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**Submission by Illawarra Shoalhaven Local Health District (ISLHD) Drug and Alcohol Service regarding the Evaluation of the Community Impact Statement requirement for liquor licence applications.**

We appreciate the opportunity to provide comment and feedback to Liquor & Gaming NSW to assist in informing evaluation of the current Community Impact Statement requirement for liquor licence applications. We trust that the feedback below will contribute to ensuring an open and transparent process, where health, wellbeing and interests of community members are prioritised.

**Primary Feedback**

ISLHD Drug and Alcohol Service plays a key role in supporting community members who experience issues or harm as a result of alcohol use, which includes physical, mental and social health. We also recognise and acknowledge the much broader impact that alcohol misuse has within our community- including (but not limited to) impact on children, families, carers, health and legal systems, community safety and public amenity.

Foremost, our major concern is that the majority of liquor licences are approved even when there has been strong community and stakeholder objections raised. The current system is not open or transparent. The current approval rate, which is significantly weighted in favour of industry and relies on community proving there will be future harm (which is an impossible task) rather than the onus being on industry to prove that there will be no increase in harm, when despite significant research evidence it is highly probable that some locations will experience significant and direct harm from the addition of additional liquor licences being approved. This strong history of community and stakeholder voice not being heard within our local community, and presumably broader NSW communities, has directly resulted in community members and groups being disempowered and no longer bothering to provide comment, since they believe this to be nothing more than a tick box exercise.

ISLHD has submitted several objections. We believe none of these have been upheld. This includes in February 2013, in Fairy meadow there was one submission for relocation of a liquor outlet to a closer proximity to the local High School and approval of an additional liquor outlet. These were approved despite this location already having a high density of liquor outlets in the immediate area and no restrictions placed on these licenses despite increased potential harm to young people.

**Key Issues for Comment**

**Consultation and feedback process**

Community members and stakeholders are inadequately consulted in an appropriate manner.

Many stakeholder groups and community members have disengaged due to lack of openness and transparency in the process

The process is not clear. Navigating the correct process and finding this on the OLGA website is confusing and time inefficient to stakeholder groups and community members. The transparency of arguments which are likely to have weight in this process is unclear and confusing. The small amount of information which is provided, is surrounded by a myriad of information which is directed at industry. This disproportionality and lack of ease in finding this information suggests tokenism from the outset. Additionally community and stakeholder engagement and consultation is

minimised by terminology used. "Community Impact Statement" is not a term understood by community nor does it invite individual views. In terms of readability and literacy encouraging community engagement this is not appropriate.

The time taken for community members and stakeholders to provide feedback, especially when feedback should be openly tabled and discussed at various meetings to enable broader feedback is inadequate. Many meetings are held monthly, so currently the 30 day response time does not allow for broader dissemination of information or potential impact to others groups to enable them to respond. This should be a minimum of 60 days.

The information sought in the process suggests that data and decisions are made primarily on data such as distance from place of worship. This can also be disengaging to community members and stakeholders who may wish to provide more qualitative data- such as feeling less safe in the community.

Community members and stakeholder are not adequately informed or supported to make an informed response. There is a myriad of research based information relating to harms in Increase in liquor outlet density and availability of alcohol (Donnelley 2006; Livingstone 2010), which are each independently, directly linked with increased domestic violence, assault/ violence (Chaloupka, 2002; Homel, 1999; Scribner et al, 1994; Stevenson et al, 1999), child neglect and abuse (Freisthler et al, 2004) and community safety via the strong relationship between outlet density and the number motor vehicle accidents (Jewell & Brown, 1995; Donnelly, 2006; Chaloupka, 2002), pedestrian injuries (LaScala et al, 2000), dangerous driving (Homel, 1999; Scribner et al, 1994; Stevenson et al, 1999) and drink-driving (Gruenewald et al, 2002).

There is no impartial research based information provided to those who are invited to comment. The harms associated with liquor licensing or potential impacts should be provided to enable an informed voice. Currently the applicants have a conflict of interest in providing open and transparent information. In addition there is extremely limited information explaining that community groups or community members can also suggest or request inclusions/ restrictions on a license if it were to be granted.

Various groups and individuals, who will be impacted by additional liquor licenses and harms, are outside of the current automated notification radius. As such they are inadequately informed. Applicants of liquor licenses substantially benefit from the application and have adequate resources to pay lawyers to complete application and documentation. Community groups and members receive no benefit for their time and response, but spend significantly more time in responding. Community groups do not have the resources to constantly search or make comments to applications.

