

26 June 2020

Liquor & Gaming NSW-Policy and Legislation

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**SUBMISSION TO THE *LIQUOR AMENDMENT (24-HOUR ECONOMY) BILL 2020*
CONSULTATION**

Thank you for the opportunity to provide a submission to the NSW Government consultation on the draft *Liquor Amendment (24-hour Economy) Bill 2020*.

Cancer Council NSW focuses on cancer research, prevention programs, advocacy and providing information and support for people affected by cancer. Cancer Council NSW has a series of evidence-based recommendations aimed at preventing cancer at the population level, one of these includes limiting alcohol use to reduce alcohol-related cancers.

Cancer Council NSW has recently provided input to the Joint Select Committee on Sydney's night time economy and NSW Liquor & Gaming consultation on same-day alcohol delivery. We welcome the inclusion of many our comments in this draft Bill and appreciate the efforts taken by the NSW Government to make improvements to reduce harm associated with alcohol. We are concerned that the premise of many of the proposed changes are centered around the economy and the short-term recovery of nightlife following COVID-19. As such our response to this current consultation provides

feedback to strengthen the current Bill, with an increased focus on the long-term public health implications associated with alcohol.

Recommendations

Cancer Council NSW is concerned about the increased availability and ease of accessibility to alcohol provided via additional licensed venues with reduced restrictions in place, as well as online sales and home delivery services. We are also concerned about any increase in the exposure of minors to alcohol and the potential impact this can have on long-term alcohol-related behaviours. Both the increased availability of and exposure of minors to alcohol can lead to an increased likelihood of use and potential for harm from alcohol.

Cancer Council NSW is pleased to see that many elements of the draft Bill will restrict alcohol availability and accessibility, however further improvements could reduce the public health impact of alcohol in NSW. Our key recommendations are outlined below:

- Cancer Council NSW supports Cumulative Impact Assessments however, we recommend that they be extended to include small bars and consider long-term harms associated with alcohol use. Furthermore, the decision-making process behind these assessments needs to be transparent as this is not always available for all license applications and there must be opportunity to challenge any of the results.
- Cancer Council NSW welcomes the introduction of many of the proposed regulations for same day alcohol deliveries, particularly the introduction of age verification measures, the banning of unattended deliveries and the restrictions to prevent intoxicated or underage individuals from receiving deliveries. We recommend that these delivery regulations should apply to all alcohol deliveries,

whether or not they are same day deliveries. Additionally, we recommend strengthening the draft Bill by tightening delivery times; having an independent accredited training program for drivers; and enhancing data collection to include details on all sales and deliveries not just non-deliveries.

- Cancer Council NSW is concerned about the exposure of minors to alcohol and its promotions in all licensed venues and for this consultation we wish to highlight that there could be increased potential exposure via proposed changes for small bars. We recommend that small bars should not be automatically considered low risk and exempt from Community Impact Statements. Furthermore, minors should not be permitted in small bars at any time unaccompanied and the hours minors should be allowed accompanied in small bars should be restricted to minimise exposure to alcohol advertising and promotions, alcohol intake and its associated behaviours.

Please find enclosed within this paper, further background and details that support our recommendations. Thank you once again for the opportunity to raise these important issues with you.

Yours sincerely,



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Alcohol and Cancer

The International Agency for Research on Cancer (IARC) classifies alcohol as a Group 1 carcinogen.(1) This means that IARC are certain that alcohol causes cancer. Alcohol use is a cause of cancers of the breast, mouth, pharynx, larynx, oesophagus, liver, bowel and stomach.(2) There is no safe limit of alcohol use in relation to cancer risk. The more alcohol consumed over a lifetime, the greater the risk of developing alcohol-related cancers.(2)

The National Health and Medical Research Council (NHMRC) Australian Guidelines to Reduce Health Risks from Drinking Alcohol, currently under review, state:

- *For healthy men and women, drinking no more than two standard drinks on any day reduces the lifetime risk of harm from alcohol-related disease or injury*
- *For healthy men and women, drinking no more than four standard drinks on a single occasion reduces the risk of alcohol-related injury arising from that occasion.*(3)

We acknowledge that these guidelines are currently being reviewed by the NHMRC. We are aware that the updated draft guidelines suggest lower levels of alcohol use across the week (no more than ten standard drinks), reflecting the increasing evidence on the long-term harms associated with alcohol use.

