



Department
of Industry

Liquor & Gaming

Evaluation of the Incident Register requirement

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- ▲ the stakeholders who participated in the consultation process and provided relevant information and data
- ▲ interested parties who provided a public submission to help inform the evaluation
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L&GNSW Strategic Plan 2017-2019

This document is relevant to the following goals and strategies outlined in the *Liquor & Gaming NSW Strategic Plan 2017-2019*:

Goal 2: We ensure intelligence-led and risk-based industry oversight that minimises burden without compromising regulatory objectives

- ▲ Use strategic intelligence capability to identify emerging issues and regulatory risk, and inform regulatory approaches and interventions

Goal 3: We provide policy leadership that balances responsible industry development with harm minimisation

- ▲ Support program delivery through an evaluation and continuous improvement framework

This document implements the following liquor sector activity outlined in the *Liquor & Gaming NSW Strategic Plan 2017-2019*:

3. Policy leadership

- ▲ Conduct evaluation and research that identifies and targets emerging risks and issues, and challenges established thinking.

1. Executive Summary

An incident register is a paper or electronic record which documents certain incidents that occur in a venue licensed under the *Liquor Act 2007*. Incident registers include a record of the actions taken by the venue in response to incidents.

Section 56 of the *Liquor Act 2007* requires that certain incidents that occur outside standard trading hours (as defined in the *Liquor Act*) must be recorded in an incident register by venues that are authorised to sell or supply liquor after midnight. This requirement has been in place since 1 July 2008.

Licensed venues in the Kings Cross and Sydney CBD Entertainment precincts must record incidents that occur at any time. This requirement has been in place since 18 July 2014.

The purpose of incident registers is to help venue operators gain a better understanding of circumstances that affect the safety of their venue and patrons. This knowledge can assist in the development of strategies to reduce risks and improve venue safety. Incident registers also assist NSW Police and L&GNSW with investigations and other compliance activities.

This evaluation, conducted by Liquor & Gaming NSW, found that the incident register requirement is generally meeting its policy objectives in that incident registers are helping venue operators gain a better understanding of circumstances that affect venue and patron safety and implement strategies to reduce risks and improve safety. The requirement is also assisting NSW Police and L&GNSW with investigations and other compliance activities.

Overall, the evaluation found that the requirement to maintain incident registers should be retained. This report identifies a number of opportunities to improve the value of incident registers for businesses and regulators. The key areas in which improvements are recommended are:

- ▲ Improved guidance and information for venue operators
- ▲ Reduced regulatory burden
- ▲ Enhanced reporting requirements.

Implementation of these improvements will enhance the role of incident registers as an effective management tool for licensed venues in NSW. They will reduce regulatory burden, particularly for lower risk venues, whilst enhancing the benefits of incident registers and clarifying venue reporting responsibilities.

2. Recommendations

Improved guidance and information for venue operators

Recommendation 1: Better promote the benefits of incident registers by improving communication with the industry via information sessions or other similar initiatives, improved resources, and direct engagement with peak industry associations.

Recommendation 2: Review all L&GNSW incident register resources to ensure they effectively explain relevant legislative and regulatory requirements in a format that assists licensees and enforcement officers.

Recommendation 3: Improve the format of the incident register books available for purchase from L&GNSW to make incident reporting easier and more useful for venues.

Reduced regulatory burden

Recommendation 4: Investigate options to reduce costs, and improve the efficiency and utility of incident registers, by better promoting and supporting the adoption of online registers, especially for larger, higher risk venues.

Recommendation 5: Remove the ‘round-the-clock’ incident register requirement for lower risk venues within the Kings Cross and Sydney CBD Entertainment precincts to reduce regulatory burden on such venues.

Recommendation 6: Amend the incident register guidelines for venues to require a full account of all relevant incidents to be entered into the incident register as soon as practicable and at the latest by the end of the shift, to address industry concerns about the practicality of the current guideline requiring that all incidents be recorded within 6 hours of the incident occurring.

Recommendation 7: Investigate options for reducing duplication and administrative burden in relation to the separate registers required under the liquor laws and the security industry laws, including via the use of electronic incident registers.

Recommendation 8: Establish a working group, involving representatives from the key peak industry associations, NSW Police and security industry representatives, to implement recommendations 3, 4, 7, and 10.

Enhanced reporting requirements

Recommendation 9: Retain the mandatory requirement to record the four types of incidents specified in section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008 as stakeholders believe that these are the most important incidents to record in terms of improving venue management practices and contributing to NSW Police and L&GNSW investigations and other compliance activities.

Recommendation 10: Require that recording of incidents in relation to illicit drugs be modified to include incidents that involve the possession or use of illicit drugs on the premises, to ensure there is a record of such incidents and the action taken by the licensee to address the situation and ensure compliance with section 74 of the Act.

3. Introduction

Evaluation objectives

The objectives of the evaluation of the incident register requirement were to:

- ▲ determine if the incident register requirement is meeting its policy objectives
- ▲ examine industry awareness and perceptions of the requirement to maintain an incident register
- ▲ examine the nature and quality of information recorded in incident registers, and procedures for ensuring they are properly maintained and regularly reviewed
- ▲ examine the value of information recorded in incident registers to licensed venues, L&GNSW, NSW Police, and other relevant stakeholders
- ▲ consider whether or not the incidents described in relevant legal provisions – section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008 – are the most appropriate for recording in an incident register, and other types of incidents that should be included
- ▲ consider whether the times at which an incident register is required to be maintained, and the types of venue required to maintain an incident register, are the most appropriate
- ▲ examine the extent to which venues have been compliant with the incident register requirement, and any barriers to compliance
- ▲ consider the potential value and means of introducing an online incident register system
- ▲ consider any other impacts of, and possible improvements to, the incident register system.

Methodology

To inform the evaluation, nine stakeholder organisations from across industry, community and government were interviewed. Written submissions were received from three interested parties. Licensed venues that are required to maintain an incident register and Liquor Accords were invited to complete an online survey. There were 235 venue survey responses and 32 Liquor Accord survey responses.

The incident register requirement

An incident register is a paper or electronic record of the details of certain incidents that occur in a licensed venue during specific times of the day and/or night. Incident registers also include a record of the actions taken by the venue in response to incidents. The form in which an incident register must be kept is approved by L&GNSW (under delegation from the Secretary of the NSW Department of Industry).

The purpose of the incident register requirement is to help venue operators gain a better understanding of circumstances that affect the safety of their venue and patrons, and assist

them to develop strategies to reduce risks and improve safety. Incident registers also assist NSW Police and L&GNSW with investigations and other compliance activities.

Types of incidents to be recorded in incident registers

The types of incidents that must be recorded in an incident register are described in section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008. These include:

- ▲ violence or anti-social behaviour on the licensed premises
- ▲ violence or anti-social behaviour in the immediate vicinity of the licensed premises, where a person involved has left, or been refused entry to, the licensed premises
- ▲ people being removed from the licensed premises under section 77 of the *Liquor Act 2007* (for example, because they are intoxicated or violent)
- ▲ incidents that result in a patron requiring medical treatment.

Venue operators are also encouraged, via guidance material on the L&GNSW website, to record any incident that:

- ▲ involves intoxication
- ▲ concerns complaints about noise disturbances
- ▲ concerns work health and safety (WHS), public liability and regulatory issues.

Types of venue required to maintain incident registers

The incident register requirement applies to any venue that:

- ▲ is authorised to sell or supply liquor after midnight at least once a week on a regular basis
- ▲ is listed as a declared premises under Schedule 4 of the *Liquor Act 2007*
- ▲ is located in the Kings Cross¹ or Sydney CBD Entertainment² precincts, or
- ▲ has an incident register requirement imposed as a specific licence condition.

