



24 January 2018

Mr Jonathan Horton QC
Newcastle CBD Liquor Licence Conditions Review
By email to newcastle.review@ilga.nsw.gov.au

Dear Mr Horton,

Re: Submission on the Review of Newcastle CBD Liquor Licence Conditions

APSad is the Asia Pacific's leading multidisciplinary organisation for professionals involved in the alcohol and other drug field. In addition, we strive to promote improved standards in clinical practice and in research into this and allied subjects. APSAD is dedicated to promoting improved standards in clinical practice for medical practitioners and other health professionals who deal with alcohol and other drug-related problems in the course of their work and is also involved in promoting population health, particularly as it relates to preventive interventions concerning alcohol, tobacco, pharmaceutical products and illicit drugs. It also provides a network of alcohol and other drug professionals in Australia, New Zealand and the Asia Pacific.

Through its internationally recognised scientific journal, the *Drug and Alcohol Review*, and its annual Scientific Conference, APSAD provides a forum for the latest research on the nature, prevention and treatment of physical, psychological and social problems related to the use of psychoactive substances.

APSad currently has 300 members across Australia and around the world. The Society has particularly strong links with New Zealand and the Asia Pacific region. Our members represent a wide range of professional disciplines including; general practitioners, nurses, physicians, psychologists, medical researchers, pharmacists, policy advisors, psychiatrists, educators, counsellors, social/behavioural researchers, administrators, and public health experts.

The Review

Our understanding is that the Review has been commissioned by the Independent Liquor and Gaming Authority at the request of the Australian Hotels Association NSW. This background and auspicing is significant. The Review has *not* been commissioned because of any evidence of increasing harms related to liquor licensing in the Newcastle CBD. As the submission put to you by the Royal Australasian College of Physicians documents, the Review has not been commissioned because the current liquor licensing arrangements have impeded the expansion of alcohol availability in the Newcastle CBD. The opposite is the case: the number of liquor licences in operation there has continued to increase under the current licensing conditions. The initiative

APSad
ABN 92 001 983 026
PO Box R1014
Royal Exchange NSW 1225
Australia
T: +61 2 9252 2281
F: +61 2 9252 2209
www.apsad.org.au

for the Review has come from the NSW liquor industry, an industry that is concerned with the financial profitability of its members. It is our view that the Review should prioritise the minimisation of alcohol-related harms (including deaths) experienced by alcohol consumers and the broader community above financial profitability.

The Context

The NSW *Liquor Act 1982* states, at section 2A:

2A: Liquor harm minimisation is a primary object of this Act

A primary object of this Act is liquor harm minimisation, that is, the minimisation of harm associated with misuse and abuse of liquor (such as harm arising from violence and other anti-social behaviour). The court, the Board, the Director, the Commissioner of Police and all other persons having functions under this Act are required to have due regard to the need for liquor harm minimisation when exercising functions under this Act. In particular, due regard is to be had to the need for liquor harm minimisation when considering for the purposes of this Act what is or is not in the public interest.

APSAD suggest that the Review adopt this provision of the act as its guiding principle.

A substantial amount of research has been conducted in Australia, and published in prestigious international refereed journals and elsewhere, documenting the epidemiology of alcohol use and alcohol-related harms in Australia. With respect to the Australian situation as a whole, we draw your attention to the Consultation Draft of the National Alcohol Strategy 2018-2026, released recently by the Ministerial Drug and Alcohol Forum¹. It includes an exposition of the situation under the heading 'Alcohol-related harm: where are we now?'. We will not repeat the details here as we are sure that you are familiar with them.

The research evidence, again summarised in the Consultation Draft of the National Alcohol Strategy under the heading 'Priority 2: managing availability, price and promotion', confirms something else that will be familiar to you: direct links exist between the availability, price and promotion of alcoholic beverages, on the one hand, and the extent and nature of alcohol-related harms, on the other. We draw attention to the overriding importance of maintaining and enhancing the well-being of the members of our communities, including people involved in the night-time economy of the Newcastle CBD as the patrons of licensed premises there, and others making use of that precinct.

The liquor licensing conditions that were put in place in 2008, and maintained largely unchanged since then, reflected the state of scientific knowledge about the alcohol availability/harms nexus at the time. The body of evidence that has accumulated since then confirms the wisdom of the licensing restrictions.

We note that your terms of reference indicate that your Review will be taking account of the research undertaken by the New South Wales Bureau of Crime Statistics and Research (BOCSAR) into the alcohol availability/harms nexus. Undoubtedly this will include the high-quality evaluations that BOCSAR has undertaken demonstrating the benefits of restricted trading hours and other licensing conditions. APSAD is confident that you will also take into account the extensive body of research, conducted by

¹ Ministerial Drug and Alcohol Forum 2017, *Consultation draft: National Alcohol Strategy 2018-2026*, Department of Health, Canberra, <http://www.health.gov.au/internet/main/publishing.nsf/Content/ministerial-drug-alcohol-forum>

others, that has demonstrated how the Newcastle CBD licensing conditions have led to reductions in alcohol-related harms there, and improved amenity, without adversely impacting on the night-time economy in the area, and the opportunities for entertainment in the licensed premises there. We will be happy to provide you with references to the scientific literature on the topic if you do not already have them to hand.

In summary, APSAD's submission is that the research evidence shows that the current licensing conditions that place modest limits on the availability of alcoholic beverages in the Newcastle CBD, have produced, in net terms, beneficial health, social and economic outcomes for that area. The Review can be confident that any significant loosening of licensing conditions, i.e. increasing the availability of alcoholic beverages in the Newcastle CBD, will create adverse consequences.

Considering that there is no significant demand for changes to licensing conditions expressed by anyone except those who profit from supplying alcoholic beverages in the Newcastle CBD, APSAD suggests that the Review take an explicitly evidence-informed approach, in line with the objectives of the *Liquor Act 1982*, and find that the licensing conditions should not be relaxed.

Yours faithfully,



Dr Anthony (Tony) Gill
President