



Restaurant  
& Catering

# Evaluation of the effectiveness of incident registers

Submission to Liquor & Gaming NSW

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## RESTAURANT & CATERING AUSTRALIA

Restaurant & Catering Australia (R&CA) is the national industry association representing the interests of 35,000 restaurants, cafés and catering businesses across Australia. R&CA delivers tangible outcomes to small businesses within the hospitality industry by influencing the policy decisions and regulations that impact the sector's operating environment.

R&CA is committed to ensuring the industry is recognised as one of excellence, professionalism, profitability and sustainability. This includes advocating the broader social and economic contribution of the sector to industry and government stakeholders, as well as highlighting the value of the restaurant experience to the public.

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## EXECUTIVE SUMMARY

Restaurant & Catering Australia (R&CA) welcomes the opportunity to provide input to Liquor & Gaming NSW's review of the effectiveness of incident registers.

R&CA's view on the existing requirement for certain licensed cafés and restaurants to maintain incident registers is that it is of little strategic value to the sector. The information contained within incident registers does not assist café and restaurant operators in reducing the risk of alcohol-related violence and anti-social behaviour as the existing level of risk is minimal. Given the inherently low-risk nature of cafés and restaurants as licensed venues, R&CA believes that a continuation of the current requirement is unnecessary. Should the requirement of maintaining incident registers be retained, R&CA argues that the licensed cafés and restaurants covered under the existing scheme be exempted.

R&CA has three major concerns with the existing requirement of maintaining incident registers as it relates to licensed cafés and restaurants:

- The core function of cafés and restaurants is the provision of food rather than the sale of alcohol, meaning that the risk of alcohol-related violence and anti-social behaviour is already very low;
- The administrative costs and regulatory burden imposed on cafés and restaurants in having to maintain incident registers outweighs the benefits of retaining this requirement;
- The types of incidents being recorded do not accurately reflect the levels of alcohol-related violence or anti-social behaviour.

R&CA remains cognisant of the New South Wales (NSW) Government's policy objective to reduce the frequency of alcohol-related violence and anti-social behaviour. R&CA has long advocated that the café and restaurant sector can play a significant role in the reduction of alcohol-related violence and anti-social behaviour through the promotion of alternative late-night leisure activities. By easing the regulatory environment affecting licensed cafés and restaurants, such as exempting them from the requirement of maintaining incident registers, this will in turn encourage more of these low-risk businesses to stay open for additional hours late at night.

## CAFÉS AND RESTAURANTS AND THE NSW ECONOMY

### SIZE AND VALUE OF THE SECTOR

The hospitality sector makes a significant contribution to the NSW economy. As of February 2017, the total turnover of cafés, restaurants and takeaway businesses in NSW is approximately \$8.2 billion.<sup>1</sup> This accounts for 32.7 per cent of turnover amongst all cafés, restaurants and takeaway businesses Australia-wide. As of June 2016, there were just over 13,500 cafés and restaurants operating in NSW which grew 5.2 per cent over the 2015-16 financial year.<sup>2</sup> Of these businesses, over 94 per cent are small businesses with 19 or less employees. Cafés and restaurants in NSW accounted for 34.6 per cent of all cafés and restaurants across Australia.

### EVALUATION OF THE EFFECTIVENESS OF INCIDENT REGISTERS

R&CA argues that the current requirement of maintaining incident registers is of little strategic value and is ineffective in achieving the overall policy objective of reducing the risk of alcohol-related violence and anti-social behaviour. This is particularly the case when applied to the café and restaurant sector, given the highly infrequent nature of alcohol-related violence and anti-social behaviour already occurring at these licensed venues. R&CA believes that the inherently low-risk nature of licensed cafés and restaurants must be acknowledged as part of this evaluation process.

### LOW-RISK NATURE OF CAFÉS AND RESTAURANT BUSINESSES

The major reason why cafés and restaurants have a significantly lower likelihood of experiencing alcohol-related violence and anti-social behaviour is that the core function of these businesses is the provision of food rather than the sale of alcohol. Research has shown that licensed venues which serve substantial meals pose a lower risk than venues which serve snacks or no food at all.<sup>3</sup> This is because alcohol when consumed in conjunction with food or as part a meal slows down the rate at which alcohol is absorbed into the bloodstream.<sup>4</sup>

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<sup>1</sup> Australian Bureau of Statistics (ABS) (2017) *8501.0 - Retail Trade, Australia, Feb 2017*, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/8501.0>

<sup>2</sup> Australian Bureau of Statistics (ABS) 2017 *8165.0 - Counts of Australian Businesses, including Entries and Exits, Jun 2012 to Jun 2016*, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/8165.0>

<sup>3</sup> Green, J. & Plant, M.A. (2007) *Bar bars: A review of risk factors*, *Journal of Substance Use*, vol.12, no.3, p.168.

