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Minister Fritz welcomes progress on amendments to WC Liquor Act

2 September 2020

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The Minister of Community Safety, Albert Fritz, welcomes the progress made by his Department on the proposed amendments to the Western Cape Liquor Act (the Act).

The Western Cape Safety Plan has tasked the Department of Community Safety with amending the Act as a part of its wholistic plan to halve the murder rate in the province over the next 10 years. The amendments are further aligned with Premier Alan Winde's Smart Interventions aimed at reducing alcohol related harms (ARH).

Minister Fritz said, "The amendments are being driven by the ARH Task Team which I have assembled. I wish to commend the task team on their hard-work and careful deliberations thus far which will no doubt contribute towards improving the safety of residents in the province."

Minister Fritz added, "During the lockdown, my Department monitored the number of homicides which demonstrated that at the beginning of the lockdown, the murder rate had been halved. However, as we moved into alert levels 4 and 3, the murder figures increased but then again slightly decreased as the ban on alcohol and the curfew was reinstituted."

Minister Fritz continued, "These are not sustainable interventions as they have a major impact on our economy and contribute to unemployment in vulnerable communities. That is why I agree with Premier Winde that it is necessary that the unbanning of alcohol be accompanied with smart interventions, such as the proposed amendments, which aim to reduce ARH."

Amongst the key proposed amendments are altering the Western Cape Liquor Authority's (WLCA) liquor license fees. The following amendments would further result in quick wins and reduce ARHs:

- Permanently confiscating seized liquor following the payment of an admission of guilt fine;
- Inserting an objective test within the Act to determine whether alcohol has been sold to an unlicensed outlet/individual;
- Obliging licence holders to take reasonable measures to determine that a client is of legal drinking age;
- Aligning the Act with the Liquor Products Act to ensure a uniform definition of "Illicit liquor";
- Providing for a public participation process to alter existing licences;
- Expanding section 24 committee powers to hear enforcement matters;
- Expanding the capacity and availability of the Appeal Tribunal/Authority;
- Enabling the Minister of Community Safety to prescribe by way of regulation additional and relevant information to be considered by the Liquor Licensing Tribunal or the Presiding Officer;
- Ensuring that a record of all liquor sales is kept by outlets and prescribe the measure of detail required; and
- Limiting the delivery of more than the prescribed limit of liquor by inserting a requirement to produce the "written consent of the Presiding Officer".

Minister Fritz said, "At the same time, my Department aims to work more closely with unlicensed outlets and individuals to ensure that they become licensed and ARHs are mitigated. This will further require a whole of government approach to address issues related to availability and access. The proposed amendments further seek to enable unlicensed outlets to become licensed, adhere to regulation such as zoning and trading hours."



Minister Fritz continued, "As per the legislative process, the proposed amendments will be put forward to the provincial cabinet who will scrutinise and debate its contents. Thereafter, it will be prepared by legal services and be published in the Provincial Gazette for public input for a period of 21 days. The Bill will then be referred to the Provincial Parliament for debating and finalisation."

Minister Fritz further notes that between 27 March and 28 August, the Western Cape Liquor Authority (WCLA) has conducted 129 investigations into contraventions of the National Disaster Risk Management Act Regulations.

Of the 129 investigations, 50 section 71 matters were placed on the Liquor Licensing Tribunal's (LLT) case roll of which:

- 40 licences were suspended;
- 10 applications were dismissed; and
- There are currently no applications pending.

Minister Fritz said, "I commend the WCLA on the significant role that they play in preventing ARHs by investigating those establishments which pose a threat to the health, wellbeing or safety of the public."

Attention broadcasters, please English Audio clips:

- Amendments to the Act: <https://clyp.it/napfbhjp>
- Investigations conducted by the WCLA: <https://clyp.it/mhiizyac>

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