elected Members for information.
11. The format for the Workshop may vary on a meeting by meeting basis and could include training, planning, presentations, and discussions.
12. The format for the Workshop will be determined by the CEO.
13. External parties may make Presentations/ deputations to the Workshop, subject to prior agreement by the CEO.
14. Elected Members, employees and consultants will be required to disclose any financial and/or conflicts of interest in matters to be discussed. The disclosure of such interest and participation in the Workshop will need to be made as if the matter was considered in accordance with the Local Government Act 1999. A record of the disclosures of interest will be made and maintained by the CEO.

Workshop Protocol

The protocols are a set of guiding principles that aim to achieving enhanced, meaningful engagement of members and to facilitate an equal and equitable participation of all members.

The individual members commitment to active listening and disciplined talking, displaying both courtesy and respect to other members is paramount.

1. The Chair ensures that every members' input is heard and not overlooked or lost, and will enforce a limit on speakers' time when it is best required.
2. No rank and/or officer position of administrative or governance authority recognised within the workshop (except for the Chair), and protocols are enforced when deemed necessary.
3. Members and staff are to be addressed by their first name and not by their title of office they hold.
4. Discussion must be focussed on the issues and matters being the subject of discussion.
5. One member speaking at a time is a right, and must be enjoyed by all members.
6. Interrupting another member speaking is not desired and members are encouraged to exercise restraint for the benefit of all concerned. Equally, there should be no dialogue between members and person(s) in the gallery that interrupts the workshop discussion.
7. No ridicule, blame or shame to be expressed and/or exchanged during the workshop and care should always be taken with the words used in debate.
8. Problems and solution expressed by members are a healthy part of the discussion and may lead to positive outcomes, and should not be frowned upon but rather encouraged.
9. Although it is not a decision-making forum, it is an important part of ensuring a well-informed and enhanced decision-making process for Council.
10. The imperatives for a successful conduct of these workshops are that all members need to work together, displaying courtesy and respect to each other.

It is important that all members recognise the above list of protocols is not about rules; protocols are a set of guiding principles that are agreed on and committed to by all participating members.

Notes from previous workshop

Notes from Workshop 10/11/2015

Chair:	Matt Grant, Director Business and Economic Development
Present:	K Barnett, A Bowman, T Evans, M Groote, A Harris, M Lee, M Standen, M Larwood (via video conference)
On leave:	D O'Loughlin
Apologies:	Nil

Notes from previous workshop 20/10/2015

- Taken as read.

Workshop Items

1 Main North Road Masterplan

An update was provided by the Urban Innovation Team - Gene Fong, Rick Chenoweth, Anders Bogdanowicz, Jen Uebergang.

- Current land uses on Main North Road are mainly major shopping centres, bulky goods, car yards
- Community uses – Prospect Oval, Reserves and Cemetery
- Zones – Urban Corridor Zone, District Centre, Residential Zones, Historic Conservation Zone
- Green infrastructure is not consistent – the east side of Main North Road is much more protected with trees etc. while the west side is very exposed (hostile) with no shelter
- The streetscape is very inconsistent and lacks amenities to members of the public
- Narrow footpaths with limited opportunities to cross Main North Road is an issue
- It is a major public transport corridor
- Bicycle lanes are limited and inconsistent

Angela Hazebroek and Michael Arman from URPS presented the Key Tasks on Community Consultation and Engagement:

- The degree of complexity for a community survey is medium
- Engagement approach to include on-line, face to face at the current library and the Civic Centre, Messenger ads, Facebook, Coreflutes,
- Students at Nailsworth Primary School to be included in an interactive process to get feedback for the Master Plan
- Business door-knocking will occur

General discussion and Q & A with elected members:

- We should also consult shop owners in Sefton Plaza even though this is in Port Adelaide Enfield (PAE) area.
- How are we going to get a good response rate to the survey? Use of displays, website, Facebook, face to face consultation with businesses etc. URPS provided some examples based on experience in how they maximize responses.
- We need to consider age friendly guidelines, people with prams, visually impaired etc.
- What are we hoping to learn from community consultation?
- Clustered businesses such as car yards, work well – where would car yards go if we shut some down? Needs consideration.
- Bicycles do not work on Main North Road – following new legislation we could put the bicycles on the footpath and have multi-use footpaths. What do we think of this?
- A copy of the survey can be found [on line](#)
- Could the scope be extended to include the full extent South to Fitzroy Terrace and North to our boundary beyond Regency Road? Current reason for constraining the site is timing and cost related. Staff will be talking to Town of Walkerville and Port Adelaide Enfield.
- We are a digital city – could we use “Sketch Up” (or similar) to create a 3D model on what a new model might look like? For consideration in relation to budget, skill set and timing.

Notes from Previous Workshop continued

2 2016 Tourrific Prospect Guinness World Record – Largest Ukulele Ensemble Attempt Update

- Carolyn Ramsey gave an update via Powerpoint on the Guinness World Record (GWR) attempt for the largest Ukulele ensemble.
- The GWR was developed to deliver on the Tourrific aims and objectives, specifically:
 - Continue to deliver a high quality event, creating vibrancy as well as economic and community benefits
 - Seek new ways to support City of Prospect community programs and facilitate broad community involvement
 - Increase awareness of City of Prospect brand across local, national and international markets.
- Word is spreading outside the area and State. 89% of people who have registered already (through deliberate minimal promotion) have not attended Tourrific Prospect before.
- The current record for a Ukulele playing attempt is approx. 4,800 people.
- The GWR rules and processes are quite formal which demands a high level of validation and scrutiny. For this reason the venue to hold the attempt will be Prospect Oval (not within the Tourrific site as originally hoped).
- Some participants will need to arrive from 4.30pm with the challenge starting at around 6.30pm.
- Elected members expressed some concern with this starting time – could it be put forward to 6.00pm so it won't take people away from the Tourrific Street Party? Yes, this will be done.
- Ukuleles are available from Barossa Music Centre – can be ordered on line for \$35 with free delivery in a variety of colours.
- Discussion also took place on whether City of Prospect would like to host a 2017 Tour Down Under Race Start if it is offered – strong YES response from elected members to put in the 'no obligation' expression of interest. This action will therefore be carried through by staff.

