

GUIDELINE 6

Consideration of social impact under section 48(5) of the *Liquor Act 2007*



Independent
Liquor & Gaming
Authority

Overview

This Guideline concerns the process by which the Independent Liquor & Gaming Authority (“**Authority**”) considers the likely social impact of a licence, authorisation or approval on community well-being when determining whether to grant certain applications. It provides information to relevant stakeholders (including applicants for a licence, authorisation or approval and members of the community) about the type of information that is likely to be of assistance to the Authority when considering that impact.

This Guideline applies to decisions that are made by the Authority itself and Authority delegates.

The Guideline is primarily directed to “relevant applications” requiring consideration of the overall social impact test under section 48(5) of the *Liquor Act 2007* (“**Act**”).

However, the sources of data identified below (particularly socio demographic data from the Australian Bureau of Statistics (“**ABS**”), crime data from the NSW Bureau of Crime Statistics and Research (“**BOCSAR**”) and Authority licensing data for the relevant area) will likely inform other types of licence decisions that do not require application of the overall social impact test, but consideration of the public interest in respect of the relevant community that is affected by a decision.

An example of this is an application to vary an existing extended trading authorisation under section 51(9) of the Act.

Applicants are reminded that whether or not the overall social impact test applies to an application, all Authority liquor decisions will be informed by an assessment of the statutory objects and considerations prescribed by section 3 of the Act.

Background

1. The object of section 48 of the Act is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community. This is achieved by providing a process through which the Authority is made aware of:
 - a) the views of the local community, and
 - b) the results of any discussions between the applicant and stakeholders regarding concerns that the local community may have in relation to the application.
2. The Authority is required to consider a community impact statement (“**CIS**”) provided with an application, and have regard to the impact of the proposed licence, authorisation or approval on community well-being, before determining whether to grant it.

Applications that require consultation on community impact

3. Section 48(3) of the Act requires certain applications to be accompanied by a CIS. Those applications are, as set out in section 48(2) (“**Relevant Applications**”):
 - a) an application for a hotel licence, club licence or packaged

liquor licence,

- b) an application under section 59 for approval to remove a hotel licence, club licence or packaged liquor licence to other premises,
- c) an application for an extended trading authorisation in relation to a hotel licence, club licence or packaged liquor licence,
- d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
- e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),
- f) any particular application (or class of application) that is required by the Authority to be accompanied by a CIS,
- g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49(5)(b) or section 49(5A)).

4. There are two categories of CIS: category “A” and category “B”. Clause 27(1) of the Liquor Regulation 2018 (“**Regulation**”) requires the preparation of a category “A” CIS in respect of an application for a packaged liquor licence for sale of liquor only by telephone, fax, internet or mail order; an application for an extended trading authorisation enabling an on-premises licensee to sell liquor between 5 and 10 am or between 10 pm and midnight on a Sunday; or an application for a primary service authorisation under section 24(3) of the Act.
5. Those applications for which a category “B” CIS is required are set out in clause 27(3) of the Regulation. They include an application for a hotel licence; club licence; packaged liquor licence and an on-premises licence that relates to a public entertainment venue (other than a cinema or theatre). They also include an application for an extended trading authorisation or an application to remove any of the aforementioned licence types.
6. Moreover, a Category B CIS will be required when extended trading is sought to enable any on-premises licensed business to supply liquor between the hours of midnight and 5 am, or if a producer/wholesaler licensee proposes to do the same (other than in respect of the licensee’s residents or guests). Finally, a Category B CIS will be required if the Authority requires it pursuant to section 48(2)(f) of the Act.

Important notice

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Community Impact Statement

7. Requirements in relation to the preparation and content of a CIS are set out in sections 48(3), (4) and (6) of the Act and clauses 27 to 29 of the Regulation. Applicants must also comply with the advertising and notification requirements of clauses 20 to 26 of the Regulation.
8. This Guideline is not intended to outline the CIS procedure for applications made under categories “A” and “B” in detail. Explanatory information regarding the CIS may be published on the Liquor & Gaming NSW (“L&GNSW”) website at www.liquorandgaming.nsw.gov.au.

