



**NAAPA's response to the Report of the statutory review of the *Liquor Act 2007*
and the *Gaming and Liquor Administration Act 2007***

May 2014



About the NSW ACT Alcohol Policy Alliance

NAAPA aims to reduce alcohol-related harms by ensuring that evidence-based solutions inform alcohol policy discussions in NSW and ACT. NAAPA currently has 44 member organisations from a range of fields including health, community, law enforcement, emergency services and research organisations.

The following are NSW members of NAAPA:

- Network of Alcohol and Drug Agencies (NADA)
- Darlinghurst Resident Action Group
- Newcastle Community Drug Action Team (CDAT)
- Police Association of NSW
- Australian Medical Association (AMA) NSW
- The Royal Australasian College of Surgeons
- Public Health Association of Australia NSW Branch
- Cancer Council NSW
- National Drug and Alcohol Research Centre (NDARC)
- Centre for Health Initiatives - University of Wollongong
- Australasian College of Emergency Medicine
- Jewish House Limited
- Inspire Foundation
- Ted Noffs Foundation (NSW)
- University of Newcastle
- Ulladulla Community Drug Action Team (CDAT)
- Drug and Alcohol Research and Training Australia (DARTA)
- Pedestrian Council of Australia
- Salvation Army NSW
- Awabakal Newcastle Aboriginal Co Operative Ltd
- The Royal Australasian College of Physicians (RACP)
- Hello Sunday Morning
- Byron Bay Youth Service
- Law Enforcement Against Prohibition
- NSW Nurses and Midwives Association
- 2011 Residents Association
- Bondi Beach Precinct
- Last Drinks @12
- Mental Health Association of NSW
- Bondi Residents Association
- Health Services Union (HSU)
- St Vincent's Hospital
- Australian Drug Foundation (ADF)
- The Asia Pacific Centre for Crime Prevention Griffith University (Sydney)

Summary

On 13 December 2013, the then Minister for Tourism, Major Events, Hospitality and Racing, the Hon George Souris MP, released the *Report on the statutory review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007 (the Report)*. The report made 91 recommendations.

This document outlines the NSW ACT Alcohol Policy Alliance's (NAAPA) response the recommendations made in the Report.

NAAPA provides its position as support, support with amendment, support in-principle, reject or action on this recommendation has been taken. The criteria for these responses is provided below.

- Support – NAAPA supports the recommendation in full.
- Support with amendment – NAAPA supports the recommendation with changes, which are suggested in the rationale for NAAPA position.
- Support in principle – NAAPA supports the recommendation in principle, but because insufficient detail is provided, NAAPA is unable to indicate full support until further details arise.
- Reject – NAAPA does not support the recommendation.
- Action on this recommendation has been taken – Due to the Government's announcement of the *Alcohol and Drug Fuelled Violence Initiatives* in January 2014, actions within some recommendations have commenced.

The rationale for NAAPA's position provides detailed information explaining the position adopted by NAAPA.

Of the 91 recommendations made in the Report, NAAPA commented on 67 recommendations. Recommendations where NAAPA does not have a position, these recommendations are not included in the table. Of these 67 recommendations NAAPA supports 16, supports 17 with amendment, supports nine in principle, and rejects 22 recommendations. Three recommendations have already been acted upon by the New South Wales Government as part of the *Alcohol and drug fuelled violence initiatives*, announced in January 2014.

Detail on NAAPA's position and rationale to each of the recommendations is provided in the table below.