#### **How can consultation and notification processes be improved:**

- **Information on evidence based harms** provided to community and stakeholders, within a much wider area than currently.
- **Clear information on the process** to submit a response
- **Change of terminology** from Community Impact Statement.
- **Transparency around donation.** Justification of how any donations will assist in ameliorating harm to the immediate community who will be impacted by or potentially impacted by the liquor licence- eg donations to be provided to relevant organisations who address harms associated with the affects or impacts of alcohol misuse or public amenity in the surrounding area.
- **Donations** should have NO weighting in assessing if there is community impact in the first instance. Since any donation will not be able to ameliorate or cover all negative impacts of an additional license. If this is required, disclosure of donation only corrupts the process, whereby some of those who should be objecting to such as areas of high Domestic Violence, are being enticed by donations for financial gain, which will not support other harms that are also likely with increased licensing.
- **Increased time to 60 days** for community services and community members to respond, to enable the application to be adequately tabled and discussed at meetings.
- **Inclusion of an automated notification** alert process for groups or community members to subscribe to, which rather than expecting them to continually monitor OLGA site for potential harms and impacts, they can be automatically informed directly if an application is lodged within an area/ s which they are able to nominate ( eg – Notified of applications in Shellharbour LGA). The current single notification point is extremely inadequate and a barrier to open and transparent feedback.

- **Establishment of an independent support body** – such as Community Defender’s Office to provide an independent central person to assist with process. (Being placed on hold for over 45 minutes when phoning OLG does not encourage community consultation)

### **Community Impact Statement, categorisation and requirement to complete CIS and Red Tape**

While we are being provided the opportunity to comment on the CIS, not all applications require CIS. However every liquor licence has the potential to impact on a community, such as single or multiple function licenses (which allow up to 52 events per year). Additionally the Liquor License exemption for NGO to sell liquor without a license indicates “any community organisation established in connection with a school and that consists of parents of children attending the school together with other persons who are interested in the welfare of the school” are eligible to apply. This is strong inconsistent with expectations of community and provides messages to young people which support a drinking culture and are contraindicative to health and wellbeing of young people. There has been a significant increase in applications for these types of licences, which add to a cumulative impact of health and wellbeing of our communities. No application should be granted to venues such as schools or organisations for who the welfare of children is part or core of their business. Children's rights require particular attention to the rights of special protection and care afforded to minors The Convention on the Rights of the Child is based on core principles of the best interests of the child and optimal development and includes children's rights to physical protection, health care and provision of a safe environment.

The Department highlights the evaluation “examines existing time and cost impacts on industry to comply with CIS requirements and suggest improvements to cut red tape and minimise potential delays in the licence approval process”. This statement further highlights the lack of openness and transparency within the current process. Comprehensively assessing negative impacts to community members, in line with a broad range of harms, as previously noted which are directly associated with liquor licenses, is not a tick box approach or matter to be taken lightly. It requires open, transparent and comprehensive consultation and feedback (which is already currently not afforded). Unjustified harms cannot be withdrawn failing an incorrect or rushed decision based on what benefits industry or the market. Alcohol is not an ordinary commodity and cannot be treated as such. Process should focus on making it easier for those without a financial interest or knowledge of the process to contribute, not excluding them further by focusing on what is easier for industry.

When balancing interests of competing stakeholders, public health, welfare and safety must remain paramount. What also needs to be balanced is the cumulative impact and public costs associated with proposals, which are burdened onto community and stakeholder groups, rather than to the applicant or industry.

Current notifications, which occur based on CIS Category A or B, are inadequate. Any change in liquor trading hours or license conditions may have potential for a change in harm within the community. Currently Category A states “where ILGA identifies a need, including where there is a potential for community harm”. Comprehensive consultation should occur, which may provide information to localised issues which may have arisen or begun to emerge. These local issues, may not be captured in data provided periodically or less frequently. Up to date data through originations such as Police and Health has a role in informing these changes which can contribute to a more informed decision. I note that Department of Family and Community Services, Health or Schools are not routinely included as automated notifications for Category A, which could significantly provide localised data and context and notify other groups who may wish to provide feedback. With regard for openness and transparency, all should be invited to be part of the consultation process. This should be one process, without categorisation.

### **Usefulness of information collected by CS,**

The CIS currently is hugely biased in favour of the liquor license being granted, since despite well researched harms associated with increased alcohol availability and density, community is unable to conclusively prove a future harm, even when research indicated this is highly likely. The onus of proof should be on the applicant to prove there will be no harm caused by granting of the license, rather than community, who have no financial interest to prove that there will be.