Requirement to have regard to impact upon community well-being

9. Section 48(5) of the Act provides that the Authority must not grant a licence, authorisation or approval unless it is satisfied, having regard to the CIS and any other matter it is made aware of, that the overall social impact of granting the licence, authorisation or approval will not be detrimental to the well-being of the local or broader community.
10. The Authority will generally assess the “local community” by reference to the State suburb or town in which the licensed premises is to be situated, and the “broader community” by reference to the local government area in which the licensed business is to be situated.
11. The Authority is required to:
 - a) assess the overall social impact of a licence, authorisation or approval being granted, and
 - b) determine whether it is satisfied that that impact will not be detrimental to the well-being of the community.
12. In a practical sense it is incumbent upon an applicant to provide the Authority with sufficient evidence or other material to satisfy it that the test prescribed by section 48(5) of the Act is satisfied with respect to both the local and broader communities, or the Authority must refuse the Relevant Application.
13. When making an assessment of the overall social impact of a licence, authorisation or approval being granted, the Authority will consider, without limitation, the following aspects of a Relevant Application:
 - a) The **type** of proposed licensed premises applied for – for example, whether it is a hotel, general bar, registered club, public entertainment venue (nightclub) or packaged liquor licence (takeaway liquor store).
 - b) The **scale** of the proposed licensed premises – that is, its size, layout and the maximum number of persons that the premises can accommodate (under an approval from the local consent authority or, where such an approval does not exist, under other appropriate building standards). Whether or not entertainment is to be provided, and its nature, may also be relevant in considering the scale of the proposal.
 - c) The **trading hours** of the proposed licensed premises –

whether the venue will trade within the standard hours prescribed by section 12 of the Act, what the proposed six-hour closure period under section 11A of the Act will be (if applicable), any trading hour arrangements approved by the local consent authority, and whether an extended trading authorisation is sought to enable the premises to trade beyond midnight and, if so, until when and for how many days per week.

- d) The **location** of the proposed licensed premises – whether the existing density of licensed premises in the relevant local or broader community is relatively high or low by comparison to the New South Wales State average and what cumulative social impact the addition of a further premises of the type, scale and with the trading hours proposed is likely to have upon those communities – by reference to such issues as transport problems, overcrowding of footpaths, increased pedestrian traffic, littering, noise pollution and the prevailing exposure of the local and broader communities to relevant types of anti-social behaviour and crime, including the proximity of any “hot spots” for the occurrence of such incidents.

The Authority may consider whether the populations of the relevant local or broader communities have demographic traits that are linked to relatively higher or lower vulnerability to alcohol-related social problems than the State population as a whole.

The Authority will also consider those matters relevant to location that must be addressed by a CIS – including the proximity of the proposed licensed premises to: hospitals or other health facilities; nursing homes; places of worship; schools, universities, TAFE colleges or other educational facilities; facilities for the homeless; facilities for people with alcohol related problems; public parks and other public facilities; and alcohol free zones or any other areas identified by NSW Police as being a problem area for public drinking.

Also relevant will be the nature of the surrounding buildings or activities – for example whether or not the area is wholly residential or commercial/industrial.

- e) Whether any **specific measures**, over and above those required by legislation, will be implemented at the proposed licensed premises (whether by way of licence conditions or otherwise) that may contribute to reducing the potential social detriment that premises of the relevant type, scale, trading hours and location may otherwise pose to the local and broader communities. For example, some larger developments such as hotels and nightclubs may, as a condition of development consent, have produced a Plan of Management or a Security Management Plan. Similarly, the Authority may consider whether any particular aspects of the proposed licensed premises may enhance its potential to have a positive social impact upon the local and broader communities.

Matters the Authority must consider

14. In determining whether it is satisfied that the overall social impact of the licence, authorisation or approval being granted

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will not be detrimental to the well-being of the local or broader community, the Authority is required to have regard to:

- a) the CIS; and
- b) any submissions and reports received by the Authority, and any other relevant matters the Authority is made aware of, during the application process.

15. Upon receiving a Relevant Application, the Authority may refer the matter to the Secretary of the Department of Industry, (“**Secretary**”) for a report pursuant to section 42 of the Act, and will invariably do so. The Secretary’s report may include information and or comment on the potential social impact posed to the local or broader communities should the application be granted. The report may recommend conditions to which the proposed premises may be subject if a licence is granted, and address the compliance history, if any, of the applicant.

16. Where such a report is provided, the Authority is required to have regard to it in determining whether it is satisfied that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.

Matters the Authority may consider

17. While the Authority must have regard to the matters referred to above, the Authority need not confine its assessment of the overall social impact of a Relevant Application being granted to that material alone.

18. The Authority may consider domestic and international public health and other relevant research regarding those demographic indicia that are linked to a population’s relatively higher or lower vulnerability to alcohol-related harm.

19. The Authority may also consider domestic or international research on the association between high alcohol outlet density or outlet clustering and adverse social outcomes, including but not limited to rates of alcohol-related crime and anti-social behaviour, hospital admissions, child abuse and neglect, alcohol related assaults, motor vehicle accidents, pedestrian injuries, drink driving and reported rates of public drunkenness.

