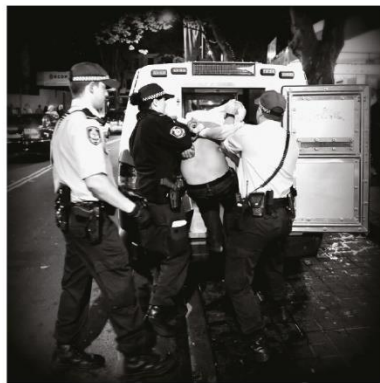




## Submission to the independent review of the impact of liquor law reforms (NSW)



April 2016

# Summary

## About the NSW ACT Alcohol Policy Alliance

The NSW ACT Alcohol Policy Alliance (NAAPA) aims to reduce alcohol harms by ensuring that evidence-based solutions inform alcohol policy discussions in New South Wales (NSW) and the Australian Capital Territory (ACT). NAAPA currently has 48 member organisations from a range of fields including health, community, law enforcement, emergency services and research. To contact the NAAPA secretariat email [REDACTED] for more information about NAAPA visit [www.naapa.org.au](http://www.naapa.org.au)

This submission addresses the terms of reference of the *NSW Independent Review of the Impact of Liquor Law Reforms*. To guide future policy decisions, an objective critique is provided regarding the impact of the liquor law reforms. NAAPA and its members support the extension of NSW measures to reduce individual and economic costs associated with alcohol-related violence and other harms.

Based on evidence presented in this submission, NAAPA recommends the following actions to further reduce the burden of alcohol on NSW communities:

- Maintain the 3am cease of alcohol sales and 1:30am lockout and extend to all venues in NSW.
- Maintain the 10pm takeaway liquor sales restriction at all NSW venues.
- Increase the rate of fees under the periodic licence fee scheme to recover more of the expense associated with administration of the licensing system.

## 1:30am lockout and 3am cease alcohol sales measures

Growing community concern regarding high levels of alcohol-related violence in the Sydney CBD and Kings Cross (the Entertainment Precinct) led the NSW Government to introduce new regulation on liquor sales and licensing in February 2014. These measures delivered evidence-based policy to tackle alcohol-related violence and other harms, which had been facilitated by the sale, service and consumption of large quantities of alcohol in environments conducive to harm to drinkers, as well as third parties and their property. The reforms have been effective in achieving these objectives, while allowing the continued transformation of the region into a more diverse, vibrant and healthy local economy.

## Dispelling the myths

It is important that assessment of the effect that these measures have had on the local economy is conducted in an objective manner, evaluating the impacts on the basis of evidence and in the context of long-term trends across the region. Anecdotal reports from business interests have accompanied exaggeration and misinformation propagated by opponents to the new measures. These fallacious claims relate to licensed venue closures, reductions in patronage, adverse effects on live music entertainment and displacement of antisocial behaviour to surrounding districts.

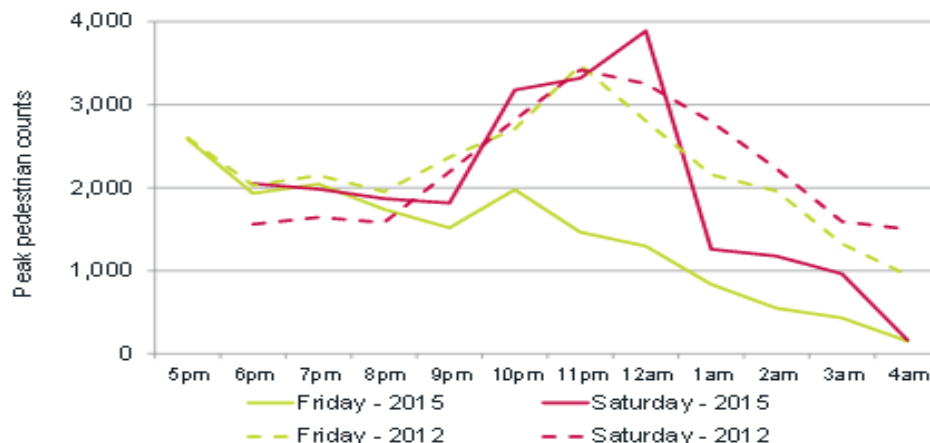
## Foot traffic and patronage

A survey commissioned by the City of Sydney<sup>1</sup> examined, among other things, foot traffic in the Kings Cross region at several periods throughout the night. These data identified an 89 per cent reduction in foot traffic at 4am on Saturday mornings in 2015, relative to 2012. This was the largest reported reduction, and reflects the effective enforcement of the 3am sales cessation measure. A more modest reduction was observed across Friday evening (and Saturday morning). On Saturday night, the data

indicates that at each recorded period between 5pm and midnight (inclusive) Kings Cross foot traffic was similar to levels recorded in 2012 (see Figure 1).

