

23rd July 2018

Policy and Legislation Team
Liquor & Gaming NSW
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Dear Review Manager

SUBMISSION TO THE CONSULTATION ON THE PROPOSED LIQUOR REGULATION 2018

Thank you for the opportunity to provide a submission to the consultation on the proposed *Liquor Regulation 2018* (NSW) (the Regulation).

Cancer Council NSW

Cancer Council NSW (CCNSW) focuses on cancer research, prevention programs, advocacy, and providing information and support for people affected by cancer. CCNSW has a series of evidence-based recommendations aimed at preventing cancer at the population level, and one of these includes limiting alcohol consumption to reduce alcohol related cancers.

Alcohol-related harm

The regulation of the sale, promotion and service of alcohol is necessarily an issue of health and community safety. In NSW, alcohol is responsible for 13,624 emergency department presentations, 53,924 hospitalisations and 1,300 deaths every year.¹ From a cancer perspective, alcohol is proven to increase the risk of seven different types of cancer including mouth, throat, oesophagus, stomach, bowel, liver and breast.² An estimated 3,208 cancers (2.8% of all cancers) occurring in Australian adults in 2010 could be attributed to alcohol consumption.³

Health Stats NSW data shows 32.4% of the total NSW adult population and 46% of 16–24 year olds drink alcohol at rates that increase their long-term risk of harm.¹ Alcohol abuse costs the NSW government more than \$1 billion every year. This does not include the costs of treatment of chronic conditions linked to alcohol use.⁴ The NSW Ministry of Health cites alcohol use as one of the leading causes of preventable disease in NSW. They have a priority goal to reduce alcohol-related harm in NSW.⁵

Communities can act to reduce alcohol consumption by having the ability to effectively engage in the processes that determine the ease of availability and accessibility to alcohol via the number and location of liquor licences in their area.

Community Impact Statement

CCNSW endorses the NSW ACT Alcohol Policy Alliance's (NAAPA) submission to this consultation, in particular NAAPA'S opposition to the proposed change to the Community Impact Statement (CIS) requirements for licence applicants (proposed clause 118). In this letter, CCNSW's response addresses the specific proposed change to the CIS.

The CIS requirement was originally introduced to describe the potential harm that a liquor licence may have on the community. Without a CIS there is no system or requirement for applicants to assess and determine the impact of that liquor license on the community.

In July 2017, CCNSW provided a submission to the *Liquor & Gaming NSW Evaluation of the Community Impact Statement requirement for liquor licence applications Discussion Paper*. In addition to supporting NAAPA's recommendations, including making the CIS a requirement for all licence applications, CCNSW recommended that consultation and notification processes be expanded so that the local community was informed about all new liquor licence applications and variations to existing liquor licences through notification in the local newspaper and electronically. The World Health Organization recommends that the public is informed about new liquor licences both on-site and in the public notices section of local newspapers, which is not currently required in NSW.⁶

This review of the CIS is still ongoing. Moves to change the Regulation before the finalisation and public release of the CIS consultation report pre-empt the findings of that report and the recommendations arising.

While the current CIS process does not adequately address or assess community impact, as outlined in the CCNSW and other submissions to the CIS evaluation, the solution cannot be to remove the requirement for applicants to provide a CIS. As they stand, the proposed amendments to the Regulations will simply water down consultation processes.

The system needs proper reform. Any changes must ensure there is an appropriate replacement that achieves the aims of the CIS process. Merely notifying stakeholders, as would occur if the CIS is removed, is not sufficient and places the burden of proof on the impact of the license on the community. Its removal, without the implementation of a better alternative process, will not assist the Independent Liquor and Gaming Authority (ILGA) to identify the impact of a licence on the community and will not improve community consultation.

Recommendations

CCNSW therefore submit that the proposed change to the CIS requirements does not proceed. Changes should only be made to the CIS component of the Regulation:

- after the final report of the Community Impact Statement review are made public and reviewed; and
- when alternative arrangements are put in place that ensure an equal or greater level of community consultation and risk assessment from the applicant.

The current Regulations have not been comprehensively reviewed in the last 10 years and are overdue for a proper review. This current consultation into the proposed Liquor Regulation 2018 is not sufficient and does not constitute a meaningful and comprehensive review. CCNSW are calling on the NSW Government to conduct a comprehensive review into the Liquor Regulations and in the interim renew the current regulations until the final review is complete.

Thank you once again for the opportunity to raise these important issues with you. We would be happy to provide further information on the issues raised in this submission. Please contact Jane Dibbs, Senior Nutrition Project Officer, on (02) 9308 0284 or at jane.dibbs@nswcc.org.au

Yours sincerely,



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