<sup>4</sup> Swift, W. (2016) *Alcohol* National Drug and Alcohol Research Centre (NDARC) <https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/NDA073%20Fact%20Sheet%20Alcohol.pdf>

The lower frequency at which alcohol-related violence and anti-social behaviour occurs at licensed cafés and restaurants has been demonstrated in previous studies. For instance, a study of assaults occurring at inner Sydney licensed venues showed that out of a total of 1,153 assaults over a two-year period, only 67 of these assaults occurred at licensed restaurants. When represented as a percentage, the assaults which occurred at licensed restaurants over the two-year period accounted for just 5.8 per cent of the total.<sup>5</sup>

In the same study, an even lower proportion of assaults occurred at licensed restaurants in Newcastle and Wollongong over this two-year period.<sup>6</sup> At licensed restaurants in Newcastle, there were 2 recorded assaults out of a total of 225 which represented 0.7 per cent of the total. At licensed restaurants in Wollongong, there were 2 recorded assaults out of a total of 198, which represented 1.0 per cent of the total.<sup>7</sup> An additional study of licensed venues in Western Australia also found that patrons of restaurants had a lower likelihood of being involved in incidents of alcohol-related violence than patrons of nightclubs, hotels and taverns.<sup>8</sup> Given that incidents related to alcohol-related violence and anti-social behaviour occurring at licensed cafés and restaurants are already statistically insignificant, R&CA argues that continuing with the requirement of maintaining incident registers will not be effective in reducing them any further.

Whilst the previously mentioned studies demonstrate that the overall number of incidents occurring at licensed cafés and restaurants is proportionally very low, the actual risk level of these establishments is even lower as the data does not represent incidents occurring on a per capita basis. The data does not take into account the fact that licensed cafés and restaurants experience a significantly higher number of visitors in comparison to other licensed venues. If the total number of assaults was expressed as a proportion of the total number of visitors to each venue, this data would be a more accurate reflection of the sector's low level of risk. Even though the overall proportion of incidents cannot be considered the most accurate way to compare the level of risk across different types of licensed venues, this data nevertheless indicates that the risk level of the café and restaurant sector is very low.

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<sup>5</sup> Briscoe, S. & Donnelly, N. (2003) *Problematic Licensed Premises for Assault in Inner Sydney, Newcastle and Wollongong*, The Australian and New Zealand Journal of Criminology, vol. 36, no.1, pp.18-33.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Stockwell, Somerford and Lang (1992) *The relationship between license type and alcohol-related problems attributed to licensed premises in Perth, Western Australia*, Journal of Studies on Alcohol, vol.53, no.5, pp.495-498.

## ADMINISTRATIVE COSTS AND REGULATORY BURDEN

R&CA argues that the current administrative costs and regulatory burden associated with maintaining incident registers significantly outweighs the benefits of retaining this requirement. Licensed cafés and restaurants are already subject to a myriad of other red tape measures to comply with government regulation and the requirement to maintain incident registers should be removed to reduce the considerable red tape burden. In R&CA's view, licensed cafés and restaurants would be encouraged stay open for more hours late at night if the regulatory burden of doing so was eased. In this way, the overall policy objective of reducing the risk of alcohol-related violence and anti-social behaviour could be enhanced with a greater proportion of low-risk venues being open during higher-risk time periods.

An example of the significant administrative costs and regulatory burden imposed by the current system is the requirement that all licensed venues located in the Kings Cross and Sydney CBD entertainment precincts maintain a 'round the clock' incident register. All licensed venues located outside the Kings Cross and Sydney CBD entertainment precincts are only required to report incidents occurring outside the standard trading hours of 5am to midnight from Monday to Saturday and 10am to 10pm on Sunday. Licensed venues in the Kings Cross and Sydney CBD entertainment precincts maintaining an Electronic Incident Register (EIR) are also required to record all required incidents within one hour and provide a more detailed account of the incident no more than six hours after the incident has occurred.<sup>9</sup> R&CA believes that in the absence of a total exemption being granted, there is scope to adjust this requirement to give licensed venues additional time in which to update their respective incidents registers.