20. Recent and historical crime statistics and analysis, including data pertaining to general and alcohol related crime rates in the relevant communities, is routinely obtained from BOCSAR. This material may be taken into account by the Authority when considering the extent of prevailing social problems and crime trends in the relevant communities. This data may relate to domestic and non-domestic assault, police assault, malicious damage to property, disorderly conduct and liquor offences.

21. The Authority may refer to the latest ABS “Quickstats” data and Socio Economic Index for Areas (“**SEIFA**”) data for the local and broader communities.

22. The Authority may refer to licence density and clustering data

and information about the type, location and diversity of other licensed premises in the local and broader communities. A list of all licensed premises in New South Wales is maintained by the Authority and available for purchase from L&GNSW.

23. The Authority may also refer to NSW Roads and Maritime Services (“**RMS**”) data for information about alcohol related road accidents, and NSW Department of Health “HealthStats” information on alcohol related deaths, hospitalisations and ambulance call outs in a relevant community.

Submissions from relevant stakeholders

24. As noted above, the Authority must consider all submissions received by it. These will include:

- a) submissions from those stakeholders with whom a Relevant Applicant must consult pursuant to clause 29 of the Regulation. These include, in the case of a category “A” CIS, the local consent authority (Council), the local police and such other stakeholders as are determined by the Authority. In the case of a category “B” CIS, the relevant stakeholders include all those agencies who must be consulted in respect of a category A CIS, plus the Ministry of Health, the Department of Family and Community Services, RMS, any recognised leaders or representatives of the local Aboriginal community, and the occupiers of “neighbouring premises” (as defined by the Regulation);
- b) if the Authority has advised a Relevant Applicant to consult with a specified person or body, any submissions from that person or body; and
- c) submissions received from other persons or groups, whether or not the Act or Regulation requires a Relevant Applicant to consult with those parties.

25. When framing submissions, stakeholders should consider the statutory objects and considerations to which the Authority must have regard under section 3 of the Act:

3 Objects of Act

- (1) *The objects of this Act are as follows*
 - (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to ensure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
 - (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and*

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consumption of liquor,

- (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

26. Without limitation, members of the local or broader community may have concerns in relation to such matters as:
- undue disturbance to the neighbourhood of the proposed licensed premises caused by the operation of the premises and/or the conduct of patrons;
 - alcohol-related anti-social behaviour or crime;
 - alcohol-related hospitalisations and health problems;
 - increases in pedestrian and motor traffic numbers;
 - road safety (including but not limited to incidents involving motorists, cyclists and pedestrians affected by alcohol);
 - contribution to domestic violence associated with alcohol consumption; or
 - litter and other pollution associated with the operation of the premises.
27. Other stakeholders may wish to identify the benefits of a Relevant Application, which may include, without limitation:
- increased social and recreational opportunities;
 - addressing a shortage of entertainment venues in the relevant local or broader community;
 - increased opportunities for live music and other artistic pursuits;
 - increased employment and economic activity in the hospitality or tourism industries; and
 - other benefits to consumers.
28. The key facts and contentions asserted in a Relevant Application or submission regarding social impact should be supported by appropriate evidence or other material. To the extent that contentions are based upon underlying material (for example, a Police or Council submission based upon data on alcohol linked crime rates or disturbance complaints in a community), then the underlying material upon which those contentions are based should be either provided to the Authority or identified in a manner that would enable an opposing party to make an informed response.
29. Similarly, if a public agency (for example, the Ministry of Health) or an industry consultant makes a contention about the likely positive or negative social impact of a proposed licensed premises that is based upon research or statistics, the underlying research or statistics should be identified.
30. Notwithstanding the above, members of the local and broader communities may express their observations or opinions regarding the social impact of a proposed licensed premises without providing expert or statistical evidence in support of those submissions. The Authority encourages members of the local or broader communities to address the particular application before the Authority, in light of the statutory objects and considerations provided by section 3 of the Act.
31. When submissions are made directly to the Authority they should, wherever practicable, be made in writing, addressed to the Authority and sent to L&GNSW using the process and forms provided on the Liquor & Gaming Application Noticeboard.
32. Persons making submissions to the Authority should be aware that their submissions will be provided to the applicant. If the submission is made as part of the CIS process, before the application is filed with the Authority, a copy of the submission will be attached to the applicant's CIS that is published to the Liquor Application Noticeboard on the L&GNSW website.
33. To protect the privacy of persons making submissions in a personal capacity, the Relevant Applicant is required to provide the Authority with two versions of the CIS. Version one, without redactions, will be used by the Authority in determining the Relevant Application. All submissions and supporting documents in their original form must be attached. Version two will be published on the Liquor & Gaming Application Noticeboard. All submissions and supporting documents must be attached **but** the names, emails, phone numbers and residential apartment or street numbers of those who have made submissions in a personal capacity must be redacted from this version.
34. Residential street names however should not be removed so as to identify the proximity of the submitter to the relevant premises.
35. If for good reasons, persons making submissions do not wish their identities to be disclosed or the submissions published, they should advise the Authority at the time of making submissions, and explain why.
36. A Relevant Application will not be progressed unless both versions of the CIS are received by the Authority.
- Submissions that a local or broader community “does not need” another liquor business**
37. The fact that a locality may already be well served by liquor businesses is not, of itself, a basis for refusing a new licence application.
38. The former *Liquor Act 1982* enabled parties to object to an application on the basis that there was no “need” for a new liquor business in a neighbourhood. This provision enabled incumbent businesses to restrict the access of potential competitors to local markets.
39. Following a recommendation by the National Competition Council, the State Parliament enacted the *National Competition Policy Liquor Amendments (Commonwealth Financial Penalties) Act 2004* which replaced the “needs” test with provisions that focused upon community impact. Those amendments have largely been carried through to the current Act.
40. As noted earlier in this Guideline, section 48(5) of the current Act requires the Authority to be satisfied, as a prerequisite to the grant of certain licences, authorisations and approvals,

