

Matt Arkell



30 March 2016

**RE: Liquor Law Review**

Dear Sir/Madam,

The liquor law review is a worthwhile exercise, as it provides NSW to re-balance the impacts of the current liquor laws as imposed over the last 2 years.

While there may be occasions where lock-outs and cease alcohol sales measures are appropriate, the laws as currently applied in the Sydney CBD Entertainment Precinct and Kings Cross Precinct do not meet the required need for proportionality in application of the law. There are a large number of venues that have little to no impact on alcohol related violence that are captured under these laws, and these venues and their patrons are being punished for events that they had no role in.

Whilst it may be warranted to impose such conditions on a licensee, this should be risk-based, not a blanket ban. That only 16 venues have been granted a lock-out exemption, and no venues granted a cease alcohol exemption is indicative that the laws are not using a correctly weighted risk-based methodology. I would implore the review to recommend a significant rebalancing of the system based on the actual risk posed, rather than a blanket action. As the overwhelming majority of patrons do not cause any issues, this would ensure that venues and patrons who do no wrong are not penalised for the actions of a few.

This will result in more cost-effective outcomes, while restoring Sydney's nightlife to a more reasonable position. Cities, both in Australia and the world over manage late night trading with nuance, resulting in a vibrant and enjoyable nightlife. Sydney on the other hand by being heavy-handed has managed to damage its nightlife and the reputation of the city. Further impacts spread to other participants in the late-night economy, and the impacts on venues from late night trading can damage overall viability of businesses. It is not reasonable to accept this damage by taking a broad-brushed approach.

Furthermore, as can be seen from the data, alcohol-related non-domestic assaults were already in decline prior to the laws introduction, so to suggest that the decline in assaults is due to the laws is a difficult conclusion to draw. At best there are confounding effects that require consideration, and taking a more risk based approach can ensure that the problem is dealt with in a mature fashion.

Additionally, the state-wide 10 pm take-away ban is frankly absurd. As noted above, risk-based approaches with nuance are reasonable, there is no reason why areas that display no issues should be restricted like this. Where there is evidence of harm being caused, then it is reasonable for regulators to act, but this provision removes the nuance that taking a risk-based approach provides. As many activities (including employment for many) doesn't cease until post-10pm, this heavy-handed approach unfairly restricts the rights of people who have no ill-intent.

Yours Sincerely,

Matt Arkell