It has been estimated that 3,496 cancer cases (2.8% of all cancers) occurring in Australian adults in 2013 could be attributed to alcohol use.(4) Cancers were responsible for the largest proportion (36%) of alcohol-attributable deaths in Australia in 2015.(5) Reducing alcohol use, particularly over the long term, is therefore an important strategy to reduce Australia's cancer burden.

Cancer Council NSW routinely undertakes the Community Survey on Cancer Prevention to measure the behaviours, attitudes and opinions of NSW adults across a range of topic areas related to cancer risk and prevention. The most recent survey was undertaken in 2019 with 3,213 respondents answering questions about cancer risk. Of concern is that only 54% of respondents were aware that alcohol can cause cancer.(6) While increasing awareness of the cancer risks associated with alcohol is necessary, policy that works to reduce the use of alcohol is also needed.

The impact of alcohol on the NSW health system

Health Stats NSW data shows that, in NSW in 2017, alcohol was responsible for 1,759 deaths.(7) Recently released data demonstrates that in 2019, 32.8% of the total NSW adult population drank alcohol at rates that increased their long-term risk of harm.(7) This proportion has been increasing each year since 2016.(7) Recent national statistics revealed that during the COVID-19 pandemic 14% of Australians reported an increase in alcohol use, and the increase was more prominent in women.(8) Alcohol abuse costs the NSW government more than \$1 billion every year. This does not include the cost of treatment of chronic conditions linked to alcohol use.(9) The NSW Ministry of Health cites alcohol use as one of the leading causes of preventable disease in NSW and have a priority goal to reduce alcohol-related harm in NSW.(10)

Evidence-based policies to reduce harmful use of alcohol

Harm from alcohol is preventable. Cancer Council NSW supports evidence-based policies that aim to reduce the harmful use of alcohol and subsequently reduce cancer risk.(11) One of the ten target areas in the World Health Organization (WHO) Strategy to reduce the harmful use of alcohol is the availability of alcohol.(12) Policies that can reduce the availability of alcohol can address factors such as the trading days and hours,

modes of sale, as well as restricting access to underage or intoxicated persons.(12) The WHO Best Buys and Other Recommended Interventions for the Prevention and Control of Non Communicable Diseases highlights that enforcing restrictions on physical availability of alcohol is a cost-effective intervention to reduce harm from alcohol.(13)

The WHO also recommends implementation of bans or restrictions on exposure to alcohol advertising.(12) Whilst alcohol advertising is not covered in this draft Bill, the proposed regulation changes permitting minors in licensed venues, particularly small bars, can increase exposure of minors to alcohol environments, point of sale displays, and subsequently alcohol marketing and promotion. Exposure to alcohol advertising and marketing can influence young people's beliefs and attitudes about drinking. There is now persuasive evidence that exposure to alcohol marketing impacts on drinking behaviours in young people.(14) For example, exposure to marketing increases the likelihood of underage individuals initiating alcohol use and drinking alcohol at risky levels (binge drinking).(15)

Cancer Council NSW supports the development and implementation of policies aimed at reducing alcohol intake, initiation of alcohol use by young people, and associated cancer risk. A strong regulatory approach to licensing in NSW can be an effective component of a multi-strategy response to addressing alcohol related harm in this state.

Feedback on the consultation

Cancer Council NSW has provided responses on the proposed schedule changes below.

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

Cancer Council NSW supports reducing the density of licensed premises in high risk areas. Reducing the availability of alcohol can reduce alcohol use and associated harms, including cancer. To align with other states and countries, we support the introduction of the Cumulative Impact Assessment Framework in high risk areas. We however recommend that to truly capture the cumulative impact, these should consider all licensed premises, including small bars, to accurately assess the risk of licensed premises on a community. Additionally, these assessments should consider the long-term implications associated with alcohol sales and use, such as chronic disease, to better assess the risk to the community. Cancer Council NSW would like to see transparency in any decision-making processes related to these assessments and licensing applications as well as the opportunity for people to challenge any results if required.

Schedule 3- Improved regulatory framework for same day alcohol delivery.

Cancer Council NSW commends the NSW Government for taking the lead to introduce a regulatory framework for alcohol delivery services. We are supportive of many of the proposed elements of the draft Bill, such as: verification of age at point of sale and delivery; requirements that the person ordering must be the recipient; and regulations against unattended deliveries, or deliveries to minors or intoxicated people.