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that the overall social impact of the relevant licence, authorisation or approval being granted will not be detrimental to the local or broader community.

41. While the statutory focus has shifted away from the question of whether there is a need for a new liquor business, the number of existing liquor businesses in a locality and the addition of a further liquor outlet continue to be relevant to the issue of overall social impact, and will be considered by the Authority in determining the Relevant Application. For example, stakeholders may have concerns that a net increase in the availability of liquor services in an area that already has a high density of liquor outlets might exacerbate or contribute to prevailing levels (whether or not these are high compared to the NSW average) of alcohol-related harm and disturbance. The issue of licence density should be addressed in submissions to the Authority.

Informal process

42. The Authority is an independent administrative body, not a court. Section 36B of the *Gaming and Liquor Administration Act 2007* (“GALA Act”) provides that a formal hearing involving the legal representation of parties is not required to be held in relation to any application or other matter that may be dealt with or decided by the Authority under the Act.
43. However, the Authority must observe the requirements of administrative law, including principles of natural justice or procedural fairness, when undertaking administrative action.
44. The Authority administers its power to determine Relevant Applications in a manner that is as efficient and informal as possible, with a view to minimising time and costs to all stakeholders. While the Authority may, at its discretion, decide to conduct an interview, convene a conference or otherwise receive submissions orally, the Authority expects to determine most Relevant Applications “on the papers” (that is, on the basis of written material).
45. Each Relevant Application will be determined on its merits. Issues relevant to the overall social impact of an application being granted will vary according to the circumstances of each case, and will be influenced by the extent of stakeholder participation. Submissions identifying both positive and negative aspects of the proposed licensed premises will be taken into account by the Authority when considering whether the overall impact of a liquor application will be detrimental to the local or broader community.
46. Relevant Applicants may engage legal representatives or expert consultants to address questions of social impact – although this is not essential.
47. The matters discussed in this Guideline are not intended to comprise an exhaustive list of factors or material that may be taken into account by the Authority when determining whether a Relevant Application meets the requirements of section 48(5) of the Act.
48. Subject to the Authority’s duty to afford natural justice and the practical constraints of time and resources in a high volume jurisdiction, the Authority may further explore, of its

own volition, with applicants or other stakeholders, matters pertaining to social impact that have been touched upon in submissions, or identify further issues or material that have not been raised in submissions.

Determination

49. The overall social impact of an application being granted comprises only one part, albeit a significant part, of the matters to be considered by the Authority when determining a Relevant Application. The time taken to determine a Relevant Application will vary from case to case, and will be affected by such matters as whether an application meets the formal requirements of the legislation, the complexity of issues, the number of submissions received, whether submissions are made in a timely manner and, particularly, the time taken by the Relevant Applicant to respond to any questions or requests from the Authority for further information.

Notification of the Authority’s decision

50. When the Authority has determined an application, it will notify the Applicant and any other party that it is required to notify under the GALA Act. The Authority may, in its discretion, advise the Applicant of the outcome of a Relevant Application informally before the formal decision letter is notified.
51. Due to the volume of submissions it receives, the Authority does not routinely advise persons who have made submissions to it of its determination of a Relevant Application. Nor does the Authority always publish primary liquor and gaming decisions on its website. However, the Authority will generally inform persons who make enquiries to it of the outcome of Relevant Applications.
52. Section 36C of the GALA Act requires that the Authority publish, as soon as practicable, notice of certain decisions prescribed by the *Gaming and Liquor Administration Regulation 2016*.
53. Persons wishing to obtain further information held by the Authority concerning Relevant Applications are advised to apply for that information under the *Government Information (Public Access) Act 2009*. This allows the Authority to ensure that any sensitive personal, business or commercial information is not released where there is an overriding public interest against its disclosure.
54. Information about the process for seeking information held by the Authority is available on the L&GNSW website at www.liquorandgaming.nsw.gov.au.