3 LibraryPLUS

- Nathan Cunningham and Jo Cooper provided an update on where we are at with regard to the new LibraryPLUS.
- The main goal of this Workshop is to reduce a list of seven possible sites to three, using the SWOT process – Strengths, Weaknesses, Opportunities, Threats.
- 1. **Depot/Tram Barn Main North Road:**
 - Mainly positive responses / comments for this site
 - Council owned
 - Generally supported for continued consideration
- 2. North Park Shopping Centre (Upper Floor - Lease):
 - Libraries in shopping centres work!
 - Concerns with term (and security) of lease and annual outgoing costs (rent money may be 'wasted')
 - Limited enthusiasm from elected members for this location and delivery/ funding model
- 3. Toyota / **Prospect Oval**, Main North Road (owned by Toyota)
 - May have process and time issues, as land revocation is a very drawn out process
 - Prospect Oval itself may have potential and drew much more positive feedback than the Toyota site option.
 - General excitement around the possibility of adding value, investment and vibrancy to this oval precinct.
- 4. North Hollywood Plaza (Sefton Park), Main North Road
 - Is believed to have more than one owner (and definitely multiple tenants). Leads to difficulties in negotiation for sale or lease with all those competing demands
 - It is on the edge of the Council area
 - Not really considered as a possibility with the members happy to cease consideration of this site.

Notes from Previous Workshop continued

- 5. Location outside the City of Prospect area – Regency Road
 - Port Adelaide / Enfield partnership opportunity
 - No positive comments received for this location and will not be pursued
 - Staff to advise PAE staff of this outcome

- 6. **Civic Centre Prospect Road** (all services)
 - This site **MUST** be included in the final three to be considered further
 - City of Prospect is only a small Council and the actual location could be perceived as favouring Prospect Road by East Ward residents. This would come down to the sell of the 'positives' of which there are plenty – consolidation/ efficiencies/ activation etc
 - East/West transport link improvements emerging as a desire in the new Strategic Plan which will assist in ensuring great accessibility to the site

- 7. Civic Centre Prospect Road (administration re-located elsewhere)
 - Strong opinion that all services / staff should be kept together
 - This location is not really in consideration.

Cr Lee suggested we should look at other libraries to see what we would like to have. This will assist with further fine-tuning of the project and assessment of the new shortlist of sites.

Site visits to take place early in the new year – possible visits to Stirling, Adelaide City and / or Hallett Cove.

Community Engagement Process – what to consult on?

- We need to be transparent
- Keep the community informed that we are considering various sites
- Promote new opportunities
- A Forum of maybe two sessions was suggested at different sites – Thomas Street and the Civic Centre
- North Park Shopping Centre have offered a shop to be used as a 'drop in' centre for residents to obtain updates / information on the new library process

A report on all the above discussion will go to December Council meeting for confirmation of shortlist and establishment of initial consultation process.

Copies of key slides and elements of all presentations from tonight's Workshop to be distributed to elected members.

Meeting closed at 10.00pm.

Workshop Items

1 IT Strategy

Responsible Director: Ginny Moon, Director Corporate Services

Expected Duration: 45 minutes

Presented by: George Pajak, Manager Knowledge & Information and Vintek (Paul Vinton, David Chehade and Joe Naude)

This is one of five workshops being held to gather information to develop an IT Strategy for City of Prospect.

Representatives from Council's service provider, Vintek, will lead the discussion with Elected Members regarding our IT Strategy.

The discussion points for this particular workshop will include the needs of Elected Members and City of Prospect's residents and businesses:

- Future public IT requirements (e.g. upgrading or introducing additional 'outward facing systems' to provide residents with a positive experience when interacting with the Council. This may include initiatives such as an online tracking system for development applications)
- Elected Members' vision of IT for City of Prospect
- Expected engagement for local businesses
- Inclusive IT (e.g. enhancing access for people with disabilities)
- Internal and external communication for Elected Members (e.g. a secure portal for Elected Members for information exchange)

Workshops held with IT staff and the Executive Leadership Team have addressed the following areas:

- Current service delivery and the processes delivering IT
- Current and future workforce requirements, challenges and opportunities
- Current ICT program
- Indicators of achievement for an IT Strategy
- Current security framework
- Cloud computing – do we want it?
- The need to develop an application roadmap for City of Prospect

Other discussion points included :-

- teleworking; mobility – methods and hardware for both internal staff and for Elected Members
- mobile phones ("bring your own device" vs standardisation)
- data storage
- the broader use of Wi-Fi at City of Prospect sites and the readiness of the National Broadband Network

Other scheduled workshops will be held with the IT Steering Committee, the Leadership Team and the Economic Development Digital Strategy Team.