Despite this, it appears the 4am figure has been misrepresented by a number of parties as reflecting an absolute reduction in foot traffic in the precinct,<sup>2,3,4,5,6</sup> or even the number of patrons in the Kings Cross area.<sup>7,i</sup> Similar patterns in foot traffic on Saturday night in 2012 and 2015 may suggest that the change observed on Friday nights was precipitated by trends not necessarily associated with the liquor regulation. Such trends may include changing consumer preferences for entertainment locations on particular nights, or the evolution of the adult entertainment industry resulting from social and technological change.<sup>8,9,10</sup>

**Figure 1. Weekend pedestrian counts, Kings Cross, 2012 and 2015**



Source: Reproduced from Urbis. (2015). *Late night management areas report - Phase 4*. Commissioned by City of Sydney.

## Business closures

The misrepresentation of data has been complemented by tenuous links between the liquor reforms and impacts on local businesses. Closure of a McDonalds restaurant on George and Bridge Street was attributed to the liquor regulations,<sup>11</sup> despite cited evidence attributing the closure to competition with other local food retailers.<sup>12</sup> The Goodgod Small Club was reported to have closed due to the measures,<sup>13</sup> despite the owners explicitly stating that this was not the case.<sup>14</sup> Reports suggesting up to 16 licensed businesses had closed across the region<sup>15</sup> appear to have included closure of sites containing several venues, such as six venues in the Exchange Hotel<sup>16</sup> and two venues contained in Hugos Lounge.<sup>17</sup> The closure of Soho nightclub was among those attributed to the lockout laws,<sup>18</sup> despite the owner describing a “massive backlash” to his son’s conviction of rape on the premises in the preceding months.<sup>19</sup> Some venues, such as the Piano Room,<sup>20</sup> closed several years prior to the lockout laws. The businesses which allegedly closed due to the regulations<sup>21</sup> also includes The Village, where NSW Police specifically advised the City of Sydney to reject an application for extended trading hours due to, among other things, 70 police events including attempted murder, assault, drugs, stealing, malicious damage, domestic incidents and street offences.<sup>22,23</sup> Despite this, the venue has not appeared on the violent venues or three strikes registers.

Reports have also included unlicensed small businesses, such as newsagencies,<sup>24</sup> in their tally of business closures.<sup>25</sup> The survival rate of small businesses is relatively low, and can actually support economic development through healthy market competition.<sup>26</sup> In the 12 months to June 2015, 8.6 per cent of small businesses (employing between one and 19 employees) exited the market across NSW.<sup>27</sup> Of the 1,244 small businesses registered in the Darlinghurst and Potts Point, Woollahroomooloo regions as of June 2014,<sup>28</sup> this would equate to 100 exiting by June 2015. While such closures affect the business owners and may temporarily displace employees, they should not be touted as evidence of the impact of liquor regulation.

<sup>i</sup> Reporting of the figure ranges from 80 to 84 per cent.

In addition to new businesses, owners have reported that diversifying their business models to focus more on food and weekday operation rather than relying on weekend drinking has seen improvement in revenue.<sup>29</sup> Diversification has also been supported by exempting small venues from the measures and by venues that have introduced effective policies to reduce alcohol-related harm.

## Healthy economic transitions

### Strength in the economy

Relative strength in the NSW economy provides opportunities for transition to individuals and firms within the Entertainment Precinct. In February 2016, NSW recorded the second lowest rate of unemployment among 15 to 24 year olds (11.8 per cent), second only to the Northern Territory (7.4 per cent).<sup>30</sup> At the same time, NSW recorded the lowest seasonally-adjusted unemployment rate (5.3 per cent),<sup>31,32</sup> followed by Queensland (5.6 per cent) and Western Australia (6.0 per cent).

