Kings Cross ID Scanner Review

Report – September 2016

About this document

This document outlines the activities that Liquor & Gaming NSW (L&GNSW) in the Department of Justice undertook to review the provisions that relate to the Kings Cross ID scanner system, and documents the outcome of that review.

The review assessed whether the policy objectives of the amendments made by the *Liquor Amendment (Kings Cross Plan of Management) Act 2013* that relate to the operation of the ID scanner system in the Kings Cross precinct remain valid, and whether the terms of those amendments remain appropriate for securing those objectives. The outcomes of this review will inform government's further decision making in relation to ongoing alcohol-related violence measures in the Kings Cross precinct.

This review is separate from the evaluation of the special licence conditions under the Kings Cross Plan of Management, the evaluation of the Sydney CBD Entertainment Precinct Plan of Management, the 2016 Liquor Law Review (which is reviewing the lock out and cease of service measures, 10pm restriction on take-away liquor sales, and the annual liquor licence fee scheme), and concurrent work being undertaken by the NSW Bureau of Crime Statistics and Research (BOCSAR).

The results of this review will be reported to the Government and will be used to assist in determining future policy directions in relation to ID scanner requirements in the Kings Cross precinct.

Acknowledgements

The review would like to thank:

- the key stakeholders who participated in the consultation process and provided relevant information and data;
- Kings Cross liquor licensees and community stakeholders for participating in the Venue Survey and Community Survey; and
- BOCSAR for providing offence data to inform the review.

Table of Contents

List of Tables

List of Figures

1. Executive Summary

Since June 2014, high risk venues in the Kings Cross precinct (as defined in section 116AA(2) of the *Liquor Act 2007*) have been required to operate ID scanners between 9.00pm and 1.30am each day of the week.

ID scanners in the Kings Cross precinct – policy objectives

The purpose of ID scanners, as outlined in the second reading speech which accompanied the passage of the *Liquor Amendment (Kings Cross Plan of Management) Bill 2013* through Parliament, is to 'prevent those persons issued with a banning order from entering a second licensed premises' and to 'reinforce the need for greater personal responsibility when socialising late at night in the precinct'.[1]

Another objective of ID scanners is to collect data that can be used by the NSW Police to 'identify offenders for crimes committed inside and outside licensed venues'.[2] While assisting the NSW Police to conduct criminal investigations was not specifically articulated as a purpose of the legislation at the time it was introduced, the importance of this function has subsequently received strong recognition from Government as a core policy priority.

Review of the Kings Cross ID scanner system

A review of the provisions that relate to the Kings Cross ID scanner system is required under the *Liquor Act 2007* (clause 41 of Schedule 1). The purpose of the review is to assess whether the policy aims of the ID scanner requirement remain valid, and whether the requirement remains appropriate for securing these objectives. In particular, the review examines whether the Kings Cross ID scanner requirement supports banning orders, deters trouble makers and assists in the investigation of criminal acts. It also evaluates the appropriateness of the ID scanner requirements, their impacts on stakeholders, and the need for any technical and/or operational improvements.

Evidence to inform the review was obtained via stakeholder interviews, venue and community surveys, written submissions and the analysis of relevant correspondence. The review also analysed a range of offence, compliance and ID scanner data.

Key findings

Overall, stakeholders consulted by the review consider ID scanners to be an appropriate and effective way to reduce alcohol-related crime and violence in Kings Cross.

Notwithstanding this support, stakeholders raised some concerns about a number of perceived negative impacts of ID scanners, as well as suggestions to improve their effectiveness.

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[1] See:
https://www.parliament.nsw.gov.au/bills/DBAssets/bills/SecondReadSpeechLC/1207/2R%20Liquor%20Am%20(Kings%20Cross).pdf
[2] See: https://www.nsw.gov.au/news/id-scanners-hit-cross; and
http://www.justice.nsw.gov.au/Pages/media-news/media-releases/2015/id-scanners-help.aspx

The key findings of the review are as follows:

1. The policy objectives of the ID scanner system remain valid and the terms of the ID scanner provisions remain appropriate for securing those objectives.
2. Stakeholders agreed that ID scanners reduce the level of alcohol-related violence and crime in the Kings Cross precinct and contribute to perceptions of improved public safety.
3. NSW Police confirmed that ID scanners play an important role in the investigation of alcohol-related crime.
4. Liquor industry bodies and some licensed venues considered the cost of operating ID scanners to be excessive, and some stakeholders suggested arrangements be considered to ameliorate these costs.
5. There was consensus among major liquor industry bodies, licensed venues and NSW Police, that ID scanners are effective in enforcing statutory banning orders.
6. Liquor industry bodies, licensed venues and NSW Police believed the effectiveness of ID scanners would be enhanced if licensed venues in the Sydney CBD Entertainment and Kings Cross precincts could exchange venue initiated (section 77)[3] and Statutory Ban patron data.
7. Liquor industry bodies, the Kings Cross Liquor Accord ("the Accord"), licensed venues, NSW Police and residents' associations all believed that ID scanner operation times should be modified, however there is no consensus on the detail of new operation times.
8. Stakeholders agreed that privacy safeguards for ID scanners are adequate and there is no evidence of stakeholder concerns about patron data privacy. However, NSW Police and some residents' associations recommended more be done to promote these protections.
9. The Accord suggested ID scanners be configured to support marketing activities by licensed venues, while NSW Police suggested they be configured so that investigative officers can conduct patron searches across licensed venues via their online portal.
10. Feedback from the Accord and licensed venues showed no evidence of significant, frequent or widespread technical failures or faults arising from the use of ID scanners.
11. The Accord, Australian Hotels Association (AHA) and licensed venues believed ID Scanners should be configured to recognise a wider range of patrons IDs, and NSW Police believed they should be configured to report on the manual entry of patron IDs by licensed venues.
12. Liquor industry bodies, the Accord and the Office of the NSW Small Business Commissioner suggested different factors be considered in determining what constitutes a 'high risk' venue, while NSW Police supported existing classification arrangements.
13. The Accord and NSW Police believed ID scanners should also be mandatory for high risk venues in the Sydney CBD. However, this view was not supported by the NSW/ACT Alcohol Policy Alliance (NAAPA), which argued that further evaluation of regulatory outcomes is needed prior to considering an expansion of the mandatory ID scanner requirement beyond Kings Cross.

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[3] Under section 77 of the *Liquor Act 2007* a licensed venue may refuse entry or evict a person for a range of reasons, including if they are intoxicated, violent, quarrelsome or disorderly. This person is prohibited from re-entering the premise for a period of 24 hours.

Recommendations

1. The provisions that relate to the Kings Cross ID scanner system should be retained subject to a number of enhancements as outlined in this report.
2. ID scanners should be configured so licensed venues are able to enter venue initiated (section 77) patron bans, subject to confirmation that implementation of this recommendation would not place at risk existing privacy controls and would adhere to relevant privacy legislation.
3. ID scanners should be configured so licensed venues can share venue initiated (section 77) patron ban data with other high risk venues in the Kings Cross precinct when a banned person attempts to enter a venue, subject to confirmation that implementation of this recommendation would not place at risk existing privacy controls and would adhere to relevant privacy legislation.
4. The ID scanner 'online portal' used by the NSW Police Force should be configured so that investigative officers are able to perform searches for particular patrons across multiple licensed venues using a single query.
5. ID scanners should be configured to accept a patron ID up to two years past its expiry date, provided the ID was issued when the patron was at least 18 years of age, and is a passport, driver's licence or proof of age card issued by an Australian jurisdiction.
6. While the hours of operation for ID scanners should remain unchanged, L&GNSW should disseminate information to high risk venues in Kings Cross about the exemption process for the mandatory operation of ID scanners, including examples of exemptions that may be requested by venues and criteria that Government will consider when evaluating an exemption request.
7. A process should be established for licensed venues to inform the ID scanner system operator about patron IDs that are not accepted by ID scanners, so they may consider including such IDs on the ID scanner catalogue in a timely manner.
8. L&GNSW should work with licensed venues to ensure the risk of non-compliance with privacy requirements of the *Liquor Act 2007* (section 116E) remains low.
9. The NSW Police Force ID scanner 'online portal' should be configured to show when patron ID data has been entered manually by a licensed venue.
10. Any extension of the use of ID scanners beyond the Kings Cross precinct, and the factors that define a 'high risk' venue, should be considered in light of the outcomes of the Callinan review.
11. L&GNSW should consider making de-identified ID scanner data publicly available to facilitate alcohol policy development and evaluation.

2. Introduction

Background

In September 2012, the NSW Government released its Kings Cross Plan of Management, which provided a comprehensive set of measures to reduce alcohol-related violence and improve the safety and amenity of Kings Cross. A first tranche of special liquor licence conditions under the Plan of Management was introduced in December 2012. A second tranche of conditions was introduced in December 2013 under the *Liquor Amendment (Kings Cross Plan of Management) Act 2013*.

One of the conditions introduced under the *Liquor Amendment (Kings Cross Plan of Management) Act 2013* was a requirement for high risk venues in the Kings Cross precinct to install and operate ID scanners. The purpose of the ID scanner requirement is to help licensees and staff ensure that those who have been issued with a banning order, as defined in sections 116AD and 116AE of the *Liquor Act 2007*, can be prevented from entering licensed premises. They are also designed to deter troublemakers and reinforce the need for greater personal responsibility when socialising late at night in Kings Cross.