All incidents that occur outside standard trading hours³ must be recorded in an incident register. Licensed venues in the Kings Cross and Sydney CBD Entertainment precincts must record incidents that occur at any time.

¹ <http://www.liquorandgaming.nsw.gov.au/Documents/liquor/law-and-policy/Kings%20Cross%20precinct%20map.pdf>

² <http://www.liquorandgaming.nsw.gov.au/Documents/liquor/law-and-policy/SydneyCBDEntertainmentPrecinctMap.pdf>

³ 5am – midnight from Monday to Saturday; 10am – 10pm on Sunday (Note: for limited licences, incidents only need to be recorded for incidents that occur between midnight and 3am)

Incident register requirements in other jurisdictions

Legislative requirements to record or report on on-premises incidents currently exist in NSW, Queensland, Western Australia, Tasmania and the ACT. The Northern Territory and South Australia do not have specific legislative requirements for licensed venues to maintain an incident register.

While there are no specific legislative requirements for licensed venues to maintain an incident register in Victoria, registered clubs are encouraged to keep an incident register⁴. In addition, members of Liquor Accords may choose to record or report incidents as part of banning policies agreed upon by Accord members.⁵

In Queensland, incident register requirements are limited to licensed venues authorised to trade after 1am in the Brisbane City Council area. Licensees must record incidents where a person is injured or where a person is removed from the premises.⁶ Licensees in Tasmania must maintain a 'Crowd Control Register' where the full details of incidents involving physical contact with a person or patron must be recorded, as well as the names of the crowd controllers present on that date.⁷

Incident reporting requirements are similar in the ACT and Western Australia. Licensees and permit holders in the ACT are required to report incidents to the Commissioner for Fair Trading within 24 hours of the incident occurring. In addition to the types of incidents to be recorded under the NSW requirement, licensees and permit holders are also required to report incidents where false identification documentation has been seized. The details to be included in the report include a description of the incident, the contact details of the people involved and the actions taken in response to the incident.⁸

In addition to these requirements, licensees in Western Australia must record incidents where a minor has attempted to enter a licensed venue, incidents where a patron is intoxicated, and complaints made in relation to the operation of the business. These incidents must be recorded in an incident register unless the relevant details have been recorded in a register required to be maintained under security legislation⁹.

⁴ Victorian Commission for Gambling and Liquor Regulation 2015, *Our Club - Licensee responsibilities - Section 5: record keeping*, https://www.vcqlr.vic.gov.au/sites/default/files/Our_Club_Section_5.pdf

⁵ Victorian Commission for Gambling and Liquor Regulation 2012, *Liquor Forum and Accord Guidelines*, https://www.vcqlr.vic.gov.au/sites/default/files/uploadLiquor_forum_and_accord_guidelines_-_establishing_and_operating_a_local_liquor_forum.pdf

⁶ <https://www.business.qld.gov.au/industries/hospitality-tourism-sport/liquor-gaming/liquor/compliance/bcc>

⁷ http://www.justice.tas.gov.au/licensing_and_accreditation/security/working_security/crowd_control_register

⁸ Section 131, *Liquor Act 2010 (ACT)*

⁹ Section 116A, *Liquor Control Act 1988*

4. Improved guidance and information for venue operators

There is a high level of awareness among venue operators about the incident register requirement, and this has increased over time

Summary of submissions

In the venue survey, 94% of respondents stated that their awareness of the incident register requirement was good or very good. The venue survey also found a high level of understanding of the requirement, with 91% of respondents reporting their understanding to be good or very good. Among Liquor Accords, 81% reported their awareness and understanding to be good or very good. NSW Police and most peak industry associations confirmed that licensed venues have a high level of awareness about the requirement.

However, Restaurant & Catering Australia reported that some restaurant owners required to maintain a register lack awareness of the requirement. They also lack effective systems to record and use incident registers for improved venue operation due to the infrequency of incidents occurring on premises. The Kings Cross Liquor Accord noted some venues find it challenging to maintain awareness and understanding of the requirement due to high turnover of staff.

A large majority of licensed venues surveyed believe the incident register requirement is effectively promoted by L&GNSW. 77% of survey respondents agreed or strongly agreed with the statement “I am satisfied with the information provided to me by L&GNSW about the incident register requirement”. Only 5% of respondents disagreed with this statement.

While still generally satisfied, venues expressed a lower level of satisfaction with the support provided by L&GNSW than with the information provided by L&GNSW. The venue survey found that 53% of respondents agreed or strongly agreed with the statement “I am satisfied with the level of support provided to me by L&GNSW about the incident register requirement”, with 14% disagreeing.

Findings

Most venues are aware of the incident register requirement and rationale. However, while the level of awareness and understanding appears to be high across venues, it is likely to be lower among lower risk¹⁰ venues where few incidents tend to occur.

Consultation with the Compliance Operations unit within L&GNSW suggested that awareness by licensed venues of the incident register requirement had improved over time. This may be due in part to an enforcement campaign targeting the requirement following its introduction. This suggestion is supported by the pattern of breaches of the requirement

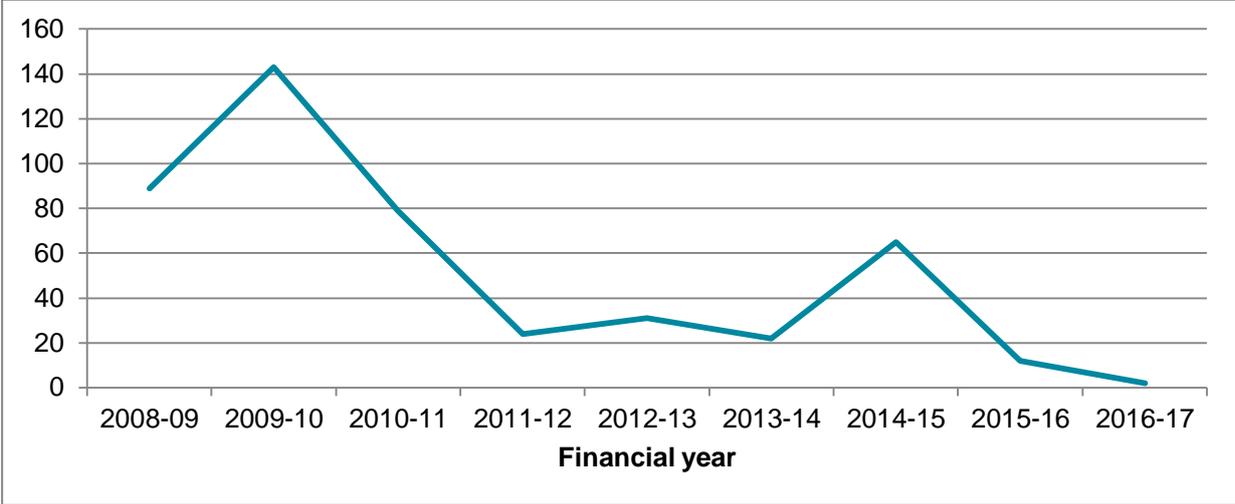
¹⁰ Lower risk venues are those which are not high risk as defined by the Liquor Act. High risk venues are those which have a patron capacity of over 120, trade after midnight and serve liquor for consumption on the premises.

shown in Figure 1 which shows the number of breaches declined sharply from an initial high after the requirement was introduced on 1 July 2008.

These findings are impacted by enforcement activity and may not solely reflect improved levels of venue compliance. Figure 1 shows an increase in breaches in 2014-15, which reflects increased enforcement activity due to additional licence conditions introduced in the Kings Cross and Sydney CBD Entertainment precincts in February 2014.