In the two years to June 2015, there was an increase in the number of *Accommodation & Food Service* businesses in both Darlinghurst (10.8 per cent) and Potts Point, Woolloomooloo (7.7 per cent).<sup>33</sup> Strength in the industry was also reflected in *Accommodation & Food Services* employment across the state, with 8.4 per cent growth contributing an additional 21,000 jobs in the 12 months following the reform of liquor regulation in February 2014.<sup>34</sup> At the same time, there was a 2.3 per cent increase in the number of *Pubs, Taverns and Bars* in NSW.<sup>35</sup>

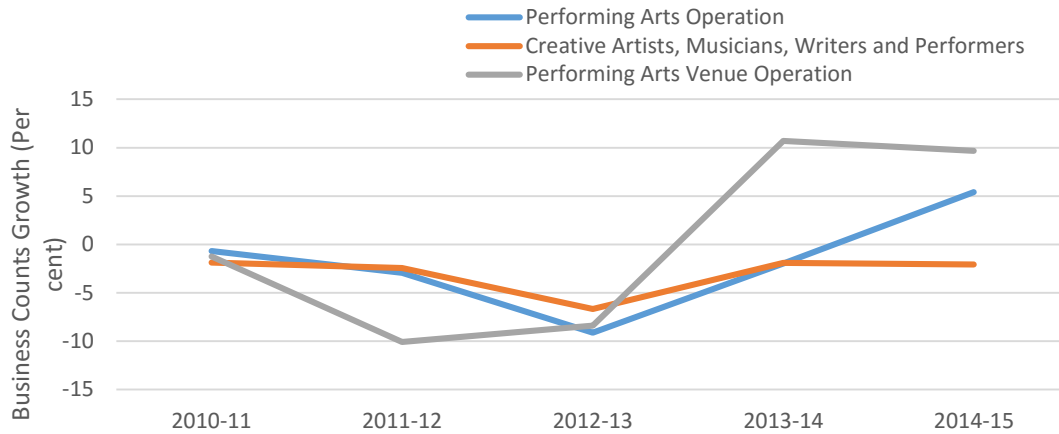
### Live music

Contrary to some reports, there is little reliable evidence to suggest an adverse impact on the live music industry. The Live Music Office identified a 40 per cent reduction in the value of door charge receipts and 19 per cent reduction in attendance across the Entertainment Precinct in the two years to February 2015<sup>36</sup> (equating to average annual decreases of 20 and 9.5 per cent, respectively). These data have been conveyed as representing an adverse effect of liquor regulation. Such volatility, however, pre-dated the measures. For example, Live Performance Australia reported a state-wide 14.9 per cent reduction in revenue and 8.5 per cent reduction in attendance in 12 months to June 2012.<sup>37</sup> Such volatility has also affected Western Australia, where lockout legislation is not in place, with live music venue closures being described as an “emergency situation”.<sup>38</sup>

Evidence exists to suggest the *Creative & Performing Arts Activities* industry in NSW has actually experienced a period of relative strength since the new liquor regulation. Decline among the count of *Creative Artists, Musicians, Writers and Performers* businesses has slowed from 6.7 per cent in 2012-13 to 2.1 per cent in 2014-15. The number of *Performing Arts Operation* businesses in NSW, which declined by 9.1 per cent in 2012-13, recorded growth of 5.4 per cent in 2014-15 (see Figure 2).

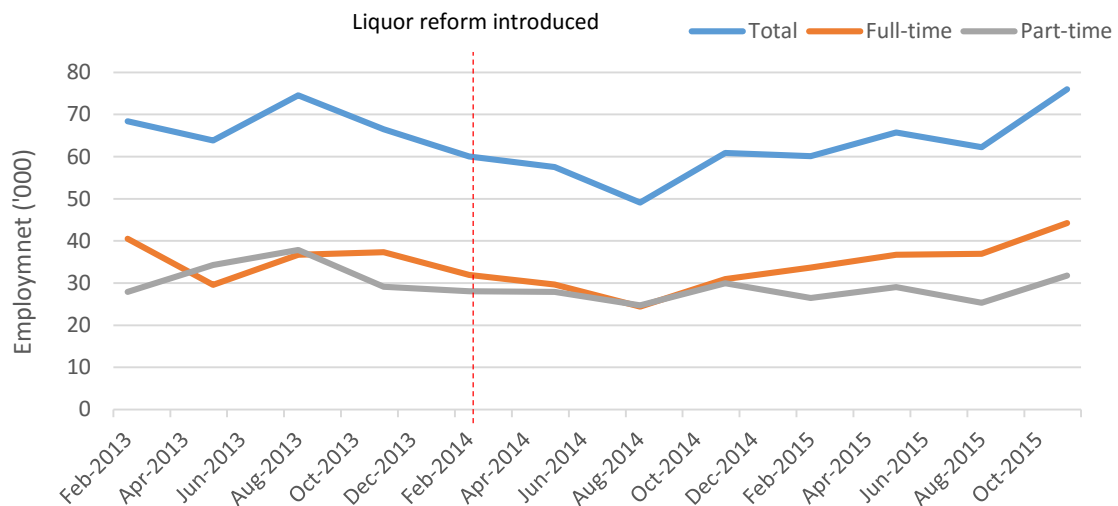
Similarly, the number of *Performing Arts Venue Operation* businesses, which decreased by 8.4 per cent in 2012-13, recorded a 9.7 per cent increase in 2014-15. Growth has also been reflected in employment figures, with more than 15,000 jobs added to the *Arts & Recreational Services* industry in the 12 months to November 2015, representing growth of 24.9 per cent (see Figure 3). This included 13,000 full-time positions (a 43.2 per cent increase) and approximately 2,000 part-time positions (a 6.1 per cent increase).