NAAPA's response

Recommendation	NAAPA position	Rationale for NAAPA position
1. The existing policy objectives of the <i>Liquor Act 2007</i> remain valid and should continue unamended.	Reject.	<p>NAAPA supports the amendment of the Objects of the <i>Liquor Act 2007</i> (Liquor Act) to elevate harm minimisation to be the sole primary Object of the Act alongside the interests of communities; and subordinate all other Objects.</p> <p>Government has an obligation to protect its citizens against agents of harm, including alcohol, which can have wide-reaching, negative impacts on individuals and the community.</p> <p>The current Objects contain conflicts between the perceived interest of the community and those of liquor and related industries. This poses a challenge for decision makers when determining and reviewing liquor licencing decisions. Clarity is needed in the Objects of the Act to ensure that harm minimisation and community interests are prioritised.</p>
3. The Government should create a 'one-stop-shop' website for liquor and gaming which aggregates information from relevant sources, is simple to use and understand, and is structured so that the starting point for persons accessing the website is what that person wants to achieve, rather than who they should approach to achieve it.	Support with amendment.	<p>NAAPA supports the creation of a 'one-stop-shop website' to provide information to enhance the availability and accessibility of information regarding liquor licence applications to the community.</p> <p>The 'one-stop-shop website' should include a notification system for new licence applications, that members of the public and authorities can sign up to receive.</p>
4. Consideration should be given to including geo-coded licence type information on the website that could be available to the public, and to local councils to consider when determining planning applications, and to regulators to consider where a community impact statement is required.	Support.	<p>NAAPA supports the collection and reporting of geocoded licence type. This data is important for communities to understand the density of liquor licenses in their areas.</p> <p>Geocoding allows for the precise locating of spatial data in geographic information systems and on maps. Geocoded data can be mapped at any geographic level and analysed in conjunction with other spatial data. Geocoded data is collected in Victoria.</p>

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5. The liquor laws should require mandatory publication of brief written reasons for decisions on contentious and high impact licensing applications and regulatory interventions (including enforcement action taken), and should include reasons for decisions and outcomes as part of an enforcement report card.	Support.	<p>NAAPA supports the mandatory publication of reasons for decisions on contentious and high impact licensing applications and regulatory interventions.</p> <p>Improving information provision and publically reporting on decisions and regulatory interventions is in the community interest. Reporting on this type of information helps the community understand the reasons why the decision was made and can also assist with gaining information for other licensing matters.</p> <p>Clarification is needed on how contentious and high impact licensing applications and regulatory interventions will be defined.</p>
6. Consideration should be given to how information relating to decision and enforcement outcomes can be widely distributed, including through the media.	Support.	<p>NAAPA supports the distribution of decision and enforcement outcomes. Naming and shaming venues will also assist in maintaining accountability of licensees' practices. This information should also be included on the 'one-stop-shop website'.</p>
7. Applicants and other interested parties should be able to request brief written reasons for the Authority's decision in respect of applications not included in the mandatory publication decisions.	Support with amendment.	<p>NAAPA supports that interested parties should be able to request further information that has not been included in the mandatory publication decisions.</p> <p>This recommendation should be extended to include a requirement that if further information is requested by an interested party, this should be made public on the 'one-stop-shop website'.</p>
8. All decisions of the Director General should be reviewable by the Authority, with the available review rights explained to stakeholders.	Support with amendment.	<p>NAAPA supports that all decisions of the Director General should be reviewable by the Authority, with the available review rights explained to stakeholders.</p> <p>This recommendation should also be strengthened to allow the Authority to apply lessons from individual licensing decisions to precincts by resourcing the Authority to conduct independent investigations where harms data and complaint volumes in a locality indicate the need for a broader response to alcohol-related harms and other issues.</p>
10. A statutory position of the Director of Licensing should be introduced to determine low risk or non-contentious liquor licence	Reject.	<p>NAAPA does not support creating a new role to deal with 'low risk or non-contentious' liquor licence applications. No exemptions should be given to 'low risk or non-contentious' liquor licence applications.</p>

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<p>applications under the Liquor Act and <i>Registered Clubs Act 1976</i>, including the:</p> <ul style="list-style-type: none"> • approval of changes to licensees or managers, • redefinition of the boundaries of licensed premises, • approval of restricted areas in licensed premises, and • extension of trading hours for special occasions. 		<p>All licensed venues pose a risk to the community because they are selling alcohol, which is a product that has the potential to cause harms. All licensed venues should be treated in this regard.</p> <p>It is also unclear how creating a new position to deal with 'low risk or non-contentious' liquor application would decrease red tape and processing times, as it is adding another decision maker into the process.</p>
11. All decisions of the Director of Licensing should be reviewable by the Authority.	Reject.	See response to Recommendation 10.
<p>12. The Authority should remain responsible for:</p> <ul style="list-style-type: none"> • granting all liquor licence applications, • extension of trading hours on a permanent basis, • the determination of disciplinary proceedings as currently provided, and • its current role in relation to casino-related matters. 	Support with amendment.	<p>NAAPA supports that the Authority remain responsible for roles outlined in the recommendation. Along with these roles, the Authority should also maintain all of its current roles.</p> <p>In addition, the Authority should be given the same capacity that OLGR currently possesses to impose precinct-wide licence conditions, which broadens its capacity to intervene in licensing matters with a view to minimising harms within a community.</p>
13. The Authority should be able to delegate functions to the Chief Executive of the Authority, and Authority members.	Support with amendment.	<p>NAAPA supports the ability for the Authority to delegate to the Chief Executive and Authority members. Allowing for this will assist with making licensing processes timelier.</p> <p>Along with this delegation by the Authority, standard timeframes for licensing processes, including consultation, should be stated. Stating clear timeframes will assist communities when interacting with the Liquor Act.</p>

