

Department
of Industry

Newcastle Review <newcastle.review@ilga.nsw.gov.au>

Review of liquor License conditions

Jacquie Monti [REDACTED]
To: newcastle.review@ilga.nsw.gov.au

Tue, Feb 6, 2018 at 5:35 PM

Independent Liquor and Gaming Authority
Liquor & Gaming NSW

Dear Mr Crawford

Please find attached our a copy of the Newcastle East Residents Group (NERG) submission to you in relation to the review of liquor license conditions for 14 Newcastle CBD venues.

I strongly support this submission made by NERG and therefore strongly support the retention of the current entire package of license conditions commonly referred to as the s104 Newcastle Conditions without any exemptions.

Jacquie Monti
[REDACTED]

05/February/2018

Independent Liquor and Gaming Authority

Liquor & Gaming NSW

GPO Box 7060

Sydney NSW 2001

newcastle.review@ilga.nsw.gov.au

Review of liquor license conditions for 14 Newcastle CBD venues and other matters

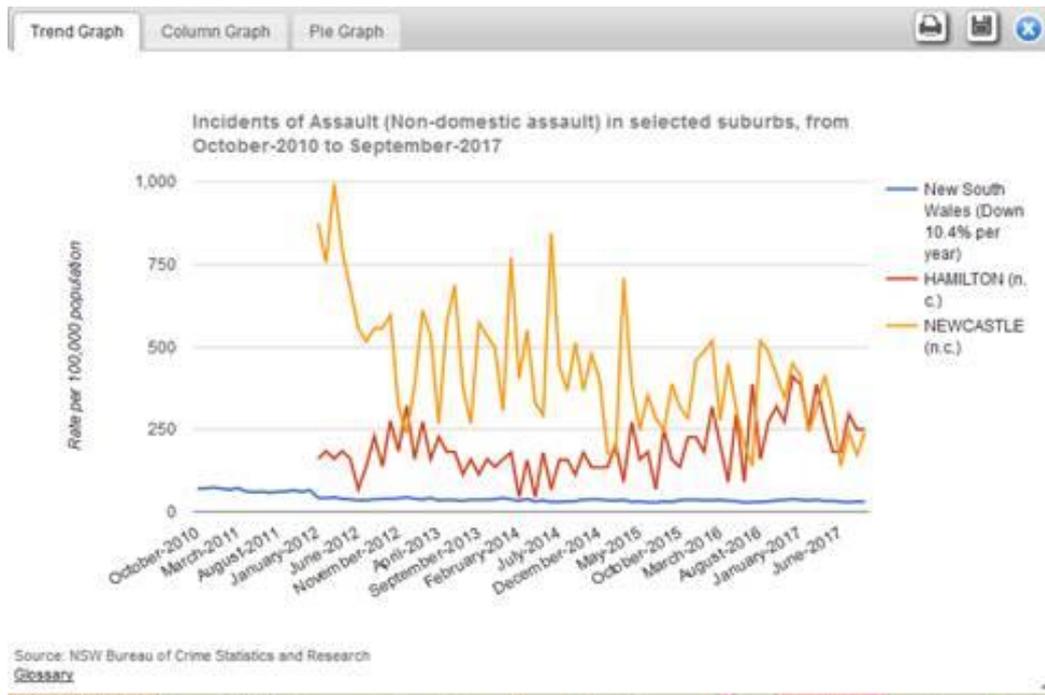
Dear Mr Crawford

Please find following our submission to the above review.

I write to you on behalf of Newcastle East Residents Group (NERG). We strongly support the retention of the current entire package of license conditions commonly referred to as the s104 Newcastle Conditions without any exemptions.

The vast majority of our membership live or have businesses within and adjacent to the Newcastle late trading drinking/entertainment/restaurant precinct. We have over 250 members.

It is our belief that the first priority of the NSW government, Liquor & Gaming NSW (Department) and the Authority must be to immediately and effectively address the current levels and rate of reported non-domestic violence in Newcastle CBD. These numbers are nearly double the NSW average for the LGA and of course at a much higher rate for the suburbs of Newcastle and Newcastle West - the focal point of Newcastle CBD night-time economy and the 14 late trading hotels.



In essence, we invite the Authority to return to the objects of the NSW Liquor Act and give primacy to **public safety, alcohol harm reduction and minimisation**. The Department and Authority's current preoccupation with "customer convenience" and "red tape" and "regulatory burden" reduction belies the extent to which they have become effectively captured by the private alcohol industry that is not in the "public" interest

Simultaneously with resolving our current problem with unacceptably alcohol fueled high levels of violence, other related crimes and harms included unintended injuries; ILGA must also immediately intervene in Hamilton to support the local police reduce the levels of violence that exceed the Newcastle figures. Effective disciplinary legal action must be initiated against those Hamilton licensed premises (especially SJ's") that have recorded significant levels of assaults on premises and atrocious COPS linking data incidents.

It is completely understandable why our community's perception is that ILGA, L&GNSW and the NSW government continue to be unduly influenced by the powerful alcohol industry against the interests of public and emergency worker safety.