Appeal rights

55. Amendments to the GALA Act during 2016 conferred a right of merits review by the New South Wales Civil and Administrative Tribunal (“NCAT”) for some, but not all, licensing decisions made by the Authority.
56. Prospective review applicants are recommended to obtain legal advice as to whether a right of NCAT review is

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available, and contact the NCAT Registry for advice about the process of seeking review.

57. Applications for review of Authority licensing decisions will usually be required to be made within 28 days of the day that the Authority publishes its reasons. However, certain Authority decisions have only a 21 day period in which to seek NCAT review.
58. In New South Wales the judicial review of administrative action is available only at common law, which is accessed via section 69 of the *Supreme Court Act 1970*.
59. Judicial review proceedings are required to be commenced within three months of the date that a decision was made by the Authority and only on the basis that a decision maker has committed an error of law.
60. Prospective appellants are strongly recommended to obtain legal advice as an unsuccessful litigant may be exposed to an adverse costs order.

Review of this Guideline

61. The Authority may review the operation of this Guideline from time to time and may update the Guideline as and when considered appropriate.

APPROVED by the Independent Liquor & Gaming Authority

3 September 2018

Philip Crawford
Chairperson

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Annexure A



The Authority will inform itself from time to time of relevant domestic and international public health and criminological analysis and research pertaining to the social impact of alcohol. The research assists in identifying risk factors and understanding features of communities which should receive particular attention. These risk factors will be taken into account, subject to any particular features of the local community to which an application relates.

The following list of research is provided for the information of applicants and stakeholders. The research is categorised according to demographic indicators, alcohol-related crime, health and road accident data and publications on adverse social outcomes associated with alcohol outlet density. The list is not intended to be exhaustive.

Propositions

The Authority may apply the following general propositions from the available literature:

- High levels of outlet-density have been shown to be positively associated with higher levels of alcohol-related harm (Campbell, 2009).¹
- High levels of packaged liquor outlet-density have been shown to be positively associated with higher rates of alcohol-attributable morbidity and mortality (Richardson, 2015).²
- Socio-economically disadvantaged communities are at greater risk of alcohol-attributable chronic disease or accident or injury (NSW Chief Health Officer, 2016).³
- High levels of packaged liquor outlet-density have been shown to be positively associated with higher rates of alcohol-related DV assault (Donnelly, Menendez & Mahoney, 2014).⁴
- High levels of hotel outlet-density, and highly concentrated clusters of hotels in an area, have been shown to be positively associated with higher rates of alcohol-related non-DV assault (Livingston M, 2008).⁵

Data

BOCSAR, SEIFA, outlet-density and health data will be considered together. The Authority will pay particular attention to communities with high levels of liquor availability, outlet-density, and/or that are experiencing high levels of alcohol-related crime, compared to the NSW average. The Authority will pay attention to socio-economically disadvantaged communities, and/or communities with high levels of alcohol-attributable mortality and/or morbidity, when there is evidence these communities may be at particular risk of alcohol-related harms arising from outlet-density.

Demographic indicators

ABS "Quickstats" 2016 data

Provides high level Census data available for most areas, from small areas to state, territory and Australia level and grouped by persons, families and dwellings.

ABS SEIFA 2016 data

SEIFA data ranks areas in Australia according to relative socio-economic advantage and disadvantage. The indexes are based on information from the five-yearly Census including education, occupation, employment, income and housing.

Crime

The Authority routinely refers to NSW BOCSAR annual crime data and crime maps pertaining to a relevant suburb or Local Government Area when considering an application.

The data the Authority will consider includes recent and historical crime statistics and analysis, including data pertaining to rates of alcohol-related crime (including domestic and non-domestic assault, police assault, malicious damage to property and liquor offences) in the relevant communities and benchmark areas.

¹ Campbell C A, Hahn R A, Elder R, et. al., 2009, 'The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol consumption and alcohol-related harms', *American Journal of Preventative Medicine*, Vol. 37, No. 6, pp. 556-569. See: <https://www.ncbi.nlm.nih.gov/books/NBK76640/>

² Richardson, E. A, et. al., Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities? *Health Place*. 2015 May; 33: 172–180, see: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/>

³ NSW Health 2016, *Trends in alcohol use and health-related harms in NSW – Report of the Chief Health Officer, NSW Health*. See: <http://www.health.nsw.gov.au/hsnsw/Publications/Chief-Health-Officers-report-2016.pdf>

⁴ Donnelly D, Menendez P, Mahoney N, BOCSAR, "The effect of liquor licence concentrations in local areas on rates of assault in New South Wales", *Crime and Justice Bulletin*, no. 181, December 2015. See: <http://www.bocsar.nsw.gov.au/Documents/CJB/CJB181.pdf>

⁵ Livingston M, 'Alcohol outlet density and assault: a spatial analysis', *Addiction*, 2008 April; 103(4): 619-28.