**Figure 2: Creative and performing arts activities, NSW Business Counts, 2010-11 to 2014-15**



Source: Australian Bureau of Statistics. (2015). *Cat. No. 8165.0 Count of Australian Businesses, including entries and exits*.

**Figure 3: Arts and recreational services employment, NSW, 2013 to 2015**



Source: Australian Bureau of Statistics. (2016). *Cat. No. 6202.0 - Labour Force, Australia, Feb 2016*.

## Sydney as a global city

Concern has been raised regarding the impact of the new measures on Sydney's status as a 'global city'.<sup>39,40</sup> However, numerous cities around the world have last drink measures in place. Many of these are similar to the lockouts in Sydney, including 2am cessation of alcohol sales in Los Angeles, San Francisco, Toronto and Cape Town.<sup>41</sup> Attracting tourists to a region involves more than the indiscriminate sale of alcohol, with examples abound with attractions involving both day and night time activities in Sydney.

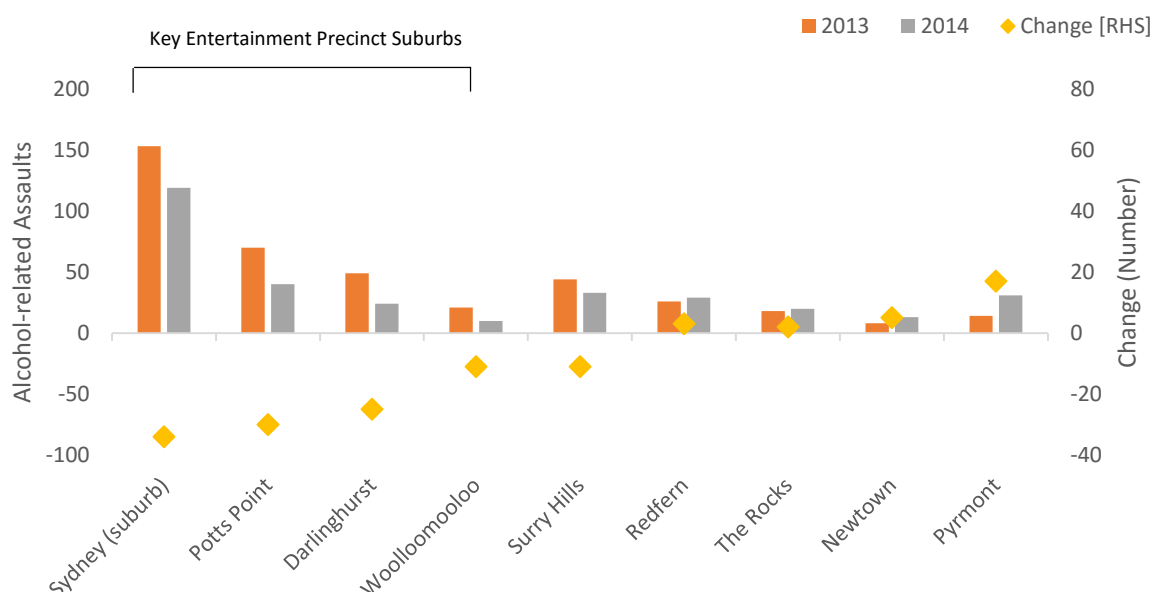
## Safety on our streets

The reform measures have been effective in reducing alcohol-related violence across the Sydney Entertainment Precinct. Menendez et al. (2015) identified significant reductions in assaults in the Kings Cross and Sydney CBD precincts (32 per cent and 26 per cent, respectively). This result was consistent with the effect of similar liquor regulation in Newcastle in 2009, where assaults dropped by 29 per cent (133 per year).<sup>42</sup> While the outcome of lockout regulation in Melbourne was more contentious, there are several reasons why this should not be considered as evidence against their efficacy. Foremost, the independent review identified exemptions granted by the Victorian Civil and Administrative Tribunal as the largest limitation to the effectiveness of the trial,<sup>43</sup> with a quarter of the applicable venues in the

precinct (120 of 487) receiving waivers. Moreover, 78 per cent of exempt venues were considered high-risk venues.<sup>44</sup> Despite this, a statistically significant 19.3 per cent drop in alcohol-related presentations to emergency during the three month trial compared with the preceding quarter was identified.<sup>45</sup>