Furthermore, the ongoing necessity of licensed venues in the Kings Cross and Sydney CBD entertainment precincts maintaining 'round the clock' incidents registers should also be considered in this evaluation process given the recent reduction in alcohol-related violence that has occurred in both of these two precincts.<sup>10</sup> According to the NSW Bureau of Crime Statistics and Research's (BOCSAR) February 2017 report, the rate of non-domestic assault incidents in the Kings Cross precinct has declined by 49 per cent and in the Sydney CBD entertainment precinct by 13 per cent since January 2014.<sup>11</sup> As evidenced by this

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<sup>9</sup> Office of Liquor, Gaming & Racing (2014) *Electronic Incident Register (EIR)*, December, p.1.  
[http://www.liquorandgaming.nsw.gov.au/Documents/liquor/law-and-policy/eir\\_materials.pdf](http://www.liquorandgaming.nsw.gov.au/Documents/liquor/law-and-policy/eir_materials.pdf)

<sup>10</sup> Donnelly, N., Poynton, S., and Weatherburn, D. (2017) *The effect of lockout and last drinks laws on non-domestic assaults in Sydney* (Crime and Justice Bulletin No. 201), NSW Bureau of Crime Statistics and Research,  
<http://www.bocsar.nsw.gov.au/Documents/CJB/Report-2017-Effect-of-lockout-and-last-drinks-laws-on-non-domestic-assaults-cjb201.pdf>

<sup>11</sup> Ibid.

report, the circumstances in place when the incident register reporting requirements were first introduced have changed significantly and as such the existing policy settings should be updated to reflect this.

R&CA is supportive of any measures designed to reduce the administrative costs and regulatory burden on licensed cafés and restaurants as part of this evaluation process. In this respect, R&CA believes that the introduction of an online incident register system may assist some licensed venues to report incidents in a more time-efficient manner, thus reducing the amount of resources expended in complying with this measure. R&CA however stresses the importance maintaining the option of a paper-based system to avoid any potential confusion amongst café and restaurant operators. In addition, any attempt to transition incident registers to an exclusively online system would likely create logistical challenges amongst some small businesses which this evaluation process should be cognisant of.

## APPROPRIATENESS OF INCIDENTS REQUIRED TO BE RECORDED

Under the current requirement, incidents resulting in a patron receiving medical attention must be reported on as part of a licensed venue's incident register.<sup>12</sup> For licensed cafés and restaurants, most incidents resulting in a patron receiving medical attention are connected to the consumption of food rather than the consumption of alcohol, which is in line with the core function of these businesses. For instance, patrons may require medical attention after experiencing allergic reactions to some ingredients or choking on certain food items. These incidents are consistent with the main types of behaviour occurring at licensed cafés and restaurants which doesn't involve the excessive or risky consumption of alcohol. As part of this evaluation process, any retention of the existing requirement to maintain incident registers should exclude medical-related incidents concerning the consumption of food.

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<sup>12</sup> Liquor & Gaming NSW (2017) *Evaluation of the effectiveness of incident registers*, Discussion Paper, p.3.  
<http://www.liquorandgaming.nsw.gov.au/Documents/public-consultation/incident-registers-discussion-paper.pdf>



## CONCLUSION

R&CA welcomes the opportunity to provide comment to Liquor and Gaming NSW's evaluation process of the effectiveness of incident registers. R&CA argues that the requirement to maintain incident registers is of very limited strategic value to the café and restaurant sector in reducing the risk of alcohol-related violence and anti-social behaviour. This is because incidents of alcohol-related violence and anti-social behaviour very rarely occur within licensed cafés and restaurants. Given the inherently low-risk nature of cafés and restaurants and limited strategic value of the information contained within incident registers, R&CA argues that these licensed venues should be exempted from this requirement.

Cafés and restaurants can play a significant role in the overall policy objective of reducing alcohol-related assaults and anti-social behaviour by promoting alternative sources of leisure activity late at night. There is a strong imperative to promote a fair and balanced regulatory environment to encourage more cafés and restaurants to open for additional hours late at night. R&CA believes that this can be achieved by granting an exemption to these small, low-risk businesses from the requirement of maintaining incident registers.

## SOURCES

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