

700 Lawrence Ave. W., Suite 310  
Toronto, Ontario M6A 3B4

Tel: (416) 367-3313  
1-800-267-6817 (Ont)  
Fax: (416) 367-2844  
E-mail: [info@opha.on.ca](mailto:info@opha.on.ca)  
[www.opha.on.ca](http://www.opha.on.ca)

**Honorary Patron**  
The Hon. David C. Onley  
Lieutenant Governor of Ontario

**President**  
Carol Timmings  
E-mail: [ctimmings@opha.on.ca](mailto:ctimmings@opha.on.ca)

**Executive Director**  
Connie Uetrecht  
E-mail: [cuetrecht@opha.on.ca](mailto:cuetrecht@opha.on.ca)

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November 13, 2002

**The Honourable Tim Hudak  
Minister of Consumer and Business Services**

Dear Honourable Minister:

Thank you for your letter of November 12, 2002. We appreciate your offer to engage in discussion on the Liquor Licence Act (LLA) and the Ontario Public Health Association (OPHA) is pleased to provide feedback.

OPHA is an organization of individuals and constituent societies from various sectors and disciplines. The mission of OPHA is to strengthen the impact of people who are active in community and public health throughout Ontario. It has a workgroup of the Board of Directors to address alcohol policy made up of experts in the field of substance abuse prevention and public health. Its work is guided by a position paper adopted by the OPHA membership in 1996 which recognizes the following three cornerstones of healthy public policy with respect to alcohol:

1. *Effective controls on alcohol*
  - alcohol prices and taxes that promote moderation
  - controls on liquor sales and service that safeguard public health and safety policies that protect groups at risk
  - regulations that promote responsible alcohol advertising, promotion and sponsorship practices
  - effective deterrence, monitoring and enforcement
2. *Supportive environments*
  - provincial leadership in, and support for, the prevention and reduction of alcohol related-problems
  - preventive policies that move beyond alcohol to address the broader determinants of health
3. *Inclusive decision-making*
  - policy processes that are open, transparent and sensitive to community perspectives, as well as business and economic interests
  - decisions that reflect concern with public health and safety.

It is within this framework that we offer the following comments:

1. We recognize that the role of the Liquor Licence Act (LLA) must strike a balance between business and consumer interests and public health and safety. While businesses are obviously motivated by economic interests, they also need to recognize that alcohol is a drug and that service of alcohol entails a particular responsibility to the communities in which licenced premises are located, as well as to the public at large. We support the view that liquor licences are a privilege not a right and would welcome having this entrenched in law.
2. All licensees should be required to be educated about alcohol, its effects, and its costs to society. Liquor licence application and renewal packages should be revised to include such information. Regular AGCO publications such as Licence Line, should also feature content that puts liquor laws and regulations into perspective so that licensees come to understand that measures designed to protect public health and safety are not unnecessary "red tape."
3. Control over the content and delivery of Smart Serve programs should be a shared responsibility of the alcohol and hospitality industry and the public health and safety community. The Smart Serve board should include a balanced representation of credible stakeholders to ensure that its programs remain relevant and responsive to both industry and community needs. Recognition of Smart Serve should be subject to periodic review by the AGCO, with ongoing "accreditation" provided only when basic requirements such as adequate, credible and meaningful representation from the healthy and safety community have been satisfied.
4. The "public interest" clause in the LLA needs to be strengthened, as well as treated more seriously by the Board. Communities must be consulted within a reasonable time period and the "needs and wishes of the residents" must be accorded equal consideration in the granting of a licence as is given to the business interests of licensees. Inclusive decision-making is especially important when there are schools, recreation centres, etc., in the vicinity of the licenced premises.
5. There is abundant research literature, both Canadian and international, which indicates quite clearly that expanding public access to alcohol (e.g. extending drinking hours, reducing prices, adding more sales venues) increases alcohol-related problems, resulting in medical and policing costs, as well as lost labour productivity. Thus, any pilot projects under consideration that would make alcohol more accessible (including for example, the option of allowing take-away alcohol from hotels or licenced premises) to must be carefully evaluated. While OPHA would applaud the idea of pilot-testing rather than full-scale implementation of such measures, we strongly recommend that such pilot tests be undertaken over an adequate time frame so as to capture unanticipated consequences or potential impacts that may only surface in the medium to long-term. We urge the AGCO to work with the Centre for Addiction and Mental Health (CAMH) to design a framework for to evaluate the impact of regulatory changes that is both comprehensive and fair.
6. One of our concerns is the lack of consultation, transparency and accountability to the community when regulatory changes are being considered. Recent changes have dismayed the public health field and, in our view, are in opposition to the literature on healthy public policy related to alcohol. For instance, we are concerned that changes to the advertising pre-approval process will result in more youth-targeted advertising; that enabling manufacturers to donate alcohol to SOP and charitable events may result in even greater access to alcohol on university campuses, especially with the so-called "double cohort" of under-aged youth next year. As a responsible regulator, the AGCO would surely have put in place checks and balances to track the impact of such changes. We would like to know whether this was indeed the case. As an umbrella group for public health across the province, OPHA would

also like to be notified and consulted about regulatory and legislative changes under consideration.

7. In this spirit of the preceding recommendations, we would also encourage the Minister to consider the balance the stakeholder interests on the AGCO board and ensure that at least one seat is set aside for a representative from the Centre for Addiction and Mental Health, MADD Canada, the Ontario Public Health Association, the Ontario Chiefs of Police or other credible organization with a mandate to promote and protect public health and safety. Representation should be rotated among different organizations and the length of the appointment should be adequate to ensure that those in the seat are able to contribute effectively to AGCO board deliberations.

Our hope is that this committee will look at the AGCO's authority within the purview of accountability to the community and to taxpayers who must subsidize alcohol-related problems to which the licenced premises contribute.

There is ample evidence from scientifically conducted public opinion surveys, which indicate a high level of support among Ontarians for control on access to alcohol. We would therefore support changes to the LLA that would enable the Alcohol and Gaming Commission of Ontario and the police to deal more effectively with problem licence holders. Different application processes for different premises based on their potential for causing community problems, would be viewed positively. We would not welcome changes that would cut red tape at the expense of the quality of life of individuals and communities across our province.

In closing let me again thank you for inviting OPHA to share its views on liquor licensing in Ontario. We hope that our recommendations will be given serious consideration. We look forward to your response.

Sincerely,

Dr. Jack Lee  
Executive Director (Acting)