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15. The Liquor Act should make it clear that the concept of “fit and proper” includes the competency (including honesty, knowledge and ability) of the proposed licensee.	Support with amendment.	<p>NAAPA supports amending the Liquor Act to adopt clear criteria for determining if an applicant is “fit and proper” to hold a licence or permit.</p> <p>The criteria should include similar provisions to those included in the ACT <i>Liquor Act 2010</i>. The ACT <i>Liquor Act 2010</i> outlines suitability criteria to assess licence applicants which NSW could adopt. These criteria include whether the applicant:</p> <ul style="list-style-type: none"> • has been convicted of, or found guilty for an offence under liquor-related legislation, commercial law, criminal law and criminal codes; • has failed to comply with a legal obligation in relation to the supply of liquor; • has applied for a licence or permit in the past and their application was refused; • complies with the requirements of the liquor laws; • is or has been bankrupt or personally insolvent; and • has adequate knowledge and understanding of their obligations under the liquor laws in relation to the licence or permit.
16. A tiered approach to training should be developed that extends to mandated licensee training, and tailored RSA training for other industry workers, and allow for refresher training to be undertaken when competency cards expire.	Support with amendment.	<p>NAAPA supports mandated licensee training and tailored RSA training for other industry workers, such as providing training to security staff on best practices to prevent alcohol-related violence.</p> <p>If a tiered approach is adopted, it is important that mandatory training requirements still remain for all people working in licensed venues. The extent of training required should increase as responsibilities increase, for example management should have greater requirements for training beyond a basic RSA certificate.</p>
17. Initially, mandated licensee training should be focused on and trialled for higher risk venues (such as hotels, bars, clubs, late trading venues) or venues located in high risk precincts.	Reject.	<p>NAAPA does not support licensee training only for licensees of ‘higher risk venues’.</p> <p>All licensees should be subject to training to ensure that the principle of harm minimisation is upheld under the provisions of the Act. The level of training could be dependent on the type of licence.</p>

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		All licensees have the responsibility to minimise the risk of harms from the purchase of alcohol from their venues.
18. Competency training should be introduced for high risk venues and the Authority should be given the ability to refuse applications where the competency of the individual (training and experience) is disproportionate to the risk profile of the licensed venue.	Support with amendment.	Mandatory RSA training should be a requirement for all employees. Additional training should then be required for employees with greater responsibilities (eg. management) and for people with different skill requirements (eg. security staff). See response to Recommendation 16.
20. The Environment and Venue Assessment Tool and the intent of its supporting research have merit, and its ongoing development should be supported by further research.	Reject.	NAAPA is unable to support recommendations relating to EVAT until the EVAT, the research informing its development and the evaluation are made public. There is no publicly available information about the research and development behind the EVAT. The EVAT also does not address the ongoing problem of the increasing number and density of liquor licenses as licences are offered into perpetuity.
21. The Environment and Venue Assessment Tool should be subject to rigorous and independent evaluation and that a summary of that evaluation is available for public review.	Support with amendment.	NAAPA supports the EVAT being independently evaluated. The EVAT and the research supporting its development should be made publically available as part of the evaluation process. Also the full final evaluation report should be made publically available.
22. A standardised tool, based on the available research in regard to cumulative harms, should be utilised for liquor licensing matters.	Reject.	NAAPA is unable to support recommendations relating to the EVAT until the EVAT, the research that informed its development and the evaluation are made public. NAAPA does not support the development of a standardised tool to be used in liquor licensing matters. This is because no standardised tool can take account of all local circumstances or all of the issues that need to be considered in reducing alcohol-related harms.