Recent FOI material provided to our community exposes the true extent that the government has assisted to enable the Review of the Newcastle conditions without question and due consideration of jurisdictional questions. On the other hand, ILGA/government has neglected to act on the escalation of violence and harm in Hamilton. This is despite its powers to act on its own volition as it has done with the likely predetermined Newcastle review.

We note the strong stance taken by police and health to oppose any dilution of the conditions.

We support Superintendent John Gralton's public appeal for the preservation of the integrity of the package of conditions and agree with his proposal to strengthen the 'last drinks' provisions¹ given the available scientific and anecdotal evidence.

The residents of Newcastle East have first hand experience of the anti-social behaviours associated with long hours of drinking. When a new owner transitioned a local establishment from a small bar to a pub, there were years of complaints, police intervention and negotiations to make the premises more compliant with the zoning of the area (R3 residential). Even recently, the owner attempted to extend trading hours and applied for footpath trading much to the opposition of neighbours. The application was unsuccessful because the current licensing agreement has strict conditions. It caused residents much anxiety and threatened the peaceful amenity of a quiet community. It is proof that many owners of alcohol outlets will opt to extend their hours of operation and sell higher alcohol strengths if the opportunity arises. The malicious damage, loud noise, urinating patrons, litter and vomit was evidence that anti-social behavior is directly attributable to alcohol consumption. We cannot return to this altered reality. We cannot risk any erosion of community amenity by the extension of trading hours and the sale of high alcohol drinks later in the night.

Emergency services personnel (some of whom are members of our group) also fully endorse police calls to maintain or strengthen existing conditions - especially early last drinks. They have seen a reduction of alcohol-fuelled crime since the laws of 2008 were instituted. These laws have contributed significantly to the resurgence of a safe nighttime economy, where people of all ages can enjoy a trouble-free night out in the city. Many of us recall with disgust what a terrible and ugly place the Newcastle CBD was prior to the Newcastle solution. Violence and malicious damage was the norm, rather than the exception.² Owners and licensees effectively shifted all blame and responsibility onto their younger patrons.

The call to relax these laws is of benefit only to the powerful commercial interests of the liquor industry. It does not acknowledge the very commendable social advantages of having such laws in place to protect the wider community from alcohol-fuelled harm. It ignores the many young people who because of the violence and harms arising from failed RSA, were too afraid, and thus disenfranchised from attending the late trading precinct. It ignores the many smaller businesses and residents who experienced regular malicious damage to their premises

The revitalisation of the night economy in Newcastle proves that more people will patronise restaurants, bars and hotels under the auspices of the s104 Newcastle Conditions conditions, despite the AHA claiming that they stifle trade. The city has a more vibrant, safe and inclusive character as a result of the implementation of the conditions.

Irrefutable NSW Bureau of Crime Statistics and Research figures for Newcastle between

¹ <http://www.theherald.com.au/story/5073773/newcastles-top-cop-doesnt-hold-back-on-lockout-laws-review-he-wants-them-tightened/>

² <http://www.theherald.com.au/story/5123433/city-is-moving-forward-so-lets-not-take-a-step-back/?cs=308>

2000 and 2015 show a dramatic 64 per cent drop in non-domestic assaults in Newcastle on Friday and Saturday nights, but also significant declines in theft, malicious damage, disorderly conduct and drug offences. In very practical terms this translates to likely saving over 6,000 people from being assaulted. Increasing drink strengths and the later times these can be served and consumed will invariably contribute to increased levels of intoxication- a key predictor of increased harms.

The recent FOI material³ importantly provides authentic evidence from local police that smaller bars and other similar licensed premises do contribute to increased alcohol harms as they can be characterised as “feeder” premises where patrons can reach significant levels of intoxication and then migrate to nearby higher risk late trading premises.

The following damning facts are proof that alcohol consumption is a catalyst for violence, and anti-social practices.

- One in four Australians drink too much each month⁴
- One in three motorcar crash deaths are alcohol related⁵
- One in five Australians have experienced alcohol related verbal abuse in the past year⁶
- Up to two-thirds of family violence assaults are alcohol related⁷
- Alcohol results in over 5,500 deaths per year and over 155,000 hospital admissions⁸
- Alcohol is associated with 14 to 27% of hospital emergency department presentations⁹
- Alcohol costs Australia between \$A15 billion and \$A35 billion each year¹⁰
- Alcohol brings in a taxation revenue of approximately \$A8.6billion per year¹¹
- Current TV regulations are not protecting children from exposure to alcohol advertising¹²

³ See Police 2017 submission to ILGA for an unprecedented review of the approval of the Big Poppy small bar whereby the Department overrode an agreement between applicant and police to include the Newcastle sensible drink restrictions as license conditions. This extraordinary intervention indicates a predetermined outcome for this alleged “independent” review. This critical intervention was not reflected in the published decision available to the public

<http://www.liquorandgaming.nsw.gov.au/Documents/ilga/decisions-of-interest/ilga-decision-small-bar-liquor-licence-big-poppys-7-8-2017.pdf> 7 August 2018

⁴ Australian Institute of Health and Welfare 2017. National Drug Strategy Household Survey 2016: detailed findings. Drug Statistics series no. 31. Cat. no. PHE 214. Canberra: AIHW

⁵ Devlin A, Fitzharris M. An analysis of single-vehicle fatality crashes in Australia at various Blood Alcohol Concentrations. In Australasian Road Safety Research Policing Education Conference, 2013, Brisbane, Queensland, Australia 2013 Aug.

