



Justin Field

Member of the NSW Legislative Council

NSW Parliament
Macquarie Street, SYDNEY NSW 2000

P (02) 9230 3335

justin.field@parliament.nsw.gov.au

www.justinfield.org

Submission to the Evaluation of the Community Impact Statement requirement for liquor licence applications

26 July 2017

The NSW Greens welcome the opportunity to contribute to the evaluation of the Community Impact Statement (CIS) requirement for liquor licence applications. We have serious concerns that the goal of the NSW Government is to further reduce the already limited voice of the community when it comes to challenging liquor licence application and further tilt regulation in favour of alcohol industry.

The CIS process as it currently stands is flawed, with the Independent Liquor and Gaming Authority (ILGA) approving almost all liquor licence applications to date in 2017.¹ This has been in the face of significant opposition from health authorities as well as community members. The CIS process needs to be reformed to enhance the voice of the community and provide independent consideration of health and social impacts from increased access to liquor.

In summary, the NSW Greens make the following recommendations:

1. Improve notification requirements of liquor licence applications and transfer responsibility of notification to Liquor and Gaming NSW (L&GNSW).
2. Require L&GNSW to carry out the community impact statement, rather than the applicant.
3. Develop clear criteria for a CIS that incorporates a snapshot of the area and potential health impacts.
4. Expand the definition of *neighbouring premises* in clause 6 of the *Liquor Regulation 2008* to increase the relevant distance to a minimum of 1kilometre.
5. Combine categories of CIS so that consultation with health and social service agencies is compulsory for all applications.
6. Publish the community impact statement and all objections on the L&GNSW website.
7. Require the applicant to formally address all objections and public response on the &GNSW website.
8. Remove the restrictions on appeal rights to the NSW Civil & Administrative Tribunal, allowing any objector to lodge an appeal.

In answer to the specific questions asked in relation to the CIS review, the NSW Greens make the following comments.

1. Are community stakeholders being appropriately consulted?

There is currently inadequate public consultation in relation to liquor licence applications and approvals. The L&GNSW noticeboard is not user-friendly and is not presented in a format that is

¹ <http://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/liquor-decisions/liquor-decisions.aspx>

readily accessible to members of the public, particularly older members with lower computer literacy rates. There is also no notification mechanism in the noticeboard, as can be seen in planning (<https://www.planningalerts.org.au/>). Introducing a notification mechanism that alerts individuals to applications within their suburb would greatly improve access for the community.

There should be a wider notification area than the current 100 metres to ensure that all members of the community are notified. This is particularly important when large bottle shops and hotels are making a licence application. For this reason we recommend the definition of *neighbouring premises* in clause 6 of the Liquor Regulation 2008 should be amended to increase the relevant distance to at least 1km.

The NSW Greens also recommend that consultation in the CIS process with local health services and local social service providers be compulsory for all CIS categories. (currently only compulsory under category B).²

2. Does the CIS capture local community concerns and feedback?

As the CIS is written by the applicant there is no independent assessment of community impacts. This allows the party with a financial interest in the application to assess the potential impacts of their proposal on the community. This represents a direct conflict of interest. For this reason, we recommend that L&GNSW adopt a coordination role for the CIS and the notification process to ensure transparency.

There is a very high approval rate from ILGA, which has raised alarm bells within the community and especially from health services. An almost 100 per cent approval rating in 2017 raises questions about whether the assessment process is adequately considering and addressing community concerns and in turn undermines public confidence in the processes of ILGA. To improve the community's perception of the role of ILGA, there needs to be a clear demonstration that ILGA is considering and acting on objections and concerns from the community, especially from health and welfare services.

There are currently restrictions on appeals which do not allow for proper access to justice by those impacted upon decisions. Currently, only those within the notification area, which is in most cases 100 metres, and those that made a submission can appeal to the NSW Civil & Administrative Tribunal. This right to appeal should be available to any objector in the interests of access to justice.

3. Is the information collected during the CIS process useful?

As the CIS is carried out by the applicant, rather than L&GNSW, there is a risk appropriate detail on community impacts could be omitted from the CIS given the inherent conflict of interest held by the applicant. The NSW Greens recommend independent professionals with relevant qualifications be employed by L&GNSW to provide an unbiased and complete assessment of community impacts.

² <https://www.legislation.nsw.gov.au/#/view/regulation/2008/240/part3/div2>

There should also be a set of clear objective criteria for assessing the impact of the liquor licence on the community. This should be contained in the Liquor Regulation 2008 and should incorporate considerations of outlet density and alcohol-related violence in the area among other issues that have continually been raised by health and social service organisations.

4. Are there opportunities to cut red-tape and minimise delays from the CIS process?

The NSW Greens have serious concerns about the language of cutting red-tape and minimising delays when the community already has limited objection and appeal rights. Any effort to reduce CIS considerations or the rights of the community under the guise of cutting red tape will be recognised as the Government siding with vested corporate interests and the alcohol lobby over public health and community rights. There is a need to bolster the CIS process and increase access for community members, in ways already described in this submission.

5. Are there opportunities to minimise overlaps in community consultation processes across local and state government?

The NSW Greens will not support any move to reduce or remove the use of the CIS and for community input to only occur through during a development application stage in the *Environmental Planning and Assessment Act 1979*. We have grave concerns that this will further reduce the consideration of health and welfare impacts from liquor licence holders on local communities and is unacceptable.

6. Are the separate CIS categories (A & B) necessary and appropriate?

The NSW Greens do not see the need for two categories as this furthers the complexity around liquor licence applications. These categories also have different notification requirements and as such we recommend that both categories are combined and have the same notification requirements as contained in category B CIS.³

³ <https://www.legislation.nsw.gov.au/#/view/regulation/2008/240/part3/div2>