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Annexure A



Health

NSW Department of Health “HealthStats” 2016 data www.healthstats.nsw.gov.au

Recent and historical HealthStats data reported by local government area on the topic of alcohol, which includes data relating to alcohol-attributable hospitalisations and alcohol-attributable deaths.

Motor vehicle accidents

NSW Roads and Maritime Services (“RMS”) 2016 data

Data for road users by behavioural factors in crashes (including alcohol as a factor in crashes by time of day), road users by gender or region, crashes by type and region, road users by local government area of crash, fatality trends by gender, road user or region, injury trends by gender, road user or region and people in crashes by local government area.

Transport for NSW Centre for Road Safety - Annual Crash Statistics (2013 -)

Research and academic publications

Alcohol Policies and Legislation review. Final Report. October 2017. Northern Territory Government.

Delivers an analysis of alcohol use and alcohol-related harm in the Northern Territory and recommends key areas of focus for the proposed Northern Territory Alcohol Harm Reduction Framework.

Allen Consulting Group 2012, The cumulative impact of licensed premises in NSW – phase 1 report.

Diversification in the mix of lower and higher risk outlet types in an area can result in a more responsible drinking culture and minimise alcohol-related harms.

Allen Consulting Group 2012, The Environment and Venue Tool Companion guide.

Indicates a positive relationship between outlet-saturation and alcohol-related assault based on a comparison of the number of alcohol-related non-DV assaults in NSW (excluding the City of Sydney) to levels of outlet-saturation.

Australian Institute of Health and Welfare: National Drug Strategy Household Survey Report (2013)

Australian Institute of Health and Welfare: National Drug Strategy Household Survey Report (2010)

Berry J, Kidd P, Roche A and Harrison J (2007): “Prevalence and patterns of alcohol use in the Addiction, Volume 102, Issue 9, pages 1399–1410, September 2007

Describes Australian workers' prevalence and patterns of alcohol use. Evidence identifies that patterns of consumption differ between occupational and industry groups, and advocate for the development of policies, prevention and intervention strategies to reduce harmful alcohol use in Australia, particularly among young adults.

BOCSAR (1996 -): see all publications under the subject category “alcohol” that are published at www.bocsar.nsw.gov.au.

BOCSAR, “The effect of liquor licence concentrations in local areas on rates of assault in New South Wales”, February 2015

Results suggest regulatory authorities should be concerned about increases in liquor outlet-density. In particular, increases in the density of hotels above two per 1,000 residents are of greater concern than increases in the density of premises with other types of liquor licences.

NSW Domestic Violence Death Review Team Report, 2015-17. NSW Government.

Examines domestic violence related deaths to reduce the incidence of such deaths and to facilitate improvements in systems and services.

Campbell C A, Hahn R A, Elder R, et. al., 2009, ‘The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms’, American Journal of Preventative Medicine, Vol. 37, No. 6, pp. 556-569.

Higher outlet-density is associated with alcohol-related harms.

Centers for Disease Control and Prevention 2017, *Guide for Measuring Alcohol Outlet Density*, Atlanta, GA: Centers for Disease Control and Prevention, US Department of Health and Human Services.

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

Important notice

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GUIDELINE 6

Annexure A



The study explored how best to apply the international and Australian research evidence, and systematically collected information on alcohol consumption and related harms to objectively evaluate (and ultimately predict) the impact of outlet-density changes to the public health, safety and amenity of communities.

Descallar, J. et al (2012) "The association between the incidence of emergency department attendances for alcohol problems and assault incidents attended by Police in New South Wales, Australia, 2003-2008: a time-series analysis", *Addiction*, 107(3):549-556.

Identifies a clear, short-term temporal association between independent population-level markers of excessive alcohol use and violence.

Hobday M B, 2014. The Effect of Alcohol Outlets and Sales on Alcohol-Related Injuries Presenting at Emergency Departments in Perth, Australia, from 2002 to 2010. Faculty of Health Sciences National Drug Research Institute.

Regions of Perth, Australia with greater off-premises alcohol sales and counts of on-premises alcohol outlets, particularly those with extended trading hours, appear to have higher levels of alcohol-related injuries.

Booth et al: "Independent Review of The Effects of Alcohol Pricing and Promotion". University of Sheffield Report for the Department of Health (UK, September 2008)

Investigation into the effects of pricing and promotion on alcohol consumption and related harm in the United Kingdom. Pricing policies can be effective in reducing health, crime and employment harm.