The reduction in breaches may also, in part, reflect a reduction in the severity of non-compliance. For example, a venue may be found to have an incident register which is non-compliant with the approved format rather than not have an incident register at all. In such cases, the venue may be directed to purchase an approved incident register rather than being breached. This change in the nature of non-compliance may be a contributing factor in the sharp reduction in breaches of the incident register requirement shown in Figure 1.

Figure 1 – The number of venue breaches relating to the incident register requirement for each financial year from 2009-10 to 2016-17.



There is a need for better communication and active promotion of incident registers as an effective management tool, which would help to address the perception by some venues that the requirement is simply a compliance exercise

Summary of submissions

While most licensed venues are satisfied with the information and support they receive from L&GNSW, the Small Bar Association of NSW and Clubs NSW suggested that opportunities exist for peak industry associations and L&GNSW to better communicate the benefits of the incident register requirement in terms of improved venue management practices. The survey showed that venues perceive incident registers to be beneficial, with 74% of respondents agreeing or strongly agreeing with the statement “There are benefits to my venue in keeping incident registers”. These benefits include assisting with monitoring time of day risks and rostering of security guards and RSA marshals. However, feedback suggests that a number

of venues nevertheless see the requirement purely as a compliance exercise, rather than benefitting the venue.

Some industry stakeholders, such as the Liquor Stores Association (LSA) and Small Bars Association of NSW, believe the efforts of compliance officers and Police tend to focus on enforcing the letter, rather than the spirit, of the law. These stakeholders expressed concern that venues are concerned with complying with the mandatory requirements rather than using the incident register to improve their venue management practices.

The Kings Cross Liquor Accord highlighted that Police often compare the incident register to the security register to detect inconsistencies. They suggested that Police could instead focus on encouraging and helping venue operators to use the incident register to improve their venue management practices.

Findings and recommendations

The benefits of the incident register requirement could be better communicated and actively promoted as an effective venue management tool, which would help to address the perception that the requirement is simply a compliance exercise. While venues are generally satisfied with the information and support provided by L&GNSW, the benefits of the incident register requirement could be more effectively promoted by publishing a clearer description of incident register benefits on the L&GNSW website, incident register fact sheet and L&GNSW e-newsletter, and via direct engagement with peak industry associations.

It would also be useful for L&GNSW to provide information sessions or other similar initiatives for both venues and peak industry associations on the incident register requirement, perhaps as a component of broader initiatives dealing with liquor licensing requirements. This was suggested by several industry stakeholders including Kings Cross Liquor Accord. These sessions or other similar initiatives would provide specific information on how to complete incident registers, clarify the requirements around the type of incidents to be recorded, and explain to venues how they can use incident registers to improve their venue management practices.

These information sessions or other similar initiatives would provide a valuable opportunity to educate the industry about the changes whilst simultaneously promoting the benefits of incident registers for venues.

Recommendation 1

Better promote the benefits of incident registers by improving communication with the industry via information sessions or other similar initiatives, improved resources, and direct engagement with peak industry associations.

There is a need to improve consistency between information in the incident register resources and relevant legislative requirements

The instructions on how to use Part A of the incident register book indicate that “All incidents must be recorded within this log as soon as practicable (within 1 hour) after the event”. The

book lists ten incident categories that “should” be included in the log. The legislation actually only requires venues to record an incident if it falls into one of the following four categories:

- ▲ violence or anti-social behaviour on the premises
- ▲ violence or anti-social behaviour in the immediate vicinity of the premises, where the person involved has previously left, or been refused entry to, the premises
- ▲ people being removed from the premises under section 77 of the *Liquor Act 2007* (for example, because they are intoxicated or violent)
- ▲ someone needing medical treatment.

The book would therefore benefit from amendment to clarify that some of the incidents listed are not mandatory. The L&GNSW website makes this distinction clearer by specifying the four types of incident that must be recorded under the legislation, and other incidents which venues are encouraged to, but not required to, record. However, because instructions in the incident register book are ambiguous, industry stakeholders reported that some licensees fear they will be penalised if they do not report all listed incident types.

To address inconsistencies between the L&GNSW incident register book and the legislation, all material related to incident registers should be reviewed to ensure it clearly and accurately explains the requirements for venues. This includes the incident register book, the L&GNSW website, and any other materials and fact sheets that L&GNSW produces or provides in relation to incident registers. It would also be valuable for these materials to explain that the non-mandatory incidents are qualitatively different from the mandatory incidents in that they do not reflect an immediate threat to patron safety.

Recommendation 2

Review all L&GNSW incident register resources to ensure they effectively explain relevant legislative and regulatory requirements in a format that assists licensees and enforcement officers.

The format of the incident register book available for purchase from L&GNSW could be improved to make incident reporting easier for venues

Summary of submissions

Several stakeholders identified improvements which could be made to the format of the incident register book available for purchase from L&GNSW. The Australian Hotels Association (AHA) and Kings Cross Liquor Accord saw benefit in including a more detailed instructional component at the front of the incident register. This would provide information on how to use the register, details to be reported, and timeframes for reporting. It could also provide examples of completed entries.

These stakeholders suggested more guidance would be useful so staff from licensed venues could use the book without ever having seen it before. They suggested the outline of legislative requirements at the front of the book should also be clearer, as many licensees are currently confused about which incidents must be reported and which are optional.

Industry groups suggested including a time stamped section for police to sign to show they have inspected an incident register. In their opinion, police have an inconsistent approach, with some officers signing books while others do not. Furthermore, some police rule a line through a page after signing it, wasting usable parts of the book. These problems would be resolved if a section existed for police to sign. NSW Police were supportive of this idea.

The AHA and Kings Cross Liquor Accord suggested that including a section dedicated to recording certain offence types would assist venues to analyse their own incidents. Kings Cross Liquor Accord suggested that up to 90% of recoded incidents in large venues relate to refusal of entry. Due to the large number of these incidents, incident register books can be filled quickly, and only the bare minimum of information is recorded because of time constraints.

These stakeholders noted that with three incident entries per page, there is wasted space in the book and data is difficult to interrogate at a glance. These stakeholders suggested including a section in the book for refusals. As these incidents would require less space, venues could record 15-20 incidents per page instead of three and more effectively identify trends.

Findings and recommendations

The evaluation found that the format of the incident register available for purchase from L&GNSW can be improved to make incident reporting easier for venues. While a range of improvements were suggested during the consultation process, it would be useful to reach a consensus with industry regarding specific improvements to be implemented. Peak industry associations such as the AHA are supportive of the idea of a small working group being established to develop and agree on specific improvements to the format of incident registers to maximise their utility. It should also be noted that more widespread adoption of online incident registers, as proposed in recommendation 4, would address many of these issues relating to the format of hard copy incident registers.

Recommendation 3

Improve the format of the incident register books available for purchase from L&GNSW to make incident register reporting easier and more useful for venues.

5. Reduced regulatory burden

Some stakeholders feel the incident register process is time-intensive and places a significant burden upon venues

Summary of submissions

Some stakeholders reported that entering information into incident registers is a time-intensive process which places a significant burden upon venues. This concern was expressed by staff with high levels of patron interaction (e.g. door staff) or venues with few staff (e.g. small packaged liquor stores). These time pressures can result in staff not entering information into the register in a timely manner.

Licensees, peak industry associations, and the Police all report that larger, busier venues find it difficult to keep up with the volume of incidents to be recorded. This can lead to a poorer standard of reporting and failure to record some incidents. The Kings Cross Liquor Accord noted that one Kings Cross venue typically completes an incident register book every 7 to 10 days. The Accord estimates over 90% of incidents recorded by Kings Cross venues relate to refusal of entry and removals for intoxication.