Another objective of ID scanners is the collection of data that can be used by the NSW Police to identify offenders for crimes committed inside and outside licensed venues. Using ID scanner data to assist the NSW Police in the conduct of their criminal investigations was not articulated by the NSW Government as a reason for the use of ID scanners in Kings Cross when the legislation was introduced. However, this additional benefit has subsequently received public recognition from the government as an important policy objective.

As stated in section 116AA(2) of the *Liquor Act 2007*, high risk venues are defined as those that sell alcohol for consumption on the premises, have approval to trade after midnight, and have a patron capacity of more than 120 patrons. High risk venues are also listed in the Liquor Regulation 2008 and can be declared by the Secretary of the NSW Department of Justice. Some venues have been exempted from the ID scanner requirement on the basis that they are not considered to be high risk or to warrant a requirement to use ID scanners, despite meeting the defined criteria.

While the *Liquor Amendment (Kings Cross Plan of Management) Act 2013* took effect on 6 December 2013, ID scanners could not be introduced for high risk venues in the Kings Cross precinct until an operator had been selected and a system implemented. This resulted in an ID scanner system commencing from 13 June 2014, whereby high risk venues have been required to operate approved linked ID scanners between 9.00 pm and 1:30 am every day while trading. All patrons entering high risk venues between these times must have their photo ID scanned by a staff member. The staff member must have undergone privacy training to support the protection of patrons' private information. The ID scanner extracts the photographic image that appears on the ID, the person's name, and the person's date of birth and/or address. Since 12 December 2014, ID scanners at certain Kings Cross venues have also recorded a real time photograph of the person that has been taken by a camera contained in the scanner.

The ID scanning system includes an integrated database which enables persons subject to a temporary or long term banning order to be identified before they enter the premises. A temporary banning order of up to 48 hours can be issued by police to a person who refuses to comply with a move-on direction or to a person who is drunk, violent or disorderly and refuses to leave licensed premises or the vicinity of licenced premises or attempts to re-enter licensed premises within 24 hours of being asked to leave.

A long-term banning order can only be issued by the Independent Liquor and Gaming Authority on application by the Commissioner of Police (or his/her delegate) when satisfied that a person has been charged with, or found guilty of, a serious criminal offence involving alcohol-related violence, or the person has been issued with three temporary banning orders in the previous 12 months. High risk venues in the Kings Cross precinct are required to refuse a person entry if the person does not produce a photo ID or is subject to a temporary or long-term banning order.

Review of the use of ID scanners in the Kings Cross Precinct
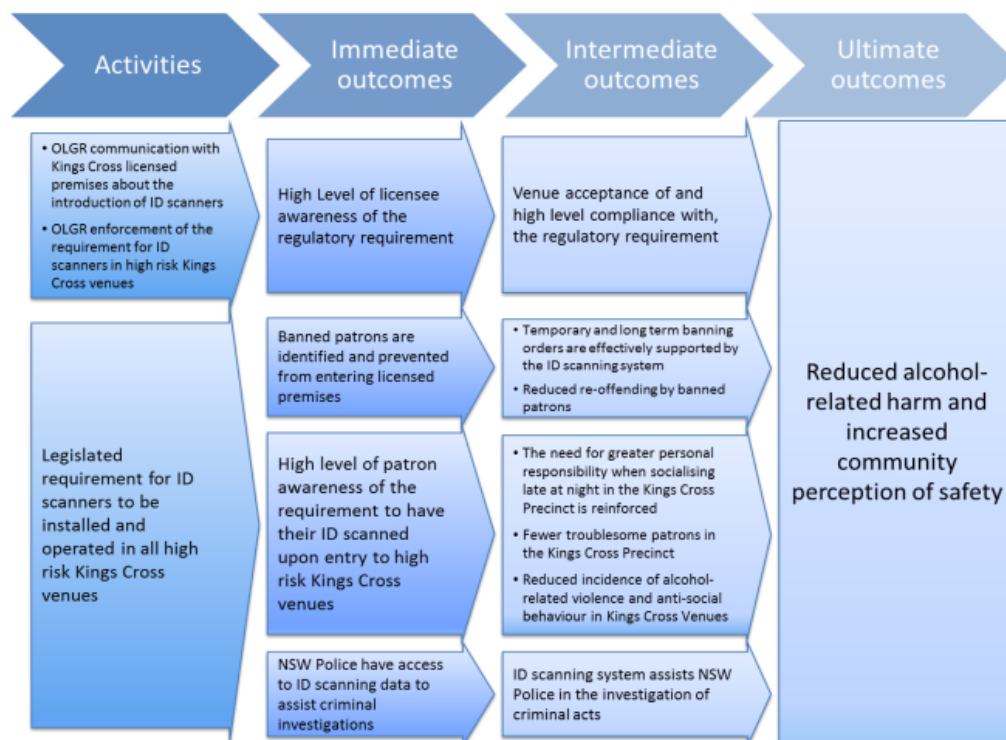
Clause 41 of Schedule 1 of the *Liquor Act 2007* states:

(1) The Minister is to review the amendments made by the *Liquor Amendment (Kings Cross Plan of Management) Act 2013* that relate to the operation of the Kings Cross precinct ID scanner system under Division 3 of Part 6 of this Act to determine whether the policy objectives of those amendments remain valid and whether the terms of those amendments remain appropriate for securing those objectives.

(2) The review is to be undertaken as soon as possible after the period of 12 months following the commencement of those amendments and the Minister is to report to the Premier on the outcome of the review as soon as practicable after the review is completed.

Given that ID scanners did not come into operation until June 2014, and to ensure at least one year of data from the scanners was available to inform the review, the review was scheduled to commence after June 2015. While consultation for the review was undertaken in October 2015, completion of the review report was delayed to avoid interference with the consultation period for the Callinan review and to allow for additional data to be collected to inform the review.

Program logic

The *NSW Government Program Evaluation Guidelines* define program logic as a 'management tool that presents the logic of a program in a diagram or chart (with related descriptions)' and that 'illustrates the logical linkage between the identified need or issues that a program is seeking to address; its intended activities and processes; their outputs; and the intended program outcomes' (p.21). The Guidelines note that before a program begins it is 'best practice to have a complete program plan that includes a clear program logic, and a supporting evaluation plan that includes a detailed evaluation methodology' (p.11). A program logic model is shown at Figure 1 which outlines the intended immediate, intermediate, and ultimate outcomes of the ID scanner requirement. The outcomes articulated in the program logic inform the review objectives.

Figure 1: Program logic model for the Kings Cross ID scanner requirement

Activities	Immediate outcomes	Intermediate outcomes	Ultimate outcomes
• OLGR communication with Kings Cross licensed premises about the introduction of ID scanners • OLGR enforcement of the requirement for ID scanners in high risk Kings Cross venues	High Level of licensee awareness of the regulatory requirement	Venue acceptance of and high level compliance with, the regulatory requirement	Reduced alcohol-related harm and increased community perception of safety
Legislated requirement for ID scanners to be installed and operated in all high risk Kings Cross venues	Banned patrons are identified and prevented from entering licensed premises	• Temporary and long term banning orders are effectively supported by the ID scanning system • Reduced re-offending by banned patrons	
	High level of patron awareness of the requirement to have their ID scanned upon entry to high risk Kings Cross venues	• The need for greater personal responsibility when socialising late at night in the Kings Cross Precinct is reinforced • Fewer troublesome patrons in the Kings Cross Precinct • Reduced incidence of alcohol-related violence and anti-social behaviour in Kings Cross Venues	
	NSW Police have access to ID scanning data to assist criminal investigations	ID scanning system assists NSW Police in the investigation of criminal acts	

Review Objectives

The overarching objective of the review is to assess whether the policy objectives of the amendments made by the *Liquor Amendment (Kings Cross Plan of Management) Act 2013* that relate to the operation of the Kings Cross precinct ID scanner system remain valid, and whether the terms of those amendments remain appropriate for securing those objectives.

Specifically, the review assessed:

1. whether temporary and long term banning orders have been effectively supported by the ID scanning system;
2. whether ID scanners have assisted NSW Police in the investigation of criminal acts;
3. whether ID scanners have deterred troublemakers and reinforced the need for greater personal responsibility when socialising late at night in the Kings Cross precinct;
4. whether there have been any other impacts of the ID scanning system on venues, NSW Police, patrons and residents;
5. the extent of any venue non-compliance with the ID scanner operating and privacy requirements; and
6. whether the approved ID scanner requirements are appropriate and the nature of any technical or operational issues with the system.

Scope

The scope of the review focussed on the appropriateness, effectiveness and impacts of the requirement for all high risk venues in the Kings Cross precinct to install and operate ID

scanners. The review did not evaluate other measures introduced for the Kings Cross precinct under the *Liquor Amendment (Kings Cross Plan of Management) Act 2013*.

Review Questions

To frame the evaluation process and guide the analysis of data, the review posed the following questions:

Objective1: Whether temporary and long term banning orders have been effectively supported by the ID scanning system

- Has the ID scanning system been effective in preventing banned patrons from entering high risk venues?
- Are there any enhancements that could be made to the ID scanning system or data that would better support temporary and long term banning orders?

Objective 2: Whether ID scanners have assisted NSW Police in the investigation of criminal acts

- Have NSW Police utilised data from the ID scanning system to assist in criminal investigations, and if so, how often have data been accessed for this purpose?
- To what extent has the ID scanning system assisted NSW Police with the investigation of criminal acts and what outcomes have been achieved?
- Are there any enhancements that could be made to the ID scanning system or data that would better assist NSW Police in the investigation of criminal acts?