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23. The types of issues to be considered by the tool should be prescribed as matters that need to be taken into account in an application for a higher risk liquor licence or permanent extension of trading hours to enable trading past midnight.	Reject.	See response to Recommendation 22.
24. The Environment and Venue Assessment Tool should be used to inform input into the modified planning process as recommended by this review.	Reject.	See response to Recommendation 22.
25. Data regarding the density of liquor outlets should be considered when granting a new liquor outlet, and be one of the relevant data sets taken into consideration in the determination of the impact of an additional liquor outlet in a particular area.	Support.	<p>NAAPA supports cumulative impact policies in considering new liquor licence applications. Research has consistently found an association between alcohol outlet density (i.e. the number of active liquor licenses in an area) and negative alcohol-related outcomes such as assaults, adolescent drinking, domestic violence, drink driving, homicide, suicide, and child maltreatment.^{i ii iii}</p> <p>The new 'one stop shop website' should include data on the number and location of all liquor licenses to help to inform community engagement with the liquor licensing system.</p>
26. The issues raised in submissions to the review should inform consideration by the Government of the future of the liquor licence freeze.	Support in principle.	<p>NAAPA supports extending the current liquor licensing freeze in the Sydney CBD Entertainment precinct, the Kings Cross precinct, and the Oxford St Darlinghurst precinct to 5 February 2016.</p> <p>It is unclear what the "issues raised in submissions" are being referred to in the recommendation. The issues highlighted in the report focus on providing exemptions for certain liquor licenses, NAAPA does not support this. However, other submissions including NAAPA's highlighted issues relating to the liquor licence freeze and the need for cumulative impact and saturation zone policies. NAAPA also raises the issue that small bars should not be exempt from licence freeze zones.</p>

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		<p>Clarification is needed on what particular issues will be taken into consideration.</p> <p>NAAPA also supports introducing saturation zones in areas of NSW that are identified as having too many licensed premises and/or too many associated alcohol-related problems. Within these zones a moratorium should be placed on all new licenses.</p> <p>While these policies (licence freezes and saturation points) prevent further licenses from being established, they do not prevent the areas becoming saturated in the first place. Time limited liquor licenses and cumulative impact policies would assist with this.</p> <p>The current freezes should remain in place until appropriate cumulative impact policies are developed.</p>
27. All liquor application fees prescribed under Schedule 1 of the <i>Liquor Regulation 2008</i> should be revised to align those fees as far as practical with the actual business cost of processing licence applications as part of the administration of the Liquor Act.	Support.	NAAPA supports increasing the costs of licence application fees to align with the costs of administration and to reduce the financial burden on tax payers.
28. An indexation clause should be applied which allows licence application fees to be aligned with increases in the Australian Consumer Price Index every four years.	Support.	NAAPA supports increasing application fees with increases linked to the CPI to align with the changes in costs of living.
29. A contemporary periodic risk based licensing scheme – including periodic fees and risk based fee loadings as discussed in this review – should be introduced.	Action on this recommendation has been taken.	<p>NAAPA welcomes the announcement made by the Government in January 2014 of the introduction of a risk based licensing fee. Details on the new risk based licensing scheme were announced 11 April 2014.</p> <p>Overtime, the aim of a risk based licensing fee system should be, as a minimum, to offset the cost of alcohol-related harm borne by Government and the community.</p>

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30. The current strategy of applying a targeted approach to reducing alcohol-related problems associated with licensed premises is supported and should continue.	Support with amendment.	<p>NAAPA supports a targeted approach to managing high risk venues. However, population measures are also needed to ensure the principle of harm minimisation is upheld.</p> <p>These population measures should include standard closing times for all on-licence premises across NSW from Monday to Saturday of midnight, with extended trading venues limited to 3.00am and lockouts (preventing entry for patrons) no later than 1.00am. Standard closing time for Sundays should remain at 10pm.</p> <p>It is also important for regions with late night premises that close before 3.00am to have the opportunity for reviewing and implementing last drinks and lock out policies when necessary.</p>
31. The adoption of a standard set of conditions to be applied to all existing late trading venues is not supported.	Support with amendment.	<p>NAAPA supports in principle the current licence conditions that are included in the Kings Cross Plan of Management, such as certain drinks (i.e. shots) and others types of alcohol sales being prohibited after midnight on weekends.</p> <p>It is important that these current conditions in late trading licenses do not replace the need for earlier trading hours for licenses in NSW.</p>
32. The existing wide-ranging powers to control liquor trading hours and apply restrictions to licensed venues under the Liquor Act should be better communicated and explained to the community and local government, including via the proposed new 'one-stop-shop' liquor and gaming website.	Support.	NAAPA supports providing greater clarification to community members and local government of the powers under the Liquor Act. This will allow for community members to have more meaningful engagement with the regulatory process.
33. Following the grant of a liquor licence, the Authority and the Director General through the disciplinary process should have sole responsibility for the variation of trading hours for a licensed venue.	Support.	NAAPA supports the Authority and the Director General maintaining the responsibility to vary trading hours.

