

ADCA discussion on proposed ACT liquor licensing reforms Prepared for ACT Greens

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1. Introduction

The Alcohol and other Drugs Council of Australia (ADCA) is pleased to prepare this opinion paper responding to *Reducing Alcohol Related Violence: A New Framework for the ACT* and other associated papers and Bills in the ACT affecting licensed premises.

As the recognised national independent peak body, ADCA represents the interests, and provides leadership for the alcohol and other drugs (AOD) sector. ADCA works collaboratively with government at all levels, non-government organisations (NGOs), as well as the business and community sectors to promote evidence-based and socially just approaches aimed at preventing or reducing harm caused by alcohol and other drugs to individuals, families, and communities.

The issue of violence and other anti-social behavioural problems in and around licensed premises has attracted unprecedented attention in recent years. Recently, (September 2009) Prime Minister Kevin Rudd expressed concern about the incidence of violence among young people – both as perpetrators and victims.¹ ADCA acknowledges the concern of public figures and the community itself about alcohol-related violence and anti-social behaviour.

Research verifies a direct link between the excessive consumption of alcohol, the taking of other drugs, and anti-social behaviour/ violence.² Growing concern surrounding the misuse and dangers of alcohol continues to dominate community debate both within the Australian Capital Territory (ACT), and on a national level. The culture of heavy drinking permeates our society, and bringing about change will need a coordinated, educated, and strategic public awareness approach. The approach must involve prevention, law reform, education, and effective enforcement.

Physical violence among young people has been identified as a priority public health issue internationally.³ In Australia, acts of violence by young people are widespread and not merely confined to city centres or licensed venues.

On 22 October 2009, the Federal Minister for Youth, The Hon Kate Ellis MP released a substantive report on: *The state of Australia's young people: a report on the social, economic, health, and family lives of young people*. The report reveals that there are serious risks to young people's health, safety, and wellbeing. Two relevant findings of this wide-ranging report indicated:

- Teenagers aged 15 to 19 have the highest hospitalisation rate for acute intoxication of all age groups, and one in five 16 year old has used illicit drugs; and
- Almost a quarter of young people feel unsafe walking alone at night, and young people are more likely to be the victim of a crime, but less likely to report it.

¹ Saulwick J, 'Rudd Ponders Causes of Violence' Sydney Morning Herald, September 4, 2009.

² Doherty, S. J. and A. M. Roche (2003). Alcohol and licensed premises; best practice in policing: a monograph for police and policy makers. National Drug Strategy. Canberra, Commonwealth Department of Health and Ageing.

³ Mercy J, Butchart A, Farrington D, Cerda. Youth Violence. in Krug E, Dahlberg I, Mercy J, Zwi A, Lozano R, editors. *World Report on Violence and Health*. Geneva (CHE): WHO; 2000, pp. 23-56.

2. ADCA and the AOD Sector: Who We Are and What We Do

ADCA is the national peak body for the AOD sector, providing an independent voice for people working to reduce the harm caused by alcohol and other drugs.

ADCA is a non-government, not-for-profit organisation which receives approximately 80 per cent of its core funding and major ongoing project funding through the Australian Government Department of Health and Ageing under its Community Sector Support Scheme (CSSS), and the National Drug Strategy Program respectively. Approximately 12 per cent is received through other project grants. The remaining 8 per cent is generated through ADCA's membership fees, interest and other sources of income (small one-off projects). ADCA is a company limited by guarantee, a public benevolent institution with income tax and sales tax exemption, and a deductible gift recipient.

As the national peak body, ADCA occupies a key role in advocating for adequate infrastructure support and funding for the delivery of evidence-based AOD initiatives. In this regard, ADCA represents the interests of a broad group of AOD service providers and individuals concerned with prevention, early intervention, treatment, harm minimisation, supply reduction, and research.

Under ADCA's new governance arrangements, the ADCA Board is elected by the ADCA membership and consists of a total of nine Board Directors. The ADCA Federal Council comprising one representative per State/ Territory AOD peak organisation plus the ADCA Board has been established as a key mechanism for coordination and cooperation with State/ Territory AOD peak organisations. The ADCA Policy Forum comprises the ADCA Board, the State/ Territory AOD peaks, and the Chairs of the ADCA Working Groups, and establishes an advisory forum on key policy issues for the AOD sector. Both the ADCA Federal Council and the ADCA Policy Forum come together for face-to-face meetings, and telephone link-ups.