Objective 3: Whether ID scanners have deterred troublemakers and reinforced the need for greater personal responsibility when socialising late at night in the Kings Cross precinct

- What role, if any, has the operation of ID scanners played in the reduction in alcohol-related violence and anti-social behaviour in the Kings Cross precinct?
- Has the ID scanning system deterred troublesome patrons from attending licensed premises in the Kings Cross precinct?
- Has the ID scanning system assisted venues in managing troublesome patrons?
- Has the ID scanning system assisted NSW Police in managing troublesome patrons?
- How has the ID scanning system contributed to an increased awareness among patrons of the need for greater personal responsibility when socialising late at night in the Kings Cross precinct?

Objective 4: Whether there have been any other impacts of the ID scanning system on venues, NSW Police, patrons and residents

- What commercial costs have been incurred by venues in meeting the ID scanner requirement?
- Have the requirements relating to privacy training for staff operating ID scanners, including payment of a fee for a new photo competency card with privacy endorsement, had an impact upon employment in high risk Kings Cross venues?
- Do patrons have concerns in relation to the privacy of data collected by the ID scanners?

- What other impacts, if any, have ID scanners had on venues, NSW Police, patrons and residents?
- Have ID scanners resulted in community perceptions of improved safety in the Kings Cross precinct?
- Do stakeholders believe that the ID scanner requirement is appropriate and effective?
- Do venues and patrons believe that they were provided with sufficient information and education regarding the ID scanner requirement?
- Have there been any unintended consequences of the ID scanning system?

Objective 5: The extent of any venue non-compliance with the ID scanner operating and privacy requirements

- Have there been instances of non-compliance with ID scanner operating requirements?
- Have there been instances of non-compliance with ID scanner privacy requirements?

Objective 6: Whether the approved ID scanner requirements are appropriate and the nature of any technical or operational issues with the system

- Are the criteria for determining high risk venues for the purpose of the ID scanner requirement appropriate?
- Are the hours of operation appropriate?
- Are the current privacy safeguards appropriate?
- Are the other operational requirements appropriate?
- Are there any technical or operational issues affecting the ID scanning system?
- Have any identified technical or operational issues been appropriately managed?

3. Review methodology

Sources of evidence

The review used a mixed methods approach to data collection involving the collection of qualitative and quantitative data from a range of sources. Qualitative evidence was sought through written submissions to the review, face to face and telephone interviews with key stakeholders, venue and community stakeholder surveys, and analysis of relevant Ministerial correspondence. Quantitative data was collected through venue and community stakeholder surveys, BOCSAR offending data, L&GNSW Compliance data, and ID scanner data. The variety of data sources ensured a rigorous evidence based approach to the review.

Key stakeholder interviews

Key stakeholder organisations were consulted via face-to-face interviews, or telephone interviews where face-to-face was not possible. Interview questions focused on the review objectives which most impacted the individual stakeholder groups, including:

- positive and negative impacts of the ID scanners on key stakeholder groups;
- views on the appropriateness and effectiveness of the ID scanners, including improvements in public safety;
- views on the operational and privacy requirements for the ID scanning system, and any technical or operational issues experienced;
- any unintended consequences of the ID scanning system; and
- views on future policy directions for ID scanners in the Kings Cross precinct.

The stakeholders interviewed for this review include:

- Kings Cross Liquor Accord
- Australian Hotels Association
- 2011 Residents' Association
- Potts Point and Kings Cross Heritage Conservation Society
- NSW Police Force – Kings Cross Local Area Command
- NSW Police Force – Alcohol & Licensing Enforcement Command

- Office of the NSW Small Business Commissioner
- NSW/ACT Alcohol Policy Alliance
- NSW Business Chamber
- Restaurant and Catering NSW
- Thomas Kelly Foundation
- Potts Point Partnership
- City of Sydney Council
- Group Security Solutions (GSS)

Surveys

A venue survey was conducted to seek the views of venues that are required to operate ID scanners. Every venue which has the requirement responded to the survey. In addition, a community stakeholder survey was conducted to seek the views of interested community members. The survey had 47 respondents.

Survey questions focused on:

- positive and negative impacts of the ID scanners in the Kings Cross precinct;

- views on the appropriateness and effectiveness of the ID scanners, including improvements in public safety;
- views on the operational and privacy requirements for the ID scanning system, and any technical or operational issues experienced;
- any unintended consequences of the ID scanning system; and
- views on future policy directions in relation to ID scanners in the Kings Cross precinct.

Written submissions and relevant correspondence

Stakeholders were given the opportunity to provide a written submission to inform the review. The written submission process was open to interested individuals and organisations between 12 and 23 October 2015. Three written submissions were received. These are published on the L&GNSW website. The invitation to lodge a written submission was advertised through existing stakeholder communication channels, including via stakeholder e-mail, peak body associations and the L&GNSW e-newsletter.

Ministerial and other relevant correspondence was also analysed to inform the review.

Offence, compliance and ID scanner data

Compliance data was sourced from the L&GNSW Regis business system.

Offence data, including non-domestic on-premises assaults and on-premises theft, was sourced from BOCSAR. BOCSAR highlighted the difficulty in attributing impacts to individual measures where multiple measures have been introduced at the same time or in close temporal proximity. As such, the review was required to consider other measures implemented around the same time as the ID scanners when assessing their potential impact.

L&GNSW sourced ID scanner data from the technology supplier, GSS. This was used to identify breaches of ID scanner requirements, and analyse patron traffic, the effectiveness of banning orders and instances in which patrons have been denied entry. Due to concerns about patron privacy and the commercially sensitive nature of the information, the ID scanner data used for the report was not provided to stakeholders. Several groups, including the AHA (NSW) and NAAPA, suggested there would be benefit to alcohol policy development and evaluation if de-identified data was made available to the public in the future.

Performance Indicators

In evaluating the outcomes of the requirement, the review had a particular focus on the extent to which stakeholders considered it to be an appropriate and effective way to improve public safety in licensed venues. To ensure a balanced assessment of outcomes, the review also considered any negative unexpected effects of the ID scanners, including technical issues, implementation and operational costs, and issues related to the privacy and confidential management of patron data.

Given the limited period since the ID scanners have been in effect, and the range of other measures introduced at or around the same time, a degree of caution should be exercised in interpreting aspects of the quantitative data analysis. To this end, the review has necessarily

placed significant emphasis on qualitative feedback from stakeholders engaged in the consultation phase to inform its findings.

A more detailed description of performance indicators and data sources used to address each review question is shown in **Appendix A**.

4. Findings

1.   The policy objectives of the ID scanner system remain valid and the terms of the ID scanner provisions remain appropriate for securing those objectives.

Based on an assessment of available evidence, the review finds that the policy objectives underpinning the ID scanner system remain relevant, and the ID scanners are an effective means of achieving these objectives.

There is a broad consensus among stakeholders that ID scanners are addressing genuine community concerns about law and order, public safety and alcohol related crime in the Kings Cross precinct. NSW Police, residents' associations, policy advocates and many industry participants considered ID scanners to be an appropriate and effective way of addressing these concerns.Notwithstanding this broad support, a number of suggestions were raised by stakeholders to address their concerns about some perceived negative impacts of the scanners and improve their effectiveness. In general these suggestions involve operational and technical changes to the ID scanner system, including alterations to their mandatory operational times and an expansion of their functional capabilities. These findings are outlined below.

2.   Stakeholders agreed that ID scanners reduce the level of alcohol-related violence and crime in the Kings Cross precinct and contribute to perceptions of improved public safety.

All stakeholders consulted in the review process – including the NSW Police Force, licensed venues and resident groups – agreed that ID scanners are making a positive contribution to the safety of Kings Cross and community perceptions of public safety.

The AHA and venue operators consulted during the review confirmed there is a high level of awareness among venue patrons concerning the existence and role of ID scanners. Licensed venues and the NSW Police suggest this high level of awareness has contributed to a heightened sense of personal responsibility among venue patrons. Local resident groups indicated there is a lower level of awareness among residents about the existence and function of ID scanners within the precinct, and suggested more be done to promote the contribution they are making to the reduction of crime and violent behaviour.

The NSW Police reported that ID scanners are reducing alcohol-related violence and crime in the precinct by removing the anonymity of potential trouble makers, which is encouraging them to stay away from Kings Cross. The NSW Police noted that alcohol-related violence and crimes of opportunity have fallen significantly in Kings Cross since ID scanners were introduced. BOCSAR data shows on-premises alcohol-related non-domestic assaults (from 9pm to 1.30am) in Kings Cross high risk venues fell by 50% when comparing the period before scanners were introduced (July 2012 – June 2014) to the period following their introduction (July 2014 – June 2016). Steal from person (bag snatches) in high risk venues (from 9pm to 1.30am) declined by 85.4% over the same period. While these comparative reductions are impressive, they should be considered in light of other measures that were implemented in the Kings Cross precinct around the same time.

Feedback from Kings Cross resident groups, including the 2011 Residents' Association and Potts Point & Kings Cross Heritage Conservation Society, suggests that perceptions of public safety have also improved in the area since ID scanners were introduced. These groups reported that residents feel safer due to a belief that fewer trouble-makers are visiting Kings Cross and local police are spending more time responding to local law and order matters rather than alcohol-related incidents in licensed venues.