Attachments: Nil

2 Small Bar Liquor License

Responsible Director:

Matt Grant

Director Business and Economic Development

Expected Duration: 30 minutes

Presented by: Jen Uebergang

The Government of South Australia Attorney-General's Department has released a Discussion Paper on Liquor Licensing seeking public feedback.

The paper focuses on 3 themes: red tape reduction, a safer drinking culture and vibrancy.

Of particular relevance to City of Prospect and the ability to activate a night time economy, is flexibility in licensing regulations. The Adelaide CBD has successfully demonstrated how new small bar licensing can add to an areas' vibrancy. Under the current regulations the Small bar liquor license regulation does not apply outside the CBD. This is proving restrictive to activation and provision of goods, services and experiences our community desire. The workshop will seek Members' opinions on lodging a formal submission stating our position. Submissions are due Friday 29th January 2016.

Attachments: Liquor Licensing Discussion Paper

Future Workshop and Council Agenda Items

Members may seek advice as to the purpose, or intended resolutions planned for the next Council meeting. These items are subject to change.

Council Workshop 01/12/2015

- Strategic Plan with Mark Booth
- Preview Launch Digital Prospect Branding

Council Workshop 08/12/2015

- ERA Strategic Plan – Presented by Mayors Ray Grigg and David Parkin
- Town Hall and Surrounds Future Use Options

Council Meeting 24/11/2015

- Audit Committee Recommendations
- Mayoral Report and Mayoral Expense Report
- Braund Road Bike Boulevard Endorsement of Final Plan
- Results of Community Consultation – St Helens Park Kindergarten Lease
- Infrastructure Condition Assessment – Impact on Long Term Financial Plan
- North Adelaide Football Club Rental Fee Review
- Delegations Review
- Review of Local Government Elections – Discussion Paper
- By-Law Expiation Fees and Authorised Officers
- Annual Report 2014-2015
- Rates Remission Request
- Council Members Allowances – Periodic Adjustment
- Council Members Allowances and Benefits Policy
- Election of Deputy Mayor
- DAP – Appointment of Independent Member
- Hall Hire Policy for approval
- EHA – First Budget Review

Liquor licensing discussion paper



**Consumer and Business Services
Attorney-General's Department**



Government of South Australia
Attorney-General's Department

Contents

Foreword	1
Our vision	2
Past changes	3
Where are we now?	4
Applying for a liquor licence	5
Intervening and objecting to a liquor licence application	10
Managing a liquor licence	13
Adelaide: a vibrant city	15
South Australia: premium food and wine	16
Issues for consideration: tell us what you think	17
Next steps	20

Attachment

Attachment

Feedback on this discussion paper can be provided by email to CBSReforms@sa.gov.au or by post to Consumer and Business Services, GPO Box 1719, ADELAIDE SA 5001. For queries about this discussion paper call our Customer Service Centre on 131 882.

Submissions close 5pm, Friday, 29 January 2016.



Foreword

The liquor licensing framework has not been reviewed in its entirety for close to two decades. We must ensure it is still relevant and meeting the needs of today's community. It must be consumer focused with decisions concerning applications made in a timely manner using a holistic approach that incorporates relevant information from all agencies and members of the community for the overall benefit of the consumer.

This discussion paper focuses on three key themes; red tape reduction, a safer drinking culture and vibrancy. We need to reduce the red tape surrounding our liquor licensing framework with an overall goal of creating vibrancy and competition. The regulation of liquor should be modernised, promote greater flexibility and encourage entrepreneurs to emerge with new business models.

We need to consider opportunities to simplify the classification of licences while streamlining the development and liquor licensing application processes. Greater flexibility and simplicity will make it easier and more efficient for entrepreneurs to establish small licensed businesses such as small bars or food-focussed venues like tapas bars, strengthening the State's economy and enabling South Australia to nurture its diverse food and wine industry.

A number of measures such as the Liquor and Gambling Commissioner's Codes of Practice have already been implemented to minimise the harm and potential risks associated with the sale, supply and consumption of liquor. But we need to consider what other strategies may be introduced to create a safer drinking culture.

Adelaide is consistently rated as one of the world's most liveable cities. It is recognised internationally for its fine foods and wine. The South Australian food and wine industry is worth over \$17 billion and accounts for 40% of South Australia's total merchandise exports. South Australia must grow the recognition of our premium food and wine.

We must strike a reasonable balance between the regulation of the liquor industry and this Government's priority of creating a vibrant city. The introduction of the small venue licence saw the transformation of little-used laneways in Adelaide's Central Business District into vibrant spaces that attract people to the heart of our city.

The Government is inviting submissions to consider what other options may be available to encourage business activity and diversity in the liquor market, to promote the live music industry and provide for a safe, vibrant and enjoyable South Australia.

The release of this discussion paper will allow broad consultation with the South Australian public and industry about the existing liquor licensing framework with the view to identifying what improvements and efficiencies can be made.



The Hon John Rau MP
Deputy Premier
Attorney-General
Minister for Justice Reform

Our vision

Adelaide is consistently rated as one of the world's most liveable cities and was recently ranked the fifth most liveable city in the world. It is recognised internationally for its arts festivals, fine foods and wine.

Adelaide shares many qualities with the greatest cities in the world and is receiving recognition for the innovative ways, fresh energy and life that is being brought into the city.

Our vision is to create a simple and modern liquor licensing system that reflects community expectations and ensures that we continue to receive international recognition.

