

Submission to Liquor Law Review

Recommendation: The absolute scale of the negative impacts of the alcohol industry on our community warrants a significant recalibration of the NSW Government's duty of care as expressed in NSW liquor legislation and regulation, starting with laws and regulations that fall within the terms of reference for this enquiry. A strong preventive approach to the excesses of alcohol is a ready low-cost proven solution offering substantial net benefits to all sections of all communities.

Reasoning

The NSW Constitution Act 1902 at Section 5 (General legislative powers) states: "The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Act, have power to make laws for the peace, welfare, and good government of New South Wales in all cases whatsoever ..." Implicit in this power is a duty of care.

I submit that the absolute scale of the negative impacts of the alcohol industry on our community warrants a significant recalibration of the expression of this duty in NSW liquor legislation and regulation, starting with laws and regulations that fall within the terms of reference for this enquiry.

The evidence is available across a wide range of indicators. Stakeholders such as the police, emergency workers, health professionals, selected politicians, academics, specialist organisations, activists, bureaucrats and communities have provided a wide range of robust data of the impact of this dangerous, cancerous, addictive drug. BOCSAR statistics provide a wide range of damning indicators and trends. The impacts range from death through violence including domestic violence, to injury, other alcohol-related crime, anti-social behaviour and health issues to productivity losses. The negative economic impact in NSW is measured in the billions of dollars. The opportunity cost is immense. The impact on third parties is massive and widespread, extending far beyond the doorways of licensed premises and liquor outlets.

The two major political parties continue to receive significant 'donations' from alcohol and related-party interests through their federal branches. The Australian and NSW Electoral Commissions and ICAC tell the story. The National Alcohol Strategy expired in 2011 and has not been renewed. National advertising restrictions are so lax children are continually exposed to a normalisation of alcohol through association with sport, especially on television. The European Centre for Monitoring Alcohol Marketing <http://eucam.info/> shows the international dimension of the industry's marketing strategies.

In NSW 'harsh' restrictions limit, at certain times of the day, an individual order in licensed premises to the entire daily allowance as recommended by the NHMRC <https://www.nhmrc.gov.au/health-topics/alcohol-guidelines>. In NSW the default on-premises liquor licence is for 18 hours per day regardless of local government approved trading hours or zoning. Licenses are forever. On 11 September 2014, despite NSW Government and Royal Life Saving campaigns of the dangers of mixing alcohol and water activities, the North Bondi Surf Life Saving Club applied for and was granted a full on-premises liquor licence with strict conditions such as "Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day." The club is located in an alcohol-prohibited/free zone, close to a primary school, on the periphery of a BOCSAR assault hotspot, and has members ('nippers') from the age of five.

Such is the licensing framework. If this is the legislated behaviour, how can Governments have any credibility when they attempt to engage on health and safety issues or illegal drug use?

A strong preventive approach to the excesses of alcohol is a ready low-cost proven solution offering substantial net benefits to all sections of all communities. Hours should be reduced, density controls mandated, licenses limited to a fixed period with renewal dependent on review, penalties dramatically increased, a full user-pays cost recovery policy mandated for the industry, and the licensing and compliance roles separated. Anything less is an abrogation of the government's duty of care. END