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34. Local councils should be able to make submissions to the Authority for the liquor trading hours of an existing licensed venue to be varied.	Support.	NAAPA supports local councils being able to make submissions to the Authority to vary trading hours of an existing licence. Local councils should have the ability to request a variation of trading hours of a licence when a community is being negatively impacted by the current trading hours.
35. The current standard trading hours for packaged licences should remain unchanged.	Action on this recommendation has been taken.	NAAPA welcomes the announcement by the Government in January to reduce trading hours of packaged licenses to 10pm.
36. If the Environment and Venue Assessment Tool process remains in place, the data contained in the Tool should be reviewed to ensure a better mix of indicators, similar to those adopted by the Authority, which are relevant to the type and risk of the application sought.	Reject.	NAAPA is unable to support recommendations relating to EVAT until the EVAT, all research that informed its development and the evaluation are made public.
37. The indicators used in the Environment and Venue Assessment Tool should include the current density of packaged liquor outlets and domestic violence rates.	Reject.	See response to Recommendation 36.
38. The possibility of including information in the Environment and Venue Assessment Tool relating to underage drinking, public drinking and pre-fuelling be explored.	Reject.	See response to Recommendation 36.
39. If the Environment and Venue Assessment Tool process is not adopted, the present framework should remain in place.	Reject.	See response to Recommendation 36.

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		<p>NAAPA supports extending the current liquor licensing freeze in the Sydney CBD Entertainment precinct, the Kings Cross precinct, and the Oxford St Darlinghurst precinct to 5 February 2016.</p> <p>The current freezes should remain in place until appropriate cumulative impact policies are developed.</p>
42. Non-profit organisations should be exempted from having to acquire a liquor licence for up to six events a year for fundraising activities that will be of benefit to the organisation or the local community.	Reject.	<p>NAAPA does not support the exemption of non-profit organisations having to acquire a liquor licence for up to six events a year.</p> <p>No event in which alcohol is being sold and consumed should be exempt from requiring a licence, as alcohol is a product that has the potential to cause harms.</p>
<p>43. The exemption should only apply if the sale and supply of liquor is ancillary to an event and the following conditions are complied with:</p> <ul style="list-style-type: none"> • food and free water must be available, • liquor may only be sold and supplied between 6am and midnight, • all persons selling and serving liquor at the event must have completed responsible service of alcohol training, • adequate adult supervision is maintained at any time when minors are present, and • police and liquor inspectors must be permitted access to the premises. 	Reject.	See response to recommendation 42.
44. The exemption should be subject to requirements prohibiting the sale and supply of liquor to an intoxicated person.	Reject.	See response to recommendation 42.
45. A non-profit organisation should be required to provide details of the function to local	Reject.	See response to recommendation 42.

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police 28 days prior to the event, and also to the local council in the case of an event that is proposed to be held on council owned and/or managed property.		
46. Holders of a multi-function limited licence should not be required to obtain approval for each function held under the licence subject to notification to the local police and local council.	Reject.	<p>NAAPA does not support the removal of the requirement for holders of a multi-function limited licenses for each event by.</p> <p>A multi-function limited licence allows up to 52 functions where alcohol can be sold in a year. These functions could vary substantially in capacity and risk profiles. For this reason, each event should be required to obtain approval so that the risks of each event can be assessed and managed.</p>
47. The Good Sports program should be promoted to sporting clubs that apply for a multi-function limited licence, and it should be a factor to be taken into account when considering whether a licence should be approved.	Support.	<p>NAAPA supports the Good Sports program being promoted to sporting clubs that apply for a multi-function limited licence. NAAPA also supports the program being a factor for consideration in approving a licence.</p> <p>However, It is important to note that the Good Sports-type programs are only one of many factors that should be considered when approving a liquor licence.</p>
50. The 'reasonable steps' provisions in section 73(4)(a) of the Liquor Act should be removed, or alternatively, the Liquor Act should be strengthened to confirm that a licensee has permitted intoxication on a licensed premises unless reasonable steps to be defined in the legislation can be demonstrated to have been implemented prior to regulatory intervention.	Support with amendment.	<p>NAAPA supports the removal the 'reasonable steps' provisions from the Liquor Act, as it is a barrier to prosecuting licensees who have breached the Liquor Act by permitting intoxication on a licensed premise.</p> <p>With the removal of the 'reasonable steps' provision from the Liquor Act, the definition of intoxication should be reviewed to make clear to licensees what their responsibilities are.</p>
51. The Government, in responding to the Social Policy Committee of the NSW Legislative Assembly inquiry into the provision of alcohol to minors, should consider the	Support with amendment.	NAAPA supports strengthening of secondary supply laws under the Liquor Act to include irresponsible supply laws, which prohibit the unsafe provision of alcohol