Findings and recommendations

While venues generally have a high level of awareness and understanding of the requirement, some venues reported that complying can be onerous. This is particularly the case in the Kings Cross and Sydney CBD Entertainment precincts where it was argued the requirement to maintain 'round-the-clock' incident registers imposes a significant burden. The recommendations that follow will assist in easing this regulatory burden upon venues, allowing the benefits of incident registers to venues, Police, and L&GNSW to be more fully realised.

There are real benefits to be gained from the introduction of an online incident register system, although stakeholder support was mixed with concerns expressed about cost and data security by some stakeholders

Summary of submissions

Restaurant & Catering Australia suggested an online incident reporting system would encourage greater reporting of incidents that are optional. Peak industry associations, such as ClubsNSW and the Small Bar Association of NSW, are also in favour of the introduction of an online incident register system.

ClubsNSW suggested that an online incident register system would: *“enable clubs to more easily analyse the data they input should it have the capabilities to do so”, “allow clubs to quickly create reports and charts of previous events [to] assist in reporting and analysing information”, and “would be a positive step forward for the club industry and the wider liquor and hospitality industry”* (ClubsNSW submission).

Hard copy incident registers are currently the most widely used format and some stakeholders argue they are preferable to electronic systems. Respondents to the stakeholder surveys expressed a range of concerns with the idea of an online incident register system relating to limited computer and internet access for some venues, in addition to privacy and security concerns.

While many stakeholders saw the potential for electronic and online registers to help staff enter information more efficiently, there was some opposition to their mandatory use. Some stakeholders argued that if an online incident register system was introduced, it should not be mandatory. Restaurant & Catering Australia and the Small Bar Association of NSW argued that if an online incident register system is introduced, hard copy incident registers should be retained as an option to cater for the preferences of individual businesses.

The LSA opposed a mandatory requirement for venues to use an online incident register, arguing they should only be considered on the basis of an 'opt-in' system. The LSA stated that electronic incident registers are a useful, efficient and cost-effective tool for businesses, and preferable to hard copy incident registers. However, they don't believe an online system has significant benefits over an offline system, and is likely to be more expensive.

Findings from the venue survey suggest mixed support among venues for an online incident register system, with 55.6% supporting the idea and 44.4% opposed. The Liquor Accord survey obtained a slightly more positive response, with 62.5% of respondents supportive and 37.5% of respondents not supportive.

NSW Police argued the benefits of hard copy registers included being bound and numbered (allowing for easy reference), not conducive to alteration, and able to be copied and reviewed without technical knowledge. However, NSW Police acknowledge hard copy registers possess shortcomings, such as being difficult to decipher at times, taking time to complete, and only being able to be used by one person at a time. Kings Cross Liquor Accord highlighted disadvantages of hard copy incident registers, including their ability to be changed, lost or damaged.

Findings and recommendations

In the evaluation's opinion, there are clear benefits associated with the wider use of online incident registers. However, their use should not be mandatory at this stage. Any process to encourage their adoption should not weaken the integrity of the process, with respect to consistency and transparency of reporting.

By improving data accessibility and recording, an online system would allow venues, L&GNSW, and NSW Police to derive greater value from the data collected, which would ultimately assist venue management and improve venue safety. The L&GNSW Compliance Operations unit has reported that the use of electronic incident registers by some venues has improved the efficiency of their incident reporting, thereby easing the burden.

The evaluation found no evidence of widespread adoption of online or electronic incident registers. This is despite many stakeholders identifying operational benefits associated with their use, including more efficient entry, collation and analysis of data. While most venues

maintain a hard copy incident register, some venues have moved to an electronic or online incident register system. In both cases, the data is stored locally for each venue and there is no centralised aggregated data.

A standardised online incident register system would allow for access to aggregated data across venues and provide the opportunity for greater data security and privacy controls.

Based on feedback from online incident register vendors, the evaluation believes an impediment to take-up of these tools is confusion about the legality of their use. The evaluation supports an approach that removes barriers to their adoption for premises interested in using them, with a view towards more widespread adoption in the future.

As a first step, the evaluation recommends that L&GNSW more actively promote electronic incident registers as a compliant method of incident reporting to licensed venues and other stakeholders. This promotional activity can occur via the L&GNSW website and during direct engagements with industry stakeholders. The evaluation also recommends that L&GNSW work with stakeholders to ensure that the approved electronic incident register template published on the L&GNSW website meets their operational needs and technical requirements.

Recommendation 4

Investigate options to reduce costs, and improve the efficiency and utility of incident registers, by better promoting and supporting the adoption of online registers, especially for larger, higher risk venues.

There is limited value in maintaining a 'round-the-clock' incident register requirement for low risk venues such as restaurants in the Kings Cross and Sydney CBD Entertainment precincts

Summary of submissions

There was little support from industry stakeholders to extend the 'round-the-clock' requirement to venues outside the two precincts that are not on the violent venues list¹¹.

Industry stakeholders, such as Restaurant & Catering Australia and Kings Cross Liquor Accord argued against the 'round-the-clock' incident register requirement for low risk venues in the Kings Cross and Sydney CBD Entertainment precincts. They suggested this requirement was unnecessary, financially onerous, and unfair as restaurants immediately outside the precinct are not required to maintain an incident register if they do not trade after midnight. Restaurant & Catering Australia argued *"the requirement to maintain incident*

¹¹ The violent venues scheme, which has operated under Schedule 4 of the *Liquor Act 2007* since 1 December 2008, identifies venues with high numbers of alcohol-related violent incidents based on the latest 12 months of data from the NSW Bureau of Crime Statistics and Research (BOCSAR). There are two rounds of the scheme each year, based on data provided by BOCSAR in March and September each year. Special licence conditions are imposed on Level 1 (19 or more incidents in the past 12 months) and Level 2 (12-18 incidents in the past 12 months) venues under the scheme.

registers is of very limited strategic value to the café and restaurant sector in reducing the risk of alcohol-related violence and anti-social behaviour” (Restaurant & Catering Australia submission).

NSW Police also supported exempting low risk venues in the Kings Cross and Sydney CBD Entertainment precincts from the ‘round-the-clock’ incident register requirement, given these venues contribute comparatively little to alcohol-related harms.

While stakeholders were generally supportive of the ‘round-the-clock’ incident register requirement for higher risk venues within the Kings Cross and Sydney CBD Entertainment precincts, the AHA argued that it should only apply to venues with a demonstrated history of non-compliance or a history of incidents.

Findings and recommendations

Given the infrequency of incidents in low risk venues, and the unnecessary reporting burden that the incident register requirement imposes on such venues, there is limited value in maintaining a ‘round-the-clock’ incident register requirement for low risk venues in the Kings Cross and Sydney CBD Entertainment precincts. The evaluation recommends removing the requirement to maintain ‘round-the-clock’ incident registers for venues within the Kings Cross and Sydney CBD Entertainment precincts holding an on-premises licence without a primary service authorisation (PSA)¹² (e.g. restaurants and cafés). This would bring these venues in line with similar venues outside the precincts which do not have this requirement. There should also be consideration given to excluding packaged liquor stores from the ‘round-the-clock’ requirement, as there is no reason to think they are at higher risk of on-premises incidents than packaged liquor stores outside the precincts.

There may be value in extending the ‘round-the-clock’ incident register requirement to high risk venues outside the Kings Cross and Sydney CBD Entertainment precincts in the future. Recommendation 4 supports the adoption of electronic incident registers and a move towards online incident registers in the future, and this would provide the opportunity to extend the requirement to other high risk venues. This would improve access to intelligence in relation to these higher risk venues (i.e. detailed information about the nature and extent of incidents in licensed venues) and maximise the value of incident register reporting.