Reports of increased violence in regions adjacent to the Entertainment Precinct<sup>46</sup> lack statistical support. Robust quantitative analyses have demonstrated that the change in assaults in regions surrounding the precinct and other entertainment districts in Sydney were not statistically significant.<sup>47</sup> Change in the number of assaults in the Star City casino area was also not statistically significant.<sup>48</sup> Moreover, any increase in the number of assaults in adjacent regions is outweighed by reductions within the precinct (see Figure 4). In the broader Sydney LGA, the number of alcohol-related assaults decreased by 103 (from 510 to 407) in the fourth quarter of 2014 compared with the corresponding period of the previous year.<sup>49</sup>

**Figure 4: Alcohol-related assaults in selected Sydney suburbs, Oct-Dec Quarter 2013 and 2014**



Source: Custom data provided by The Bureau of Crime Statistics and Research (NSW).

The introduction of modest changes to the sale of alcohol in the Sydney Entertainment Precinct has delivered considerable benefits to the community, with minimal evidence of an adverse impact on the local economy. Expansion of these measures to cover the state stands to further reduce alcohol-related harm, including assaults, injury and disease. For this reason, it is recommended that the 1:30am lockout and 3am cease alcohol sales measures be extended to cover all venues in NSW.

## 10pm takeaway liquor sales restriction

The 10pm takeaway liquor sales restriction is an important component of the NSW liquor reform. Sales from packaged liquor outlets represent the majority (80 per cent) of liquor sales in Australia,<sup>50</sup> with availability contributing to the alcohol-related harm within our communities including child neglect and abuse,<sup>51</sup> domestic violence,<sup>52</sup> assault,<sup>53,54</sup> and injury.<sup>55</sup> Research has demonstrated that the density of packaged liquor stores is related to the incidence of assault and injurious misadventure,<sup>56</sup> and that such alcohol-related injuries more commonly occur in the late evening and very early morning.<sup>57</sup> A nine per cent reduction in non-domestic assault was observed in NSW in the 12 months to February 2015,<sup>58</sup> which was described as being “fully attributable” to the 10pm takeaway liquor sales restrictions and other alcohol measures.<sup>59</sup> For these reason, it is recommended that the 10pm takeaway liquor sales restriction is maintained.

## Periodic licence fee scheme

The periodic licence fee scheme allows better regulation of licensed venues by supporting maintenance of a register of businesses currently in operation, and providing an incentive for venues to actively reduce alcohol-related harm to their patrons. While inactive licensed businesses have traditionally chosen to remain on registers, such businesses will now be removed when fees are unpaid, allowing more accurate government information and subsequent planning. In addition, installing risk-based licensing provides a financial incentive for venues to reduce the risk of harm to their patrons. Periodic licence fees also allow the government to recover some of the expense of administering liquor and gaming regulation.<sup>60</sup> At their current level, the amount recovered is only a small proportion of the cost of administration alone. For this reason, consideration should be given to increasing the rate of fees under the periodic licence fee scheme.

## Conclusion

The introduction of new regulations relating to the sale of alcohol in NSW have demonstrated clear and substantial benefits to the community, while supporting the continued transformation of the local economy to become a healthier, more diverse and vibrant economy. These measures have proved effective in reducing the individual and public costs associated with alcohol-related assaults and other harms. Unsubstantiated and exaggerated claims by industry groups are not supported by evidence, with strength in the local economy supporting trends away from harmful business models, towards a healthier, vibrant and more inclusive community.

Based on evidence presented in this submission, NAAPA recommends the following actions to further reduce the burden of alcohol on NSW communities:

- Maintain the 3am cease of alcohol sales and 1:30am lockout and extend to all venues in NSW.
- Maintain the 10pm takeaway liquor sales restriction at all NSW venues.
- Increase the rate of fees under the periodic licence fee scheme to recover more of the expense associated with administration of the licensing system.



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NSW ACT ALCOHOL POLICY ALLIANCE (NAAPA)

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