

ROYAL AUSTRALASIAN COLLEGE OF SURGEONS



**RESPONSE TO THE SOUTH AUSTRALIAN GOVERNMENT'S
LIQUOR LICENSING DISCUSSION PAPER**

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About the Royal Australasian College of Surgeons

The Royal Australasian College of Surgeons (RACS) is the leading advocate for surgical standards, professionalism and surgical education in New Zealand and Australia. RACS is a not-for-profit organisation that represents more than 7000 surgeons and 1300 surgical trainees and international medical graduates across New Zealand and Australia. It also supports healthcare and surgical education in the Asia-Pacific region and is a substantial funder of surgical research.

RACS provides training in nine surgical specialties, cardiothoracic surgery, general surgery, neurosurgery, orthopaedic surgery, otolaryngology head and neck surgery, paediatric surgery, plastic and reconstructive surgery, urology and vascular surgery. The College plays an active role in the setting of standards of surgical care, the training of surgeons and their participation in continuing medical education throughout their lifetime of surgical practice.

As part of our commitment to standards and professionalism RACS strives to take informed and principled positions on issues associated with the delivery of health services. Our College has consistently advocated against the harmful effects of alcohol misuse over a number of years; not only for the increased risk of complication that alcohol related harm poses to surgical patients, but also for the broader ramifications it has on our public health system and society as a whole.

Background

In the past year RACS has released an updated position paper on alcohol related harm, and has provided a number of submissions to state and federal governments. This includes a [submission](#) to the South Australian government's review of the *Late night Trading Code of Practice*. Our response to the liquor licensing discussion paper reflects many of the themes outlined in previous submissions, and further explores the three key themes identified in the paper; reducing red tape, Creating a safer drinking culture, and vibrancy.

Surgeons, alongside other health professionals, are first-hand witnesses to the damage that alcohol-related harm causes on a day to day basis. Whether it is through the extra strain on emergency departments and operating rooms, or the long-term suffering caused by non-communicable disease, the burden that alcohol-related harm places on South Australia is considerable. Therefore RACS is well placed to offer advice to the South Australian Government, and we thank you for allowing us the opportunity to be part of this process.

Reducing Red Tape

RACS has significant concerns with the content and questions put forward in this section of the discussion paper. The terminology 'reducing red tape' appears to reflect a pre-determined conclusion that an overly burdensome regulatory structure currently exists. It implies that regulation is inherently undesirable, without providing an adequate analysis of why many of the regulations in question were initially established, and for what intended benefit.

RACS appreciates the complexities of establishing a comprehensive liquor licensing framework. We acknowledge the importance of having a streamlined regulatory process to ensure industry compliance, and to provide clarity for those that it affects. However, "red tape" should not simply be viewed as existing to place additional burden upon business. If it is determined that unnecessary regulation exists, then any proposed reconfiguration of the framework needs to be driven by the community and with the community's best interest at heart. This means developing a regulatory environment that supports the principles of harm minimisation and promotes responsible attitudes towards alcohol. It does not mean deregulating existing safeguards simply to appease industry concerns about the scrutiny liquor licensing applications receive.

In 2011 a report by Flinders University highlighted that South Australia held the highest number of liquor licenses per capita of any Australian state or territory.

¹ Since this time a number of additional licenses have been granted as highlighted in the discussion paper. In an industry notorious for its potential to cause harm if not regulated properly, the question needs to be asked; do we want the process of being granted a liquor license to be an easy one?

A safer drinking culture

Of the three priority areas identified, "A Safer Drinking Culture" needs to be given priority when determining the makeup of a new framework. There is no question that health, social services and policing resources all face significant pressures as a consequence of alcohol related harm. In addition to this the devastating consequences placed upon individuals, families and communities are immeasurable. Any economic reasoning for deregulating the liquor licensing framework must be measured against the associated economic and social costs.

Reduced Outlet Density

There is a positive relationship between alcohol outlet density (general, on-premises, and packaged) and increased rates of violence. A recent study by the NSW Bureau of Crime Statistics and Research found that the concentration of hotel licences in a Local Government Area, particularly at higher density levels, was strongly predictive of both domestic and non-domestic assault rates.² Another study by the National Drug Law Enforcement Research Fund demonstrated that off-site outlet alcohol sales and total volume of alcohol sales within a region are important predictors of assault. The researchers conclude that, 'policy decisions that ultimately increase total alcohol sales within a community or that increase numbers of on-site outlets (eg hotels/nightclubs or restaurants) are more likely to exacerbate, rather than ameliorate, harms associated with alcohol.'³

Trading Hours

The state government is to be congratulated for its efforts to create a safer drinking culture through changes to the *Late Night Trading Code of Practice* (the Code), particularly through the implementation of sensible lockout laws. However, we were disappointed that the government did not use the positive findings from the review of the Code as an opportunity to strengthen existing laws.