At 1 September 2009, ADCA's membership totalled 361, comprising 164 organisational members, 55 associate organisational members, and 142 individual members. These include AOD services, agencies, and individual professionals and practitioners engaged in AOD services throughout Australia, as well as major university research centres, tertiary institutions offering courses in addiction studies and other programs for AOD workers, officers of law enforcement and criminal justice systems, policy analysts, and administration.

3. Executive overview

ADCA is committed to taking a leading role in reducing the burden of alcohol harms to the Australian community – contingent on the fact that Governments at all levels provide support, infrastructure, and funding needed to progress policy change, prevention, and treatment.

ADCA acknowledges the ACT Greens for taking the initiative to start discussion regarding amending ACT Liquor Licensing laws towards a harm-minimisation stance with a focus on both responsible service and consumption of alcohol.

ADCA's detailed response below encompasses the *Reducing Alcohol Related Violence: A New Framework for the ACT* discussion paper produced by the ACT Greens in September 2009, the Australian Capital Territory Department of Justice (ACT DoJ) paper, entitled: *Review of the Liquor Act 1975 Final Report*, issues raised in other submissions to the ACT DoJ, and the recent Bill *Smoking (Prohibition in enclosed public places) Amendment Bill 2009*. The paper has been structured in this way to present the ACT Greens with a holistic opinion of harm minimisation principles that can be applied to the current debate around licensed premises.

ADCA is determined to provide a strong voice in the current climate, to help bring about positive change for the Australian community. ADCA's broad alcohol policy goals that underpin the recommendations contained in this response are:

- **restricting both the physical and economic availability of alcohol in order to reduce levels of alcohol-related violence**
- **supporting the enactment of consistent liquor licensing legislative reforms in all Australian States/ Territories**
- **supporting limits on the way alcohol is advertised and served**
- **supporting effective and well-resourced policing**
- **supporting the provision of increased financial support for programs aimed at raising awareness liquor licensing laws, responsible service of alcohol, patron responsibility**

ADCA believes that it is time to further encourage communities to consider making different, and sometimes difficult, choices about community safety. There is a need to change attitudes to drinking, make licensed premises safer places, and promote a culture of enjoyment, not intoxication. Governments at all levels need to work cooperatively with local communities to not only reduce violence overall, but, more importantly, change the drinking culture in Australia.

4. ADCA RESPONSE TO THE RECOMMENDATIONS CONTAINED IN THE ACT DEPARTMENT OF JUSTICE FINAL REPORT.

ADCA supports recommendations contained in the ACT Department of Justice (DoJ) Final Report apart from:

ACT DoJ Recommendation 1.4:

The ACT DoJ recommendation 1.4 discusses capping a “small bar” at no more than 60 patrons. This differs from recent Victorian licensing amendment which sets the first risk level premium at 201+ patrons⁴. Similarly the recent Western Australian and New South Wales licensing amendments have set the “small bar” lowered premium category at 120 patron capacity.^{5 6}

ADCA is concerned at the small number of currently operating venues in the ACT which would fit this category. ADCA believes that imposing the patron limit at 60 rather than a figure, such as 100 or 120 would encourage a number of new competitors into the licensed premises market rather than acting to reduce patron capacity in existing premises.

The Australian Hotels Association⁷ and the Australian Federal Police⁸ have both stated in submissions to the ACT DoJ that they believe there is currently an over-supply of licensed premises in the ACT. This over-supply creates a strong inducement for licensed premises located in dense areas, such as Civic, to compete on price to attract patrons, contrary to harm-minimisation principles.

To discourage any potential increase in licensed premises, ADCA believes that any small bar category should be set similar to other State/ Territory jurisdictions at 100 or 120 patrons.

ADCA RECOMMENDATION

1. Any ACT legislation or amendment should set the “small bar” patron capacity at 100 or 120 as done by other similar states.

⁴ Victorian Government (2009). *Victorian Government Gazette S379*. Accessed from: <http://www.gazette.vic.gov.au/gazette/Gazettes2009/GG2009S379.pdf>, access date 30 October 2009.