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introduction of a responsible supervision test in the Liquor Act to ensure any liquor supplied to a minor by a parent or guardian, or with the consent of a parent or guardian, in a private setting is done responsibly.		<p>(e.g. excessive amounts) or the inadequate supervision of the minor's alcohol consumption.</p> <p>The current secondary supply laws should also be strengthened to require adults to obtain written permission from a minor's parents or guardians consenting to the supply of alcohol to their child by the adult in question. These changes should be complemented with a comprehensive public education campaign that informs the general public of the laws surrounding the supply of alcohol to minors and the associated risks with underage alcohol consumption.</p> <p>As part of this review recommendations should be made in regard to strengthening secondary supply laws.</p>
52. The Government should consider conducting compliance operations using young looking adults to assess behaviour by licensees when serving persons and there is uncertainty as to their age, with the outcomes to inform industry education and enforcement strategies.	Action on this recommendation has been taken.	<p>NAAPA welcomes the announcement by the Government in January 2014 to introduce Control Purchase Operations.</p> <p>Controlled Purchase Operations involve supervised minors attempting to buy liquor from licensed premises to test licensees' compliance with supply laws.</p>
53. The Liquor Act should be amended to ensure that the sale of liquor should at all times (subject to the recommendation below) be subject to the primary purpose test that applies to an on-premises licence.	Support with amendment.	<p>NAAPA supports amending the Liquor Act to clearly outline the requirements under a Primary Service Authorisation. The Primary Service Authorisation scheme should also be reviewed.</p> <p>It is important that all licenses that have an approved Primary Service authorisation are currently adhering to approved licence conditions. If an on licence premise wishes to change its operation to have its primary purpose being to sell alcohol, then an appropriate liquor licence application would need to be submitted.</p>
54. Consideration should be given to allowing the Authority to grant a period of grace when the primary purpose concludes so as	Reject.	NAAPA does not support the Authority granting a grace period when the primary purpose concludes.

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to, for example, allow liquor to be sold for an hour after the provision of the product or service which is the primary purpose of the business has been concluded.		As with other liquor licenses, trading hours should be clearly specified. If an on-licence premise wishes to change its operation to make its primary purpose to sell alcohol, then an appropriate liquor licence application would need to be submitted.
56. The existing provisions relating to licence transfers, removals and ownership should be reviewed to remove red tape, reduce processing times, and increase financial certainty for lenders.	Reject.	NAAPA does not support the review of provisions relating to licence transfers, removals and ownership to 'remove red tape'. Licence application processes are in place to assess the risks associated with the potential liquor licence. Every licence should go through the application process to ensure the risk to the community is reduced.
60. Venue capacity limits should be incorporated into liquor licence conditions following determination by local councils.	Support.	NAAPA supports licence capacity limits being incorporated into liquor licence conditions following determination by local councils. To ensure that these determinations are considered, the liquor licensing and planning controls should be better aligned.
61. The Government should closely monitor the outcomes of liquor sales data collection in Kings Cross to inform consideration of future data collection requirements in Kings Cross and/or other precincts.	Support with amendment.	NAAPA supports the collection of sales data in Kings Cross. However, this could be strengthened by publically reporting on this data. NAAPA also supports the mandatory collection and public reporting of alcohol sales data across NSW, along with data on liquor licensees' occupancy, trading hours and compliance with the liquor legislation for all licenses in NSW.
63. The provisions of Part 9 of the Liquor Act should be amended to make it clear that it is necessary to have some element of fault or culpability (but not necessarily intention) in finding disciplinary actions proven.	Reject.	NAAPA does not support amending the Liquor Act to make it clear that it is necessary to have some element of fault or culpability (but not necessarily intention) in finding disciplinary actions proven. The licensee should have overall accountability for their licensed premise, including all staff and patrons.