Recommendation 5

Remove the ‘round-the-clock’ incident register requirement for lower risk venues within the Kings Cross and Sydney CBD Entertainment precincts to reduce regulatory burden on such venues.

¹² A PSA allows liquor sales without another product or service provided by the licensee (e.g. alcohol sales without food in a licensed restaurant), so long as the primary purpose of the business does not become the sale and supply of alcohol.

The requirement to record incident details within six hours can be challenging for some venues

Summary of submissions

While not a legislative requirement, guidelines issued by L&GNSW state that licensed venues should record relevant incidents in an incident register within six hours of an incident occurring¹³. This is intended to ensure that incident details can be accurately recollected, and law enforcement officers can access incident details in a timely manner should they require them for investigations.

Industry stakeholders reported that this can be challenging for some venues. Restaurant & Catering Australia and ClubsNSW suggested venues needed time to conduct a review of an incident before entering it into the incident register to ensure accuracy. Some stakeholders, including the LSA and the Small Bar Association of NSW reported that venue operators and their staff often chose to enter incident information into the register at the end of the shift or day. This may not necessarily be within 6 hours. In their opinion, this was a more practical and time-efficient option and would not diminish the accuracy or reliability of the information recorded.

A number of licensed venues and industry associations consulted suggested that it can be difficult for venue operators and staff to comply with this guideline. This is because some outlets, particularly liquor stores and smaller venues, are staffed by a single person who often cannot take the time to record each incident in the required timeframe due to their other duties. A similar issue was raised with respect to larger venues, where security staff may be pre-occupied with managing large numbers of patrons and lack the time to enter incident details within six hours.

Findings and recommendations

The evaluation recommends amending the guidelines to allow incidents to be entered as soon as is practical rather than specifying a time period. NSW Police support this and suggested amending the guidelines to require a full account of incidents to be entered into the register as soon as practicable and at the latest by the end of the shift. This amendment will address industry concerns about the current guidelines whilst ensuring that law enforcement officers have ready access to incident details should they require them to assist with their investigations.

Recommendation 6

Amend the incident register guidelines for venues to require a full account of all relevant incidents to be entered into the incident register as soon as practicable and at the latest by the end of the shift, to address industry concerns about the practicality of the current guideline requiring that all incidents be recorded within 6 hours of the incident occurring.

¹³ NSW Office of Liquor, Gaming & Racing 2014, *Electronic Incident Register, Guidelines*

There is duplication between the incident register requirement and the requirement to maintain a security register

Summary of submissions

A number of stakeholders, including the AHA, reported that staff employed by licensed security operators and working in licensed venues are required to maintain their own separate incident registers. This requirement is mandated under clause 34 of the Security Industry Regulation 2016¹⁴, and is administered by the Security Licensing & Enforcement Division of NSW Police.

Based on consultation with industry stakeholders, it is evident that areas of duplication exist between incident register reporting requirements and venue security reporting requirements. While each register does record some unique data, other sections of the registers duplicate reporting. The requirement for venue operators and security staff to record the same incident information twice creates an unnecessary cost and administrative inefficiency.

There is anecdotal evidence that unofficial reconciliation occurs between the registers in some venues at the end of each shift or day. Consultation with electronic incident register vendors suggests technical solutions exist to integrate the collection of both sets of reporting. However, feedback from venues in the precincts indicates that, due to the limited take-up of electronic registers and mandatory use of prescribed incident register formats, coordination between the two reporting arrangements continues to be a challenge.

Findings and recommendations

There is some duplication between the incident register requirement and the requirement to maintain a security register (as mandated by section 34 of the Security Industry Regulation 2016) resulting in additional cost, complexity and administrative burden.

There are several similarities in the compliance requirements pertaining to the administration of these two requirements. There are also commonalities in the type of incidents that must be reported. For example, venue operators and security staff must both report on entry refusals, ejections and incidents of physical contact between staff and patrons. Both must also enter information in the register as soon as practical after an incident occurs. Both registers must also be stored in a way that is immediately accessible for the review of police.

However, the two incident register requirements are not identical in terms of scope or format. Licensed venue incident registers report on a broader range of issues involving anti-social behaviour, and incidents requiring medical treatment. In contrast, security registers are focused upon incidents which involve security staff. The security register and incident register (for premises in the precincts) both have prescribed templates which differ in terms of the details of incidents that must be recorded.

¹⁴ http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_reg/sir2016346/s34.html

The evaluation found that there are regulatory and operational barriers which may create challenges for the integration of these reporting systems. As outlined previously, the reporting requirements are not identical in scope, and responsibility for maintaining the registers resides with different parties. There may be logistical difficulties in the coordination of reporting, and the requirements are also administered under different regulations.

However, there are opportunities to investigate integration of the two reporting processes, and the removal of duplication should be pursued where possible to reduce costs and complexity for business. A roadmap to achieving this could be developed by the working group suggested under recommendation 8.

At present, the evaluation considers that the greatest opportunity to more closely align the two reporting systems is via the use of electronic incident registers. Consultation with online incident register vendors confirmed it is possible to integrate reporting functions in electronic format, generating separate reports from the data which satisfy both sets of regulatory requirements. The evaluation therefore recommends that a refresh of the electronic incident register template be undertaken to streamline integration of the incident and security register reporting formats. This should be considered by the working group proposed in recommendation 8, and occur in consultation with the NSW Department of Justice and NSW Police to ensure a consistent approach.

Recommendation 7

Investigate options for reducing duplication and administrative burden in relation to the separate registers required under the liquor laws and the security industry laws, including via the use of electronic incident registers.

A working group should be established to implement the evaluation recommendations

It is recommended that L&GNSW establish a working group to implement recommendations 3, 4, 7, and 10 in this report. This working group should include representatives of the key peak industry associations, NSW Police and security industry representatives, and should aim to achieve consensus among, and encourage buy-in and ownership from, the industry.

It is recommended that the proposed working group develops a plan to achieve greater adoption of electronic incident registers within 18-24 months. This plan should reflect the need for a modern, efficient and cost effective solution that allows licensees and regulators to extract maximum value from incident register data. It is expected that these steps will be the first on a pathway towards more widespread adoption of online incident registers in the future.

Recommendation 8

Establish a working group, involving representatives from the key peak industry associations, NSW Police and security industry representatives, to implement recommendations 3, 4, 7, and 10.

6. Enhanced reporting requirements

The four incident categories that venues are required to report are generally supported by stakeholders

Summary of submissions

Both industry stakeholders and NSW Police were generally supportive of the mandatory requirement to record the four types of incidents specified in section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008.

The AHA argued that it should not be a requirement to record incidents involving patrons removed from the premises under section 77 of the *Liquor Act 2007* if they comply with the request to leave without incident. Similarly, Restaurant & Catering Australia argued that the requirement to record incidents involving medical treatment should exclude medical-related incidents concerning consumption of food.

The LSA reported that liquor stores are recording incident types that are outside of existing recording requirements. These include incidents of refusal of service due to an underage purchase attempt, incidents of refusal of service due to a secondary supply purchase attempt, and incidents involving internal or external theft. While not mandatory, recording of such incidents is encouraged as good practice within the industry.

Findings and recommendations

Maintaining a record of incidents where a patron is removed under section 77 of the *Liquor Act 2007* has proven useful to both NSW Police and L&GNSW in supporting intelligence and compliance activities. As such, the evaluation supports the retention of this requirement despite the concerns expressed by the AHA.

