



Health

Liquor Regulation 2018 Regulatory Impact Statement
Liquor and Gaming NSW
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Our ref **S18/344**

Dear Policy and Legislation Team

Thank you for the opportunity to be involved in the review process on the Regulatory Impact Statement for the proposed Liquor Regulation 2018.

NSW Health supports Liquor and Gaming NSW proposal to make a new Regulation, the Liquor Regulation 2018. The proposed Regulation has elements that will reduce alcohol-related harm in the NSW community, for example the tiered Responsible Service of Alcohol requirements. However, as a stakeholder in the liquor licencing process, NSW Health has identified risks with the remake of the community consultation elements of the proposed Liquor Regulation 2018.

It is worth noting that long-term risk drinking rates in NSW are increasing. While alcohol consumption at levels that pose a long-term health risk has been in decline in the 10 years to 2015, this increased in 2016 and again in 2017. Reducing risk drinking is a priority for NSW Health.

NSW Health notes the Community Impact Statement evaluation conducted by Liquor and Gaming NSW in 2017 has not been publicly released, even though the proposed Regulation 2018 is based on this evaluation, it is difficult to discern how different stakeholder views have been incorporated into the proposed Regulation, and NSW Health recommends its release.

Specific feedback on the proposed regulation follows.

1. Part 9, Exclusions and Exemptions, Clause 118 proposes that a person making a liquor licence application is exempt from the requirement the application is accompanied by a community impact statement, if they comply with the requirements of Division 1 (Advertising requirements) of Part 3.

NSW Health is concerned that removing the requirement shifts the onus of assessing the impacts of a licence from the applicant to the local community and other stakeholders. The exemption leaves open what constitutes impact on communities and stakeholders. Community stakeholders can have limited capacity to meaningfully comment on a licence, leaving open the risk that a range of licences are not examined. To ensure a meaningful process, advice and guidance must to be provided to community stakeholders to meaningfully comment on licence applications.

2. Part 3, Applications, Division 2 Clause 27 proposes a single stage thirty-day (or less) process for submissions concerning a licence application.

While collapsing the current two-stage sixty day process into a single stage streamlines the current process, the timeframe seriously undermines meaningful community and stakeholder contribution by halving the timeframe for comment. NSW Health recommends a time frame of up to 45 days for comments on liquor licence applications.

This would still reduce the current timeframe (60 days), but allow community and stakeholders to contribute meaningfully.

3. Part 3, Applications, Division 2 Clause 22 deals with other persons to be notified of an application, and now includes new categories of Aboriginal medical services, domestic violence support, and gambling-related counselling and treatment services (where appropriate).


NSW Health welcomes the inclusion of the services and programs that support people often impacted by alcohol and gambling-related harm.

4. NSW Health recommends that LG NSW and the Independent Liquor and Gaming Authority consider publishing liquor licencing assessment and decision making criteria. Publishing the criteria would assist community members and stakeholders in their understanding of how applications are assessed and determined.

Further, NSW Health would recommend LG NSW to take a lead in engaging across the existing and extended stakeholders to develop a useful set of resources for communities and other stakeholders to respond. NSW Health would welcome participation in that process.

If you would to discuss this matter further, please contact Mr Daniel Madeddu, Director Alcohol and Other Drugs Branch on 9391 9251.

Yours sincerely



Dr Jo Mitchell PSM
Executive Director Centre for Population Health

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