

From the President's Office
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Liquor & Gaming NSW – Policy & Legislation
Liquor Amendment (24-hour Economy) Bill 2020
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Sydney NSW 2001

Via email: liquorpolicy@liquorandgaming.nsw.gov.au

Thank you for the opportunity to comment on the draft Liquor Amendment (24-hour Economy) Bill 2020.

AMA (NSW) is a professional association with more than 9,000 members, including doctors-in-training, career medical officers, staff specialists, visiting medical officers, non-GP specialists and general practitioners in private practice in NSW.

Our members witness many of the harmful effects of alcohol – both in assisting patients affected by medical conditions causally linked to alcohol, as well as the acute effects of alcohol-related harm, including assaults, glassings, and violence resulting in soft tissue injury and fractures.

AMA (NSW) provided a submission in 2019 to the Joint Select Committee on Sydney's night-time economy. In that submission, we noted Deloitte's report *Imagine Sydney*, which highlighted the importance of a planning and licensing system that is not solely focused on drinking and instead encourages initiatives like late night gallery and museum hours, live music or comedy, food and other retail offerings.¹

AMA (NSW) is pleased to see that the NSW 24-hour economy Bill includes several proposed changes which will encourage a more diverse and safer night-time economy.

This submission provides some recommendations which will further strengthen the aims of this Bill.

Overview

AMA (NSW) is supportive of many of the reforms outlined in the draft Liquor Amendment Bill 2020.

Australian Medical Association (NSW) Ltd

We are particularly pleased to see an evidence-based approach to managing the density of licensed premises in areas with high concentration, and enhancements to same day alcohol delivery regulation – which includes minimising the risk of supply to minors and intoxicated persons.

Schedule 1 – A new incentives and sanctions system

Overall, AMA (NSW) supports the proposed changes to the incentives and sanctions system and recognises the importance of simplifying and integrating the three sanctions schemes that currently exist into one system. Importantly, this will also make it easier for community stakeholders to identify where sanctions have been imposed. This will also improve enforcement toward high risk activities and locations.

However, AMA (NSW) does not recommend the removal of strikes imposed under the Three Strikes Scheme be revoked when the new system commences. Instead, we recommend the strikes be translated into the new demerit system. The Three Strike disciplinary scheme was established to reduce serious and repeated non-compliance with NSW Liquor laws. Complete removal of previous offences under the Three Strike Scheme to give venues “a clean start” weakens the authority of Liquor & Gaming and sends a signal to the broader community that previous efforts to tackle alcohol-related violence and anti-social behaviour were futile.

Schedule 2 - A new refined, evidence-based approach to manage the density of licensed premises

AMA (NSW) supports the new Cumulative Impact Assessment Framework as a means of reducing the risk of alcohol-related violence and anti-social behaviour in locations where there are high concentrations and density of licensed premises.

Given the changes introduced by the NSW Government on 14 January, which included an increase in patron capacity for small bars across NSW to 120, AMA (NSW) recommends they should be included in Cumulative Impact Assessment Framework.

As suggested under the proposed changes, “each Cumulative Impact Assessment must be data driven and contain the relevant evidence that has been relied upon, such as geo-spatial data on venue density, alcohol-related violence, crime and offensive behaviour”.

AMA (NSW) recommends that, in addition to the Schedule 2 suggestions, the NSW Government could strengthen monitoring and regulation of alcohol by considering the collection of alcohol sales data. This would provide insight into alcohol use trends.

Sales data could be reported at the Local Government Area level to enable geospatial analysis. Data collection could include sales data that differentiates between on-premise and off-premise alcohol sales. This data would supplement the data being collected under the Cumulative Impact Assessment Framework.

Schedule 3 – Improved regulatory framework for same day alcohol delivery

AMA (NSW) supports many of the proposed new reforms to Schedule 3, particularly measures which reduce the risk of alcohol being supplied to minors (under 18s) and intoxicated people.

AMA (NSW) welcomes the reform to make it mandatory for same-day alcohol delivery to be delivered to a person and not left unattended. We also support the two-step proof of age requirement to prevent minors accessing same day delivery, and the alcohol training for persons making same day deliveries.

This emerging market has expanded rapidly, and the regulatory system has not kept pace. While it is encouraging to see that the NSW Government is making improvements to this area, AMA (NSW) recommends proposed reforms should apply to all alcohol deliveries, and not be limited to same-day deliveries. This would allow for a more consistent approach to regulations and reduce the risk of delivery to minors.

