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# Submission to the liquor law review

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To: Liquor Law Review; ▾

Sun 3/04

Inbox

To the Hon. Ian Callinan AC QC

## Submission to the NSW Liquor Law Review

Thank you for the opportunity to contribute to your review of the changes made under the *Liquor Amendment Act 2014* (the "2014 amendments").

The 2014 amendments operate in both the Sydney CBD Entertainment Precinct and the Kings Cross precinct. I will refer to those precincts in this email collectively as "Sydney".

The aim of the 2014 amendments was, broadly, to reduce alcohol related violence in Sydney. The measures used to achieve this ends included:

- 1:30 am lock-out and 3 am cease alcohol sales for licensed premises in Sydney
- a statewide 10 pm restriction on take away sales of alcohol
- the introduction of a periodic liquor licence fee scheme, and
- other arrangements including a freeze on new liquor licences in Sydney.

The aim of the 2014 amendments noted above is a good basis for the development of public policy. The reduction of alcohol related violence should be promoted in an appropriate manner to help create a safer society where people can enjoy themselves freely and without that enjoyment being unduly restrained, whether by antisocial behaviour or regulatory arrangements that overreach. Getting the balance right is key.

It is widely acknowledged that the 2014 amendments occurred in, and indeed were prompted by, an environment of heightened media focus on the impact of alcohol related violence in Sydney. However, the proportionality of the 2014 amendments as a response to the issue of alcohol related violence should be considered with a clear understanding of the nature and extent of the issue.

There is cogent data available on the trends in alcohol related violence in the 10 years to 2013 due to research commissioned to investigate the baseline levels of late-night assaults and drunkenness in order to later assess the impacts of the 2014 amendments. The NSW Bureau of Crime Statistics and Research paper titled *That's Entertainment: trends in late-night assaults and acute alcohol illness in Sydney Entertainment Precinct* found that:

*"Between 2004 and 2008, the annual number of assaults and acute alcohol illness increased two-fold. Alcohol illness emergency department presentation trends subsequently stabilised, while assaults in 2013 were at the lowest levels in 10 years."*

The report concluded that violence in Sydney was consistently declining, however other alcohol related harm remained at higher levels. The picture painted here is far from the state of emergency the 2014 amendments were purportedly required to remedy. Indeed, with significant declines in late night violence over the period 2008 to 2013 and an apparently continuing downward trend in assaults, the question should seriously be asked whether the data highlighted the existence of an issue that required a significant change of policy in the first place. At the very least the data should lead to a conclusion that the 2014 amendments represent a disproportionate response to the issue and unduly restricted people's ability to freely enjoy themselves at night in Sydney.

The exercise of reviewing the 2014 amendments will inevitably involve considering the benefits against the costs. In the benefits column those supportive of the 2014 amendments will likely point to assault statistics for Sydney following the introduction of the amendments. However I urge you to take a critical view of that data, including considering:

- whether any reduction in assaults may be consistent with the already established declining trend in assault numbers in Sydney
- whether any reduction in assaults inside Sydney may be offset by assaults occurring outside of Sydney (for example in Pyrmont), potentially exacerbating any trend showing a decrease in the rates of assaults occurring in Sydney when compared with those occurring outside of Sydney, and
- whether there is any credibility in reports that police in Sydney had been urged to under-report assaults occurring in Sydney following the introduction of the 2014 amendments, and what the impact of that under-reporting may have been on the relevant assaults data.

When considering the costs of the 2014 amendments we urge you to consider the significant financial cost to Sydney's night-time economy, and not to discount the many intangible benefits of a vibrant night-life in Sydney, including for example the attractiveness of Sydney as a destination for tourists and international students.

Nobody envies your being in a position where, at the end of the day, you are required to weigh up the impact of laws that may prevent a number of people from suffering serious injury and even death, and at the same time also represent a significant restriction of freedoms for the residents of Sydney. However in our view there need not be a dichotomy. Other more appropriate policy options are available that do not throw the baby out with the bathwater, including policies that tackle the root of the problem by changing the culture of violence in Sydney rather than simply shifting its location.

We will leave it to others to elaborate on appropriate alternative policy options, given we are not experts in that area of policy.

Kind regards and thank you for taking the time to consider our submission.

Dominic and Araceli Adams