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64. OLGR and industry associations should promote education initiatives to inform the public about their responsibilities when attending licensed premises.	Support in principle.	<p>NAAPA supports the promotion of education initiatives. However, the development of these education initiatives should occur independently of the alcohol industry.</p> <p>This is consistent with the World Health Organization's (WHO) advice that "Any interaction [with the alcohol industry] should be confined to discussion of the contribution the alcohol industry can make to the reduction of alcohol-related harm only in the context of their roles as producers, distributors and marketers of alcohol, and not in terms of alcohol policy development or health promotion."^{iv}</p>
65. The Liquor Act should be amended to provide that accords must have terms and be registered, and do not require approval by the Director General or the Commissioner of Police.	Support in principle.	See response to recommendation 67.
67. The approval of precinct liquor accords and community event liquor accords should be simplified under one umbrella as Alcohol Management Plans, with flexibility to determine those licensees and the arrangements that are captured by such plans.	Support in principle.	NAAPA supports exploring options to explore formalising Liquor Accords under an Alcohol Management Plan regime.
68. The updated liquor promotion guidelines should be evaluated 12 months after their commencement (i.e. after July 2014) through an open call for submissions, and consideration should be given to the issues raised in submissions to this review.	Support with amendment.	<p>NAAPA supports the evaluation of the promotion guidelines through an open and transparent process.</p> <p>The Liquor Act should be strengthened to prohibit the harmful discounting and promotion of alcohol products by including this within the Liquor Regulations 2008 provisions. These Regulations should address both on- and off-licence premises with equal weight.</p>
69. The tests in section 101(3) and (4) should be revised to ensure rapid and/or strategic	Support in principle.	NAAPA supports rapid and/or strategic action on undesirable liquor products being undertaken.

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action on undesirable liquor products, while ensuring the manufacturer of a product proposed to be restricted or prohibited is given an opportunity (where possible) to make submissions should action be proposed that would impact on more than one licensed premises.		However, it is unclear how this process will be rapid if opportunity is given for submissions. Further information on this process is needed.
70. Consideration should be given to introducing a co-ordinated planning and liquor licensing model (as detailed in this report) as part of the planning reforms that are currently being progressed by the Government so as to provide one forum for consideration of social impact and local neighbourhood issues associated with a liquor licensing proposal.	Reject.	<p>NAAPA is hesitant to support the introduction of a planning and liquor licensing model as part of the current planning reforms.</p> <p>NAAPA is concerned that if a system is in place that incorporates both the planning and liquor licensing, this will only provide one forum for consideration of the social impact and local neighbourhood issues associated with a liquor licensing proposal. There may be greater potential for the principle of harm minimisation to be overlooked if this process occurs.</p>
71. Consideration should be given to how this new model might be implemented quickly having regard to existing liquor licensing applications that are underway at the time of its introduction.	Reject.	See response to recommendation 70.
72. If the proposals to merge the DA process and the CIS process are not adopted, the CIS process should be reviewed having regard to the issues raised in this review.	Support.	<p>NAAPA supports a review of the CIS process.</p> <p>The social impact of a liquor licence is not effectively being assessed due to the lack of compliance; the lack of data collected and the bias in applicants collating community concerns for the purpose of the CIS requirements. ILGA largely relies on the licence applicant as the primary reporter of social impact.</p> <p>It is important that ILGA is sufficiently resourced to independently review and assess concerns raised in CIS to gain a greater understanding of the social impact. Along with improving the requirements of a CIS, improving alcohol-related data</p>