Therefore, AMA (NSW) recommends that reforms such as age verification and no unattended deliveries be applied to non-same day alcohol delivery.

AMA (NSW) does not support same-day delivery known as rapid delivery – or alcohol being delivered within two hours of ordering. Rapid delivery increases the availability of alcohol and subsequently heightens the potential risk of alcohol harms. Rapid delivery enables people to extend drinking sessions and drink at risky levels. A VicHealth study found 40% of people would have stopped drinking if on-demand alcohol delivery wasn't available.ⁱⁱ A FARE 2020 poll found 70% of Australians who use rapid alcohol delivery drink alcohol at a risk level (over four standard drinks) on that occasion.ⁱⁱⁱ

Rapid alcohol delivery in the evening is of particular concern. Evidence suggests alcohol-related assaults increase between 6pm and 3am, with more than one-third (37%) of alcohol-fuelled assaults occurring in the home and 57% of those assaults being family violence.^{iv} There is also evidence which suggests suicides and sudden or unnatural deaths involving alcohol predominately happen at night in the home.^v

The risks of increasing excessive alcohol consumption, domestic violence and suicide, do not outweigh arguments around the convenience of rapid alcohol delivery.

If rapid alcohol delivery was allowed to continue in NSW, AMA (NSW) recommends the cut off time be made earlier (8pm to 10am).

As previously stated, AMA (NSW) supports the reform which would ensure all people making same day deliveries must complete responsible supply of alcohol training. However, we suggest this would be strengthened by having strong government oversight. Allowing industry to create its own training programs will create inconsistencies in the delivery environment and disadvantage some providers. A government-led course, which

is similar to RSA but created for this service, will ensure there is transparency and consistency across the market in NSW.

Schedule 4 – Small bar reforms to continue aligning liquor licensing and planning processes and support 24-hour economy and diversity

Whilst AMA (NSW) recognises the importance of allowing small bars to contribute to a diversity of night life and offerings to the community, we do not support all of the reforms proposed in this bill.

Evidence suggests small bar venues have lower rates of alcohol-related violence, but this does not necessarily make them “family-friendly”, or on par with restaurants and cafes. The potential for risky drinking increases during the evening and allowing minors into small bars until midnight normalises alcohol use and exposes minors to risky drinking of other patrons.

The 2019 Annual Alcohol Poll released by FARE found one in four parent respondents said their child had been harmed or put at risk of harm because of someone else’s drinking.^{vi}

AMA (NSW) does not support allowing minors into small bars; however, should this proposal proceed, we recommend minors only be allowed into small bars until 10pm.

Should minors be permitted in small bars, AMA (NSW) recommends the need for small bars to complete a Community Impact Statement.

As well, minors should be accompanied by a parent or guardian, not “a responsible adult” which would encourage minors to accompany their 18-year-old friends.

Thank you for the opportunity to comment on the 24-hour Economy Bill 2020. We hope our proposed recommendations balance the desire to create a vibrant and strong economy, with the need to provide a healthy and safe environment for the community.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. H. H.', enclosed within a large, hand-drawn oval shape.

Dr. Danielle McMullen
President, AMA (NSW)

ⁱ Deloitte. (2019). ImagineSydney. Accessed 13 June 2019

http://images.content.deloitte.com.au/Web/DELOITTEAUSTRALIA/%7B725ffb22-cab6-47f4-9958-37305087ba5e%7D_20190211-cit-imagine-sydney-play-report.pdf.

ⁱⁱ VicHealth, Cowboy alcohol delivery services choose profits over safety, media release, 28 May 2020,

<https://www.vichealth.vic.gov.au/media-and-resources/media-releases/cowboy-alcohol-delivery-services-choose-profits-over-safety>

ⁱⁱⁱ FARE (2020) Annual Alcohol Poll (unpublished)

^{iv} Briscoe, S. & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*.

^v Darke, S., Dufrou, J., & Torok, M. (2009). Toxicology and circumstances of completed suicide by means other than overdose. *Journal of Forensic Science* 54(2), 490-494; Darke, S., Dufrou, J., Torok, M. & Prolov, T. (2013). Characteristics, circumstances and toxicology of sudden or unnatural deaths involving very high-range alcohol concentrations. *Addiction* 108, 1411-1417.

^{vi} <https://fare.org.au/annual-alcohol-poll-2019-attitudes-and-behaviours/>