



I'm not the
problem



New South Wales Liquor Law Review

1.30am lock out
3am cease alcohol sales
10pm take-away liquor
& periodic liquor licence fee laws

IMPACT

Objective One: Reduce alcohol-related violence and anti-social behaviour in the precincts

Objective Two: Improve the safety and general amenity in the precincts

The number of ASB [anti-social behaviour] incidents has decreased since 2010.

*In 2010, **3,650** serious or less serious incidents were reported,*

*compared to **1,327** in 2012*

*and **703** in 2015.*

*This is a **80% decrease** in observed ASB since 2010.¹*

Don Weatherburn, Director of BOCSAR, has noted that violent behaviour has been trending downwards in nightlife precinct for some time preceding the liquor licensing changes.² What can be attributed to lockouts is an acceleration in the rate of decline. What also appears to have changed is that peak times for antisocial behaviour have polarized, now occurring at 10pm on Friday nights (before lockouts come into effect) and 3am on Saturday night (when last drinks comes into effect).³

A lockout and 'last drinks' policy tries to affect the rate of violent interactions by reducing the time available for total social interactions late at night, within licensed venues in the Sydney and Kings Cross nightlife precincts. This is a proxy measure for limiting alcohol intake, which is presupposed to have a causative relationship to violent behaviour.

These policies cannot be considered a statistically significant decrease in the number of violent interactions, if that number falls by a lower percentage than the number of total social interactions. Research by the City of Sydney does indicate that, since 2012, pedestrian traffic has dropped much more than the rate of anti social behaviour. In fact, pedestrian traffic has decreased in all precincts after 1am, and in most precincts overall, excepting "Newtown and the

¹ 'Late Night Management Areas Research (LNMAR) Phase 4 Report', City of Sydney, September 2015, p27

² <http://www.abc.net.au/news/2016-02-10/crime-statistician-refutes-bairds-sydney-assault-figures/7154804>

³ 'LNMAR Phase 4 Report', City of Sydney, September 2015, p27

South CBD, which saw an increase, and Surry Hills and Redfern, which remained relatively stable".⁴

After 1am [on Friday], all precincts observed a decrease in peak pedestrian counts.

By 4am decreases of 800 people in Kings Cross (-84%)

and Oxford Street (-82%) and

720 people in CBD South (-70%) were observed.⁵

After 12am [on Saturday], all precincts observed a decrease in pedestrian counts compared to 2012, most noticeably in Kings Cross at 1am

(1,530 fewer people, or -55%)⁶

While incidents of antisocial behaviour and assault have decreased, as attributable to some extent to the lockouts, it would be too simplistic to conclude that – as a result – safety and amenity had increased.

Firstly, Kings Cross continues to have the highest proportion of serious ASB incidents in the City of Sydney LGA, and their peak coincides with with last drinks and closing time for many venues at 3am on Saturday.⁷

This occurs in spite of Friday night incidents of anti-social behaviour being displaced to Pyrmont (+17.9 ASB incidents per 1000 visitors between 2012-2015) and Redfern (+18.4 ASB incidents per 1000 visitors between 2012-2015), where lockouts and last drinks do not apply.⁸

⁴ Late Night Management Areas Research (LNMAR) Phase 4 Report', City of Sydney, September 2015, p14

⁵ Late Night Management Areas Research (LNMAR) Phase 4 Report', City of Sydney, September 2015, p14

⁶ ibid.

⁷ ibid.

⁸ ibid.

Finally, the City is losing its position as a cultural centre. Only 15% of people surveyed reported that they were on their way to socialize within the City, compared to 48% in 2012, and 58% in 2010. Cities are supposed to be places that people want to visit. They are not a suitable battleground for the front line a cultural crusade against alcohol.

Objective Three: Reinforce to the community that alcohol-fuelled violence will not be tolerated.

The liquor licensing amendments of 2014 only reinforce to the community that alcohol related violence will not be tolerated in specific geographic areas. This is easily determinable from the movement of anti-social behaviour to Pyrmont and Redfern.

What this actually reinforces to the community is that the NSW state government is willing to use fundamentally illiberal and coercive policy to forcibly reshape social interactions for paternalistic reasons.

It reinforces that the State Government prefers to regulate in such a way that small businesses suffer losses and even close as a result of regulatory capture, while businesses who contribute significantly to state revenue are exempted from such restrictions.

Finally, it reinforces the growing gulf between people under 30, who make up more than 75% of night time visitors to the city, and the paternalism of the powers that be.