Recommendation	NAAPA position	Rationale for NAAPA position
		<p>collection and strengthening the role and responsibilities of authorities will support decision makers in assessing the broader social impact liquor licenses will have on communities.</p> <p>NAAPA has recommended a range of the policies to reform the CIS scheme, with the aim of ensuring that it truly reflects the social impact of a potential licence.</p>
<p>73. The CIS process should be reviewed to ensure it accurately reflects community issues relating to a licensing proposal, with consideration given to requiring full copies of the CIS to be served on local police and local councils; how the CIS process can facilitate the provision of independently sourced data to the Authority; ensuring the community and relevant stakeholders are properly notified of liquor applications; and whether certain licence types should continue to be excluded.</p>	<p>Support.</p>	<p>NAAPA supports the review of the CIS to ensure that it accurately reflects community issues, facilitates the provision of independently sourced data to the Authority and ensures the community and relevant stakeholders are properly notified of liquor applications.</p> <p>NAAPA has proposed a range of measures to reform the CIS scheme, with the aim of ensuring that it truly reflects the social impact of a potential licence.</p>
<p>74. The use of a mediation process should be promoted where possible and appropriate to deal with community disturbance issues in an informal and expeditious manner.</p>	<p>Support in principle.</p>	<p>NAAPA supports ‘in-principle’ that community disturbance issues are dealt with in an expeditious manner. If mediation processes are promoted and made available it is important that this process occurs independently and within defined timeframes.</p> <p>It is also important that the formal processes for communities to complain about disturbance issues are made available even though they have participated in a mediation process.</p>
<p>75. The availability and operation of this mediation process should be explained in simple terms to stakeholders.</p>	<p>Support.</p>	<p>NAAPA supports that the availability and operation of this mediation process be explained in simple terms.</p>

Recommendation	NAAPA position	Rationale for NAAPA position
76. The disturbance complaint process should allow submissions by the community to OLGR, and the immediate commencement of mediation between parties with agreed outcomes in writing.	Support in principle.	<p>NAAPA supports disturbance complaint processes allowing submissions by the community. This should also be strengthened to allow the Authority greater capacity to investigate complaints against licensed premises.</p> <p>Clarification regarding this recommendation is needed. It is important that immediate action against non-compliance is the first step. Once the issue of enforcement is dealt with, then the process of mediation should begin. NAAPA supports the notion that the outcomes of any mediation processes are in writing.</p>
78. Access to information and assistance relating to intervention measures (such as licence conditions, directions, and disturbance complaints) should be significantly improved for local government and the community through measures such as an enhanced website with supporting resources.	Support.	<p>NAAPA supports improved access to information and assistance for communities in interacting with the liquor licensing system.</p> <p>This information, could be included as part of the 'one-stop-shop' that has been proposed.</p>
79. Publication of decisions and action taken on regulatory interventions should be mandated, and should include reasons for decisions and outcomes so as to better explain the processes adopted to assist in reducing community harms and to implement regulatory interventions.	Support.	<p>NAAPA supports mandating the publication of decisions and action taken on regulatory interventions.</p> <p>This will provide communities with more resources and information to assist in a community's ability to interact with the liquor licensing system (complaints and objections etc.).</p>
80. The Government should consider mechanisms to fund an independent alcohol-related research program in New South Wales modelled (as appropriate) on the Gambling Research Australia program.	Support in principle.	<p>NAAPA supports increased funding into alcohol-related research in New South Wales. Alcohol-related research should include, the mandatory collection and public reporting of:</p> <ul style="list-style-type: none"> • Alcohol sales data • Alcohol-related emergency department presentations; • Alcohol-related ambulance attendances; • Alcohol-related criminal justice data; and

Recommendation	NAAPA position	Rationale for NAAPA position
		<ul style="list-style-type: none"> Alcohol-related community services data. <p>It is important that any research is independent of the alcohol industry or alcohol industry bodies.</p>
81. The regulation making powers under sections 17(4) and 27 of the Liquor Act should be utilised to prescribe requirements in relation to the nature and quality of food that must be made available when liquor is sold or supplied for consumption on licensed premises.	Support.	<p>NAAPA supports amending the Liquor Act to prescribe requirements in relation to the nature and quality of food.</p> <p>These requirements must ensure that 'snack' food is not categorised in the same way as a venues selling meals.</p>
83. The Liquor Act should be amended to clarify that it is not an offence for a: <ol style="list-style-type: none"> hotelier to keep a bar area open when required by the Act to cease liquor sales for a period of time during authorised trading hours, and patron to remain in a bar area of a hotel when it is required to cease liquor sales for a period of time during authorised trading hours. 	Support in principle.	<p>NAAPA welcomes the Government's announcement in January 2014, of the introduction of last drinks at 3.00am in the new Sydney CBD precinct. This came into effect on 24 February 2014.</p> <p>The Liquor Act should be amended to allow for 'last drinks' policies. However, it must be made clear that this is the only circumstance when these policies are authorised.</p>

References

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