

Guideline 38 – Community Impact Statement

Liquor Act 1992 – section 116

This guideline provides advice about the Commissioner for Liquor and Gaming's attitude regarding the preparation of community impact statements under the *Liquor Act 1992*.

Introduction

Under the provisions of the *Liquor Act 1992* (the Act), the Commissioner for Liquor and Gaming and, where relevant, the Queensland Civil and Administrative Tribunal must give sufficient weight to the likely health and social impacts that granting an application would have on the population of the locality.

Further, the Act provides that *the purpose of the CIS is to help the commissioner assess the impact on the community concerned if the application were granted, having regard to the main purpose of the Act mentioned in section 3(a) being:*

- (a) *To regulate the liquor industry, and areas in the vicinity of licensed premises, in a way compatible with*
- (i) *Minimising harm, and the potential for harm, from alcohol abuse and misuse and associated violence; and*
 - (ii) *Minimising adverse effects on health or safety of members of the public; and*
 - (iii) *Minimising adverse effects on the amenity of the community.*

(Examples of harm include: adverse effects on a person's health, personal injury and or property damage)

Section 42A provides the commissioner with the authority to make a guideline that, in this case, states the matters that must be addressed in a community impact statement.

This guideline provides an overview of what is expected when completing a CIS, which must include an examination of the likely health and social impacts arising from the application.

Requirement for a CIS

Section 116 of the Act states the following applications must be accompanied by a CIS:

- (a) an application for a licence, other than a community other licence;
- (b) an application, under section 111, by a licensee for a variation of the licence;
- (c) an application for an extended trading hours approval mentioned in section 86(1).

All applications caught by these provisions must, at a minimum, address the matters outlined below in '**Part A – CIS Requirements**'.

The following applications must also address the additional matters outlined in '**Part B – Additional CIS Requirements**':

- commercial hotel licence;
- nightclub licence;
- commercial special facility licence;
- approved extended trading hours for trading on a regular basis after 2 a.m.

Additionally, applications to which only Part A would apply may be requested by the Commissioner to address the additional matters outlined in Part B if any concerns are identified in relation to:

- the size, nature, location or internal layout of the proposed or existing premises;
- the number and nature of objections received in response to advertising under the Liquor Act or any other relevant community consultation process;
- location of the premises, to which the application relates, within a low socio-economic area;
- location of sensitive facilities of concern within 200 metres of the proposed premises;
- the previous trading history of the applicant in licensed premises;
- the concentration of licensed premises in the relevant area.

Discretion also exists for the Commissioner to waive the CIS requirements in certain circumstances. (refer to 'Part C – Waiver of CIS Requirements').

PART A – CIS Requirements

The standard requirement for a CIS is a detailed submission which provides: -

- a profile of the relevant community and its amenity; and
- information in relation to the potential health and social impacts on that community as a result of the proposed application.

The CIS must assess the seriousness or significance of any health and social impacts and make an evaluation on whether the I benefits of an application outweigh the costs. In weighing costs, any or potential significant harm to a small section of the community will be taken into consideration. In a case where there is widespread community support, but it could be shown that a small group within that community would suffer significant levels of social harm, the application could be viewed unfavourably.

The submission should detail any mitigating factors proposed to reduce any potential negative impacts.

Impacts may be positive or negative, and applicants should attempt to define the magnitude, duration and probability of the occurrence of particular impacts. The submission should address, but not be limited to, the following matters:

- the nature and type of facilities to be provided, including the number and types of jobs to be generated and any cultural and recreational benefits that will accrue from the proposal;
- delineation of the Local Community Area (defined using the Australian Statistical Geography Standard (Australian Bureau of Statistics, Cat. No. 1270.0)). Factors to be considered when defining the LCA include:
 - ❑ size and type of site (e.g. local tavern, RSL, sporting or community club)
 - ❑ patron characteristics
 - ❑ size and distribution of membership base (for club sites only)
 - ❑ distance (drive time and radial)
 - ❑ physical barriers to site access (e.g. major roads, waterways)
 - ❑ location of other similar sites
 - ❑ cultural or social factors
 - ❑ population density.
- the following minimum demographic parameters for the Local Community Area:
 - ❑ total population
 - ❑ 18 years and over population
 - ❑ population growth

- ❑ age and sex distributions
- ❑ education
- ❑ occupation
- ❑ ethnicity
- ❑ individual and household income distribution
- ❑ employment, unemployment and not in the labour force
- ❑ housing costs
- ❑ housing tenure type and landlord type
- ❑ household type
- ❑ tourist numbers and projections (where applicable)
- ❑ crime.
- the positive and negative impact on the local community as a whole and in particular, residents and businesses within 200 metres;
- details of any sensitive facilities within 200 metres of the site. Sensitive facilities include:
 - ❑ a home or hostel for people with psychiatric illness or intellectual disability;
 - ❑ short term accommodation, refuges for young people or domestic violence refuges;
 - ❑ schools or childcare centres;
 - ❑ social services e.g. Centrelink offices and community health centres;
 - ❑ premises used by welfare groups or for counselling or treatment of alcoholism, other substance abuse or gambling problems.
- An assessment of the likelihood and extent of the occurrence of the health and social impacts. Please include a demonstration of how the applicant proposes to mitigate the risk of:
 - ❑ noise impacts;
 - ❑ public disorder matters (e.g. vandalism, graffiti, litter, public drunkenness);
 - ❑ impact on crimes of violence (including domestic violence).

Where a venue is not the first of its kind for a Local Community Area, the applicant must demonstrate that an approval will not result in a detrimental concentration of venues.