The Accord and AHA agreed that licensed venues are experiencing less violence and crime and patrons feel safer, which they attribute to the deterrent effect of ID scanners. However, several venues gave feedback that, rather than contributing to community perceptions of public safety, the use of scanners actually perpetuates the stereotype of Kings Cross as a lawless and unsafe location. Several venues also questioned the extent to which ID scanners deter trouble makers from entering the precinct, suggesting that while the liquor reforms have reduced patronage in Kings Cross they have done little to turn away the less savoury element that continues to frequent the area.

3. NSW Police confirmed that ID scanners play an important role in the investigation of alcohol-related crime.

NSW Police confirmed that ID scanners are used by officers on a regular basis, and lend valuable support to their investigations of alcohol-related violence and crime in the Kings Cross area.

The Kings Cross Local Area Command suggested that, such is the efficacy of the ID scanners, there are now very few crimes that occur in high risk venues which remain unsolved. ID scanners used in Kings Cross take a photo of every patron entering a high risk venue after 9pm. They also capture details of the patron's name and information about their residential address and date of birth. NSW Police confirmed this information, which is sometimes used in conjunction with CCTV footage obtained from the licensed venue, provides them with the information they require to identify suspects and persons of interest with a high degree of accuracy.

Feedback from NSW Police confirmed the functionality of the ID scanners meets their investigative needs and, subject to a suggested technical adjustment, the process for accessing scanner data is generally satisfactory. Under current arrangements, NSW Police access patron data relating to each licensed venue (subject to appropriate approvals being received) via a secure online portal. Currently, NSW Police are unable to search for specific patrons across multiple licensed venues in the Kings Cross precinct. This means if they are conducting an investigation for a certain offender believed to have visited a venue in Kings Cross on a certain date, they cannot use the portal to search for that person's name across all high risk venues. Instead, they are required to search the patron list of each venue, which can result in additional time being spent on the investigative process. This issue could be addressed through some reconfiguration of the online portal used by NSW Police.

4. Liquor industry bodies and some licensed venues considered the cost of operating ID scanners to be excessive, and some stakeholders suggested arrangements be considered to ameliorate these costs.

The AHA (NSW) and Kings Cross Liquor Accord argued that significant costs are being incurred by licensed venues as a result of the ID scanners, including with respect to staff

training requirements and the purchase of scanner equipment. They claimed the greatest costs involve the hiring of additional staff to operate the equipment and missed revenue opportunities incurred by venues as a result of closing entrances, which is often necessary due to the expense involved in installing scanners at multiple entrances.

Feedback suggests these costs affect licensed venues in different ways depending on their size. Licensed venues must purchase ID scanners and pay a fee to cover equipment maintenance. This totals $495 per month for the first unit and $220 for each additional unit. The AHA and Accord suggest these expenses create considerable cost impositions on smaller operators. Some stakeholders, including the Council of the City of Sydney and the Office of the NSW Small Business Commissioner, suggest Government consider ways to ameliorate these costs. For example, the Office of the NSW Small Business Commissioner raised the option of a subsidy payment to help smaller venues pay for equipment and staff training, or a reward-based rebate based on reductions in alcohol-related crime.

Feedback from the AHA and the Accord also suggests the staffing resources required to operate ID scanners can impose an additional financial burden on venues, particularly larger establishments which have multiple entrances and ID scanner units. The Accord estimates that scanners cost a total of $2.4 million per year across the 23 high risk Kings Cross venues. This cost includes not only the dedicated staff needed to operate the scanners, but also the cost involved in their training. The Accord notes that some venues may elect to close one or more venue entrances because they lack the necessary ID scanner units and or staff. It is claimed that this can cause venues to miss out on foot traffic and customers.

The costs of operating ID scanners also need to be considered in light of the reduction in patronage for Kings Cross venues since the commencement of the ID scanner requirement. Figure 2 shows that the number of patrons being scanned into venues has decreased consistently over time since the introduction of the ID scanner requirement in June 2014. Given this significant decrease in patronage, Kings Cross venue operators have suggested that the financial burden of operating ID scanners has become more acute.

Figure 2: Total number of ID scans by month from June 2014 to July 2016
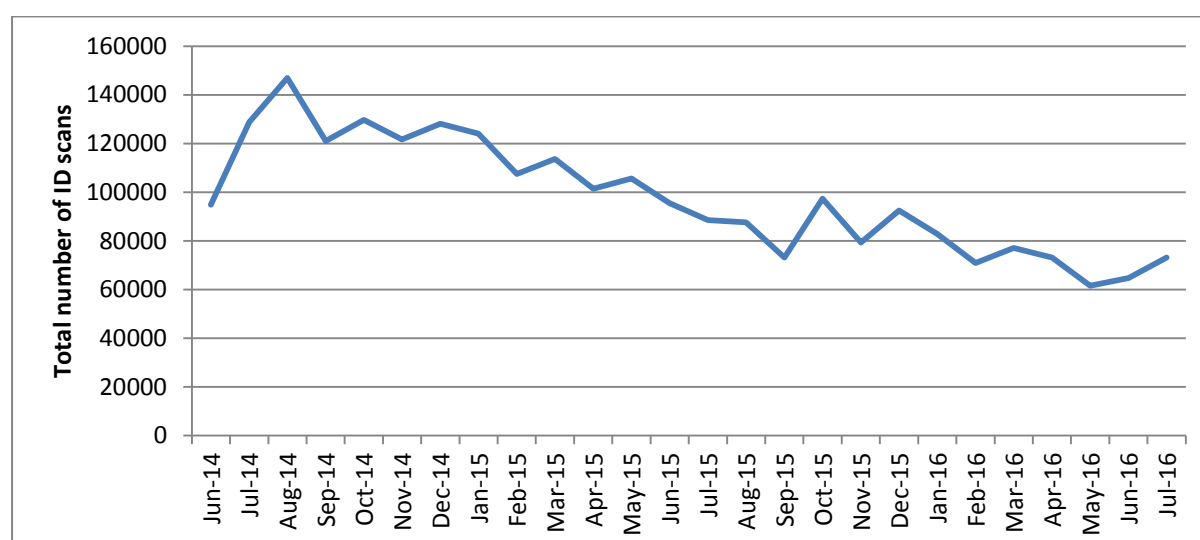
5. There was consensus among liquor industry bodies, licensed venues and NSW Police, that ID scanners are effective in enforcing statutory banning orders.

There was broad agreement among all stakeholders consulted during the review process that ID scanners have been successful in keeping banned patrons out of high risk licensed venues. This success has been attributable to the high level of compliance by licensed venues with their regulatory responsibilities concerning the use of ID scanners and the technical performance of the units in accurately and reliably identifying banned patrons.

In regard to the level of industry compliance with ID scanner requirements, L&GNSW has detected only three incidents to date where patrons were permitted to enter a licensed venue without the requirements of the ID scanners being met. Eleven incidents were detected in which venues failed to operate scanners during mandatory timeframes. One venue was found not to have followed its contingency plan when its ID scanner unit malfunctioned.

The ID scanners have also proven to be accurate and reliable in their identification of banned patrons. Data reviewed by L&GNSW shows there were 73 (to June 2016) attempted entries by banned patrons of high risk venues (including multiple attempts by the same persons). Neither the Accord nor NSW Police reported any incidents of a scanner failing to identify a banned patron or a banned patron having successfully bypassed a scanner.

Data collected from scanners shows the number of banned patrons attempting to enter high risk venues has increased steadily since scanners were introduced (see Figure 3). However, there is no evidence to suggest this trend reflects a failure of the ID scanners to deter banned patrons. Instead, a comparison of attempted entries against the issuing of statutory bans suggests the increasing frequency is more likely to be attributable to the growing number of bans issued since scanners were introduced.

Figure 3: Number of long term banning orders and denials due to banning orders since the introduction of scanners
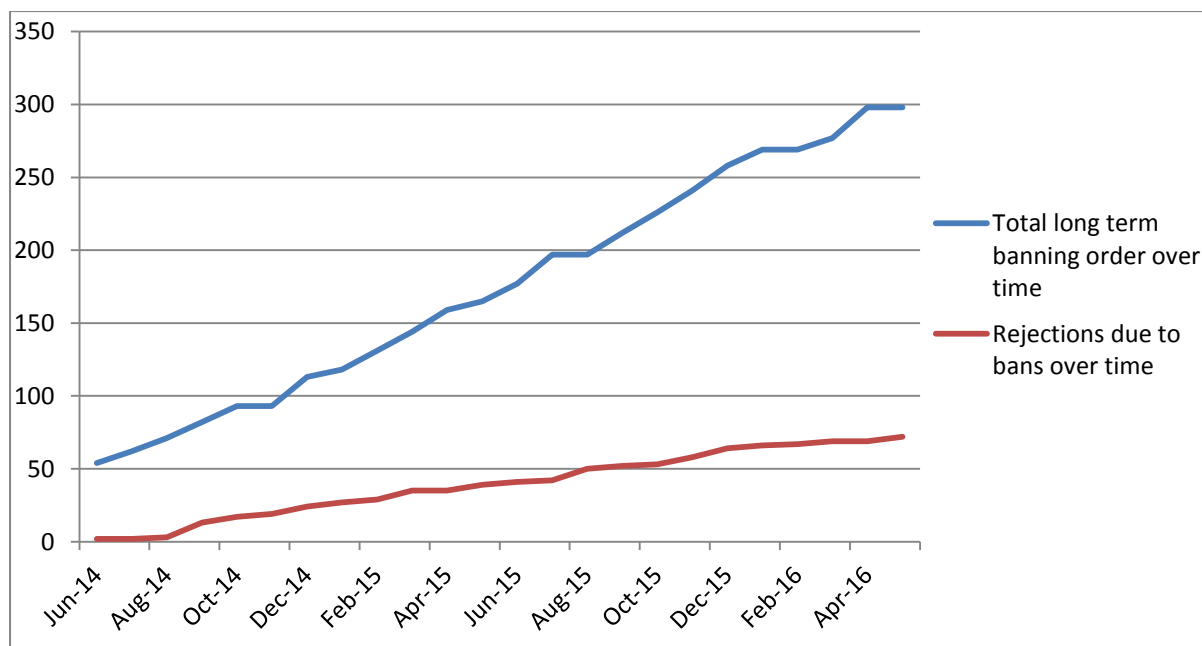
6. Liquor industry bodies, licensed venues and NSW Police believed that the effectiveness of ID scanners would be enhanced if licensed venues in the Sydney CBD Entertainment and Kings Cross precincts could exchange venue initiated (section 77) and Statutory Ban patron data.