The evidence is increasingly suggesting that lockouts do work. Since legislative reforms were introduced in Sydney NSW, assaults in Kings Cross have declined by 32%, in the Sydney CBD Entertainment Precinct by 26%, and in the sub-section area of George Street South by 40%. Across NSW there was a 9% decrease.⁴ St Vincent Hospital in Darlinghurst reported a more than 50 per cent

reduction in serious head injuries in the year after lockout laws were introduced compared with the year prior.⁵ The success of the New South Wales Coalition government's reforms has set a benchmark for other governments to follow and prompted stronger action across the country. By way of example the Queensland Labor government recently announced plans to introduce 2am lock-out laws following a rise in late night assaults in that state.

At a time when other jurisdictions are strengthening their legislation in this area, it is important that South Australia does not fall behind, and the government must show leadership in the face of opposition from vested interests. RACS recommends that South Australia follows the example of New South Wales and Queensland and implements earlier lock-out times in that state. We would be adamantly opposed to any decision that would weaken that would weaken the current legislation, and we urge the government to consult the relevant evidence base as a guide for future policy development in this area.

Shopping Centres

The National Health and Medical Research Council recommends that parents of adolescents delay the age of drinking initiation as long as possible to protect the health and wellbeing of young Australians. This is because exposure to alcohol advertising and sales influences young people's beliefs and attitudes about drinking, and increases the likelihood that they will start to use alcohol and will drink more if they are already using alcohol.⁶

For this reason alcohol should not be available in South Australian supermarkets next to other household items. We know that supermarkets use various marketing and point of sale techniques to influence impulse buying, and to promote the sale of products that would not have otherwise been purchased. The decision to buy alcohol should be a considered process, and not one undertaken at a venue frequented by hundreds and thousands of young Australians every day. Allowing supermarkets to sell and promote alcohol in this manner sends the wrong message to children and creates the perception that it is normal to buy alcohol alongside other common household items as part of a regular grocery shopping routine. For this reason, it is important that the distinction between a supermarket and a retail liquor outlet remains firmly in place.

Vibrancy

The focus on vibrancy presents an opportunity to consolidate a safer drinking culture in South Australia. Vibrancy should not be viewed as attainable by easing restrictions on the sale and consumption of alcohol in a misguided attempt to generate economic activity and to appease industry concerns. As discussed, statistics show that increased outlet density and unrestricted trading hours puts the public at much greater risk of harm, and places considerable strain on public resources. In order to create a successful vibrant culture, it is crucial to recognise the intrinsic link between vibrancy and safety. Vibrancy cannot be achieved when the community does not feel secure to enjoy a safe night out, and that adequate safety measures are established to protect them.

An example of a city that has successfully managed to transform a violent late night culture into a vibrant one is Australia's seventh largest city, Newcastle. Prior to the introduction of a range of safety measures in 2008, Newcastle had one of the worst late night safety records of anywhere in Australia. Following the introduction of the new measures, the rate of violent assaults has consistently and significantly dropped over a number of years. Far from reducing vibrancy to the area, the reduction in availability of alcohol has led to a diversification of the night-time economy, with alcohol sales being replaced by food sales. A survey found that community support for the increased measures was overwhelming. According to the results 83% of respondents supported the reduction in late night trading hours, including 77% of young people who identified as patrons of late night establishments.⁷

Recommendations

- 1. If it is determined that unnecessary regulation does exist, then any proposed reconfiguration of the framework needs to be driven by the community and with the community's best interest at heart.**
- 2. RACS favours limiting the number of outlets where alcohol is sold, and ensuring that councils and local communities maintain a strong voice in determining areas that are 'saturated' with liquor licences.**
- 3. RACS urges the state government to consider strengthening its policy on lock-outs and late night trading hours. We would strongly oppose any decision to weaken the existing measures.**
- 4. Allowing supermarkets to sell alcohol alongside common household groceries sends the wrong message to children about developing responsible relationships with alcohol.**
- 5. Community safety should be the number one priority in any attempt to increase vibrancy in South Australia and the Adelaide CBD.**

References

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- ⁵ St Vincent's Health Australia. Submission to Senate Standing Committee on Economics Personal Choice and Community Impacts Inquiry. Bondi Junction, NSW; August 2015. Available from: https://svha.org.au/wps/wcm/connect/58e419ab-3049-479b-b350-96d1b3b8acc1/Submission+to+Senate+Standing+Committee+on+Economics+Personal+Choice+and+Community+Impacts+inquiry+FINAL+210815.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=58e419ab-3049-479b-b350-96d1b3b8acc1
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