



Liquor Regulation Regulatory Impact Statement
Liquor & Gaming NSW
GPO Box 7060
SYDNEY NSW 2001
policy.legislation@liquorandgaming.nsw.gov.au

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Re: Illawarra Shoalhaven Local Health District Health Promotion submission regarding the Regulatory Impact Statement and the proposed Liquor Regulation 2018

The Health Promotion Service of the Illawarra Shoalhaven Local Health (ISLHD) District values the opportunity to comment on the Regulatory Impact Statement and the proposed Liquor Regulation 2018. ISLHD Health Promotion has an active interest in measures to prevent or reduce alcohol-related harms as this is currently a huge cost to our heavily burdened health system.

Research highlights there are clear effective strategies to reduce drug and alcohol related harm. This evidence should be acknowledged and articulated in the Regulatory Impact Statement.

We are concerned with several elements of the Regulatory Impact Statement and the proposed Liquor Regulation 2018, which significantly favour the liquor industry and pose unacceptable risks and costs to the community. We are also concerned with the lack of public consultation for the proposed Liquor Regulation 2018, taking into account the significant changes proposed.

It is our strongest recommendation that a Liquor Regulation be reinstated prior to the 1st September 2018 to protect the community from the harms generated from the sale and consumption of alcohol in NSW. It is imperative that any form of deregulation or weakening of regulatory powers does not occur. This will ensure that a level of transparency and accountability exists within the liquor industry, who financially benefit from the sale of alcohol. The following recommendations are to promote public health, reduce the harms associated with alcohol and ensure community safety.

Maintain the requirement of a Community Impact Statement to accompany liquor licence applications

Clause 118 of the proposed Liquor Regulation 2018 provides an exemption from the requirement to provide a Community Impact Statement (CIS) with a liquor licence application. This exemption will essentially remove what little onus of proof is currently required from the Applicant and place the onus solely on the community to provide evidence of likely harm. Licences should only be granted once we are satisfied that the overall social impact is *not* detrimental, instead of the Authority must grant a licence unless it is satisfied that the overall social impact is detrimental. The applicant is the party who stands to financially benefit and should be required to empirically demonstrate that there will be *no harm* caused by the granting of a licence through the development of a CIS.

It is both unfair and unrealistic to expect the community to have the capacity to present this kind of empirical evidence. A comprehensive CIS transparently details the social context the licence

Remove automatic extended trading hours and drink type exemptions for small bars in prescribed precincts

The original small bar licence category was to help reduce the alcohol-related violence and anti-social behaviour that can be associated with larger licensed venues. However, *Part 7 Prescribed Precincts* and *Part 9 Exemptions and Exceptions* of the proposed Regulation include clauses that have the genuine potential to undermine this objective.

The proposed Regulation removes the initial standard trading hour restrictions of 12pm for small bars in prescribed precincts and permits automatic extended trading hours until 2am. The clause will extend trading for an additional two hours during a period known to be problematic for alcohol-related assaults and offensive behaviour.

Clause 88 of the proposed Regulation exempts small bars from the restriction on licensed premises in prescribed precincts from serving the problematic drink types during late trading periods. This indemnity, combined with automatic extended trading hours until 2am, are likely to escalate harms in precincts with a long history of alcohol-related violence and undermine the positive outcomes achieved by the 2014 Liquor Licence Reforms.

The Undesirable Liquor Products list must include alcoholic beverages sold in soft drink bottles

Section 100 of the NSW Liquor Act 2007 prescribes any liquor product that is likely, for any reason, to be confused with soft drinks or confectionery as an *undesirable liquor product*. However, the proposed Regulation omits this category from the list of *undesirable liquor products*.

These alcohol beverages are likely to appeal to minors as they replicate regular soft drinks. The normalisation of alcohol products is likely to shape their drinking behaviour and lead to earlier initiation to drinking. Inclusion of these beverages on the list of *undesirable liquor products* will restrict licensees from selling or supplying them to customers.

We have valued the opportunity to comment and if you have any questions about this submission, please contact Karen Tavener-Smith, Health Promotion Officer on 42216705.

Yours sincerely



Lisa Franco
Manager
ISLHD Health Promotion