We recommend the draft Bill can be strengthened, as follows:

- Whilst mandatory training for delivery drivers is an improvement, this should not be industry-led. An independent body should oversee the development and delivery of a mandatory and accredited training program. Furthermore, enforcement of the training and regulation are critical in ensuring that responsible supply principles are adhered to by businesses and delivery drivers.
- Restrictions should be tightened on delivery times and rapid delivery of alcohol. Late night delivery and rapid alcohol delivery should be prohibited or restricted to reduce the risk of harm from alcohol at high risk times.
- Allowing self-exclusion from alcohol delivery services is a welcome addition to the draft Bill, however, more needs to be done to ensure exposure to marketing is also reduced. In order to further minimise the risk of harm to vulnerable populations regulations on quantities, pricing and promotions of online sales for same day delivery should be applied. Furthermore, loyalty and discounting activities should not be permitted for online alcohol sales and home delivery services. Regulation of these can support consumers to drink less alcohol, reducing the likelihood of harm from alcohol.
- Enhancement of data collection of online delivery services, beyond non-deliveries, such as the collection of sales data and data on all deliveries is required. This data should be used to continuously monitor the risks associated with alcohol delivery services. We recommend that alcohol sales data should be more broadly collected in NSW in order to monitor alcohol purchasing behaviour and risks associated with alcohol.

Effective monitoring and regulation of alcohol delivery services is required to prevent the Government's efforts to limit the health and societal impacts of alcohol use being

undermined. Cancer Council NSW appreciates the unique and heightened risk of same day delivery services, however given the increased availability of alcohol via delivery services, Cancer Council NSW continues to recommend that a strong regulatory approach and subsequent monitoring and evaluation should apply to all alcohol delivery services within NSW. For example, no alcohol deliveries should be left unattended or provided to an intoxicated person and appropriate age verification should always take place.

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

Cancer Council NSW recommends that small bars should not automatically be assessed as lower risk. These venues still serve alcohol and contribute to the proliferation and normalisation of alcohol in the community for both adults and minors. This can consequently contribute to alcohol related harm. At a minimum Community Impact Statements should remain a requirement for any small bar application.

Cancer Council NSW is concerned about the exposure of minors to alcohol, alcohol advertising and marketing in all licensed venues including small bars, particularly through these draft provisions for small bars that will allow them to be present accompanied late at night (until 12am) or during other hours unaccompanied if the business has other purposes. There are additional concerns that small bars may not have designated non-bar areas, that other licensed venues provide for accompanied minors. We are concerned that allowing minors into any licensed premises may work to create a favourable attitude towards alcohol and a belief that alcohol is an ordinary product, normalising alcohol use from a young age. Having minors inside licensed premises can increase exposure to point of sale displays and other forms of alcohol advertising and

marketing. As highlighted previously, this exposure of young people to alcohol and its marketing may subsequently increase the likelihood of alcohol use in the future. Additionally, there is evidence that parental alcohol use can have adverse impacts on children, including their drinking behaviours.⁽¹⁶⁾ This is potentially a risk if minors are permitted in licensed venues with parents and guardians. Cancer Council NSW is concerned about exposure of minors to alcohol and its advertising in all licensed venues. We appreciate that this consultation is only seeking feedback on changes to regulations for small bars. However consistent with our overall concerns about minors in licensed venues, to reduce the risk, we recommend that minors should not be permitted in small bars unaccompanied at any time of day and the hours minors should be allowed accompanied in small bars should be restricted to minimise exposure to alcohol advertising and promotions as well as alcohol intake and its associated behaviours.

Conclusion

Cancer Council NSW supports the implementation of regulation that reduces the harm from alcohol use in the NSW community. This includes regulations to appropriately restrict availability of alcohol as well as the impact of alcohol on vulnerable populations, including children and adolescents. The long-term implications of exposure of minors to alcohol warrants greater consideration. The increased availability and accessibility to alcohol provided by delivery services, as well as reduced licensing restrictions is of concern to Cancer Council NSW as this has the potential to increase alcohol intake and therefore the risk of alcohol-related cancers.

Cancer Council NSW recognises that in addition to the role of alcohol use as a cause of breast, mouth, pharynx, larynx, oesophagus, liver, bowel and stomach cancer, there is significant evidence of the extensive impact of alcohol use across the health system, on

the mental health of individuals and their families and on the criminal justice system. We urge the Government to ensure that the protection of an individual as well as public health considerations are not subsumed by the economic intentions to reform liquor licensing.

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