We need to consider how we can improve our present liquor licensing system to support innovation, create more South Australian jobs and provide consumers with choice. In order to do so, we need to identify where we can reduce red tape, encourage a safer drinking culture and contribute to vibrancy.

Where there is room for improvement, one of the symbols below will appear in the discussion paper:



Red tape reduction:

This symbol indicates where there is an opportunity to streamline our current processes.



A safer drinking culture:

This symbol indicates where there is an opportunity to consider implementing other strategies to reduce alcohol-related harm.



Vibrancy:

This symbol indicates where there is an opportunity to consider implementing other strategies to encourage vibrancy.

Submissions

The Government welcomes bold and brave ideas for proposed reform to ensure the best possible outcome for South Australia and invites all interested parties to make submissions on the discussion paper. For a summary of some of the key issues under consideration, see the section, 'Issues for consideration: tell us what you think', at the end of this paper.

Feedback on this discussion paper can be provided by email to CBSReforms@sa.gov.au or by post to Consumer and Business Services, GPO Box 1719, ADELAIDE SA 5001. For queries about this discussion paper call our Customer Service Centre on 131 882.

Submissions close 5pm, Friday, 29 January 2016.

Past changes

Major changes

1984

The Government of South Australia approves the conduct of a comprehensive review of the liquor licensing legislative framework. The review recommended major changes to the way in which the legislation was administered including the creation of a licensing court for substantial applications and less formal applications to be referred to the Liquor and Gambling Commissioner (the Commissioner).

1996

The then Attorney-General and Minister for Consumer Affairs asks Mr T. Anderson QC to undertake a review of the *Liquor Licensing Act 1985* and its operation. The review recommended relaxing the liquor laws to allow for outdoor eating and late night entertainment while increasing protections around the responsible service of alcohol. The *Liquor Licensing Act 1997* was introduced following this review.

Minor changes

2009

Parliament passes the *Liquor Licensing (Producers, Responsible Service and Other Matters) Amendment Act 2009* in November. The legislation provided clarification around intoxication, enabled certain liquor products to be prohibited, allowed for the removal of unfinished liquor from restaurants, introduced entertainment consent, allowed for multiple codes of practice and made certain offences expiable. In December, the Attorney-General and Minister for Consumer Affairs announce a review focused on measures to address alcohol-related crime and anti-social behaviour.

2010

The Government of South Australia releases 'A Safer Night Out' Discussion paper for public consultation. A total of 60 submissions were received and consideration was given to the submissions in drafting a revised General Code of Practice.

2011

Parliament passes the *Liquor Licensing (Miscellaneous) Amendment Act 2011*. This amendment introduced a new expiable offence for offensive or disorderly behaviour, an ability for the Commissioner to suspend or impose licence conditions, an ability to issue a short term public order and safety notice, increased powers for the Commissioner of Police and increased penalties.

2013

Parliament passes the *Liquor Licensing (Miscellaneous) Amendment Act 2013*. This amendment introduced the definition of 'intoxication' and 'public interest', redefined 'entertainment', broadened the scope of the codes of practice, created a new offence for behaving in an offensive or disorderly manner in the vicinity of a licensed venue, provided the Commissioner with the power to impose licence conditions on public interest grounds, enabled the Commissioner to vary trading hours, allowed for industry wide approvals and replaced the requirement for regulations to gazette dry area prohibition notices.

Where are we now?

South Australia's *Liquor Licensing Act 1997* (the Act) regulates the sale, supply and consumption of alcohol in the State.

The Act governs liquor licence applications, approvals and compliance, and the activities of a licensed business.

It operates in the context of legislation, policy and programs introduced by other Government bodies such as South Australia Police (SAPOL), SA Health, local government and the Environment Protection Authority.

All decisions made by the Commissioner and the Licensing Court of South Australia are guided by the objects of the Act which are to:

- encourage responsible attitudes towards alcohol;
- minimise the harm associated with alcohol and the risk of intoxication;
- further the interests of the liquor industry and closely associated industries such as live music, tourism and hospitality;
- ensure that the liquor industry develops together with the needs of the community;
- ensure that alcohol does not detract from the amenity of community life; and
- encourage a competitive market.

A business that intends to sell liquor or have a gaming machine must apply to the Commissioner for a liquor licence.





Applying for a liquor licence

Business owners

Business owners often apply for a liquor licence after they have selected their premises, been through a rigorous development approval process and obtained finance.

Business owners may apply for one of twelve classes of liquor licence in their own name or as a trust or as a corporate entity. The twelve types of liquor licence are:

1. hotel licence
2. residential licence
3. restaurant licence
4. entertainment venue licence
5. club licence (including a limited club licence)
6. retail liquor merchant licence
7. wholesale liquor merchant's licence
8. producer's licence
9. direct sales licence
10. special circumstances licence
11. small venue licence
12. limited licence

Each type of liquor licence allows a business to sell or supply liquor provided that certain requirements are met relevant to each licence class such as the sale of food or trading during specified hours.

Limited licences

In 2014-15, the Commissioner granted approximately 8,000 applications for limited licences. Limited licences are temporary liquor licences for one-off special events or a series of special occasions. These licences can range from major events like Schutzenfest and the Clipsal 500 to low risk events with BYO liquor such as art exhibitions or graduation nights.



Once a business owner has selected the type of liquor licence they want to apply for, they must lodge an application with the Commissioner that provides information as to whether:

- they are a fit and proper person to hold a liquor licence. This considers a person's reputation, honesty and integrity;
- the premises are suitable;
- the business is likely to disturb the surrounding community or prejudice the safety of children; and
- all development approvals have been obtained through the local council or the relevant development authority.

