

# ***NSW Liquor Act 2007***

## **Proposed Terms of Reference and Review Process**

### **Preamble**

A review of *the Liquor Act 2007* (the Act) is scheduled to take place in 2013; a final report for the review must be tabled in Parliament by 13 December 2013.

Under section 162 of the Act:

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

The main object of the Act is to “to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.” The review of the Act must consider the increasing community concerns from people in New South Wales (NSW) about the harms associated with the supply and use of alcohol. The overwhelming majority of people from NSW believe that Australia has a problem with alcohol (80 per cent), and that more needs to be done to address alcohol-related harms (77 per cent).<sup>1</sup> Despite this, they do not conceive that these problems will be addressed any time soon, with 76 per cent believing that alcohol-related problems will worsen, or at best remain the same over the next five to ten years.<sup>2</sup>

The harms associated with alcohol are significant in NSW. The latest available statistics show that in 2011-12 there were 59,950 alcohol-related hospitalisations.<sup>3</sup> In the same year, there were 14,518 alcohol-related non-domestic assaults,<sup>4</sup> and 10,079 alcohol-related domestic assaults.<sup>5</sup>

### **Review process**

The review process will be an open and transparent comprehensive public consultation, in accordance with the *NSW Guide to Better Regulation* and the *Premier’s Memorandum 2009-20 Guide to Better Regulation*. Given the review of the Act is a comprehensive review, the consultation period will be a minimum of six weeks to ensure all stakeholders are given the opportunity to provide a considered response. It is important that a wide range of stakeholders are included in the consultation process, as identified in the *NSW Guide to Better Regulation* which states that “care should be taken to ensure that the views of a diverse group of businesses are represented.”<sup>6</sup> The Government has the responsibility to ensure all stakeholder responses to the consultation are “considered in a balanced manner, recognising that some stakeholders are able to devote more resources than others to consultation.”<sup>7</sup>

The review process will be a public process with all submissions received made publically available on the Government’s website. Once submissions have been received, a draft review report consisting of draft recommendations will also be made public for a second round of consultation.

This will provide the public with further opportunity to provide input to the potential changes to the Act.

This review of the Act will be conducted by a Review Committee and will consist of representation from community members, the public health sector, policing and medical experts. The Review Committee will have an independent chair that is independent of Government and the alcohol industry.

The review of the Act provides an opportunity for all members of the public to participate in the process to inform the Review Committee on more effective strategies to regulate the sale, supply and promotion of alcohol in order to reduce and prevent the associated harms.

## Terms of Reference

The Terms of Reference focus on areas which relate to the harm reduction priorities of the Act.

Matters for the Review Committee to consider include the:

- economic cost and benefits of alcohol control in NSW;
- change in the evidence-base that supports the reduction of alcohol-related harms since the last review of the Act;
- current regulatory barriers to the community's involvement in liquor licensing applications and decisions;
- effectiveness of the regulation and enforcement of the Act and compliance with the Act's provisions;
- transparency of licensing authority decisions and making records publically available;
- adequacy of the Act addressing off-licence premises; and
- importance of collecting alcohol sales data and other relevant data in assisting with developing evidence-based policies.

The Review Committee will also consider particular provisions under the Act, which relate to:

- the appropriateness of the objects of the Act to ensure alcohol does not contribute to harms experienced in the community;
- licence categories and the option of risk-based licensing;
- the correlation between trading hours and outlet density and alcohol-related violence;
- the regulation of the promotion of alcohol at both on-licence and off-licence venues and how these regulations could be strengthened to reduce harmful consumption;
- Community Impact Statements and the option of reforming the process to assist members of the community to be more involved in licensing decisions; and
- the role of the Office of Liquor, Gaming and Racing and the Independent Liquor and Gaming Authority in the regulation of the Act.

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<sup>1</sup> Galaxy Research (2012). *Alcohol Study*. Prepared for the Foundation for Alcohol Research and Education (previously unreleased data)

<sup>2</sup> Ibid

<sup>3</sup> Health Statistics New South Wales (2013). *Alcohol attributable hospitalisations by sex, NSW 1998-99 to 2011-12*. NSW Government. Available at: [http://www.healthstats.nsw.gov.au/indicator/beh\\_alcafhos](http://www.healthstats.nsw.gov.au/indicator/beh_alcafhos)

<sup>4</sup> NSW Bureau of Crime Statistics and Research (2012). *Number of incidents of assault recorded by the NSW Police Force by whether they were alcohol related from 2002 to 2012*. Statistics provided by BOSCAR.

<sup>5</sup> NSW Bureau of Crime Statistics and Research (2012). *Number of incidents of assault recorded by the NSW Police Force by whether they were alcohol related from 2002 to 2012*. Statistics provided by BOSCAR.

<sup>6</sup> Better Regulation Office (2009). *Consultation Policy*. Sydney: NSW Government.

<sup>7</sup> Ibid.