ID scanners in Kings Cross are configured to identify patrons subject to short and long term statutory bans issued pursuant to sections 116AD and 116AE of the Liquor Act. These bans are entered into the system by NSW Police. Under section 77 of the Liquor Act, licensees can ban patrons from their venue under certain circumstances, such as when they are refused admission or turned out of the premises due to intoxication, disorderly or violent behaviour. ID scanners in Kings Cross are not configured to record these bans. Some venues in the Sydney CBD use ID scanners on a voluntary basis that collect and use data for this purpose, however these scanners are unable to access statutory ban data.

Some stakeholders consulted by the review, including the AHA, Accord and NSW Police, suggest the deterrent value of ID scanners in Kings Cross would be significantly enhanced if venues could use them to administer section 77 patron bans. Furthermore, the AHA and Accord suggest premises in the Kings Cross and Sydney CBD Entertainment Precincts would be better equipped to prevent violence and anti-social behaviour if they could share section 77 patron ban data with other licensed venues in Kings Cross and the Sydney CBD, who could then elect to also ban such patrons for the duration of the banning order at their own discretion.

The review finds no technical impediments to these arrangements being enacted. The equipment vendor, GSS, confirms that Kings Cross ID scanners can record and transfer patron bans across the network, although these features are not enabled at this time.

The review considers there would be significant benefits in permitting high risk premises in Kings Cross to record venue initiated section 77 patron bans using the ID scanners. This would enable a more reliable and efficient means of administering their existing regulatory requirements and improve the safety of their venue by preventing access to known troublemakers.

The review is aware of concerns that the sharing of section 77 patron bans between premises in Kings Cross, and potentially with premises in the Sydney CBD Entertainment Precinct, could magnify the consequences for patrons that receive such a ban beyond what may be considered reasonable for the circumstances. Nevertheless, the review identifies benefits in permitting the sharing of section 77 patron ban data on the basis that such arrangements would improve the safety of these venues, and provide further deterrents against patrons acting in a violent or antisocial manner.

7. Liquor industry bodies, the Kings Cross Liquor Accord, licensed venues, NSW Police and residents' associations all believed that ID scanner operation times should be modified, however there is no consensus on the detail of new operation times.

Under current regulatory arrangements, ID scanners must be operational from 9.00pm until 1.30am each day of the week. A number of stakeholders suggest these hours of operation be changed in order to strike a better balance between the need to operate scanners during the times alcohol-related violence and crime tend to occur while also minimising to a

reasonable extent the expense involved in their operation. However, there was no consensus among stakeholders on what the new hours of operation should be, with the Accord and AHA requesting that periods of mandatory operation be shortened and pushed back while NSW Police and residents' associations recommend they be increased and brought forward.

The Accord, AHA and Council of the City of Sydney all recommended the operation of ID scanners be mandatory on Friday and Saturday nights, and on Sunday nights prior to a public holiday. The Accord and AHA suggested commencement times be pushed back to 10pm. These stakeholders argue these days and times are the most common periods for alcohol-related violence and crime. They also claim that new hours of operation would minimise inconvenience for patrons visiting the precinct for dinner and on those high risk venues with a greater focus on dining experiences than the sale of alcohol.

By contrast, NSW Police and residents' associations recommended scanners continue to be mandatory on every day a licensed venue is open. NSW Police also suggested the use of scanners be mandatory from 8pm rather than 9pm to dissuade banned patrons from entering a venue prior to the commencement of their operation in order to avoid detection. The 2011 Residents' Association suggested the use of scanners be mandatory for all hours over a weekend that a venue is trading in order to maximise their deterrent effect.

An analysis of ID scanner data was also undertaken to provide insight into the times of night and days of the week that banned patrons attempt to enter venues in Kings Cross.

Figure 4 shows the number of patrons subject to banning orders that were rejected by ID scanners as well as the number of on premises alcohol-related non-domestic assaults by time of night. It is clear from this data that a bell curve exists for each measure. The peak period for banned patron rejections is between 11pm and midnight while the peak period for violence is between 1am and 2am.

Figure 4: Alcohol-related non-domestic on premises assaults and number of banned patrons rejected (data up to June 2016)
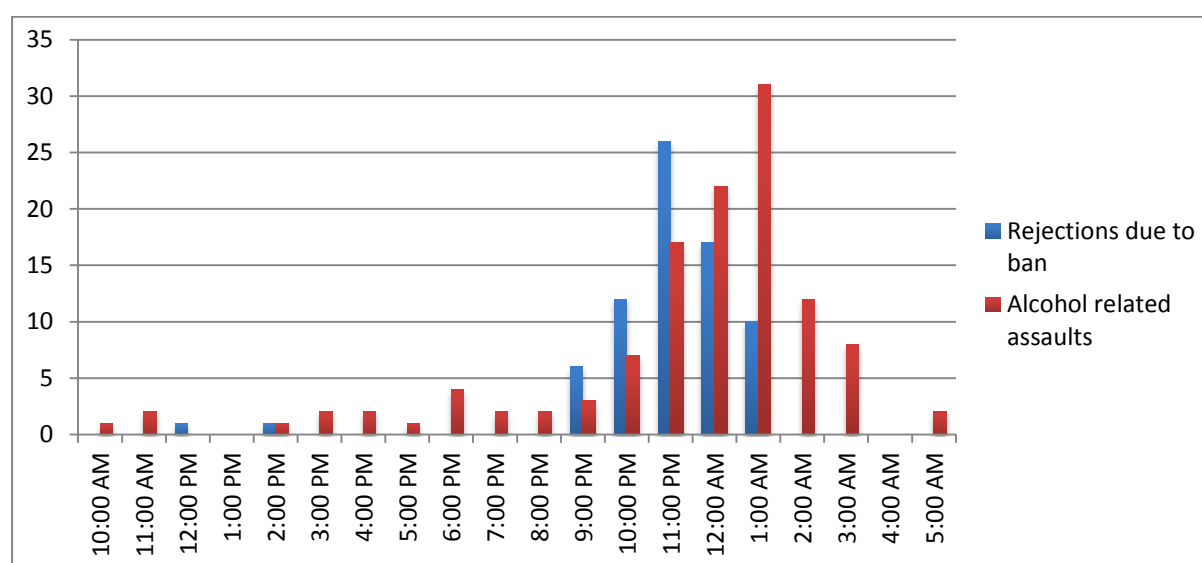

Table 1 shows the comparative rates of denial of entry, for each day of the week, due to patrons being banned, patrons using a sharing ID, patrons being underage, and patrons

producing fake ID. The data indicate that the average number of scans for each denial due to a patron being banned, patron using a sharing ID, patron being underage, or patron producing fake ID tends to be lower on weekdays (Mon-Thu) than on weekends (Fri and Sat).

Table 1: Comparative rates of denial of entry, for each day of the week, due to patrons being banned, patrons using a sharing ID, patrons being underage, and patrons producing fake ID (data from 12 June 2014 to 23 June 2016)

Day	Total Scans	Denials: banned patron		Denials: ID sharing		Denials: underage		Denials: fake ID	
		No.	Rate[4]	No.	Rate	No.	Rate	No.	Rate
Mon	116,742	1	116,742	71	1,644	97	1,204	25	4,670
Tue	152,070	7	21,724	102	1,491	95	1,601	36	4,224
Wed	225,097	10	22,510	201	1,120	99	2,274	40	5,627
Thu	193,373	6	32,229	177	1,093	101	1,915	30	6,446
Fri	552,501	13	42,500	207	2,669	232	2,381	72	7,674
Sat	979,715	14	69,980	302	3,244	347	2,823	66	14,844
Sun	231,666	22	10,530	230	1,007	208	1,114	61	3,798

8. Stakeholders agreed that privacy safeguards for ID scanners are adequate and there is no evidence of stakeholder concerns about patron data privacy. However, NSW Police and some residents' associations recommended more be done to promote these protections.

All stakeholders consulted during the review agreed the ID scanners have effective safeguards in place to protect the personal data of patrons visiting Kings Cross. Furthermore, there is little evidence of concern among patrons or other stakeholder groups about the adequacy of the protections put in place to manage the collection, storage and management of this confidential information.