⁶ Laslett, AM., Mugavin, J., Jiang, H., Manton, E., Callinan, S., MacLean, S., & Room, R. (2015). *The hidden harm:*

Alcohol's impact on children and families. Canberra: Foundation for Alcohol Research and Education

⁷ Gao C, Ogeil R, Lloyd B. Alcohol's burden of disease in Australia. FARE and VicHealth in collaboration with Turning Point; 2014.

⁸ Egerton-Warburton D, Gosbell A, Wadsworth A, Fatovich DM, Richardson DB. Survey of alcohol-related presentations to Australasian emergency departments. *The Medical Journal of Australia.* 2014 Nov 17;201(10):584-7.

⁹ Butler K, Reeve R, Arora S, Viney R, Goodall S, Gool K, Burns L. The hidden costs of drug and alcohol use in hospital emergency departments. *Drug and alcohol review.* 2016 May 1;35(3):359-66.

¹⁰ Collins DJ, Lapsley HM. The costs of tobacco, alcohol and illicit drug abuse to Australian society in 2004/05. Canberra: Department of Health and Ageing; 2008 Feb.

¹¹ Laslett 2010 The Range and Magnitude of Alcohols Harm to Others www.fare.org.au/

The facts speak for themselves. The beneficiaries of alcohol sales are disingenuous to claim that the review will redress the notion that the majority of people are being disadvantaged due to the behaviour of a small minority. The fact is, that this minority will grow if given greater access to alcohol. As a result, alcohol related problems will increase accordingly. It is clear that previous business profit/compliance models and related responsible service of alcohol (RSA) practices actively contributed to Newcastle having the worst levels of alcohol fuelled violence, assaults on police and drinking driving charges in NSW.

We reiterate our concern that the reported rate of non-domestic assaults in our CBD whilst falling, is still around 9 times the NSW average rate. The level of reported domestic violence in Newcastle is also almost twice the NSW average rate. This also is unacceptable and many of these incidents are alcohol related. This is further proof that all¹³ s104 Newcastle Conditions must be maintained and even strengthened.

The adoption of “uniform” modest and sensible drink controls for all licensed venues within our CBD has effectively satisfied a basic industry demand for the creation of a “level playing field”. This importantly overcomes the major problem of variations in conditions within the context of high levels of competition for patron numbers and their fickleness to tougher controls, that contributes to a race to the bottom for compliance standards.

The forced redundancy of all local OLGR licensing inspectors in 2016 without any police or community consultation further contributes to the risk of non-compliance including failed RSA. The government/ILGA have failed to timely and effectively address the Hamilton alcohol violence/non-compliance problem that has been transpiring for the last 3 years. This provides additional legitimate cause why we must retain intact with no exemptions, the current package of conditions with a further reduction in last drink times but retain the existing closer times.

Given the overwhelming independent scientific evidence showing a strong association between last drinks times, liquor outlet density and alcohol related problems, our members are strongly opposed to any increase in availability of alcohol (trading hours) and drink strengths for all licensed premises including those with standard trading hours. Why would the NSW government/ILGA and Newcastle Council compromise public and police/emergency worker safety in favour of “customer convenience”, “red tape reduction” and “parity” with Sydney Conditions and liquor trade vested interest.

An increase in alcohol availability is highly likely to result in increased alcohol related violence, related crimes including malicious damage, sexual assaults, disorderly conduct and

¹² Doran CM, Byrnes JM, Cobiac LJ, Vandenberg B, Vos T. Estimated impacts of alternative Australian alcohol taxation structures on consumption, public health and government revenues. *Med J Aust.* 2013 Nov 4;199(9):619-22.

¹³ Smaller issues including radio communications, plans of management can be readily resolved whilst retaining the basic principles for their inception. However, existing drink conditions must be retained as these clearly impact upon levels of intoxication and consequential harms. There is no objective reason why the Sydney conditions are applicable to Newcastle, particular as the AHA has rejected a “one hat fits all” approach

a reduction in local amenity/quiet and good order of our neighbourhood. As inner city residents and business operators, living in a residential enclave adjacent to the CBD, we are therefore opposed to any dilution of our package of Newcastle conditions - conditions that have demonstrated proven success in reducing alcohol related anti-social behaviours and increased business prosperity, diversity, vibrancy and jobs for our young people.

We welcome the opportunity to attend before ILGA ultimately determines the matter, a constructive discussion including all stakeholders, that is evidence based (with the assistance of our own town academic experts) with an agreed assertion that public and emergency service safety¹⁴ (sustained alcohol harm prevention and reduction) is our city's first priority.

Yours sincerely,

Joan Browning
Secretary,
Newcastle East Residents Group

¹⁴ It is this reduction in assaults and related harms that has been the main driver/catalyst of the increased number of licensed venues, diversity and improved drinking cultures in our CBD.