A business owner must also pay an annual fee to the Commissioner based on the liquor licence class, capacity and trading hours of the venue.

Annual fees

Licensed hotels, entertainment venues and special circumstances licences that have an authorised capacity of more than 400 people and trade past 4am pay the highest fee of \$11,337.

Hotels, sporting clubs and restaurants that have an authorised capacity of less than 200 people and close by 2am pay the base level fee of \$109.



In most cases, a business owner must also:

- provide written notice of the application to the local council and to their neighbours;
- advise that certain documents and material relevant to the application can be inspected;
- keep a notice of the application either on the premises or on the land where the premises will be constructed; and
- advertise the application in a newspaper circulating around the State and the local area.

Did you know?

Over 90% of licensed venues pay \$740 or less in annual fees. In fact, approximately 70% of all licensees are only required to pay an annual fee of \$109.

Advertising

In an online world, business owners who have to advertise their application for a liquor licence can pay up to \$600 for it to appear in the newspaper.

In most cases, business owners have already provided written notice of the proposed development to their neighbours or members of the public in order to obtain development approval.

Once an application is received, the Commissioner will then set a date and time to hear the liquor licence application.

All non-contested applications and limited licence applications are determined by the Commissioner. All other applications are determined by either the Commissioner or the Licensing Court of South Australia.

If a business owner provides all of the information on time, satisfies the conditions of the liquor licence class and there are no interventions or objections from SAPOL, the local council, landlords or members of the public, the Commissioner may grant the application.



If the Commissioner grants a liquor licence, the business owner must ensure that a number of requirements are met in order to retain the liquor licence. These requirements include:

- complying with the conditions of the liquor licence;
- displaying a copy of the licence near the front entrance of the premises;
- keeping records of all transactions involving the sale or purchase of liquor;
- not selling liquor to intoxicated persons or minors;
- not employing minors to sell alcohol; and
- complying with the relevant codes of practice.



The 'needs test'



An application for a hotel licence or retail liquor merchant's licence (i.e. a bottle shop) also requires the business owner to demonstrate why the licence is necessary or why other licensed venues in the area do not adequately cater to the needs of the public. This is commonly known as the 'needs test'. South Australia is the only State to have a needs test. Other States have implemented different measures to balance competition and reduce alcohol-related harm.

Interstate considerations

New South Wales, Queensland and Western Australia require liquor licence applicants to consult with the local community before deciding to make an application. The details of the consultation must be provided in either a Community Impact Statement (CIS) in NSW and QLD or a Public Interest Assessment (PIA) in WA. Both the CIS and PIA allow the relevant authority to consider how the proposed licensed venue will impact upon the local community.

Victoria requires responsible planning authorities and local councils to consider the cumulative impact of licensed venues as part of the planning application process for the proposed licensed venue. The Victorian Commission for Gambling and Liquor Regulation must also consider the impact that may result from a concentration of licensed venues within designated inner Melbourne areas.

Tasmania and the Northern Territory require liquor licence applicants to provide a submission which sets out why granting the liquor licence is in the public interest. The relevant authority must then make a decision as to whether the liquor licence is in the best interests of the community.

Competition review recommendations

In 2003, the National Competition Review found that the needs test is a serious restriction on competition and should be abolished.

In 2015, the Commonwealth Government released its Competition Policy Review ('the Harper Review'). The Harper Review stated that some restrictions on the sale of alcohol appear to favour certain classes of competitors to the detriment of consumers. It recommended that all regulations must be assessed to determine whether there are other ways to achieve the desired policy objective that do not restrict competition.



Other applications

Entertainment and trading hours



Business owners who wish to provide entertainment such as live music or extend their trading hours must make a separate application to the Commissioner.

An application for entertainment or an extension of trading hours may be lodged at the same time as an application for a liquor licence. However, two separate applications must still be lodged.

Entertainment

If a business owner wants entertainment, they must specify what days and times the entertainment will be provided and what types of entertainment will be provided.

The Government has introduced a Bill into Parliament which, if passed, will only require applicants to apply for consent for entertainment after midnight or for certain prescribed entertainment.



Responsible persons

Business owners who sell liquor are required to employ a responsible person to supervise and manage the sale of alcohol at the licensed venue.

A responsible person must be approved by the Commissioner. In order to be approved, the Commissioner must be satisfied that a responsible person is a fit and proper person and has the appropriate knowledge, skills and experience.

In 2014-15, 4,000 responsible person applications were granted



Applications

Previously, when a person was approved as a responsible person, the approval applied to a specific venue. If a person was working as a responsible person at more than one licensed venue, or changed employment to a new licensed venue, a new application and approval was required for each venue. The Act has recently been amended so that approval as a responsible person now applies industry-wide.



Crowd controllers



Business owners may also employ or engage crowd controllers. A crowd controller must be approved by the Commissioner under both the Act and the *Security and Investigation Industry Act 1995*. In order to be approved under the Act, a person must demonstrate that they have the appropriate knowledge, skills and experience to be a crowd controller. In order to be approved under the *Security and Investigation Industry Act 1995*, the Commissioner must be satisfied that the person is a fit and proper person.



Dry areas

Applications for a dry area are generally made at the request of a local council who have decided that they want a particular area to be alcohol free.

The Commissioner and the Minister have the power to prohibit the consumption or possession of liquor in public places. Dry area prohibitions can be made for a short term to cover one-off major events such as New Year's Eve celebrations or for an ongoing period.