Laslett, A-M, Jiang, H, and Room, R. (2017) Alcohol consumption of Australian parents: continuity and change in the new millennium. Canberra: Foundation for Alcohol Research and Education.

The report analyses drinking patterns of Australian parents, examining trends in drinking (and not drinking) using National Drug Strategy Household Surveys (NDSHS) undertaken between 2001 and 2013. It discusses factors, including age and socioeconomic status, that contribute to these changes and questions whether changes in parental drinking are connected to broader social changes.

Livingston, M (2011). "A longitudinal analysis of alcohol outlet density and domestic violence" *Addiction*, Vol. 106, No. 5, pp. 919-25

Longitudinal examination of positive relationship between alcohol outlet-density and domestic violence. The effects were particularly large for packaged liquor outlets, suggesting a need for licensing policies that pay more attention to off-premise alcohol availability.

Livingston, M: "Alcohol outlet density and harm: Comparing the impacts on violence and chronic harms" *Drug and Alcohol Review* (September 2011) Australasian Professional Society on Alcohol and Other Drugs

The density of alcohol outlets where the main activity is alcohol consumption (i.e. pubs) is positively related to rates of assault-related hospital admissions, while the density of off-premises alcohol outlets is related to the rate of alcohol use disorders.

Livingston, M: "A longitudinal Analysis of Alcohol Outlet Density and Assault" (2008). *Alcoholism: Clinical and Experimental Research* Vol 32, No 6 (June 2008)

Changes in the number of alcohol outlets in a community are linked to changes in the amount of violence the community experiences.

Liang W and Chikritzhs T: "Revealing the link between licensed outlets and violence: Counting venues versus measuring alcohol availability" (2011) *Drug and Alcohol Review* (September 2011)

The link between on-site alcohol outlets and violence may be primarily underpinned by negative amenity effects while off-site alcohol outlet effects occur via increased availability. Alcohol sales volumes from off-site outlets influence levels of violence, which occur at both licensed and residential settings.

Loxley, W et al (2004): National Drug Research Institute and the Centre for Adolescent Health: "The Prevention of Substance Use, Risk and Harm in Australia: a review of the evidence."

Outlines patterns of substance use and harm in the Australian community, considers risk and protective factors predictive of harmful drug use and extensively reviews the evidence available on national and international prevention strategies and approaches. Identifies a clear relationship between alcohol and other drug use and social factors, such as unemployment, low income and insecure housing.

Mair C, Gruenewald P, Ponicki W & Remer L 2013, 'Varying impacts of alcohol-outlet-density on violent assaults: explaining differences across neighborhoods', *Journal of Studies on Alcohol and Drugs*, Vol. 74, No. 1, pp. 50-58

Miller, P et al (2016): "Alcohol/Drug-Involved Family Violence in Australia (ADIVA)" National Drug Law Enforcement Research Fund

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GUIDELINE 6

Annexure A



Analyses the role key demographic, social and environmental factors play in the occurrence and severity of different types of family and domestic violence, including how frequently alcohol is involved. Finding made that alcohol consumed at domestic violence incidents tended to be purchased from a supermarket liquor store and consumed at home.

Monash University research paper, "Disaggregating relationships between off-premise alcohol outlets and trauma" (May 2015) authored by Christopher Morrison and Karen Smith.

Findings suggest that limiting the exposure of local populations to off-premise alcohol outlets, particularly chain outlets, may reduce the incidence of trauma in neighbourhoods.

Morgan, A & McAtamey, A, 2009, 'Key issues in alcohol-related violence', Australian Institute of Criminology Research in Practice, No.4

Identified a link between liquor consumption and violence, including non-domestic and domestic assaults. The relationship between alcohol and violence is influenced by the interaction effects of alcohol along with personal, environmental and cultural factors.

Morrison C, Smith K, Gruenewald P J, Ponicki W R, Lee J P, Cameron P 2015, 'Relating off-premises alcohol outlet density to intentional and unintentional injuries', *Addiction*, 2016; 111(1): 56-64.

Greater off-premises outlet-density is related to greater incidence of traumatic injury, and chain outlets appear to contribute most substantially to traumatic injury risk.

Morrison C, Ponicki W, Smith K. Social disadvantage and exposure to lower priced alcohol in off-premise outlets. *Drug and Alcohol Rev* 2015; 34(4): 375–378

Not only are disadvantaged populations exposed to more outlets, the outlets to which they are exposed sell cheaper alcohol. This finding appears to be consistent with the spatial dynamics of typical retail markets.

