

**NSW Health Response to the  
Liquor & Gaming NSW  
*Evaluation of the Community  
Impact Statement requirement  
for liquor licence applications  
Discussion Paper***

Prepared by

Centre for Population Health  
Division of Population and Public Health  
NSW Ministry of Health



**Health**

## **Introduction**

### **NSW Health's response to Community Impact Statements:**

The NSW Ministry of Health and Local Health Districts can respond to Category B liquor licence Community Impact Statements (CIS's), if these licences are deemed potentially contentious.

The Alcohol and Other Drug Branch in the Centre for Population Health receives CIS's from applicants and oversees the dissemination of these to the relevant stakeholders for comment. These can include:

- NSW Health Local Health District Population Health and Drug and Alcohol Directors
- Community Drug Action Team NSW representatives
- Internal NSW Health Ministry of Health representatives
- Representatives from the Alcohol and Drug Foundation

### **This submission**

NSW Health welcomes the opportunity to contribute to the *Evaluation of the Community Impact Statement requirement for liquor licence applications – Discussion Paper*.

### **NSW Ministry of Health comments against the key evaluation questions:**

Please find following the Ministry of Health responses to the key evaluation questions (as outlined in pages 7 and 8 of the *Discussion Paper*).

### **Question 1 - Are community stakeholders being appropriately consulted?**

#### Comment – 1:

Informal feedback from NSW Health, and associated NGO stakeholders, suggests the CIS consultation process could be generally improved. At present, no system exists within Liquor and Gaming (L&G) NSW that alerts people when a liquor licence application has been made, except for when lawyers write to NSW Health on behalf of the Applicant. This may result in a shortened time frame in which NSW Health can respond to applications.

#### Recommendation for consideration:

NSW Health recommends the development of an alert system to inform agencies mandated to respond to Category B Community Impact Statements (CIS's). L&G NSW could provide a centralised coordinating role. This would improve the notification process.

Comment – 2:

Feedback from NSW Health and NGO stakeholders is that *Guideline 6 - Consideration of social impact under Section 48(5) of the Liquor Act 200* is not easily understandable and is too long and complex.

Recommendation for consideration:

There could be scope to simplify *Guideline 6* and produce an easily understandable document, which outlines clearly the CIS criteria that is considered by L&G NSW and the Independent Liquor and Gaming Authority (ILGA) in the licence decision process.

Comment – 3:

At present, there is no central conduit or contact person at L&G NSW to whom NSW Health can send CIS responses. If a person, or agency, wishes to comment on a CIS they need to go to the L&G NSW on-line noticeboard. Once there, a person must negotiate their way through the website to find the appropriate application (usually by searching by suburb and then trying to find the application). This is a time consuming process. It can be complicated for those wishing to make comment on an application.

Recommendation for consideration:

L&G NSW could provide a simple central conduit, or point of contact, where CIS responses can be sent.

Comment – 4:

Currently there is a 30 day period in which agencies can comment on a CIS in the licence application stage. This is a tight-time frame in which agencies have to collect data both quantitative and qualitative data through local stakeholder consultation and community engagement.

Recommendation for consideration:

Consideration could be given to extending the period in which NSW Health has to respond to a CIS in the licence application stage. Consideration could be given to extending from the current 30 day period to a six week period.

## **Question 2 - Does the CIS capture local community concerns and feedback?**

### Comment – 1:

NSW Health and associated NGO stakeholders have informally expressed frustration that they can spend a lot of time and energy on a CIS, which can seem to result in little impact on conditions placed on a licence, or the possible rejection of that licence. It is sometimes difficult for stakeholders to determine if L&G NSW and the ILGA have taken their feedback into account. No direct feedback mechanism is provided by L&G NSW and the ILGA to people who have provided comment on a licence. At present, a person has to scroll through published decisions on the L&G NSW website to find the relevant licence decision. A person needs to decipher the relevant section in that published decision, sometimes many pages long, to determine where their agency has made a contribution to the decision.

### Recommendation for consideration

L&G NSW and the ILGA could provide feedback to stakeholders that have commented on a CIS, once a decision has been made. If the aforementioned alert system is developed, it could be as simple as sending the result of a decision to the people who were alerted to the licence application in the first place.

## **Question 3 - Is the information collected during the CIS process useful?**

### Comment – 1:

There has been concern expressed by stakeholders to the NSW Ministry of Health that L&G NSW and the ILGA often request highly specified local data, to within 50 metres, of a licence application about the effects on the community. NSW Health data is often at the Local Health District level and often Hospital admissions data is broader than the 50 metres stipulated.

### Recommendation for consideration

There needs to be a way of considering more global data, especially around density, violence and alcohol related harm, and how this applies to a licence application.

Comment – 2:

It is unclear to agencies what information is required exactly by L&G NSW and the ILGA for them to make a licence decision.

Recommendation for consideration:

Information collected during the CIS could prove more useful if L&G NSW and the ILGA provided more transparency in regards to the criteria on how liquor licensing decisions are made. At present, there is only the aforementioned *Guideline 6*, which is complicated. L&G NSW and the ILGA could consider promulgating very clear and simple criteria which are utilised in informing licence decisions.

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

Comment – 1:

Informal feedback from stakeholders to the Ministry of Health has outlined that the CIS response process is complicated and could be simplified.

Recommendation for consideration:

L&G NSW and ILGA could consider developing a proforma that a multitude of Government agencies could use in response to CIS's. The proforma could clearly delineate information required from agencies to inform decision making processes. L&G NSW and the ILGA could derive information from one universal template from multiple agencies.

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

Comment 1:

As per the previous point, there is scope for minimising overlaps in the community consultation process across state government agencies. The same recommendation applies.

Comment 2:

In regards to local government processes, informal concern has been expressed by stakeholders that some local councils have not been rigorous in seeking CIS's during the DA application stage. There can sometimes be a blanket approval by a council for a general licence at the DA stage, without appropriate detail being provided.

Recommendation for consideration:

Consideration could be given for all local councils to request a detailed CIS for liquor licences at the DA approval stage.

**Question 6 - Are the separate CIS categories (A&B) necessary and appropriate?**

Comment:

Yes they are – Category A licences have less social impact than Category B licences and should be kept separate.

**Question 7 - What types of liquor licences and authorisations should be required to complete a CIS?**

Comment:

There is currently an emerging trend for small bar licence applications and for online packaged liquor licences.

Recommendation for consideration

All small bar licence applications should be considered for a CIS. L&G NSW and the ILGA should consider a Category B CIS be completed by those people applying for online packaged liquor licences.