Presently, an application for a short-term dry area is determined by the Commissioner and an application for a long-term dry area is determined by the Minister. The dry area is enforced by SAPOL.

Example:

Short-term dry area

Each year a metropolitan local council applies for a dry area to cover a Christmas Pageant for a period of three hours.

Long-term dry area

In 2014, the Adelaide City Council applied for a dry area in the South Park Lands. The State Government introduced a dry area across all of the Adelaide Park Lands each day from 8pm until 11am the following day until September 2015. The dry area in the Adelaide Park Lands was extended to September 2016.

Attachment

Intervening and objecting to a liquor licence application



South Australia Police

In most cases, liquor licence applications are sent to SAPOL to assist the Commissioner in considering whether the business owner is a fit and proper person to hold a liquor licence. Information obtained from SAPOL helps the Commissioner to determine whether or not to grant a liquor licence.

Once the liquor licence application proceeds to a hearing before the Commissioner, SAPOL has the right to introduce evidence, make a submission or intervene in the liquor licence application.

Example:

An application was made to extend the outdoor area of a licensed venue to provide entertainment to patrons. A number of noise complaints in relation to the licensed venue had previously been received by SAPOL. Consequently, SAPOL intervened in the liquor licence application. The Commissioner heard submissions from both the business owner and SAPOL. The application was granted by the Commissioner with conditions that the venue would have limited trading hours and be subject to a 12-month trial.

Applications for a responsible person or crowd controller are also sent to SAPOL to assist the Commissioner in considering whether the person is a fit and proper person.



SAPOL may also become involved where a liquor licence has been granted to a business owner and noise complaints are received from members of the public or they are called to address a disturbance at a licensed venue.

SAPOL also enforces compliance with the Act through general patrols and the Licensing Enforcement Branch.



Local councils

All liquor licence applications need to demonstrate that development approval has been granted. In most cases, the local council will approve the development application.

Once a liquor licence application proceeds to a hearing before the Commissioner, the local council has the right to introduce evidence or make any representations on any question arising from the application.

This right is often used as a means of imposing a condition on a liquor licence. In most cases, disputes are resolved at a conciliation conference. Local councils may also become involved where noise complaints are received.

Example:

In May 2015, the Government invited licensees to apply for the removal of conditions on their liquor licences which required patrons to be seated while consuming liquor in licensed outdoor areas after a successful 9-month trial. At the time of publishing, interventions have been received for 11 of the 31 applications to remove this condition.



Landlords

Landlords can object to a liquor licence application. An objection may be made by the landlord as the lease agreement with the business owner requires the landlord's prior consent to apply for the liquor licence to sell or supply liquor at the premises.



Members of the public

Members of the public can object to a liquor licence application other than a small venue licence or limited licence. Objections can be made by a member of the public for the following reasons:

- it is not consistent with the objects of the Act;
- the business owner has a bad reputation or character;
- the premises are unsuitable;
- it would cause noise and disturbance;
- it would prejudice the safety or welfare of children in the area; or
- it would have an adverse effect upon the area.



Where an application is for a hotel licence or retail liquor merchant's licence (i.e. a bottle shop), a member of the public may object to the liquor licence due to the number of hotels or retail liquor merchants already in the area. Often objections are received from competitors.

Liquor and Gambling Commissioner

If a person wishes to intervene in or object to a liquor licence application, they must do so by informing the Commissioner in writing at least seven days before the hearing.

In some cases, late objections are accepted as the person objecting to the application may be unfamiliar with the process or may have received late notification of the liquor licence application.

Where an objection from a member of the public or an intervention from SAPOL or the local council is received, the person objecting or intervening and the business owner are called to a conciliation conference.

The aim of the conciliation conference is to provide the parties with an opportunity to discuss the liquor licence application and attempt to reach an agreement.

Conciliation conferences

In 2014-15, approximately 600 objections or interventions were received by the Commissioner in relation to liquor licence applications which resulted in 80 conciliation conferences.

Where parties are able to reach an agreement that is satisfactory to the Commissioner, an order will be made that reflects the outcome of the conciliation. In most cases, this will be done by placing conditions on the liquor licence.



Example:

Some conditions that have been imposed on a liquor licence by agreement between the person objecting or intervening and the business owner require a licensee to:

- remove glass, rubbish, vomit or urine from nearby residential streets, particularly on Sunday morning prior to Church service;
- provide their personal mobile telephone number to residents;
- refrain from exposing their genitals while selling, serving or supplying liquor;
- obtain advice from a landscaping architect to increase the density of existing planting and foliage;
- patrol the car park of a premises;
- refrain from placing carpet in the near vicinity of the licensed premises;
- sort bottles between the hours of 8am and 6pm, and
- ensure cleaners do not park on certain streets.

Where parties are unable to reach an agreement, the liquor licence application will be heard before the Commissioner or the Licensing Court of South Australia.

Licensing Court of South Australia

The Licensing Court is comprised of judicial members from the Industrial Relations Court who have the jurisdiction to deal with certain matters under the Act.

The Licensing Court may hear applications for disciplinary action, review the decisions of the Commissioner or hear applications referred by the Commissioner.

Matters referred to the Licensing Court are heard in public and the decision can be appealed with the permission of the Supreme Court of South Australia.





Managing a liquor licence

Codes of practice

The Commissioner has established a General Code of Practice (General Code), which applies to all licensed venues and a Late Night Trading Code of Practice (Late Night Code), which currently applies to venues that trade past 3am.