Morrison C 2015, Exposure to Alcohol Outlets in Rural Towns. *Alcoholism: Clinical and Experimental Research*. Vol. 39, No.1, 73-78, January 2015.

The economic geographic processes that lead to greater concentrations of alcohol outlets in lower-income areas are common to all retail markets. Lower-income populations are exposed to increased risk associated with the presence of additional outlets that service demand from non-residents. In rural areas, these processes appear to operate between discrete towns.

New Zealand Law Reform Commission: Alcohol in our Lives (2010), particularly Part 3 "Reducing the Demand for Alcohol."

Price changes affect overall alcohol consumption and increasing the price will reduce alcohol-related harm. Excise tax increases are also an effective ways of targeting some of the most harmful drinking associated with the consumption of low-cost alcohol. The evidence suggests that exposure of young people to alcohol marketing speeds up the onset of drinking and increases the amount consumed by those already drinking.

NSW Department of Health: - 'Trends in Alcohol Use and Health-related Harms in NSW: Report of the Chief Health Officer' (2016) - NSW Health "HealthStats" www.healthstats.nsw.gov.au

Highlights trends in alcohol use and health-related harms. It applies a data-driven, population health approach to describe key health issues, health risk factors, and available interventions for improving the health and wellbeing of NSW residents who consume alcohol.

NSW Department of Health: - 'The Health of the People of New South Wales: Report of the Chief Health Officer' (2014 -)

Describes key health issues and health risk factors for children and young people aged 0-24 years in NSW. It also provides information on available interventions for improving the health and wellbeing of NSW children and young people. The report adopts an equity lens to review health disparities across demographic groups such as age, sex, Aboriginality, socioeconomic status and remoteness.

NSW Department of Health: - 'Report on the Health of Children and Young People in NSW' (2014 -)

Reports the rates of alcohol consumption among school age students and young adults, with rates of alcohol drinking among school students having declined. The rates of emergency department visits for alcohol problems remains high for 15-17 year olds and young people aged 18-24 years. Alcohol-attributable hospitalisations being highest among young males, young Aboriginal people, and young people living in more remote areas and lower socio-economic status areas.

Australian Institute of Health and Welfare: National Drug Strategy Household Survey Report (2016 – 12th study)

Reports on tobacco, alcohol and illicit drug use, attitudes and opinions in the Australian population. Alcohol use was responsible for 5.1% of the total burden of disease and injury in Australia in 2011. It was responsible for 28% of the burden

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GUIDELINE 6

Annexure A



due to road traffic injuries (motor vehicle occupants), 24% of the burden due to chronic liver disease, 23% of the burden due to suicide and self-inflicted injuries, and 19% of the burden due to stroke.

Richardson, E. A, et. al., "Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities?" *Health Place*. 2015 May; 33: 172–180

Xie X, Mann R & Smart R 2000, 'The direct and indirect relationships between alcohol prevention measures and alcohol liver cirrhosis mortality', *J Stud Alcohol*, Vol. 61, No. 4, pp. 499-506.

The type of alcohol-related harms arising from outlet-density depends on the prevalence of outlet-types. Packaged liquor store saturation tends to be associated with higher rates of alcohol-related deaths in an area.

GUIDELINE 6

Annexure B



The Authority will from time to time inform itself on relevant domestic and international research on problem gambling.

That information may inform the Authority's assessment of an application for an extended trading authorisation in relation to a hotel which, under clause 28 of the Liquor Regulation 2008, must include matters related to gambling activities during the period that the authorisation is proposed to be in force.

Applicants must provide sufficient evidence and/or submissions with the CIS to enable the Authority to consider the likely social impact of the proposed gambling operations (gaming machines, TAB and Keno) to be conducted during the relevant extended trading period. Submissions may be made by reference to the population of the local and/or broader community in which the venue is situated. Evidence by way of a profile of gambling patrons and the extent of gambling activity on the premises will assist the Authority in this regard.

Applicants should assume that the Authority is familiar with the following information as it relates to the relevant community under consideration:

- Productivity Commission Inquiry Report on Gambling (2010), Report no. 50, Canberra
- Ogilvy Illumination (2012), The Prevalence of Gambling and Problem Gambling in New South Wales. Commissioned by NSW Office of Liquor, Gaming and Racing.
- NSW Responsible Gambling Fund Client Data Set Reports (2013/2014 onwards)
- The designation of the relevant Statistical Area Level 2 (SA2) as a Band 1 (low risk), 2 (medium risk), or 3 (high risk) area for gaming machine impact
- LGNSW gaming machine net profit report and ranking data (by LGA) for hotels and clubs
- The latest published ABS "Quickstats" sociodemographic data for the relevant community.

Applicants seeking to vary an existing ETA may also make submissions on these matters with a view to establishing whether any expansion of gambling activities is in the public interest.