⁵ City of Sydney. Accessed from: http://www.cityofsydney.nsw.gov.au/Development/documents/DevelopmentApplicationGuide/SmallBarProcess/SmallBarProcess_SampleDA.pdf access date 30 October 2009

⁶ Western Australia Government (2009). *Everything you need to know about the Small Bar licence*. Accessed from: <http://www.rgl.wa.gov.au/Default.aspx?NodeId=101&DocId=209>, access date 30 October 2009.

⁷ Australian Hotels Association (ACT Branch), (2007). *Discussion Paper: Liquor Licensing and Regulation*. Accessed from: <http://www.ics.act.gov.au/eLibrary/OtherReports/LiquorActReview/submissions/20090925123941880.pdf>, access date 30 October 2009

⁸ Australian Federal Police (2008). *ACT Policing Submission to the Department of Justice and Community Safety Discussion Paper Review of the Liquor Act 1975*. Accessed from: <http://www.ics.act.gov.au/eLibrary/OtherReports/LiquorActReview/submissions/Submission%203.pdf>, access date 30 October 2009

ACT DoJ Recommendation 2.4:

ADCA has concerns as to the how the term “supplies liquor to intoxicated people” will be defined. ADCA believes that strict guidelines need to be implemented to define exactly what constitutes supply. Without strict guidelines and an associated education campaign, there is likely to be resistance/ confusion from patrons and licensees.

ADCA RECOMMENDATION

2. Any amendment creating an offence for patrons to supply liquor to intoxicated people should be accompanied by clear guidelines defining the term “supply” and what constitutes “intoxication”.

5. RESPONSE TO ISSUES RAISED BY THE ACT GREENS PAPER

Need to incentivise venues that maximise compliance:

At a meeting with Mr Shane Rattenbury, Speaker of the ACT Legislative Assembly, and Mr Richard Griggs on 9 October 2009, they advised that monetary incentives, by way of reduced licensing fees for venues, would be linked to compliance with any Liquor Accord developed for the appropriate entertainment precinct.

ADCA supports the intent behind this principle. However, there are significant caveats. From the meeting on 9 October, and the ACT Greens discussion paper, ADCA understands that the ACT Greens wish to include the following issues in any Accord process:

1. Overcrowding
2. Ventilation
3. Cleanliness
4. Management practices
5. Enforced in-house policies, and
6. Operational logs/ incident register (this issue was discussed in Recommendation 2.8 of ACT DoJ paper).

ADCA believes that a regulated approach rather than a voluntary code/ Accord would be preferable. As noted by a number of researchers, voluntary Accords have a poor compliance track-record and are often cosmetic.

ADCA takes specific note of point 1; Overcrowding. Crowd capacities are set at the time that a Liquor License is applied for or amended. ADCA firmly believes that overcrowding should not form part of any voluntary Accord process, but rather should be a legally enforceable offence.

ADCA RECOMMENDATIONS

3. Compliance with voluntary Liquor Accords should not provide the basis for monetary incentives.
4. Overcrowding should not form a part of any voluntary Liquor Accord, but rather remain a legally enforceable offence.

Protective Barriers for queues

ADCA agrees with this proposal. The new *Victorian Design Guidelines for Licensed Premises* have discussed queuing as follows:

Some venues have queuing arrangements which are usually either on the street or inside the venue. Due to problems of noise, it is preferable for queuing to occur inside or for that noise to be managed. If queues are on the public footpath, sufficient space should be allocated for other pedestrians to pass at all times. The need to avoid conflict between patrons and passers-by is paramount. This can usually be addressed by maintaining adequate space for pedestrians to pass and minimising footpath congestion (which can lead to patrons competing for their position in the queue). In general, queuing areas should be designed to minimise the time patrons are waiting in public spaces, which can reduce the adjacent amenity impacts on public spaces and private property. Queues also represent an excellent opportunity to 'screen' potential patrons and to communicate what constitutes acceptable behaviour whilst inside.⁹

ADCA agrees with these guidelines. ADCA believes that these areas should become the responsibility of the licensees. This would then give crowd controllers opportunity to "screen" potential patrons for intoxication, aggressiveness and other issues. ADCA also thinks that limiting queue space to a small number may act to reduce violence both within the queue and between potential patrons and passers-by.

ADCA RECOMMENDATIONS

5. Any proposed amendments to the ACT *Liquor Act 1975* incorporate provisions for barrier-defined designated queue areas for prospective licensed venue patrons.
6. Any amendment to the *Liquor Act 1975* incorporate the design guidelines for queuing similar to those outlined above.
7. Any barrier-protected queue area be defined as the responsibility of the Licensee.

