

Changes to sale and supply of alcohol

What's changing and when

This fact sheet outlines the key changes under the Sale and Supply of Alcohol Act 2012 (the new Act) and when they will occur. The new Act creates changes for licence holders, holders of managers certificates, territorial authorities, enforcement agencies and the public. The Act comes into force in stages, to allow regulations to be made. Most changes come into effect on 18 June 2013 and 18 December 2013.

Day 1: 19 December 2012

New Alcohol Regulatory and Licensing Authority

The Alcohol Regulatory and Licensing Authority (ARLA) replaces the Liquor Licensing Authority from 19 December 2012.

During the first 12 months ARLA will consider all contested licensing applications and managers certificates, while district licensing agencies will continue to consider all uncontested applications.

Draft local alcohol policies (LAPs)

The Act allows territorial authorities to develop local alcohol policies (LAPs), which can come into effect after 18 December 2013. Through LAPs, communities will be able to:

- restrict or extend trading hours of premises
- limit the location and density of licences
- impose conditions on licensed premises.

LAPs are optional. If a territorial authority wants to develop a LAP it can take the following steps before 18 December 2013:

- develop a draft LAP in consultation with Police, licensing inspectors and Medical Officers of Health
- consult the community on the draft policy using the special consultative procedure
- prepare a provisional policy based on consultation feedback.

A territorial authority cannot adopt the provisional policy until after 18 December 2013, when regulations governing public notice requirements and the appeal process take effect.

Applying for a licence before 18 June 2013

Before 18 June 2013, applications for new licences or licence renewals will be considered under the old Act, the Sale of Liquor Act 1989.

For new licence applications filed during this period, only interim licences can be issued. An interim licence will last for no more than one year and the holder will need to reapply for a new licence under the new Act when the interim licence expires.

Applying for a managers certificate before 18 June 2013

New applications or renewals filed for managers certificates will be considered under the old Act.

At 18 June 2013

Licensing criteria and objections

The criteria in the new Act come into effect. These expand the current criteria to include:

- the object of the Act eg, whether the licence is

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likely to increase alcohol-related harm

- whether granting the licence will negatively impact the community and neighbourhood.

As currently happens, anyone who has a greater interest than the general public will be able to object on these matters.

Applying for a licence between 18 June 2013 and 18 December 2013

New applications or renewal applications filed between 18 June 2013 and 18 December 2013 will be considered under the old Act, but using the broader criteria in the new Act.

Applying for a managers certificate between 18 June 2013 and 18 December 2013

New or renewal applications filed for managers certificates will be considered using the criteria in the old Act.

At 18 December 2013

Maximum trading hours

National maximum trading hours apply from 18 December 2013:

- 8am - 4am for on-licences
- 7am – 11pm for off-licences.

Premises that currently open for longer hours will have to comply with the maximum trading hours from this date. Premises with shorter hours will continue to operate to the hours of their licence.

Local alcohol policies (LAPs)

Local alcohol policies can be adopted from 18 December 2013.

District Licensing Committees

The existing district licensing agencies are to be replaced by district licensing committees (DLCs) on 18 December 2013.

DLCs will decide contested and uncontested applications for new or renewed licences and managers certificates.

Applying for a licence after 18 December 2013

Any application filed after 18 December 2013 will be subject to the new Act.

Applying for a manager's certificate after 18 December 2013

The new Act applies to all managers certificates filed after 18 December 2013. Under the new Act,

a person must be 20 years or older to be a manager, and there is no longer a separate club managers certificate. All managers will have the same certificate.

New requirements for licensees and managers

From 18 December 2013, on-licences will have to supply or make available water, low-alcohol beverages, food and information about safe transport. A range of other conditions can also be imposed by the district licensing committee.

Supplying alcohol to young people

The purchase age remains at 18 years. From 18 December 2013 a person can only supply alcohol to a person under the age of 18 years if:

- they are the parent or guardian of the minor; OR
- they have express consent from the parent or guardian; OR
- the young person is married, in a civil union or living with a de facto partner.

Anyone who supplies alcohol to a person under the age of 18 years must do so responsibly, for example by supplying food and non-alcoholic drinks and arranging safe transport. The penalty for failing to do so is a fine of up to \$2,000.

Offences: fake IDs

Presenting a fake ID, using someone else's ID to buy alcohol and giving or lending an ID to an underage person knowing that they intend to use it to buy alcohol will be an offence.

Offences: irresponsible advertising and promotions

The following types of promotions are offences under the new Act:

- promoting excessive drinking
- promoting alcohol in a way that has special appeal to minors
- advertising free alcohol or discounts of 25 percent or more
- offering free goods or services with the purchase of alcohol.

Repeat offending by managers and licensees

Licences and managers certificates can be cancelled for five years if the manager or licensee has committed any specified offences three times within three years. Section 288 of the new Act sets out the specified offences.