

Liquor Regulation Regulatory Impact Statement  
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23 July 2018

I write to you on behalf of the Australian Health Promotion Association Ltd (AHPA®) regarding Liquor & Gaming NSW's (L&GNSW) Regulatory Impact Statement and the proposed Liquor Regulation 2018.

AHPA is the peak body for health promotion in Australia and is committed to improving the health and wellbeing of all people. Australia is one of the healthiest countries in the world largely because of effective health promotion practice - creating social and environmental conditions that enable Australians to enjoy a healthy and happy life.

To maintain and improve our quality of life, Australia must continue to address the misuse of alcohol which remains a great threat to the health of current and future generations. Its contribution to Australia's total disease burden is unacceptable. Alcohol misuse costs Australia 36 billion dollars annually, despite on-going industry self-regulation and 'responsible drinking' education campaigns.

We know that in both Newcastle and Kings Cross in NSW, sharp reductions in alcohol related violence and other anti-social behaviour have resulted since restrictions were imposed, yet the alcohol industry has consistently criticised the government response, claiming restrictions to personal freedoms and erosion of profits.

**Regarding this Regulatory Impact Statement, AHPA® strongly recommends retaining the requirement for a Community Impact Statement (CIS) to accompany liquor licence applications.**

An evaluation of the CIS requirement is currently underway, so any exemption prior to the consideration of all stakeholder and community feedback, as well as the public release of findings, is premature. Clause 118 of the proposed Regulation pre-empts the findings of this evaluation and undermines the consultative process.

It is vital that the current CIS requirement is maintained until such time that an improved system is established, providing targeted support for communities interacting with liquor licensing and planning systems (refer to AHPA® recommendations in response to the *Evaluation of the CIS Requirement*). Improving the current CIS process will ensure a more balanced and transparent system that improves community confidence in the authority.

Without the requirement of a CIS, there is no obligation for applicants to assess the risks associated with their proposed licence or to provide evidence to the community that any impact will not be harmful. This exemption will essentially remove what little burden of proof that currently exists with the Applicant and place the onus solely on the community to provide evidence of likely harm.

As the party who stands to financially benefit from the increased supply of a harmful product, it is the Applicant who should be required to empirically demonstrate that there will be *no harm* caused by the granting of an additional licence.

A comprehensive CIS transparently details the social context of the locality, any concerns raised by the local community and/or key stakeholders, and explicitly outlines how these concerns and risks will be mitigated. Some examples of social considerations and alcohol-related harms include; Low income households, alcohol-related assault counts and rates, alcohol-attributable hospitalisation counts and rates, risky drinking rates, domestic assault counts and rates and malicious damage counts and rates. It is an unreasonable expectation on the community to have the capacity to present this kind of empirical evidence.

We encourage L&GNSW to commit to an agreed criteria constituting significant risk of harm, which could objectively indicate locations that are (or are not) appropriate for liquor outlets. We also support Northern Sydney Local Health District's proposal of a geographical mapping tool to be developed based on this agreed criteria. This platform would clearly identify the current social context and rates of alcohol-related harms related to a given address and could be utilised by applicants and the community alike to assess the appropriateness for an additional liquor licence.

Using this proposed mapping tool, for any applications pertaining to a location objectively identified as being at higher risk for alcohol-related harms, there would be a rebuttable presumption *against* granting the licence. The burden of proof would lie with the applicant to adequately demonstrate that their licensed premises will not add to these harms. The community and stakeholders would then have the final right of reply to respond to the Applicant's reasoning. Conversely, if the location is identified as having lower rates of alcohol-related harm, there would be a rebuttable presumption *for* granting the licence, and the burden of proof would fall on the community to provide evidence why the license should not be granted. The Applicant would then be afforded the opportunity to respond to any community concerns.

However, until such time that an improved process of this kind is established, it is essential that the current CIS requirement remains.

Thank you again for the opportunity to comment on the Regulatory Impact Statement and the proposed Liquor Regulation 2018.

Yours sincerely



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