⁹ Victorian Government (2009). *Design Guidelines for Licensed Premises*. Accessed from: www.consumer.vic.gov.au/.../liquor_misc_design_guidelines.pdf, access date: 30 October 2009

Improved Lighting around licensed premises and in entertainment districts

ADCA endorses this recommendation.

Improved public transport

The ACT Greens paper is in line with ADCA recommendations. ADCA also notes that the ACT DoJ paper discussed courtesy shuttles for venues situated away from major centres and public transport options, which were not discussed in the Greens paper, and which is supported by ADCA. There are a number of industry subsidised transport options that bear investigation to ascertain if they would fit the ACT context.

ADCA RECOMMENDATION

8. Any voluntary Liquor Accord process should include provisions for licensee-subsidised late-night transport options. This could be in the form of subsidised taxi licenses, or fees paid to the ACTION Bus Network to extend the popular Night-Rider bus service. Similar systems that have operated in other locations should be investigated.

6. OTHER ISSUES TO CONSIDER

Extent of cost recovery: The Victorian liquor reforms were backed by a significant report by Allen Consulting Group¹⁰ quantifying the costs of alcohol-related licensing enforcement. Likewise there was a detailed explanation of the costs that were not taken into account. ADCA believes that some of the fees not recovered should be taken into account in a general increase, for all licences. For instance the cost enforcing liquor licensing is borne by the state and arises from the sale of alcohol; similarly, the cost of enforcing drink driving limits is borne by the state and directly arises from the sale and consumption of alcohol. In ADCA's opinion, to charge for one set of costs and not the other is not adequately recovering the costs of selling alcohol to the community.

Currently in the ACT, Police do not record data on the percentage of assault cases where alcohol consumption is a factor, unlike in Victoria. This significant data gap and others highlight the need to institute data recording programs such as the NSW alcohol-linking program¹¹. ACT police statistics show that people taken into custody owing to intoxication has more than doubled from 2002/03 to 2006/07, when over 31 people were taken into custody each week, likewise there have been anecdotal reports of a significant increase in drink-driving in the ACT.¹²

¹⁰ Allen Consulting (2009). *Alcohol-related harm and the operation of licensed premises*. Accessed from:

<http://www.allenconsult.com.au/publications/download.php?id=340&type=pdf&file=1>, access date 30 October 2009

¹¹ New South Wales Government. *The Alcohol Linking Program Fact Sheet*. Accessed from:

http://www.police.nsw.gov.au/_data/assets/pdf_file/0020/62507/factsheet.pdf, access date 30 October 2009.

¹² Australian Federal Police (2008). *ACT Policing Submission to the Department of Justice and Community Safety Discussion Paper Review of the Liquor Act 1975*. Accessed from:

<http://www.jcs.act.gov.au/eLibrary/OtherReports/LiquorActReview/submissions/Submission%203.pdf>, access date 30 October 2009

Premium for capacity multipliers: Victoria's new system also includes a capacity multiplier, which mandates a sliding scale so that higher-capacity venues are charged higher fees, noting that evidence shows larger venues are more strongly associated with alcohol-related violence and other harms. This has not been discussed by either the Greens or the ACT DoJ Paper.

Compliance history: Likewise, there has been no discussion of cost multipliers for compliance history. This should be addressed in any new ACT system.

Outdoor smoking: The impositions of indoor smoking bans have created a number of issues with patrons of licensed venues regularly leaving the premises to smoke. This has the potential to create public nuisance issues for both patrons and the general public walking past licensed premises. Allowing people to continually move in and out of licensed venues can potentially increase the ability of people to consume alcohol and/ or illicit substances, as well as potentially increasing anti-social behaviour outside licensed premises.

ADCA is aware of the Bill currently before the ACT Legislative Assembly: *Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009*¹³. ADCA has grave concerns that this Bill will exacerbate patron movement associated with smoking as venues which have undergone renovations to comply with previous legislation now must ban smoking in outdoor areas which are under supervision by staff.

ADCA is concerned that the OH&S issues as well as patron monitoring issues have not been fully considered by the ACT Government. For instance, providing for Designated Smoking Areas, in which patrons are allowed to smoke, but staff are not allowed to serve patrons/ remove used glasses etc may lead to significant glass hazards building up and potentially injuring patrons. Likewise, if crowd controllers/ bar staff are not allowed to enter these areas, the potential for unsafe consumption of alcohol and/ or illicit substances increases.