The evaluation also supports all incidents where medical treatment is required being recorded in the incident register. This will assist venues to develop appropriate venue management practices to respond to these incidents. It also avoids the difficulty that venue operators may face in having to determine whether or not a particular incident requiring medical treatment is solely related to the consumption of food. Furthermore, removal of the 'round-the-clock' incident register requirement for lower risk venues in the Sydney CBD and Kings Cross precincts, as proposed in recommendation 5, will assist in addressing the concerns of Restaurant & Catering Australia regarding the recording of such incidents.

Recommendation 9

Retain the mandatory requirement to record the four types of incidents specified in section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008 as stakeholders believe that these are the most important incidents to record in terms of improving venue management practices and contributing to NSW Police and L&GNSW investigations and other compliance activities.

NSW Police identified several areas where the wording of legislation could be improved

Summary of submissions

NSW Police expressed some concern with the wording in the current legislation relating to the types of incidents that must be recorded under section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008. Police indicated that they had experienced difficulties where licensees had found drugs on-premises but had not recorded when or where the drugs were found. It is not currently a legal requirement for licensees to record such information. Often the drugs are not handed in to police until an inspection is conducted and then multiple batches of contraband may be handed over with no knowledge of when or where each batch was found. This creates difficulties for NSW Police investigating drug offences on licensed premises. To address this issue, NSW Police requested that clause 27 of the Liquor Regulation 2008 be amended to make it mandatory to report drugs found on-premises, including their location.

A potential amendment to require licensees to report all incidents involving suspected illicit substances was included in the draft Liquor Regulation released for stakeholder consultation in July 2018. Industry feedback suggested that this was overly broad and that the subjectivity inherent in requiring the recording of any incident on the basis of suspicion places unfair responsibility upon licensees.

In addition, the AHA argued that patrons can be excluded from the premises under section 77 of the Act if they are found to be using or in possession of illicit drugs, and that consequently such incidents would have to be recorded in the venue's incident register. While it is not mandatory to exclude a patron under section 77 of the Act, it is an offence under section 74 of the Act for the licensee to permit the possession or use on the premises of illicit substances.

In addition to the issue of locating drugs on-premises, NSW Police noted issues related to 'awareness' of incidents and when they must be reported. Section 56 of the *Liquor Act 2007* states that any incident of which the "licensee is aware" that involves violence or anti-social behaviour occurring in the immediate vicinity of the licensed premises and that involves a person who has recently left, or been refused admission to, the premises must be recorded in the incident register. Police suggest this is inadequate as the licensee can plead ignorance and technically not be in breach of the legislative requirement. They suggested that changes be made to the wording of the legislation to specify that certain offences must be reported if either the licensee or a staff member is aware of any relevant incident.

Findings and recommendations

NSW Police reported a number of instances in which venues had not recorded specific incidents in their register due to the Liquor Regulation 2008 not specifying venue reporting responsibilities in relation to awareness of incidents or the locating of drugs on the premises. Police concerns about reporting responsibilities in relation to awareness of issues will require

further examination given uncertainty around the extent to which this is affecting incident reporting and existing provisions under section 56 of the Liquor Act which bear upon this issue. It is therefore recommended that this issue be considered by the proposed working group under recommendation 8.

The subjectivity identified by stakeholders in relation to the recording of incidents where drugs are located on-premises makes such a requirement potentially problematic for licensees. Consequently, it is recommended that the requirement to record incidents in relation to illicit drugs be modified to include incidents that involve the possession or use on the premises of any substance that the licensee suspects of being a prohibited plant or drug. The requirement to report in the incident register any incident involving possession or use of illicit drugs will ensure there is a record that the incident related to possession or use and of the action the licensee took to address the situation and ensure compliance with section 74 of the Act.

Recommendation 10

Require that recording of incidents in relation to illicit drugs be modified to include incidents that involve the possession or use of illicit drugs on the premises, to ensure there is a record of such incidents and the action taken by the licensee to address the situation and ensure compliance with section 74 of the Act.

References

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Victorian Commission for Gambling and Liquor Regulation 2015, *Our Club - Licensee responsibilities - Section 5: record keeping*,
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https://www.vcglr.vic.gov.au/sites/default/files/uploadLiquor_forum_and_accord_guidelines_-_establishing_and_operating_a_local_liquor_forum.pdf

Appendix A: Methodology for the evaluation of the incident register requirement

Evaluation questions

The key evaluation questions related to each objective were:

Objective 1: To determine if the incident register requirement is meeting its policy objectives.

- ▲ To what extent is the incident register requirement meeting its policy objectives?
- ▲ Has the requirement helped to improve venue management practices and, if so, how?
- ▲ Does the information contained in incident registers help operators develop appropriate strategies to reduce the risk of alcohol-related violence and anti-social behaviour?
- ▲ Do the benefits of retaining the requirement outweigh the administrative costs and regulatory burden for business and L&GNSW?

Objective 2: To examine industry awareness and perceptions of the requirement to maintain an incident register.

- ▲ To what extent are industry stakeholders aware of, and supportive of, the requirement to maintain an incident register?
- ▲ Do venues have processes in place to properly educate staff about the requirement?
- ▲ Are industry stakeholders satisfied with the information and support provided by L&GNSW regarding the requirement?

Objective 3: To examine the nature and quality of information recorded in incident registers, and procedures for ensuring they are properly maintained and regularly reviewed.

- ▲ What incidents are venues recording in incident registers?
- ▲ Are incidents being recorded within the required timeframe?
- ▲ What percentage of venues are using paper-based incident registers and what percentage are using electronic incident registers?
- ▲ Are venues recording incidents other than those that they are required to record under the legislation? If so, why? If not, why not?
- ▲ Is sufficient information about recorded incidents being included in the incident registers?
- ▲ What procedures do venues have in place for ensuring that incident registers are properly maintained and regularly monitored? Can these procedures be improved?
- ▲ Is the recording of violent incidents in incident registers consistent with NSW Police incident data?

Objective 4: To examine the value of information recorded in incident registers to licensed venues, L&GNSW, NSW Police, and other relevant stakeholders.

- ▲ How do licensed venues, L&GNSW, NSW Police, and other relevant stakeholders use the information recorded in incident registers?

- ▲ What enhancements could be made to improve the value and availability of information recorded in incident registers to licensed venues, L&GNSW, NSW Police, and other relevant stakeholders?

Objective 5: To consider whether or not the incidents described in relevant legal provisions - section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008 - are the most appropriate for recording in an incident register, and other types of incidents that should be included.

- ▲ Are the incidents described in section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008 the most appropriate for recording in an incident register? If so, why? If not, why not?
- ▲ Are there any other types of incidents that should be included in the requirement?

Objective 6: To consider whether the times at which an incident register is required to be maintained, and the types of venue required to maintain an incident register, are the most appropriate.

- ▲ Are the times at which an incident register is required the most appropriate? If not, what times would be the most appropriate?
- ▲ Are the types of venue required to maintain an incident register the most appropriate? If not, what types of venue should be required to maintain an incident register?

Objective 7: To examine the extent to which venues have been compliant with the incident register requirement, and any barriers to compliance.

- ▲ What is the rate of venue compliance with the requirement?
- ▲ What types of venue tend to be less compliant with the requirement, and what are the reasons for this?
- ▲ What challenges, if any, are venues experiencing in meeting the requirement?

Objective 8: To consider the potential value and means of introducing an online incident register system.

- ▲ What are the potential advantages of introducing an online incident register system?
- ▲ What challenges might be faced in introducing an online incident register system?
- ▲ How might an online incident register system operate, what options are available for implementing such a system, and what costs would be involved?

Objective 9: To consider any other impacts of, and possible improvements to, the incident register system.

