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Liquor & Gaming NSW
via email: cis.evaluation@justice.nsw.gov.au

To whom it may concern

SUBMISSION TO THE EVALUATION OF THE COMMUNITY IMPACT STATEMENT REQUIREMENT

The Centre for Excellence in Mental Health and Substance Use thanks you for the opportunity to make a submission to the *Evaluation of the Community Impact Statement requirement for liquor licence applications*. As leading researchers in the fields of substance use and mental health, we are committed to the development of the evidence-base in order to minimise the harms associated with alcohol use, and we are committed to the practical application of that evidence.

These harms are well established in the scientific literature.^{1,2} Systematic reviews of all the available evidence have consistently indicated that alcohol outlet density is positively associated with alcohol use and alcohol-related harms, with little dissenting evidence.^{3,4} Alcohol outlet density is robustly associated with assaults, as well as road crashes, drink-driving, homicide, child abuse and neglect, self-inflicted injury, and alcohol-related morbidity and mortality.⁵ Alcohol outlet trading hours also have clear and consistent effects on alcohol consumption and related harms.^{6,7,3}

In 2014-15, 2,475 new licence applications were granted, while 14 were refused. Individuals and organisations within communities should have an opportunity to contribute to the liquor licensing decision-making process, particularly with respect to achieving harm minimisation goals of legislation.

The Community Impact Statement (CIS) process, taking place before an application is formally lodged, represents a key opportunity to increase community involvement, consider evidence regarding potential harms, and thus minimise harm.

¹ Teesson M, Hall W, Slade T, Mills K, Grove R, Mewton L, Baillie A, Haber P. (2010) Prevalence and correlates of DSM-IV alcohol abuse and dependence in Australia: findings of the 2007 National Survey of Mental Health and Wellbeing. *Addiction*.105: 1-10.

² Mewton, L., Teesson, M., Slade, T., & Grove, R. (2011). The epidemiology of DSM-IV alcohol use disorders amongst young adults in the Australian population. *Alcohol and Alcoholism*, 46, 185-191.

³ Popova, Svetlana, Norman Giesbrecht, Dennis Bekmuradov, and Jayadeep Patra. 2009. 'Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review', *Alcohol and Alcoholism*, 44: 500-16.

⁴ Bryden, A., B. Roberts, M. McKee, and M. Petticrew. 2012. 'A systematic review of the influence on alcohol use of community level availability and marketing of alcohol', *Health and Place*, 18: 349-57.

⁵ Chikritzhs, Tanya, Paul Catalano, Richard Pascal, and Naomi Henrickson. 2007. *Predicting alcohol-related harms from licensed outlet density: A feasibility study* (NDLRF: Hobart).

⁶ Hahn, Robert A, Jennifer L Kuzara, Randy Elder, Robert Brewer, Sajal Chattopadhyay, Jonathan Fielding, Timothy S Naimi, Traci Toomey, Jennifer Cook Middleton, and Briana Lawrence. 2010. 'Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms', *American Journal of Preventive Medicine*, 39: 590-604.

⁷ Middleton, Jennifer Cook, Robert A Hahn, Jennifer L Kuzara, Randy Elder, Robert Brewer, Sajal Chattopadhyay, Jonathan Fielding, Timothy S Naimi, Traci Toomey, and Briana Lawrence. 2010. 'Effectiveness of policies maintaining or restricting days of alcohol sales on excessive alcohol consumption and related harms', *American Journal of Preventive Medicine*, 39: 575-89.

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We would suggest that there are a number of aspects of the current system that present barriers to community engagement. Here, we address Questions 1 and 2 posed in the discussion paper, i.e. “Are community stakeholders being appropriately consulted?”, and “Does the CIS capture local community concerns and feedback?”.

Key concern 1: The 100 metre requirement (CIS B) for notifying neighbours is inadequate for reaching all relevant community members. This is evident in the considerable number of applications that attract submissions from community members and other stakeholders who were not listed on CIS documents. That is, parties who expressed interest or concern are sometimes unaware of, or not extended, the opportunity to participate at this earlier CIS stage. To be notified and have the opportunity to comment, stakeholders that fall outside the 100 metre area rely on being identified by ILGA as of special interest.

Key concern 2: 30 days for comment on the CIS is insufficient for considering and preparing responses. Proposed plans can be complex, and respondents must consider the wealth of evidence on the harms of alcohol, as well as local circumstances. This is even more difficult in areas of socio-economic disadvantage where resources and licensing-related knowledge may be more limited in the community.

Because of the geographic and time constraints placed on CIS consultation (concerns 1 and 2), community members with a genuine interest in an application often do not get a chance to voice their concerns. Instead, if they wish to contribute, they must make a submission in response to the application once it has been lodged. While these submissions are taken into consideration by ILGA, written decisions (accessed here:

<http://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/liquor-decisions/liquor-decisions.aspx>) show community input at this stage is sometimes disregarded, as subjective judgements about the overall social impact of a licence must ultimately be made.

Exacerbating this, there is also ambiguity as to what kinds of arguments can be considered at this later submissions stage, and whether supporting evidence is required (despite no legislative requirements). Recently, ILGA has made decisions where community submissions were not thoroughly considered because they were concerned with competition to local business⁸ or failed to provide supporting evidence⁹. This means that these issues, which would have been acceptable at the CIS stage, were not adequately considered at this later submission stage.

Most importantly, in not engaging with the CIS, community members have lost the opportunity to directly consult with the applicant, to have concerns and evidence addressed, and to have assurances provided. Prospective licensees must be responsive to community feedback on the CIS as this is documented on the forms submitted in their applications. This means the CIS stage is a time for genuine discussion and negotiation on conditions of the licence and aspects of the proposed premises’ activities. This opportunity is not available once the CIS has been submitted. Effective community involvement in the CIS process may also prevent drawn-out contested applications at submissions or decision review stages later.

⁸ Independent Liquor and Gaming Authority 2016, *Decision under Section 45 Liquor Act 2007 on Application for Packaged Liquor Licence – Bray’s IGA Castlecrag – 4 April 2016*, para 224.

⁹ Independent Liquor and Gaming Authority 2016, *Decision under Section 45 Liquor Act 2007 on Application for Packaged Liquor Licence – Camperdown Cellars, Mosman – 24 May 2016*, paras 361 and 365.



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In summary,

1. We believe the CIS process in an important part of liquor licensing, and should be protected.
2. To maximise community involvement, increase the role of evidence in decision making, minimise harms and increase the efficiency of the licensing system, community members need to be engaged through the CIS process. We suggest that increased notification requirements and more flexible consultation opportunities are an important step in achieving this.

Yours sincerely,

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