There should be clear and transparent boundaries which guide decisions, where there is no allowance for applications to proceed, in order to protect the community against harms which are likely. This should be based on unbiased data which is mandatorily required, such as ABS, Police data etc.

- No application should be granted based on a maximum Liquor outlet density. This should be mapped and applications refused after a predetermined density (developed by an independent panel- not industry) has been reached.
- No application should be granted within a predetermined distance from a school, childcare, drug and alcohol rehabilitation or support centre, place of worship. Proximity to schools, youth centres and places frequented by youth- eg skate parks, school walking routes should also be considered and appropriate restrictions such as alcohol advertising restrictions and serving young people in school uniform within school hours within school hours should be applied as standard within a pre-determined distance.
- No applications should be approved in areas with high notifications of alcohol-related assault, alcohol-attributable hospitalisations, high domestic violence areas or areas with escalated malicious damage or public amenity issues.

Having the above standards in place will support reducing costs and burden for applicants, and significant time and frustration for community, as well as securing and prioritising public health, safety and community wellbeing.

The current 100m notification radius, currently required, is extremely inadequate. Research indicates that harms as a result of liquor licenses impact far wider than this close proximity. This should be a minimum of 2 km radius. For example, A mother of a school student may have concerns about liquor venue in close proximity to a school, she is unlikely to live within a 100 m radius and unlikely to be informed by any current means about the application.

Information collected as part of the CIS should be independently collated, at the expense of the applicant. There is current bias within areas which some applications are noting as their community of interest. The area served appears to broaden or reduce their primary client "reach" to suit what reflects best in the application, which changes SEIFA, ABS and other statistics. Large clubs, larger discount bottle shops and online liquor sales have a varying market. Information should also be collated to bottle shop density and licenses within an area.

Not all information as part of the application process is made clear and transparent to those who wish to provide feedback. In many cases crucial data is not made available in a clear and transparent way, such as copies of DA and decisions made and objections which may inform balanced decisions. The objects of the Act is to regulate the supply of liquor in line with the expectations and needs of the community, and to facilitate the balanced and responsible development of the liquor industry and related industries. Despite significant and widespread objection by community members, numerous community groups, Council, Police, RMS and Health Dan Murphy's in Nowra was approved. The DA, which established expectations of the community very clearly (and resultantly went to the Land and Environment Court) was still provided approval. T is examples like this where significant evidence is provided external to CIS, but openness and transparency in decision making is significantly imbalanced. All decisions must be objective, fair, and transparent and community voice must be at RESPONSIBLY weighted against development of the liquor industry.

The CIS requires minimal information. Specific information should accompany ALL liquor license applications and it should be clear how this is weighted. The application process in terms of time and resources is already significantly weighted in favour of industry. CIS is not merely rigorous enough to prevent or minimise harm to our community.

An example of the significant balanced interests between community and industry is highlighted by recent application 1-5554506506 Redfern Small Bar Application, Approved 12/7/2017. The decision to approve states:

"The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and to facilitate the balanced and responsible development of the liquor industry and related industries. In the pursuit of these objectives, section 3 requires the Authority to, in determining a liquor licence application, have due regard to the need to minimise alcohol-related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life."

Yet it highlights that Negative social impacts are highlighted by:

The BOCSAR data indicates that for the year ending in December 2016, the Premises was located within high density hotspots for incidents of domestic (244% higher than state average), non-domestic and alcohol-related assault (342% higher than state average) and malicious damage to property ( 140% higher than state average), the rate of alcohol-related assault per 100,000 persons of the population in Redfern was considerably higher than the rest of the State. The HealthStats NSW data indicates that for the period 2012-13 alcohol attributable hospitalisations, reflected by a Smoothed Standardised Separation Ratio, were 30% higher than the NSW figure.

These statistics couple with evidence based research which clearly highlights increase in liquor outlet density and availability of alcohol (Donnelley 2006; Livingstone 2010), are each independently, directly linked with increased domestic violence, assault/ violence (Chaloupka, 2002; Homel, 1999; Scribner et al, 1994; Stevenson et al, 1999) is in stark contrast to the decision having “due regard to the need to minimise alcohol-related harm”.

This process should be a more rigorous Social Impact Statement, with routine information such as BOSCAR and Health data being used as clear benchmarks for rejection of any applications which increases liquor within those areas.

Thank you for providing the opportunity to comment and for your consideration of the concerns we have raised regarding current processes. Please do not hesitate to contact me should you require any further clarification of concerns raised.

Kind regards,

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