ID scanner vendor GSS reported that ID scanners retain limited personal information from patrons, including their name and year of birth, to eliminate the possibility of identity theft and misuse of personal data. Best practice protocols, developed in consultation with L&GNSW, are currently in place to control who can access data that is collected. As an additional safeguard, employees that operate ID scanners must complete privacy training that is tailored to the operation of the ID scanner system in Kings Cross.

GSS confirms it has a complaints management process in place to address privacy concerns raised by patrons. However, they report that no complaints have been received to date. During the consultation process, few privacy concerns were raised by licensed venues, resident groups or other stakeholders. NSW Police are only aware of a single privacy issue that had occurred since the scanners were introduced, which involved a venue staff member

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[4] The rate is calculated as the total number of scans divided by the number of denials.

threatening to access a patron's residential address from the scanner. L&GNSW notes privacy safeguards prevent staff from accessing this type of information.

While there does not appear to be a significant level of stakeholder concern about data privacy, it is nonetheless evident that there is a general lack of awareness among patrons about the existence of such protections. Stakeholders consistently reported that many patrons do not have a good understanding of safeguards in place for the collection and storage of personal information. To remedy this situation, several stakeholders, including the NSW Police Force and 2011 Residents' Association, recommended Government actively promote the measures, including by requiring licensees to promote the existence of these privacy protections more prominently in their venues.

9. The Accord suggested ID scanners be configured to support marketing activities by licensed venues, while NSW Police suggested they be configured so that investigative officers can conduct patron searches across licensed venues via their online portal.

The equipment vendor, GSS, currently provides licensed venues with high-level summary reports of ID scanner data as a part of their subscription service. These reports contain statistical summaries of patron visitation trends and demographic information, including patron ages and gender breakdown, for their venue over a designated period of time. The information does not identify individual users or otherwise undermine the confidentiality of the patron data. Feedback from licensed venues to GSS suggests these reports are used by licensed venues to inform their marketing and promotional activity.

The Accord stated a preference for this marketing functionality to be taken one step further, with ID scanners configured so visitations of VIP patrons (who have agreed to be identified as such) can be tracked so their movements can be analysed by the venue operator and they can be targeted with promotional activity for upcoming events. GSS confirms the ID scanners have the capacity to support these additional services, although the functionality is not currently enabled. GSS confirms that technical safeguards currently exist to ensure these marketing features do not compromise the confidentiality of patron data.

The review considers there is reputational risk to Government and potential erosion in the confidence of privacy protections should there be any improper use of ID scanner data by licensed venues to support marketing activities. For example, if VIP data was used inappropriately by a venue or sold to third parties without the consent of patrons, the Government may be implicated as it mandated and administers the ID scanner scheme. The precedent of a Government mandated ID scanner system being used by venues to market products and services to individuals creates significant risk in terms of overall community confidence in privacy controls, and potential doubts about the harm minimisation principles underpinning the mandatory nature of the system.

NSW Police reported they are generally satisfied with the functionality of the ID scanners as an investigative tool. However, police drew attention to a process inefficiency that exists when they use their online portal to search for a particular individual believed to have entered a Kings Cross venue. In these circumstances, police must view ID scanner data from each venue separately rather than using the suspect's name to conduct a single search query across venues. This results in unnecessary time being incurred in the investigative

process. Discussions with GSS confirm there are no technical impediments to configuring the police portal to provide this extra functionality.

10. Feedback from the Accord and licensed venues showed no evidence of significant, frequent or widespread technical failures or faults arising from the use of ID scanners.

All stakeholders, including the Accord, licensed venues and NSW Police, considered the operational performance and reliability of the scanner units to be of a satisfactory standard.

Under the Service Level Agreement negotiated with L&GNSW, GSS is contracted by high risk venues in the Kings Cross area to provide, repair and replace ID scanners. GSS provides technical support to these venues on a 24/7 basis. The cost of maintenance and servicing is met by the licensed venues via a set subscription fee which was negotiated between L&GNSW and GSS. Overall the Accord and licensed venues confirm they are satisfied with the reliability of the scanner equipment and the responsiveness and quality of repairs and servicing carried out by the equipment vendor. GSS claims technical issues are usually resolved within a 15 minute period.

GSS reports that over half of all calls for technical support are due to venue staff being unable to scan a patron ID due to dirty glass on the scanning panel. The company reports that it resolves these issues by instructing venues on how to clean the equipment. Another significant proportion of service call-outs are in response to damage done to scanners when equipment is moved around a venue. In these situations GSS has spare units available on short notice which it can deliver to these operators for their use until such time as the original unit is repaired.

11. The Accord, AHA and licensed venues believed ID Scanners should be configured to recognise a wider range of patrons IDs, and NSW Police believed they should be configured to report on the manual entry of patron IDs by licensed venues.

The equipment vendor, GSS, confirms the ID scanner system has a range of capabilities in place to identify invalid and non-compliant patron IDs. These include the ability to detect fake ID, shared use of IDs, IDs used by underage persons, entry attempts by banned patrons and the use of expired ID. Table 2 summarises the statistical prevalence of each of these events (data up to June 2016).

Table 2: Number of ID rejections by scanners identified by type

Type of ID rejection	Data Capture Start Date	Incidents
Fake ID	June 2015	330
Use of a shared ID sharing	December 2014	1,290
Underage	December 2014	1,179
Expired ID	December 2014	37,311
Statutory ban	June 2014	73

The Accord, AHA and licensed venues all reported that licensed venues often need to refuse entry to persons that have an expired ID. They also noted that when a group of people attempt to enter a venue and a single member is refused entry on the basis of an expired ID,

the entire group will often elect to go elsewhere. They reported this has a large financial impact on venues. Table 1 shows there were over 37,000 instances of denial to high risk Kings Cross venues from December 2014 to June 2016 due to an expired ID. Given that patrons can often arrive in groups of four of more, the opportunity cost for venues of this lost business is clearly significant.

In the context of this reported financial impact, the Accord and AHA questioned the justification of ID scanners being configured to refuse expired IDs in circumstances where they clearly confirm a patron's identity. To address this perceived shortcoming, these stakeholders suggest ID scanners adopt an approach similar to Roads & Maritime Services (RMS), which accepts IDs that are expired for up to two years. GSS confirms there are no technical impediments to configuring scanners to conform to this approach.

In regard to the recognition of non-expired IDs, GSS reports the technology which underpins the scanner system can recognise approximately 3,500 different ID types, including forms of identification from Australia and many international jurisdictions. However, NSW Police note there are 'gaps' in the GSS ID catalogue, including Victorian driver licences which the system was unable to recognise at that time. The Accord also note that ID scanners do not recognise some less common forms of identification including Australian armed forces ID.

12. Liquor industry bodies, the Accord and the Office of the NSW Small Business Commissioner suggested different factors be considered in determining what constitutes a 'high risk' venue, while NSW Police supported existing classification arrangements.

Under current arrangements, a licensed venue in Kings Cross is considered 'high risk' and required to use a scanner if it serves alcohol for consumption on premises, trades past midnight and has a capacity of 120 people or more. Under the Liquor Act, licensed venues that meet this definition of high risk are able to request to be exempt from the ID scanner requirement. The venue must submit a written application and pay a fee of $500.

The NSW Police Force, Restaurant & Catering NSW and resident associations all believed the method of determining which venues are high risk is appropriate. However, the Accord and AHA argued this approach is a 'blunt instrument' which unfairly discriminates against licensed venues where the business is primarily centred on food and attracts a clientele that is significantly different, both in terms of demographics and purchasing behaviours, to younger alcohol-consuming nightclub patrons. Furthermore, they suggested the current process unfairly stigmatises food-orientated venues and reinforces negative stereotypes about Kings Cross.

A number of stakeholders, including the Office of the NSW Small Business Commissioner and the Potts Point Partnership, did not believe the current exemption process provides sufficient guidance as to the grounds on which exemptions are likely to be granted. They suggested a more transparent process could be established to expedite the exemption process for licensed venues that do not consider the use of ID scanners to be warranted. To this end, they suggested guidelines be developed and made publicly available to inform the determination of any exemption request. These stakeholders suggested such guidelines may include a history of compliance by a licensed venue with liquor regulations and/or an absence of alcohol-related violence.

13. The Accord and NSW Police believed ID scanners should also be mandatory for high risk venues in the Sydney CBD. However, this view was not supported by the NSW/ACT Alcohol Policy Alliance (NAAPA), which argued that further evaluation of regulatory outcomes is needed prior to considering an expansion of the mandatory ID scanner requirement beyond Kings Cross.

NSW Police recommended that consideration be given to making scanners mandatory for high risk venues in the Sydney CBD precinct, given their success in reducing alcohol-related violence and crime and assisting police in their criminal investigations in Kings Cross. They suggested such an initiative could be implemented in the Sydney CBD and any other areas considered appropriate via Local Liquor Accords. The Accord on the other hand suggested ID scanners should be required in CBD venues on the basis it is inequitable that they are mandatory in Kings Cross while CBD venues, some of which may potentially have greater incidents of alcohol-related violence and crime, are not subject to the same requirement. The Accord argues this creates an inequitable regulatory environment and perpetuates Kings Cross' reputation as an unsafe and crime-ridden area.

On the other hand, NAAPA suggested, consistent with its commitment to evidence-based policy, that it is premature to consider extending the use of ID scanners beyond the Kings Cross precinct until additional data about the effectiveness of this intervention is collected and analysed.