The Codes aim to encourage responsible attitudes towards the promotion, sale, supply and consumption of alcohol and to reduce alcohol-related harm and anti-social behaviour.

The General Code requires business owners to assess the risks associated with their business and, amongst other things, requires mandatory responsible service of alcohol training for all staff involved in the supply of alcohol.

The Late Night Code requires venues to implement a range of measures at various times of the evening including queue management, drink marshals (to monitor the behaviour and alcohol consumption of patrons), enhanced closed circuit television (CCTV) and metal detectors. It also restricts entry onto the licensed venue (excluding the Adelaide Casino) after 3am and places restrictions on the use of glassware and the supply of certain types of alcoholic beverages after 4am.

Review of codes of practice

The Government recently released its response to the Final Report on the Review of Codes under the Act. The Final Report made a total of 18 recommendations that all related to the Late Night Code. Most of the recommendations were accepted by the Government. It is proposed to bring forward a number of the measures contained in the Late Night Code to apply to venues earlier in the evening. A revised Late Night Code has been drafted based on the Government's response to the Final Report's recommendations. In August 2015, the Commissioner commenced consultation on the proposed changes. A revised Late Night Code will be introduced subject to that consultation process.



Inspections

The Commissioner has inspectors who visit licensed venues to ensure that a business is being conducted in accordance with the requirements of the liquor licence.

The frequency of inspections depends on the level of risk of the licensed venue. Factors that may influence the level of risk include a venue's trading hours and capacity. Approximately 2,000 routine inspections were conducted last year.



Noise complaints

Noise complaints can be lodged with the Commissioner by SAPOL, local councils or a person claiming to be adversely affected by the noise of a licensed venue. The Commissioner will seek to resolve the complaint through conciliation. If the Commissioner is unable to resolve the complaint, it may be referred to the Licensing Court of South Australia.

General noise complaints can also be made to SAPOL, local councils and the Environment Protection Authority.



Changing a liquor licence

Business owners who want to make any changes to their liquor licence need to apply to do so to the Commissioner. Changes may include altering or redefining the licensed venue, or extending the trading area of the licensed venue or varying the trading hours or other conditions imposed on the licence.

Surrendering or revoking a liquor licence

The Commissioner may determine whether a liquor licence needs to be surrendered or revoked. This may occur where a business owner has ceased to carry on a business or at the request of a business owner in certain circumstances such as the premises being renovated.



Attachment



Adelaide: a vibrant city

In 2013, the South Australian Government introduced small venue licences as part of its overall strategy to increase vibrancy in the city and make Adelaide a better place to live, work and visit. Currently, small venue licences are limited to the Adelaide CBD.

The creation of the small venue licence has provided entrepreneurs with an opportunity to develop new business models with limited risk to offer consumers variety and choice. It has also created over 300 jobs for South Australians.

For an annual fee of \$109, a small venue licence allows a business to:

- sell liquor;
- have a maximum capacity of 120 persons;
- trade from 11am until midnight (and until 2am with an Extended Trading Authority); and
- provide entertainment during standard trading hours.

Applications

As at August 2015, 66 small venue licence applications had been received, and

- 51 licences granted;
- 2 licences approved subject to finalisation of building alterations;
- 8 were case managed by licensing and planning authorities; and
- 5 were withdrawn by the applicant.

To obtain a small venue licence, a business owner must be a fit and proper person.

Business owners who are eligible to apply for a small venue licence can be assigned a Case Manager. Case Managers work together with the business owner to navigate and simultaneously lodge development and liquor licensing applications.

Once the development application is lodged, the Adelaide City Council and Consumer and Business Services take approximately six weeks to assess the applications.

Unlike other licence classes, only SAPOL can intervene in a small venue liquor licence application. Members of the public can still raise concerns through submissions rather than the objection process. Those concerns are taken into consideration by the Commissioner in determining whether or not to grant the small venue licence or any conditions to be imposed. However, there is no requirement on the business owner to attend a conciliation conference which reduces delay and cost.

Once a decision is made, only the business owner and the Commissioner of Police have the ability to seek a review of the Commissioner's decision in the Licensing Court of South Australia.

The feedback in relation to small venues has been overwhelmingly positive and has allowed Adelaide to develop a distinct and unique small bar culture.

South Australia: premium food and wine

South Australia's food and wine industry is worth over \$17 billion and accounts for 40% of our total merchandise exports.

The growing world demand for high quality food and wine, combined with our strong reputation for food safety, biosecurity and product integrity, creates significant opportunities for South Australia.

Our challenge is to make sure that the world is aware of our premium food and wine, its high quality and the regions where it is produced.

We need to consider how we can simplify and modernise our liquor licensing system to support innovation and job creation in a retail space.

Did you know?

The South Australian Government aims to increase international exports of differentiated and processed food and wine from \$2.8 billion in 2013-14 to \$3.2 billion in 2016-17.

Attachment

Issues for consideration: tell us what you think

The South Australian Government is committed to progressing reform to create a liquor licensing system that promotes a vibrant entertainment environment, and encourages a competitive market by removing barriers to entry and red tape while seeking to reduce alcohol related harm and anti-social behaviour.



Reducing red tape

We need to reduce the red tape surrounding our liquor licensing system and enable business owners to easily navigate the liquor licence application process.

Is there too much red tape when applying for a liquor licence?

Do we need twelve liquor licence categories?

Is there confusion as to the role of the liquor licensing framework and other legislative frameworks imposed by bodies such as planning, noise and health?

