



Justice  
Liquor &  
Gaming NSW

# Evaluation of the effectiveness of incident registers

## Discussion Paper

## About this paper

This paper contains information relating to the evaluation of the effectiveness of incident registers. It has been prepared by Liquor & Gaming NSW (L&GNSW) to inform interested stakeholders about the objectives of the incident register requirement, scope of the evaluation process and how they can provide feedback to the evaluation.

## About our evaluation

The purpose of the evaluation is 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 it is properly maintained and regularly reviewed
- ▲ examine the value of information recorded in incident registers to licensed venues, Liquor & Gaming NSW, NSW Police, and other relevant stakeholders
- ▲ consider whether or not the incidents described in 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, 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 with this requirement
- ▲ 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.

### Next steps

Liquor & Gaming NSW will assess the stakeholder feedback provided and use it to make recommendations on areas of potential improvement to the incident register system.

### More information

Information about this evaluation and ways to have your say are available on the [Liquor & Gaming NSW website](#).

## Your feedback

You may be interested in sharing your views about this evaluation if you are a:

- ▲ a licensee or manager of a venue required to maintain an incident register
- ▲ a liquor industry body that represents venues required to maintain an incident register
- ▲ a government or non-government stakeholder with an interest in the incident register requirement.

**Liquor & Gaming NSW is seeking your feedback on the incident register requirement until Monday 17 April 2017.**

## Ways to submit feedback

### Preparing a written submission

You can email a written submission to [incidentregisters.evaluation@justice.nsw.gov.au](mailto:incidentregisters.evaluation@justice.nsw.gov.au).

Submissions will be published on the Liquor & Gaming NSW website after the closing date unless you request otherwise.

Targeted questions on pages 4-5 have been developed to help you prepare your submission.

### Other ways to have your say

#### Licensed venues

An [online survey](#) is available if you are a licensee or manager of a venue required to maintain an incident register and want to share your views about the incident register requirement.

#### Liquor Accords

An [online survey](#) is available if you represent a Liquor Accord and want to share your views about the incident register requirement.

#### Government and liquor industry organisations

As part of this evaluation, Liquor & Gaming NSW will consult peak industry bodies and government sector stakeholders to collect their feedback and views. Feedback collected through these consultations will be considered in the final report.

# Background & Policy Objectives

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 types of incidents that must be recorded in an incident register and the types of venue that are required to maintain an incident register, are outlined below.

Incident registers:

- ▲ help venue operators gain a better understanding of the events that affect the safety of their venue and patrons, as venue operators can use information in a register to develop strategies to reduce the risk of violence and anti-social behaviour occurring at the venue; and
- ▲ assist the Police and Liquor & Gaming NSW with investigations and other compliance activities.

The form in which an incident register must be kept is approved by Liquor & Gaming NSW,

## **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 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 venues 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, or
- ▲ has an incident register requirement imposed as a specific licence condition.

All incidents that occur outside standard trading hours<sup>1</sup> 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.

## Key issues for comment

We would appreciate your views on the following issues. Please also feel free to raise any other issues you believe are relevant to this review.

### 1: Value of the incident register requirement

- ▲ 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 Liquor & Gaming NSW?

### 2: Industry awareness and support for the incident register requirement

- ▲ To what extent are industry stakeholders aware, 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 Liquor & Gaming NSW regarding the requirement?

### 3: Incident register recording practices

- ▲ 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?

### 4: Value of the information recorded in incident registers

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

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<sup>1</sup> 5am – midnight 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)

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

#### **5: Appropriateness of the incidents required to be recorded in incident registers**

- ▲ Are there any other types of incidents that should be included in the requirement?

#### **6: Times at which an incident register is required and types of venue required to maintain an incident register**

- ▲ Are the times during which an incident register is required to be kept 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?

#### **7: 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?

#### **8: Online incident register systems<sup>2</sup>**

- ▲ 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?

#### **9: Any other impacts of the requirement**

- ▲ 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?

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<sup>2</sup> 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.