Restrictions on discounting: ADCA believes that the NSW Liquor Promotion Guidelines should be adopted – at a minimum – by the ACT reforms.¹⁴

The NSW Promotion Guidelines state that if directed to do so, a licensee has to cease the promotion in question, and then can be fined up to \$5000. ADCA would argue that a fine of this amount is not a deterrent. ADCA recommends the development of a sliding scale fine system from say \$10 000 for a first offence with \$5000 increments to a loss of license after three offences.

Definition of intoxication: In addition to changing the definition from “seriously” to “noticeably” affected ADCA recommends that a concerted education campaign to both licensees and patrons should be developed to prevent potential anti-social behaviour

¹³ ACT Legislative Assembly (2009). *Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009*. Accessed from: http://www.legislation.act.gov.au/es/db_35734/current/pdf/db_35734.pdf, access date 30 October 2009

¹⁴ NSW Government (2008). *Liquor Promotion Guidelines*. Accessed from: http://www.olqr.nsw.gov.au/pdfs/Liquor_%20promo_guidelines.pdf, access date: 30 October 2009.

when the new laws are phased-in. Again, the NSW Intoxication Guidelines provide a benchmark for any future ACT reform.

Provision of water: The Discussion paper did not mention provision of water as a harm-minimisation strategy. ADCA strongly supports the ACT Department of Health's submission and considers this critical harm-reduction strategy should be enshrined in legislation.

Calculation of public occupancy loadings: After discussions with the Liquor Licensing staff of the ACT Department of Justice, ADCA is aware that there is no strict guideline by which the ACT DoJ, the licensee and the ACT Fire Brigade make a decision on patron numbers.

The licensee submits a floor plan to ACT DoJ which then forwards the plan onto the ACT Fire Brigade to make a determination of public space. Public space does not include any "backroom" area, nor does it include bathrooms or corridors leading to bathrooms. It is unclear whether it includes furniture/ impermanent fixtures such as tables for DJ equipment, and/ or for band setup. Usually there is a ratio of one person per square meter; however this may be modified by lack of toilets/ emergency exits.

ADCA has conducted enquiries with four other States/ Territories compare the different public occupancy systems in place:

- NSW does not have a set procedure; occupancy loading is decided at a local council level. NSW does not maintain a register of patron occupancy levels on a whole of State basis.
- In Victoria, as part of the licensing process, prospective licensees are required to obtain a certified floor plan from a Master Surveyor. Victorian liquor licensing limit premises occupancy loading to 0.75 people per square meter.
- In South Australia, a Local Council may need to approve applications under the Building Fire Safety Committee to examine occupancy loadings; however there is no set person per square metre rule as in Victoria and the ACT. In South Australia, plans submitted to Council must highlight different areas, such as public bars, seated areas etcetera.
- Western Australia licensee occupancy loading numbers are set by Local Councils as part of planning process. The WA Office of Liquor Licensing does have the ability to impose a patron limitation at its discretion, however this is rarely done.

ADCA is concerned about the lack of consideration given to impermanent fixtures. Research has shown that bars with adequate provision of seating for patrons reduce alcohol-related anti-social behaviour. ADCA believes that seating issues need to be integrated into the planning process. Similarly to the process in South Australia, ADCA recommends a system where potential applicants are required to nominate seated areas, dance-floor areas, standing areas, bar areas and such. This would enable the

Fire Brigade and ACT DoJ to better calculate appropriate levels of occupancy for floor space.

Licensed clubs selling takeaway liquor to patrons: ADCA is of the opinion that the arguments put forward by ClubsACT are cannot be supported by evidence¹⁵. ADCA believes that off-premises and on-premises should be distinct. ADCA would have no objection to clubs selling takeaway alcohol in a similar fashion to hotels with bottle-shop facilities. In the recent Victorian risk-based liquor reforms, off-premises licensees are charged a significantly higher base fee. If Licensed Clubs were to retain the ability to serve takeaway alcohol, they should be charged a higher base fee to reflect any increases for off-licensees.