The linear liquor licence approval process duplicates steps already taken by a business owner in the separate council development approval process. This means that prior approvals granted and consultation already undertaken in the development process is subject to further scrutiny.

Should consultation on planning and liquor licence applications occur at the same time?

Should local councils have the right to intervene in a liquor licence application having already approved the development application?

An objection to a liquor licence from a member of the public can cause unnecessary delay for the business owner and can provide a second forum for an objector to be heard. Change is needed to improve the reliability and predictability of the planning and liquor licensing systems.

At what point in the process should a member of the public be able to voice their concerns? How?

Individual liquor licence conditions imposed as a result of conciliation can create inconsistency and are difficult to enforce. We need to consider whether the conditions being imposed as a result of conciliation are the right solution.

Should standard liquor licence conditions be developed and implemented where disagreements arise? If so, what should those conditions be based on? For example, should it be based on the licence class, zone or capacity of the venue?

Business owners who wish to appeal a liquor or planning decision may have more than one appeal process to navigate. We need to consider whether we can streamline the appeal processes for business owners to reduce the time taken and the costs incurred.

Should appeals against decisions where there are both elements of liquor and planning be heard together?

The approval of crowd controllers under two separate Acts creates an administrative burden for the applicant.

Should crowd controllers be approved under two Acts?

We need to consider whether we can make further improvements to ease the administrative burden in relation to responsible person approvals while ensuring ongoing compliance.

Would the removal of the requirement for the Commissioner to approve the responsible person reduce administrative burden?

Should other mechanisms be introduced to ensure appropriate responsible persons are in the industry?

Should responsible persons be tested for being under the influence of drugs and alcohol while on duty?

We also need to consider whether we can improve the application process for dry areas and allow another authority to become responsible for responding to the needs of members of the community. We also need to consider whether the enforcement powers in dry areas should be expanded to include other authorities.

Should local councils have the power to declare short-term dry areas?

Should other enforcement strategies in dry areas be considered?

A safer drinking culture

Our liquor licensing system must place a high value on health and safety for the community. We must consider whether the current measures in place to reduce alcohol-related harm are effective and what we can do to improve.

How can we improve the harm minimisation provisions in our legislation?

What role should SAPOL play in the application process?

Should the number and hours of trading of licensed venues in an area be a relevant consideration?

Should a retail liquor merchant's licence be limited or categorised by size?

Should closing times, lock-out times or last drinks be set for particular areas?

We need to consider whether the needs test is still the appropriate mechanism to use in order to balance competition and alcohol-related harm.

Is there a need to regulate competition? If so, what regulation is appropriate and in what circumstances?

Should alcohol be able to be sold in supermarkets?

Penalties should act as a deterrent and enable liquor inspectors or SAPOL to respond quickly and effectively to breaches of our liquor licensing laws. Change is needed to increase inspectors' compliance and enforcement powers to ensure that any breaches of liquor laws are dealt with swiftly and public safety remains a priority.

Should other mechanisms be introduced to detect breaches?

Should other penalties be introduced to assist with enforcement? (For example, expiation notices.)

The liquor licensing system regulates the sale of alcohol in public places. The consumption or possession of alcohol at private events including those attended by minors is presently unregulated.

To enhance community protection, we need to consider the relationship between minors and alcohol and the role that the South Australian Government should play in the future.

Should we regulate the consumption or possession of alcohol by minors at private parties? If so, how?

The South Australian Government does not have the power to regulate the price of alcohol. We need to consider how the price of alcohol impacts upon alcohol-related harm and whether the State and Commonwealth Governments can work closely together to address this issue.

Should the State Government be working together with the Commonwealth Government to reduce alcohol access and abuse?



Vibrancy

Our liquor licensing framework should be modernised to promote greater flexibility and encourage entrepreneurs to emerge with new business models.

Are the objects of the Act outdated?

Do annual liquor licence fees need to be reviewed?

Should small venue licences currently restricted to the CBD be available in other locations?

Is there a better way to regulate a producer's licence to meet the Government's strategic premium food and wine policy?

We need to assess whether statutory liquor licence conditions and mandatory trading hours still reflect community expectations. Consideration should be given to the risk of reducing the administrative burden of applying for and extending trading hours within each licence category.

Are the statutory liquor licence conditions outdated?

Is the requirement to apply separately for an extension of trading hours or entertainment consent unnecessary red tape that impacts vibrancy?

Should statutory liquor licensing conditions be captured within a code rather than legislated?

Next steps

We will work closely together with all those who are involved in the sale, supply and regulation of liquor.

The Government invites all interested parties to make submissions on the discussion paper which will be open until **5 pm, Friday, 29 January 2016**.

Feedback on this discussion paper can be provided by email to CBSReforms@sa.gov.au or by post to Consumer and Business Services, GPO Box 1719, ADELAIDE SA 5001. For queries about this discussion paper call our Customer Service Centre on 131 882.

Important information about your submission

If you don't want the public to read your answers, please write "confidential" on your submission.

Please be aware that unless you write "confidential" on your submission it will be made public.

If someone asks for your answer through the Freedom of Information Act process, and if you have told us your answers are confidential, we will contact you and explain what is happening.

However, we have to follow the law. Even if your answers are confidential, we will still have to let someone read your confidential answers, if they ask for them through the Freedom of Information Act process.

Attachment

Consumer and Business Services
Attorney-General's Department
GPO Box 1719
ADELAIDE SA 5001

