

Overview of changes to the liquor licensing legislation

The *Liquor Licensing Act 1990* regulates the sale, supply, promotion and consumption of liquor in Tasmania. On 1 September 2016 a number of important changes to the Act and accompanying regulations came into effect.

For detailed information on the changes go to the fact sheets available at www.liquorlicensing.tas.gov.au.

Background to the changes

The new legislation is the outcome of a comprehensive review of the liquor licensing legislation undertaken by the Government after consideration of submissions received from key stakeholders (government agencies, local government, the health and community sector, and industry) in response to discussion and proposal papers.

The changes aim to:

- help minimise harm that can result from the misuse of liquor;
- improve the way the legislation is administered and make it more transparent;
- improve compliance and enforcement to make it more effective and flexible; and
- help ensure patrons consume liquor responsibly.

Object of the Liquor Licensing Act

A major change was the inclusion of an object provision in the Act (refer below - section 2A). The object provision clarifies the context and purpose of the legislation and underlies its operation, giving guidance to its interpretation and providing direction to decision makers.

The object provision comprises the key elements of regulation: harm minimisation and responsible development of industry.

2A Object of Act

- (1) The object of this Act is to regulate the sale, supply, promotion and consumption of liquor so as to –
 - (a) minimise harm arising from the misuse of liquor by –
 - (i) ensuring that the supply of liquor is carried out in a way that is in the best interests of the community and does not, as far as practicable, detract from public amenity; and
 - (ii) restricting undesirable liquor promotion and advertising and the supply of certain liquor products; and
 - (iii) encouraging a culture of responsible consumption of liquor; and
 - (b) facilitate the responsible development of the liquor and hospitality industries in a way that is consistent with the best interests of the community.
- (2) It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the object set out in subsection (1).

Liquor Licensing Act 1990

Other major changes include:

- clarifying the terms “best interests of the community” and “intoxication”;
- requiring licensees and permit holders to notify the Commissioner for Licensing within 14 days of certain changes or events taking place;
- a minimum age of 16 years to sell or serve liquor on licensed or permit premises;
- the ability of the Commissioner to prohibit or restrict advertising or promotion of liquor;
- the ability of the Minister to prohibit the sale of undesirable liquor products;
- allowing Tasmania Police, licensees and permit holders to issue barring orders;
- new obligations and offences for licensees and most now applying to permit holders as well; and
- requiring certain licensees to provide wholesale liquor supply information if requested by the Minister.

Changes to the regulations

The Liquor Licensing Act is supported by three sets of regulations. The table below describes their purposes and lists most of the recent changes to them.

Liquor Licensing Regulations 2016	<ul style="list-style-type: none">➤ New regulations that rescinded the <i>Liquor Licensing Regulations 2013</i>.➤ Prescribe details on matters to support the Act and recent changes including:<ul style="list-style-type: none">• interests for the purposes of the definition of “best interests of the community”;• specifying certain substances as liquor;• identifying small producers for the purposes of the small producer’s permit;• minimum age requirements to sell or serve liquor;• certain matters relating to barring orders; and• certain matters relating to the collection of wholesale liquor supply information.
Liquor Licensing (Fees) Regulations 2015	<ul style="list-style-type: none">➤ Prescribe the costs for liquor licences and permits. New fees were included and existing fees were revised in relation to:<ul style="list-style-type: none">• a small producer’s permit;• the variation of conditions of a liquor licence or liquor permit; and• out-of-hours permits (of varying time periods up to three years).
Liquor Licensing (Infringement Notices) Regulations 2008	<ul style="list-style-type: none">➤ Provide the ability to issue infringement notices and specify prescribed offences and penalties for breaches of the Act. New prescribed infringement notice offences and penalties were included for non-compliance with:<ul style="list-style-type: none">• a condition;• the sale or service of liquor by an intoxicated person;• minimum age requirements for employees who sell or serve liquor;• a notice to prohibit or restrict advertising or promotion of liquor;• the sale of prohibited liquor products;• the requirements of a barring order;• licences, permits and interim authority to act as licensee to be displayed; and• the sale and consumption of liquor is not to cause undue annoyance or disturbance, or the occurrence of disorderly conduct.

For further information contact the Liquor and Gaming Branch.

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