5. Recommendations

The review makes the following recommendations, based on its findings:

1. **The provisions that relate to the Kings Cross ID scanner system should be retained subject to a number of enhancements as outlined in this report.**

The review recommends that the provisions of the Liquor Act that relate to the Kings Cross ID scanner system be retained on the basis that stakeholder feedback and analysis of crime data demonstrates the ID scanner system has been highly effective in helping reducing alcohol-related crime and violence. Evidence also shows the ID scanner system has contributed to perceptions of improved public safety in the precinct, and lent valuable assistance to NSW Police in their criminal investigations. However, the review also recommends some regulatory changes and technical adjustments which are expected to improve the operation and effectiveness of the ID scanner system.

2. **ID scanners should be configured so licensed venues are able to enter venue initiated (section 77) patron bans, subject to confirmation that implementation of this recommendation would not place at risk existing privacy controls and would adhere to relevant privacy legislation.**

The review recognises there are potential benefits in configuring the ID scanners used by premises in the Kings Cross precinct so that venue operators can enter details of patrons banned from their premises under section 77 of the Liquor Act directly into their ID scanner. This would enable licensed venues to administer and enforce section 77 patron bans more effectively, which in turn could support reductions of alcohol-related violence and anti-social behaviour in the precinct.

The review notes, due to privacy measures in place to protect the personal data of patrons using ID scanners, it is not possible for premises to access ID scanner data to determine a patron's personal information for the purpose of administering a section 77 ban. Nevertheless the review can envisage circumstances where a venue operator could ascertain this information for that purpose, allowing them to enter the patron's details into the ID scanner at the time a section 77 ban is issued. For example, a patron may provide these details voluntarily to staff or they may already be known to a venue. Alternatively, a patron may provide this information to staff at the point of entry. The availability of a real time photograph of the patron would also assist with identification in the event that a patron with a section 77 ban attempts to re-enter the venue.

The *Privacy Act 1988 (Cth)* restricts how a commercial entity may use customer data. It specifically prohibits the use or disclosure of data for purposes beyond those used to justify its initial collection. Under the Liquor Act, the purpose of ID scanners is to prevent entry into high risk venues by persons subject to statutory bans. Therefore, prior to implementing this recommendation, L&GNSW should determine if the Privacy Act has a bearing on the proposed changes, and to the extent it does, confirm the use of patron data to administer section 77 patron bans aligns to a sufficient degree with the stated purpose of its collection.

As a first step, that review recommends L&GNSW confirm with the NSW Information and Privacy Commission that no regulatory impediments exist to sharing patron data between

licensed venues when a patron provides such information at the point of entry to a venue for the sole purpose of confirming their identity.

3. ID scanners should be configured so licensed venues can share venue initiated (section 77) patron ban data with other high risk venues in the Kings Cross precinct when a banned person attempts to enter a venue, subject to confirmation that implementation of this recommendation would not place at risk existing privacy controls and would adhere to relevant privacy legislation.

Subject to confirming the feasibility from a regulatory perspective of using ID scanners in Kings Cross to administer section 77 (see **recommendation 2**, above), the review recommends high risk licensed venues in the Kings Cross precinct also be permitted, and ID scanners be configured to support, the transfer of data of patrons banned under section 77 with other high risk venues in the Kings Cross precinct. This will ensure that premises receiving such data are aware of the risk posed by persons who have previously received a section 77 ban by the licensee of another premises in the precinct.

This change would enhance the effectiveness of ID scanners in the precinct by strengthening the deterrent effect of section 77 patron bans. If patrons are aware that other licensed venues may potentially become aware of them being banned by a licensee (in accordance with section 77 of the Liquor Act), there will be a greater incentive for them to behave in a responsible manner. In this way such a change could contribute to a culture of greater personal responsibility by patrons visiting the precinct.

To support these arrangements, the transfer of patron data between licensed venues would need to comply with the mandatory privacy safeguards currently in use by the ID scanners. For example, measures would need to be in place to ensure that patron data remains inaccessible to venue staff. There would also be a need for technical safeguards to be put in place to ensure that such data is not transferred to non-high risk venues in Kings Cross or to any licensed venues outside the precinct. Banned persons would also need to be informed that their details would be available to another high risk venue in the precinct when they attempt to enter that other venue.

4. The ID scanner 'online portal' used by the NSW Police Force should be configured so that investigative officers are able to perform searches for particular patrons across multiple licensed venues using a single query.

NSW Police use an online portal which is connected to the scanner database to access patron data, subject to the appropriate authorisations. The online portal used by NSW Police does not currently have a function to enable investigative officers to search for particular patrons using consolidated ID scanner data from all high risk Kings Cross venues. It is recommended this patron-search function be included on the portal to alleviate the additional resource burden this limitation currently places on investigative officers. This is consistent with the objective of the ID scanner requirement to assist NSW Police in the investigation of criminal acts.

5. ID scanners should be configured to accept a patron ID up to two years past its expiry date, provided the ID was issued when the patron was at least 18 years of age, and is a passport, driver's licence or proof of age card issued by an Australian jurisdiction.

The review recommends that ID scanners used in high risk venues be configured to accept expired patron ID, provided the ID expired no more than two years previously and was issued when the patron was at least eighteen years of age. Acceptance of expired ID should be limited to Government issued ID including passports, driver's licence and proof of age card.

Many industry stakeholders identified the inability of ID scanners to accept expired ID as a significant source of dissatisfaction. They reported that it causes them to lose potential customers who lack current ID. They may also lose patronage from that person's broader group of associates, who often decide to take their business elsewhere when a companion is refused entry.

Under the Liquor Act licensed venues cannot use an expired ID to verify a patron's age. Consequently, the review acknowledges this recommendation would result in inconsistent standards of documentation being required for the purposes of identity and age verification. If this proposed change were adopted circumstances may arise in which a patron gains entry to a venue via an ID scanner using an expired ID, but is refused entry during an age verification check with the same ID.

The review notes, however, that such regulatory inconsistencies are already embedded in the ID scanner process insofar as different requirements exist concerning the types of ID that are needed for age and identity verification. Licensed venues can only accept a limited number of government-issued documents to verify a patron's age, including driver's licence, proof-of-age card and passport. However, ID scanners can accept a wider variety of documents including those issued from international jurisdictions. In this context, permitting acceptance of expired IDs would not represent a departure from current regulatory practice.

Furthermore, the review considers the potential for patron confusion due to the proposed changes would be minimal in most circumstances. This is because the age verification process typically occurs at the entrance of a premises prior to an ID passing through an ID scanner. In this scenario the issue of differing ID standards would not arise. Further, under current arrangements patrons are already accustomed to different types of ID being accepted for age and identity verification. Consequently, the acceptance of expired ID for identity, but not age verification, would not be entirely unfamiliar.

A more significant issue may arise due to the increased use of fake ID. This may be due to patrons using an 'expired' fake ID based on an ID template that is no longer in use or included on the ID scanner catalogue of recognised IDs. Alternatively a patron may use an expired ID of a younger person and it may be difficult for the venue to detect the ID as being fake due to the significant changes in physical appearance that occur during adolescence and early adulthood. In both scenarios the acceptance of expired IDs that are significantly out of date, or which are uncommon, may make the identity verification process less reliable.

To address this issue, it is recommended ID scanners be configured to only accept an ID that is expired by up to two years, which is consistent with the approach used by NSW

Roads & Maritime Services. It is also recommended that expired ID only be accepted if issued when the patron was at least 18 years of age, in recognition of rapid change of appearance by young adolescents. Limiting the acceptance of expired ID to passports, driver licences and proof of age cards is also recommended to minimise the potential for fraud.

6. While the hours of operation for ID scanners should remain unchanged, L&GNSW should disseminate information to high risk venues in Kings Cross about the exemption process for the mandatory operation of ID scanners, including examples of exemptions that may be requested by venues and criteria that Government will consider when evaluating an exemption request.

The review acknowledges concerns by some industry stakeholders about costs involved in operating ID scanners. It also acknowledges recommendations by the AHA (NSW) and Kings Cross Liquor Accord that mandatory ID scanner operating times be reduced to mitigate such costs. Industry stakeholders have specifically suggested that the ID scanner requirement be removed from Monday to Thursday. However, it is also noted that some other stakeholders did not support this suggestion, and sought that hours of operation of ID scanners be extended instead.

The review does not endorse the recommendations that ID scanner operating hours be reducing as it considers a blanket reduction to operating times would pose an unacceptably high risk of undermining reductions to rates of alcohol-related violence that have been achieved in the precinct to date. As shown in Table 1, there was a significant number of banned patrons, underage patrons, patrons using fake ID, and patrons found to be sharing ID who were denied entry to Kings Cross venues on weeknights. Exempting venues from the ID scanner requirement on weeknights would significantly weaken their deterrence value and their ability to prevent banned patrons from entering venues.

The review instead recommends that L&GNSW raise awareness among high-risk licensed venues in Kings Cross of the exemption process for ID scanner requirements. This will address concerns raised by some industry stakeholders that insufficient guidance exists about the types of exemptions that are available or justifications that may be used in support of an application. Under the Liquor Act, the Minister can exempt premises from the requirement to use ID scanners at certain times or an ongoing basis. However, very few exemption requests have been received to date.

It is recommended that L&GNSW disseminate information to advise licensed venues on how to apply for an exemption, types of exemption that can be requested (e.g. exemptions during weekday trading), and criteria that Government will consider in assessing such a request (e.g. history of regulatory compliance and low levels of alcohol-related violence). L&GNSW should make clear to licensees that such information provided is illustrative only and cannot guarantee that an exemption will be granted.