- ▲ Are there any other impacts or unintended consequences of the incident register requirement?
- ▲ Are there any improvements that can be made to the administration and enforcement of the requirement?

Methodology

The evaluation involved both process and outcome evaluation. It utilised a mixed methods approach whereby a range of quantitative and qualitative evidence was collected and analysed. The central premise of the mixed methods approach is that it provides a better understanding of research problems than either a quantitative or qualitative approach alone (Creswell & Plano Clark 2017¹⁵).

Qualitative evidence was collected through:

- ▲ key stakeholder consultation
- ▲ an online survey for venues required to maintain an incident register
- ▲ an online survey for Liquor Accords
- ▲ examination of a sample of incident registers
- ▲ written submissions from key stakeholders.

Quantitative evidence was collected through:

- ▲ L&GNSW compliance data
- ▲ an online survey for venues required to maintain an incident register
- ▲ an online survey for Liquor Accords.

Stakeholder consultations

Key stakeholder organisations were consulted via face-to-face interviews, or telephone interviews where face-to-face was impractical, during March-April 2017. Interview questions focused on the evaluation objectives which most impacted the individual stakeholder groups, including:

- ▲ the value of incident registers to key stakeholder groups and how they are used
- ▲ awareness of the requirement among industry stakeholders and perceptions of the information and support provided by L&GNSW
- ▲ views on the appropriateness of the incidents to be recorded, the times at which an incident register is required, and the types of venue required to maintain an incident register
- ▲ challenges in complying with the requirement
- ▲ the potential value of introducing an online incident register system
- ▲ any unintended consequences of the requirement
- ▲ any other positive or negative impacts of, and possible improvements to, the incident register system
- ▲ views on future policy directions regarding the requirement.

¹⁵ Creswell, JW & Plano Clark, VL 2017, *Designing and conducting mixed methods research*, 3rd edn, Sage Publications, Thousand Oaks, CA.

The stakeholders interviewed for this evaluation were:

- ▲ Auscomply (electronic incident register supplier)
- ▲ Australian Hotels Association (NSW)
- ▲ ClubsNSW
- ▲ Kings Cross Liquor Accord
- ▲ L&GNSW - Compliance Operations, Intelligence, and Policy & Legislation units
- ▲ Liquor Stores Association NSW
- ▲ NSW Police – Alcohol & Licensing Enforcement Command
- ▲ Restaurant & Catering Australia
- ▲ Small Bar Association of NSW

Written submissions

Stakeholders were given the opportunity to make a written submission to help inform the evaluation. The submission period opened on 21 March 2017 and closed on 17 April 2017. The submission process was promoted via an email to key stakeholders on 21 March 2017 and information on the L&GNSW website. Information about the evaluation, including a Discussion Paper, was published on the L&GNSW website.

Three written submissions were received by the evaluation. A list of stakeholders that lodged a written submission is at **Appendix B**.

Venue survey

All venues required to maintain an incident register were invited to complete an online survey (**Appendix C**). Survey questions focused on:

- ▲ the value of incident registers to licensees and how they are used
- ▲ awareness of the requirement among licensees and perceptions of information and support provided by L&GNSW
- ▲ views on the appropriateness of the incidents to be recorded, the times at which an incident register is required, and the types of venue required to maintain an incident register
- ▲ challenges in complying with the requirement
- ▲ the potential value of introducing an online incident register system
- ▲ any unintended consequences of the requirement
- ▲ any other positive or negative impacts of, and possible improvements to, the incident register system
- ▲ views on future policy directions regarding the requirement.

The venue survey was completed by 235 respondents. Of these respondents, 127 (54.0%) hold a hotel licence, 39 (16.6%) hold an on-premises licence with a PSA, 38 (16.2%) hold an on-premises licence without a PSA, 15 (6.4%) hold a registered club licence, 4 (1.7%) hold a

general bar hotel licence, 1 (0.4%) holds a small bar licence, and 11 (4.7%) hold another type of licence.

Liquor Accord survey

All Liquor Accords across NSW were invited to complete an online survey (**Appendix D**). Survey questions focused on:

- ▲ the value of incident registers to licensees and how they are used
- ▲ awareness of the requirement among licensees and perceptions of information and support provided by L&GNSW
- ▲ views on the appropriateness of the incidents to be recorded, the times at which an incident register is required, and the types of venue required to maintain an incident register
- ▲ challenges in complying with the requirement
- ▲ the potential value of introducing an online incident register system
- ▲ any unintended consequences of the requirement
- ▲ any other positive or negative impacts of, and possible improvements to, the incident register system
- ▲ views on future policy directions regarding the requirement.

The Liquor Accord survey was completed by 32 respondents. Of these respondents, 7 (21.9%) were from Liquor Accords within the Sydney metropolitan area and 25 (78.1%) were from Liquor Accords in other parts of NSW.

Compliance data

Compliance data was sourced from L&GNSW's RegIS business system. An analysis of non-compliance with the incident register requirement was undertaken.

Examination of a sample of incident registers

A sample of incident registers was obtained from four late trading hotels and examined by the evaluation team. These venues were located in Bondi Beach, Bondi Junction, Rosebery and the Sydney CBD and were selected as examples of venues that are required to record a large number of incidents. The samples were selected from a range of dates between November 2016 and February 2017. The sample incident registers were examined to provide insight into the nature and quality of information being recorded in incident registers.

Appendix B: Submissions

- ▲ ClubsNSW
- ▲ Liquor Stores Association NSW
- ▲ Restaurant & Catering Australia

Appendix C: Venue survey

Background

An incident register is a paper or electronic record of the details of incidents that occur in a licensed venue during specific times of the day and/or night. Incident registers also include a record of the actions taken by the venue in response to incidents.

The purpose of incident registers is to help venue operators gain a better understanding of the events that affect the safety of their venue and patrons. Venue operators can use the information recorded in an incident register to develop strategies to reduce the risk of violence and anti-social behaviour occurring at the venue. Information recorded in incident registers can also assist the Police and L&GNSW with investigations and other compliance activities.

Types of incidents to be recorded in incident registers

Section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008 describe the types of incidents that must be recorded in an incident register. These are incidents involving:

- violence or anti-social behaviour on the premises
- violence or anti-social behaviour in the immediate vicinity of the premises, where the person involved has previously left, or been refused entry to, the premises
- people being removed from the premises under section 77 of the *Liquor Act 2007* (for example, because they are intoxicated or violent)
- someone needing medical treatment.

Venue operators are also encouraged to record any incident that:

- involves intoxication
- concerns complaints about noise disturbances
- concerns WHS, public liability and regulatory issues.

Types of venue required to maintain incident registers

The incident register requirement applies to any venue that:

- is authorised to sell or supply liquor after midnight at least once a week
- is listed as a declared premises under Schedule 4 of the *Liquor Act 2007*
- has a limited licence that trades after midnight
- is located in the Kings Cross or Sydney CBD Entertainment precincts
- has an incident register requirement imposed as a specific licence condition.

All incidents that occur outside standard trading hours¹⁶ must be recorded in an incident register, with the exception of the Kings Cross and Sydney CBD Entertainment precincts where incidents that occur at any time must be recorded.

This short survey forms part of the consultation process for the evaluation. Data collected in this survey will only be used to inform the evaluation. Your responses will be kept confidential and individual respondents will not be named in the reporting of survey findings. If you wish to provide more detailed comment on the effectiveness of incident registers, you can also send a submission to L&GNSW (email: incidentregisters.evaluation@justice.nsw.gov.au).

The deadline for completion of the survey and lodgement of written submissions is Monday 17 April 2017.