For many of the young and those approaching middle age, it constitutes a final straw. The physical lockout is the final manifestation of a cultural lockout they have suffered for a long time. They have been locked out of the housing market, locked out of affordable education, locked out of the welfare system and secure employment. They have seen their political power and their real wealth shrivel. And now the one area where their expectations had not been curtailed – recreation – is being destroyed as well.⁹

This opens up a politically active public, drawing members from all across the political spectrum, who can be wooed to by competitive political forces in other levels of government.¹⁰

⁹ Richard Cooke (2016), [‘The Boomer Supremacy’](#), *The Monthly*

¹⁰ Miles Godfrey (2016), [‘Clover’s plan to slash booze free zones ‘unhelpful’ says NSW government’](#), The Daily Telegraph [online]

RECOMMENDATIONS

Repealing licensing changes

- Repeal the 1:30 am lockout
- Repeal the 3:00 am cessation of alcohol service
- Repeal the 10:00 pm cessation of takeaway alcohol

Most importantly, the 2014 amendments to liquor regulation in New South Wales have not been effective. **While rates of antisocial behaviour are down in absolute terms, the much more significant reduction in visitor traffic means that the real rate of antisocial behaviour has increased.** Kings Cross continues to account for the highest rate of ASB in the City of Sydney.

Voter backlash is more apparent in the case of this policy than any other state government policy, as campaign group 'Keep Sydney Open' organized the largest rally on a state government issue this decade.¹¹ It has been the source of damaging media scandals for the Premier.¹²¹³

Proponents of the policy rely on the exemptions granted to The Star and the upcoming casino and other premises at Barangaroo. These venues, but The Star in particular, are insufficient substitutes for a pub, bar, or club. Consumables are overpriced while youth are underemployed. It's difficult to navigate – deliberately so, which is itself a risk for ASB.¹⁴

The sale of takeaway alcohol is, in terms of ethical responsibility for the subsequent behaviour of the drinker, an order of magnitude away from the sale of an open beverage with the requirement that it must be consumed on premises. It's inclusion in the first instance is confusing at best.

¹¹ News.com.au (February 21, 2016), '[Thousands protest against lockout laws in Keep Sydney Open rally](#)'

¹² Linda Silmalis (April 3 2016), '[Premier Mike Baird orders staff to stop embarrassing him](#)', The Daily Telegraph [online]

¹³ Fred Pawle (February 10, 2016) '[Lockout laws: NSW Premier Mike Baird bombarded on Facebook and Twitter](#)', The Australian [online]

¹⁴ Late Night Management Areas Research (LNMAR) Phase 4 Report', City of Sydney, September 2015, p4

Moving to risk based license fee loading scheme

While the draft consultation paper notes that *“It is logical that those who are authorised to sell liquor make a contribution towards the cost of maintaining and enforcing those [liquor industry regulatory] standards.”*, this is economically incorrect. Licensees already bear the cost of regulating the industry in terms of reduced profits. To seek extra fees in excess of this, reeks of profiteering. This is especially irresponsible in the current climate whereing youth unemployment is problematically high.

We note with extreme dismay the use of license fee waivers to push venues to trade for fewer hours than their license permits, merely to avoid a punitive fee. The draft consultation paper makes it clear that this was the outcome for 2% of license holders – over 2/3 of the waiver applications received.

Further, research from the City of Sydney has found that *“There does not appear to be a direct relationship between the concentration of licensed premises and the incidence of ASB”*.¹⁵ Therefore it is eminently desirable that regulators focus on moving to a risk based system of licensing cost.

Keep Sydney Open’s 7 point policy

We are broadly supportive of the strategic direction of the 7 point policy proposed by KSO.

- 1 Developing best-practice policing strategies;
- 2 Investing in 24/7 public transport;
- 3 Implementing integrated urban planning reform;
- 4 Encouraging diversification of after-dark activities;
- 5 Establishing anti-violence education & intervention campaigns;
- 6 Incentivising well-run venues; and
- 7 Appointing a Night Mayor.

Preventative Health Toolkit

We recommend the additional adoption of the Preventative Health Toolkit developed by Policy Analyst Helen Andrews¹⁶. The Toolkit reviews existing public health program designs to ensure that any approach is focused towards producing a ‘best buys’ outcome, to assure that activities are narrowly targeted towards areas in which they can provide the most value.

¹⁵ Late Night Management Areas Research (LNMAR) Phase 4 Report’, City of Sydney, September 2015

¹⁶ Helen Andrews (2014), [‘An Ounce of Prevention?: A Toolkit for Evaluating Preventive Health Measures’](#), Centre for Independent Studies