



Submission to the NSW Justice Department

RE: Liquor Law Reforms



Prepared by Liquor Marketing Group

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ABOUT LIQUOR MARKETING GROUP

Liquor Marketing Group (LMG) is one of Australia's leading alcohol marketing groups, proudly representing more than 1,400 independent operators in the off-premise market. It is the only national independent with a sole focus on this retail market.

LMG is a not-for-profit organisation, so all income is directed towards supporting its members' businesses. Each hotel and bottle shop is independently owned and managed and is committed to providing the highest possible level of retail convenience and hospitality service – whether it is the ambience of the public bar, the quality and value of the food service, the level of entertainment or the wide range available in the bottle shop.

LMG provides these independent retailers with the negotiating power, consumer brand expertise, professionalism and support to compete successfully in the off-premise retail marketplace against the major national retailers. As such, we have an important role in supporting local businesses and in terms of ensuring competition in the marketplace, particularly in regional and rural areas.

LMG operates several independent retail banner brands including Bottlemart, SignSave and Harry Brown.

TERMS OF REFERENCE

LMG is responding to part two of the terms of reference, regarding the positive and negative impacts of the 10pm takeaway liquor restriction across NSW, with particular regard to the needs of regional and rural communities, and the social and economic impacts of the restriction on those communities.

OVERVIEW

It has been reported that lockout laws and 10pm takeaway curfews resulted in a reversal of increasing violence and drunkenness, when in reality violence and drinking generally were already in decline¹. LMG supports appropriate measures for combatting alcohol-related violence but strongly believes that there is no evidence to support the restrictions that have been put in place for early

¹ Australian Bureau of Statistics, Apparent Consumption of Alcohol, 2013-2014

closing of bottle shops. Australians are drinking less alcohol overall than any time in the previous 50 years. Adult consumption of alcohol peaked in the 1970s and declined significantly during the decades following before stabilising at current levels.² Since 2008, there has been a 39 per cent decline in public or non-domestic assaults.³

NEWCASTLE

Much has been made of the Newcastle experience, where licensing changes were introduced in 2008. These restrictions were said to have led to a reduction in violence, however the evidence suggests that targeted measures were probably much more impactful in achieving reductions in violence. The biggest falls in non-domestic violence in Newcastle occurred some years after the licensing restrictions came into play, when consequence policing became an integral part of the Alcohol Management Policy from 2010 – 2013⁴ and bail compliance checks were increased.⁵

In 2009 – 2010 according to a Newcastle City Council report, non-domestic violence assaults remained stable. Newcastle City Council cited major improvements in reduction of alcohol-related violence in Newcastle from 2010 onwards with the biggest drop – 21.2% - from 2011-2012. This coincided with the introduction of increased bail compliance checks

The combination of a variety of measures to curb violence makes it difficult to determine what caused the biggest decreases, however increased consequential police and increased bail compliance checks seem to have been the more telling factors as significant improvements were seen after these were implemented and some years after licensing restrictions came into play. This conclusion is further supported by the fact that similar blanket measures don't seem to have been successful in Geelong.⁶

REGIONAL BOTTLE SHOPS

² Australian Bureau of Statistics, Apparent Consumption of Alcohol, 2013-2014

³ Ibid

⁴ Social Development Committee, South Australian Parliament (2013), *Report on a visit to Newcastle in relation to the Committee's Inquiry into the Sale and Consumption of Alcohol 9-11 October 2013*; and Australian Broadcasting Company. (2013). 'Zero tolerance policing key to changing Newcastle's drinking culture', ABC, available <http://www.abc.net.au/news/2013-12-19/zero-tolerance-policing-key-to-changing-newcastle27s-drinking-5166410>, accessed 8 March 2016

⁵ Australian Broadcasting Company. (2011). 'Newcastle Police warning on late night bail checks', ABC, July 5, available <http://www.abc.net.au/news/2011-07-05/newcastle-police-warning-on-late-night-bail-checks/2782844?site=newcastle>, accessed 8 March 2016

⁶ Miller, P., Palmer, D., McFarlane, E., & Curtis, A. (2014). Key stakeholder views of venue lockouts in Newcastle and Geelong. *Crime Prevention & Community Safety*, 16(1), 38-53.

Mr Kevin Anderson, MP for Tamworth, said the state-wide blanket rule was unfair to “small towns with one hotel” and people who finish work after 10pm, such as farmers, miners and hospitality workers.⁷

LMG supports this assertion and believes that given the evidence targeted interventions, such as consequence policing and increased bail compliance check should be employed as a priority measure. This is because the evidence suggests that targeted interventions probably have a much greater impact on reducing violence than early closing of either on or off-premise alcohol retailers which indisputably have the undesirable unintended consequence of reducing employment and inconveniencing the wider community. This is especially true in out-of-city areas where people have less choice and our members’ bottle shops also act as convenience stores that would not otherwise be available after 10pm.

As a consequence of the blanket state-wide approach, stores have experienced a decline in revenue.⁸ This decline will have a ripple effect and could hinder the ability for bottle shops to support employment, the need for which is particularly acute in regional and rural areas.

SYDNEY BOTTLE SHOPS

Sydney has its own unique nightlife, and while it differs from regional areas, similar declines in revenue are being felt. This impacts the small business economy and the employment of young people. Some bottle shops have estimated a downturn of 10 to 15 per cent in their turnover since the laws came into effect.⁹

In densely populated areas, such as the inner city, there are many legitimate reasons for people staying out late which have nothing to do with anti-social behaviour or violence. Haymarket bottle shops, for example, cater to hospitality and shift workers and young adults who have evening jobs and therefore non-typical recreational hours. Working or studying at non-standard hours should not preclude responsible adults from purchasing alcohol at a time which is convenient for them.

CONCLUSION

⁷ <http://www.theland.com.au/story/3756796/cut-off-time-unfair-10pm-closure-for-bottle-shops-impacts-rural-towns-mp/>

⁸ <http://www.smh.com.au/nsw/alcohol-giants-push-to-ease-10pm-bottle-shop-curfew-in-country-areas-20150909-gjjezn.html>

⁹ <http://www.theaustralian.com.au/national-affairs/state-politics/bottle-shops-are-wrong-target/story-e6frgczx-1226807137111>

The rate of alcohol-related violence across the state had been in significant decline for six years¹⁰ so the premise that these laws were necessary to stem an increasing tide of violence is false. There is no evidence that closing bottle shops early will achieve any of the stated objectives of the liquor licensing reforms.

Given this, LMG submits that the NSW Liquor Reforms should remove the 10pm curfew on all off-premise retailers and it should be noted that these blanket measures are adversely impacting regional NSW and small businesses particularly. Instead, targeted measures to reduce anti-social behaviour should be adopted, particularly consequential policing to discourage anti-social behaviour and increased bail compliance checks to keep known offenders off the streets.

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¹⁰ <http://www.smh.com.au/nsw/royal-australasian-college-of-surgeons-fights-to-keep-10pm-bottleshop-closures-under-lockout-laws-20150915-gjn6co.html>