Survey Questions

1. What licence type does your venue hold?

Response options:

- Hotel licence
- Club licence
- Small bar licence
- General bar hotel licence
- On-premises licence (without PSA)
- On-premises (with PSA)
- Other (please specify)

2. Are you required to keep an incident register on premises?

Response options:

- Yes
- No (exit survey)

3. How would you rate your venue's awareness of the requirement to keep incident registers?

Response options:

- Very good
- Good
- Fair
- Poor
- Very poor

¹⁶ 5am – midnight from Monday to Saturday; 10am – 10pm on Sunday (Note: for limited licences, incidents only need to be recorded for incidents that occur between midnight and 3am)

4. How would you rate your venue's understanding of the rationale behind the incident register requirement?

Response options:

- Very good
- Good
- Fair
- Poor
- Very poor

5. I am satisfied with the information provided to me by Liquor & Gaming NSW about the incident register requirement.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

6. I am satisfied with the level of support provided to me by Liquor & Gaming NSW about the incident register requirement.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

7. Keeping incident registers is an onerous and time consuming requirement for my venue.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

8. There are benefits to my venue in keeping incident registers.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

9. My venue has a system in place for educating new staff members about the incident register requirement.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

10. What incidents does your venue record in incident registers?

Response options (multiple responses available):

- Physical altercations
- Refuse entry
- Intoxication
- Denial of service
- Banning orders
- Section 77 bans
- Ejections
- Verbal altercations
- Other (please specify)

11. The times at which an incident register is required are appropriate.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

12. Venues that are required to keep incident registers must record the details of incidents that occur outside of the standard trading hours. Licensed venues in the Kings Cross and Sydney CBD Entertainment precincts are required to record the details of incidents that occur at any time.

Do you think these time requirements are appropriate? Why or why not? Please provide details in the comments box below.

Response options:

- Yes
- No
- Comments box

13. The types of venue required to maintain an incident register are appropriate.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

14. An online incident register system is one that would record incidents in near real-time and be accessible online by licensed venues and by regulators. Would you be supportive of an online incident register system? Why or why not?

Response options:

- Yes
- No
- Comments box

15. Are there any other impacts or unintended consequences of the incident register requirement? (free text field)

16. Are there any improvements that can be made to the administration and enforcement of the requirement? (free text field)

Appendix D: Liquor Accord survey

Background

An incident register is a paper or electronic record of the details of certain incidents that occur in a licensed venue during specific times of the day and/or night. Incident registers also include a record of the actions taken by the venue in response to incidents.

The purpose of incident registers is to help venue operators gain a better understanding of the events that affect the safety of their venue and patrons. Venue operators can use the information recorded in an incident register to develop strategies to reduce the risk of violence and anti-social behaviour occurring at the venue. Information recorded in incident registers can also assist the Police and Liquor & Gaming NSW with investigations and other compliance activities.

Types of incidents to be recorded in incident registers

Section 56 of the *Liquor Act 2007* and clause 27 of the Liquor Regulation 2008 describe the types of incidents that must be recorded in an incident register. These are incidents involving:

- violence or anti-social behaviour on the premises
- violence or anti-social behaviour in the immediate vicinity of the premises, where the person involved has previously left, or been refused entry to, the premises
- people being removed from the premises under section 77 of the *Liquor Act 2007* (for example, because they are intoxicated or violent)
- someone needing medical treatment.

Venue operators are also encouraged to record any incident that:

- involves intoxication
- concerns complaints about noise disturbances
- concerns WHS, public liability and regulatory issues.

Types of venue required to maintain incident registers

The incident register requirement applies to any venue that:

- is authorised to sell or supply liquor after midnight at least once a week
- is listed as a declared premises under Schedule 4 of the *Liquor Act 2007*
- has a limited licence that trades after midnight
- is located in the Kings Cross or Sydney CBD Entertainment precincts
- has an incident register requirement imposed as a specific licence condition.

All incidents that occur outside standard trading hours¹⁷ must be recorded in an incident register, with the exception of the Kings Cross and Sydney CBD Entertainment precincts where incidents that occur at any time must be recorded.

This short survey forms part of the consultation process for the evaluation. Data collected in this survey will only be used to inform the evaluation. Your responses will be kept confidential and individual respondents will not be named in the reporting of survey findings. If you wish to provide more detailed comment on the effectiveness of incident registers, you can also send a submission to Liquor & Gaming NSW (email: incidentregisters.evaluation@justice.nsw.gov.au).

The deadline for completion of the survey and lodgement of written submissions is 5.00pm AEST, Monday 17 April 2017.

Survey Questions

1. In which region of NSW does your liquor accord operate?

Response options:

- Central Coast
- Far West NSW
- Hunter New England
- Illawarra Shoalhaven
- Mid North Coast
- Murrumbidgee
- Nepean Blue Mountains
- Northern NSW
- Northern Sydney
- South Eastern Sydney
- South Western Sydney
- Southern NSW
- Sydney
- Western NSW
- Western Sydney

¹⁷ 5am – midnight from Monday to Saturday, 10am – 10pm on Sunday (Note: for limited licences, incidents only need to be recorded for incidents that occur between midnight and 3am)

2. How would you rate your liquor accord's awareness of the requirement for certain licensed venues to keep incident registers?

Response options:

- Very good
- Good
- Fair
- Poor
- Very poor

3. How would you rate your liquor accord's understanding of the rationale behind the incident register requirement?

Response options:

- Very good
- Good
- Fair
- Poor
- Very poor

4. Please indicate your level of agreement with the following statement:

The information provided by Liquor & Gaming NSW about the incident register requirement is sufficient.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

5. Please indicate your level of agreement with the following statement:

Liquor & Gaming NSW provides adequate support to licensed venues to help them understand the incident register requirement.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

6. Please indicate your level of agreement with the following statement:

Keeping incident registers is an onerous and time consuming requirement for licensed venues.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

7. Please indicate your level of agreement with the following statement:

Licensed venues can benefit from keeping incident registers.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

8. Has your liquor accord accessed or used information recorded in incident registers? If yes, please provide details in the comments box below.

Response options:

- Yes
- No
- Comments box

9. Licensed venues usually have systems in place to ensure staff members understand the procedures for recording information in incident registers.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

10. What incidents do you think licensed venues should record (if any) in incident registers?

Response options (multiple responses available):

- Physical altercations
- Refused entry
- Intoxication
- Denial of service
- Banning orders
- Section 77 bans
- Ejections
- Verbal altercations
- None
- Other (please specify)

11. Venues that are required to keep incident registers must record the details of incidents that occur outside of the standard trading hours (or incidents that occur between midnight and 3am). Licensed venues in the Kings Cross and Sydney CBD Entertainment precincts are required to record the details of incidents that occur at any time.

Do you think these time requirements are appropriate? Why or why not? Please provide details in the comments box below.

Response options:

- Yes
- No
- Comments box

12. The incident register requirement applies to venues that:

- Are authorised to sell or supply liquor after midnight at least once a week
- Are listed as a declared premises under Schedule 4 of the Liquor Act 2007
- Have a limited licence that trades after midnight
- Are located in the Kings Cross or Sydney CBD entertainment precincts.

Please indicate your level of agreement with the following statement:

The types of venue required to maintain incident registers are appropriate.

Response options:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

- Strongly disagree

13. An online incident register system is one that would record incidents in near real-time and be accessible online by licensed venues and by regulators. Do you think there are benefits in introducing an online incident register system? Why or why not? Please provide details in the comments box below.

Response options:

- Yes
- No
- Comments box

14. Are there any other impacts or unintended consequences of the incident register requirement? (free text field)

15. Are there any improvements that can be made to the administration and enforcement of the requirement? (free text field)

16. Do you have any other comments about the incident register requirement? (free text field)