7. A process should be established for licensed venues to inform the ID scanner system operator about patron IDs that are not accepted by ID scanners, so they may consider including such IDs on the ID scanner catalogue in a timely manner.

Feedback from liquor industry stakeholders during the consultation process suggests some valid patron IDs are not being accepted by ID scanners. Equipment vendor GSS confirms they have processes in place to identify IDs that are not currently included on the ID

catalogue. L&GNSW recommends this process be further enhanced by establishing a mechanism so that a licensed venue can inform GSS directly with information about any new IDs it wishes to be included on the catalogue for its consideration. To provide oversight and confirm that this recommendation is being enacted, it is recommended that new IDs requested by venue operators and the response of GSS to such requests be reported by GSS on a periodic basis to L&GNSW.

8. L&GNSW should work with licensed venues to ensure the risk of non-compliance with privacy requirements of the *Liquor Act 2007* (section 116E) remains low.

High risk licensed venues in Kings Cross are required under the Liquor Act to have privacy plans in place in relation to the use of ID scanners. They are also required to have these readily available and displayed near the entrance of a venue (section 116E). The review found no evidence of non-compliance by licensed venues with this requirement. However, the lack of awareness by many stakeholders of the privacy safeguards in place suggests there is benefit in evaluating the extent to which such measures are being followed. To this end, the review recommends L&GNSW closely evaluate compliance by licensed venues with their privacy requirements, during routine compliance operations.

9. The NSW Police Force ID scanner 'online portal' should be configured to show when patron ID data has been entered manually by a licensed venue.

ID scanner operators in licensed venues are permitted to enter patron data manually into the scanner when, for technical reasons, a patron's ID cannot be read by the scanner. There have been circumstances in which these manual entries of patron data have been entered inaccurately and patrons have entered venues without having their identity properly recorded. Scanner operators are required to make a note of when a manual entry is performed and this information is recorded on the scanner database. However this data is not displayed on the online portal used by NSW Police which reduces their ability to monitor use of this manual entry feature for suspicious and improper usage. To address this concern, it is recommended that the online portal used by the NSW Police be configured to show instances when a patron ID is entered manually.

10. Any extension of the use of ID scanners beyond the Kings Cross precinct, and the factors that define a 'high risk' venue, should be considered in light of the outcomes of the Callinan review

The review considers that it is premature to consider extending the use of ID scanners beyond the Kings Cross precinct at this time given the potential implications for the Kings Cross and Sydney CBD precincts arising from the Callinan review. Given the Callinan review's consideration of the effectiveness of the 1.30am lock out and 3am cease liquor service requirements in the Kings Cross and Sydney CBD Entertainment Precincts, it is important that its outcomes be considered before any extension of the use of ID scanners beyond the Kings Cross precinct is considered.

Similarly, it is recommended that the factors that define a 'high risk' venue, which are relevant to identifying venues that should be subject to the ID scanner requirement, should be considered further by the Government in light of the outcomes of the Callinan review. This is appropriate given the concept of high risk venues is central to the measures that are being examined by the Callinan review.

11. L&GNSW should consider making de-identified ID scanner data publicly available to facilitate alcohol policy development and evaluation

The review recommends L&GNSW explore options to publish ID scanner data on the L&GNSW website, and/or other online locations that may be considered appropriate. This online content should be updated regularly with the most recent ID scanner data, and include historical ID scanner datasets to assist in trend analysis. Furthermore, the data should be presented in as disaggregated a manner as possible, without compromising the anonymity of patron data or commercially sensitive information or individual licensed venues.

This recommendation is intended to address feedback from several stakeholders, including the AHA (NSW) and NAAPA, for L&GNSW to publish ID scanner data or otherwise make it available to research organisations. They suggested this would help to inform the public's understanding of trends affecting Kings Cross licensed venues and facilitate involvement by non-government subject matter experts in the policy process. NAAPA suggested the data be de-identified to protect patron privacy and commercial-in-confidence information.

The review supports this recommendation on the basis that it would represent a closer alignment by L&GNSW with the NSW Government Open Data Policy principles. These principles require NSW Government agencies to make data available to the public in order to facilitate their input, unless there is a clear public interest against disclosure.[5] These principles also generally require such data to be provided without charge and in a manner that is relevant and meets the needs of the intended audience.

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[5] See: https://www.finance.nsw.gov.au/ict/resources/nsw-government-open-data-policy

APPENDIX A: Performance indicators

Key review questions	Indicators	Data sources
Has the ID scanning system been effective in preventing banned patrons from entering high risk venues?	• Number of banned patrons refused entry to a high risk venue • Identified instances of banned patrons gaining entry to high risk venues • Feedback from Police and venues	• ID scanner data • Stakeholder interviews • Venue survey
Are there any enhancements that could be made to the ID scanning system or data that would better support temporary and long term banning orders?	• Potential enhancements identified	• ID scanner data • Stakeholder interviews • Venue survey • Patron survey
Have NSW Police utilised data from the ID scanning system to assist in criminal investigations, and if so, how often have data been accessed for this purpose?	• Number of instances of the Police accessing ID scanner data to assist in criminal investigations	• Stakeholder interviews
To what extent has the ID scanning system assisted NSW Police with the investigation of criminal acts and what outcomes have been achieved?	• Feedback from Police • Number of instances ID scanner data was unavailable or unable to assist Police with investigations of criminal incidents in high risk Kings Cross venues	• Stakeholder interviews
Are there any enhancements that could be made to the ID scanning system or data that would better assist NSW Police in the investigation of criminal acts?	• Potential enhancements identified	• ID scanner data • Stakeholder interviews
What role, if any, has the operation of ID scanners played in the reduction in alcohol-related violence and anti-social behaviour in the Kings Cross precinct?	• Change in the number of alcohol-related assaults, anti-social behaviour incidents, and fail-to-quit offences in the Kings Cross precinct since introduction of scanners • Feedback from key stakeholders	• BOCSAR data • Stakeholder interviews • Venue survey • Patron survey
Has the ID scanning system	• Change in the number of	• BOCSAR data

deterred troublesome patrons from attending licensed premises in the Kings Cross precinct?	alcohol-related assaults, anti-social behaviour incidents, and fail-to-quit offences in the Kings Cross precinct since the introduction of scanners • Change in the number of banned patrons over time since the introduction of ID scanners • Feedback from Police and venues	• ID scanner data • Stakeholder interviews • Venue survey
Has the ID scanning system assisted venues in managing troublesome patrons?	• Feedback from venues	• Venue survey
Has the ID scanning system assisted NSW Police in managing troublesome patrons?	• Feedback from Police	• Stakeholder interviews
How has the ID scanning system contributed to an increased awareness among patrons of the need for greater personal responsibility when socialising late at night in the Kings Cross precinct?	• Feedback from key stakeholders	• Stakeholder interviews • Venue survey • Patron survey
What commercial costs have been incurred by venues in meeting the ID scanner requirement?	• Feedback from venues	• Venue survey
Have the requirements relating to privacy training for staff operating ID scanners, including payment of a fee for a new photo competency card with privacy endorsement, had an impact upon employment in high risk Kings Cross venues?	• Feedback from venues	• Venue survey
Do patrons have concerns in relation to the privacy of data collected by the ID scanners?	• Feedback from patrons	• Patron survey • Complaints received
What other impacts, if any, have the ID scanners had on venues, NSW Police, patrons and residents?	• Positive and negative impacts identified by venues, Police, patrons and residents	• Stakeholder interviews • Venue survey • Patron survey
Have ID scanners resulted in community perceptions of	• Change in community perceptions of safety reported by key	• Stakeholder interviews • Patron survey

improved safety in the Kings Cross precinct?	community stakeholders	
Do stakeholders believe that the ID scanner requirement is appropriate and effective?	• Feedback from key stakeholders	• Stakeholder interviews • Venue survey • Patron survey
Do venues and patrons believe that they were provided with sufficient information and education regarding the ID scanner requirement?	• Feedback from venues and patrons	• Venue survey • Patron survey
Have there been any unintended consequences of the ID scanning system?	• Unintended consequences identified by key stakeholders	• Stakeholder interviews • Venue survey • Patron survey
Have there been any instances of non-compliance with the ID scanner operating requirements?	• Instances of non-compliance with the ID scanner operating requirements	• L&GNSW compliance data • Stakeholder interviews
Have there been any instances of non-compliance with the ID scanner privacy requirements?	• Instances of non-compliance with the ID scanner privacy requirements	• L&GNSW compliance data • Stakeholder interviews
Are the criteria for determining high risk venues for the purpose of the ID scanner requirement appropriate?	• Feedback from key stakeholders	• Stakeholder interviews • Venue survey • Patron survey
Are the hours of operation appropriate?	• Feedback from key stakeholders	• Stakeholder interviews • Venue survey • Patron survey
Are the current privacy safeguards appropriate?	• Feedback from key stakeholders	• Stakeholder interviews • Venue survey • Patron survey
Are the other operational requirements appropriate?	• Feedback from key stakeholders	• Stakeholder interviews • Venue survey • Patron survey
Have there been any technical or operational issues affecting the ID scanning system?	• Technical or operational issues identified	• ID scanner data • Stakeholder interviews • Venue survey • Patron survey
Have any identified technical or operational issues been appropriately managed?	• Feedback from key stakeholders	• Stakeholder interviews • Venue survey • Patron survey