In this discussion area,
ADCA RECOMMENDS

9. Any proposed Liquor License Fee reform is subject to a rigorous, public cost assessment process. ADCA recommends that this system could, at a minimum follow the process used by the Victorian Department of Justice to calculate the new risk-based fee model implemented in 2009.
10. ACT Department of Justice and ACT Police investigate the NSW Police "Alcohol Linking" project, with a view to adopting this project within the ACT jurisdiction.
11. That the ACT Greens oppose the *Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009* on the grounds of patron safety and enabling monitoring of patrons to reduce excessive consumption of alcohol.
12. Any proposed amendment to the ACT Liquor Act 1975 includes provision for enforceable guidelines on promotion of alcohol. Fines for irresponsible promotion of alcohol be significantly raised from the levels discussed in the NSW Promotion Guidelines.
13. Any change to the definition of "intoxicated" be accompanied by a substantial licensee and patron education campaign.
14. Any new amendment to the *Liquor Act 1975* include clauses mandating that licensed venues must provide water to patrons, at no warmer than room temperature without charge.
15. Any amendment to the *Liquor Act 1975* should impose a risk-based differential fee system, using both compliance history, trading hours and venue capacity multipliers. As a part of amending the *Liquor ACT 1975* an audit of licensed premises capacity should be carried out by the ACT Government. Consideration should be given to introducing a planning system similar to the South Australian model, which outlines different parts of the licensed premises which have seated

¹⁵ ClubsACT (2008). *Submission on the Review of the Liquor ACT 1975*. Accessed from: <http://www.jcs.act.gov.au/eLibrary/OtherReports/LiquorActReview/submissions/Submission%2011.pdf> access date: 9 November 2009

areas, dance-floor areas. Patron capacity numbers could then be based on differential person per square metre limits for each area.

7. CONCLUSION AND RECOMMENDATIONS

ADCA presents the following recommendations to the ACT Greens, which, are seen as strengthening the debate on the liquor licensing reform process currently being undertaken in both the ACT and the wider Australian community:

1. Any ACT legislation or amendment should set the “small bar” patron capacity at 100 or 120 as done by other similar states.
2. Any amendment creating an offence for patrons to supply liquor to intoxicated people should be accompanied by clear guidelines defining the term “supply” and what constitutes “intoxication”.
3. Compliance with voluntary Liquor Accords should not provide the basis for monetary incentives.
4. Overcrowding should not form a part of any voluntary Liquor Accord, but rather remain a legally enforceable offence.
5. Any proposed amendments to the ACT *Liquor Act 1975* incorporate provisions for barrier-defined designated queue areas for prospective licensed venue patrons.
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7. Any barrier-protected queue area be defined as the responsibility of the Licensee.
8. Any voluntary Liquor Accord process should include provisions for licensee-subsidised late-night transport options. This could be in the form of subsidised taxi licenses, or fees paid to the ACTION Bus Network to extend the popular Night-Rider bus service. Similar systems that have operated in other locations should be investigated.
9. Any proposed Liquor License Fee reform be subject to a rigorous, public cost assessment process. ADCA recommends that this system could, at a minimum follow the process used by the Victorian Department of Justice to calculate the new risk-based fee model implemented in 2009.
10. ACT Department of Justice and ACT Police investigate the NSW Police ‘Alcohol Linking’ project, with a view to adopting this project within the ACT jurisdiction.
11. That the ACT Greens oppose the *Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2009* on the grounds of patron safety and enabling monitoring of patrons to reduce excessive consumption of alcohol.

12. Any proposed amendment to the ACT Liquor Act 1975 includes provision for enforceable guidelines on promotion of alcohol. Fines for irresponsible promotion of alcohol be significantly raised from the levels discussed in the NSW Promotion Guidelines.
13. Any change to the definition of “intoxicated” be accompanied by a substantial licensee and patron education campaign.
14. Any new amendment to the *Liquor Act 1975* include clauses mandating that licensed venues must provide water to patrons, at no warmer than room temperature without charge.
15. Any amendment to the *Liquor Act 1975* should impose a risk-based differential fee system, using both compliance history, trading hours and venue capacity multipliers. As a part of amending the *Liquor ACT 1975* an audit of licensed premises capacity should be carried out by the ACT Government. Consideration should be given to introducing a planning system similar to the South Australian model, which outlines different parts of the licensed premises which have seated areas, dance-floor areas. Patron capacity numbers could then be based on differential person per square metre limits for each area.