Published data relevant to these requirements can be obtained from sources such as:

- Australian Bureau of Statistics.
- Your relevant local council.
- Queensland Treasury – Queensland Government Statistician's Office:

This information must be provided in full when the application is lodged with the Office of Liquor and Gaming Regulation.

PART B – Additional CIS Requirements Community Consultation

Community consultation forms an essential part of a CIS, providing the community's expectations and views on the likely positive and negative health and social impacts of the application.

Note: the purpose of community consultation is to seek the views and concerns of the community on the particular proposal, rather than their views and concerns on liquor in general.

For those applications captured by Part B, the following consultation must take place:

- Consultation with residents and businesses within 200 metres of the premises:
 - immediate adjoining residents and businesses and those in close proximity (i.e. within 200 metres) are the most likely to have issues of undue offence, annoyance, disturbance or inconvenience or other adverse effects on health, safety or amenity associated with the operation of the premises;
 - in some cases, it is acknowledged there may be no residents/businesses in the immediate area.

For example, a bottle shop to be located in a shopping centre, or a tavern surrounded by bush and parkland. In these instances, evidence will be required to demonstrate the isolation of the premises, with focus placed on the outcomes of the broader survey process.

- A survey of the broader Local Community Area must be distributed to:
 - a minimum of 100 local community members in Brisbane CBD, Brisbane metropolitan area, or major cities and towns outside Brisbane; or
 - for all other areas, a minimum of 50 local community members.

To confirm, surveys undertaken with residents and businesses within 200 metres of the premises can be counted towards the broader Local Community Area survey results.

- Consultation, or demonstrated attempts to consult, with a minimum of eight community advisers for the locality:
 - The advisers may include local government authority personnel; human services workers; police; health workers; educators or community organisation personnel who are qualified to speak on behalf of the community.
 - It is acknowledged the sample will vary depending on the nature of the community. In the case of tourist-oriented communities, for example, the sample should include relevant people from the tourist industry.

The interview or survey instruments and the interviewers must maintain objectivity and neutrality with respect to the proposal and provide reasonable opportunities for respondents to comment on benefits, impacts, concerns and mitigation measures required. Questions asked should not be restricted to closed questions, with the preference being that a suitable number of open questions will be presented which ascertain the reasons why respondents hold their views.

The method of gathering and assessing community opinion by survey must also be detailed. It should include:

- the methodology for undertaking any community survey or consultation with community advisers, including the timing and duration of consultation and evidence of processes involved in contacting the relevant numbers of community advisers, representatives, residents and businesses as detailed above;
- the measures taken to ensure objectivity and validity in the community survey;
- the names and qualifications or professional positions of the applicant's agents conducting the consultation process;
- a copy of any survey/questionnaire;
- the names and qualifications or professional positions of 8 community advisers consulted;
- where the community includes a significant percentage of non-English speaking people, especially newly arrived migrants, it should be demonstrated relevant key advisers have been consulted to represent these cultural communities;
- where the community includes a significant percentage of people of Aboriginal or Torres Strait Islander background, the consultation process should be mindful of cultural sensitivities, and demonstrate relevant community advisers have been included.

The Commissioner may request an applicant to undertake additional consultation if it is

considered the consultation is insufficient or unbalanced in some way.

PART C – Waiver of CIS Requirements

Section 116(2) of the Liquor Act provides the Commissioner may waive the requirement for a CIS on any of the following grounds:

- the application does not involve a significant change to the licensed premises or the nature or extent of the business carried on from the licensed premises;
- the premises are in a remote location;
- the purpose of the CIS has been, or can be, achieved by other means; or
- other special circumstances exist.

Section 116(3) of the Liquor Act further provides the Commissioner may waive the requirement for a CIS for an application for a subsidiary on-premises licence (meals) where:

- the proposed licensed premises are located in a commercial complex; and
- the grant of the licence will not include the grant of an extended trading hours approval for trading between 12a.m. and 1a.m.; and
- the Commissioner is satisfied:
 - (i) the grant of the licence will not adversely affect the amenity of the community; and
 - (ii) amplified entertainment, including, for example, amplified music, will not be provided at the premises.

Each request for waiver will be determined on its individual merits, however, as a means of providing guidance to applicants, some examples of factors which may be considered and will likely not be considered favourably are provided below.

Circumstances which may support waiving the requirement for a CIS include:

- A CIS was recently lodged for another application for the same premises which was subject to comprehensive community consultation.
- The premises is located within a recognised entertainment area, such as a safe night precinct, containing a high concentration of similar establishments in close proximity.
- The applicant is seeking to reinstate extended trading hours which were only recently decreased, with no adverse history associated with their previous use.
- The applicant is seeking to change the licence type to a similar high-risk licence with the same trading hours and conditions.
- There are no residential dwellings or premises where people may reside (e.g. short-term accommodation facilities) located in close proximity to the proposed premises.
- The proposal involves only a minor change to the existing use of the licensed premises.
- The nature of the operation of the premises and/or the subsidiary aspect of the sale and supply of liquor will have little to no change in the impact on amenity of the area.

The requirement for a CIS is unlikely to be waived in the following circumstances:

- The venue and/or licensee has a history of non-compliance with the Liquor Act.
- The venue is located in close proximity to residential premises or premises where people may reside (e.g. short-term accommodation facilities).
- The application relates to a new activity or use in a residential area.

A request to waive the requirement for a Community Impact Statement must be accompanied by a submission demonstrating that, a decision to waive the requirement is compatible with human rights and

not in contravention of the *Human Rights Act 2019* (HRA). If a human right is limited by the decision to waive a CIS, the applicant must address whether the decision is reasonable and justifiable according to section 13 of the HRA.