

**Submission to the Independent Review of
the Impact of Liquor Law Reforms**

From the NSW Greens



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INTRODUCTION

This is the NSW Greens' response to the Independent Review of the Impact of Liquor Law Reforms, based on the following Terms of Reference:

1. The review will assess the impacts of the 1.30am lock out and 3am cessation of liquor sales requirements on:
 - a. alcohol-related violence and anti-social behaviour in the Sydney CBD Entertainment Precinct, Kings Cross Precinct, potential displacement areas, and the broader community;
 - b. safety and general amenity in the Sydney CBD Entertainment Precinct, Kings Cross Precinct, and potential displacement areas;
 - c. government, industry and community stakeholders, including business, financial and social impacts, and the impacts on patrons and residents (including whether venues continue to trade after 3am when alcohol service ceases).
2. The review will consider the positive and negative impacts of the 10pm takeaway liquor restriction across NSW, with particular regard to be had to the needs of rural and remote communities, and the social and economic impacts of the restriction on those communities.
3. The review will consider the impact of the periodic licensing system on business viability and vibrancy.

The Greens do not support the Sydney CBD Entertainment Precinct and Kings Cross Precinct 'lockout laws' as we believe that innovative, integrated policies can reduce alcohol related violence without negatively impacting on Sydney's creative communities and night-time economy.

While we welcome the decrease in assaults and hospitalisation that has occurred since the lockouts were imposed, we believe that equally positive results could be achieved through alternative policies that do not have adverse impacts on the broader community.

The current laws are punitive and too broad-reaching. They place onerous restrictions on every member of our community, including the vast majority who act in a responsible manner. There have been noted negative impacts on venues, small businesses, and Sydney's live performance community.

It is clear that there were problems with violence and antisocial-behaviour in areas of Sydney that needed to be addressed. The lessons that we need to learn from the experiences in Kings Cross and the CBD are about the failure to properly regulate licenced premises and integrate necessary infrastructure. By minimising the constraints on the alcohol industry, Sydney developed the worst of all possible mixes and densities of venues. The lockout policy did not address a core problem in NSW: that the alcohol lobby retains too much influence over public policy.

The Greens will continue to advocate for a response to alcohol-related violence that learns from the experience of other global cities; that involves comprehensive community consultation; that directly addresses the individuals and venues involved in anti-social behaviour; and that allows Sydney to thrive as an internationally recognised, 24-hour city that encourages creativity, entrepreneurship and community use of public spaces.

BACKGROUND

NSW Greens position on the O'Farrell government's alcohol-related violence initiatives

In January 2014, then-Premier Barry O'Farrell recalled state parliament to debate a bill to introduce a range of measures to address alcohol-related violence across NSW, with a particular focus on Sydney's Kings Cross and CBD areas.

The Liquor Amendment Bill 2014 included the introduction of 1:30AM lockouts and 3am last drinks, a freeze on venue liquor licences and 10pm closing times for bottle shops and liquor stores.

The Star casino and the planned Crown casino at Barangaroo were exempt from the restrictions, as were certain hotels bars, restaurants and small bars.

The bill was part of a wider package of reforms that also included periodic licencing, risk based licence fees and punitive criminal measures for individuals.¹

The Greens voted against the legislation after unsuccessfully moving a number of amendments,² however the bill passed through both houses on 30 January.

At the time, the Greens voted against the legislation because:

1. We believed that there was insufficient evidence to suggest that the measures were going to be effective in reducing alcohol related violence;
2. They imposed unreasonable restrictions on venue goers and were likely to negatively impact young people and the music industry;
3. The reforms ignored more effective solutions including reducing bottle shop and venue density.

At the time, the Greens proposed alternative reforms which included:

1. Improved enforcement of Responsible Service of Alcohol (RSA), including increased policing by RSA by rangers employed by OLGR, police or councils, paid for by money collected from venues;
2. Regulation of alcohol advertising and promotions;
3. A reduction in the density of outlets and venues in those venues where violence is a particular problem;
4. Re-establishing the Drug and Alcohol unit within Department of Education;

¹ http://www.nsw.gov.au/sites/default/files/nswgov_policyinitiatives.pdf

² For more information: <http://www.johnkaye.org.au/alcohol-measures-2/>

5. Measures to make periodic licensing effective, including inviting public submissions before a renewal is made;
6. 24 hour weekend public transport.

Some of the above were moved as amendments to the Liquor Amendment Bill 2014³ and others were promoted separately.

Following the introduction of the Liquor Amendment Act

Since January 2014, several factors have caused the Greens to review our 2014 response to the alcohol-related violence measures, including:

1. **The Bureau of Crime Statistics and Research's (BOCSAR) data:** An April 2015 review⁴ of assault data for the two precincts and those around it showing that in the one-year period after the January 2014 changes:
 - a. Assaults in the Kings Cross and the CBD precincts were down 32% and 26% respectively;
 - b. Assaults in these areas were already trending down but the rate of reduction had escalated since January 2014;
 - c. However it appears that violent incidences at the Star Casino increased between February and September 2014, average of 6.3 incidents per month in and around the Star up from 3.5 in the corresponding period for 2013.⁵
2. **Decline in patronage and impact on business:** City of Sydney data has shown declines in foot traffic in Kings Cross and Oxford Street during between 2012 and 2015.⁶ Hoteliers and publicans claim that revenue is down up to 40%⁷ and many premises – primarily small food, drink and live music venues – have closed.
3. **Experiences in Newtown and Surrounding Areas** Newtown is experiencing a growth in patronage and changes to venues. Statistics suggest that there has not been a corresponding level of increased assaults or anti-social behaviour. However, there are clear concerns about the changing nature of the area as a result of increased patronage (discussed further in 'The Newtown Experience').

Taking into account the above factors, the Greens believe that our 2014 response remains valid and that our alternative policy reforms would reduce alcohol related violence while maintaining a safe and vibrant night time economy. [to be explored in more detail in rest of submission]

IMPACTS OF THE 1:30AM LOCKOUTS AND 3AM LAST DRINKS

³ <http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/BB87F6864D9693C1CA257C6F007FEC0E>

⁴ <http://www.bocsar.nsw.gov.au/Documents/CJB/CJB183.pdf>

⁵ Ibid

⁶ http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0011/250202/2015-541941-Report-Late-Night-Management-Areas-Research-Final.pdf

⁷ <http://www.smh.com.au/nsw/businesses-find-hope-in-sydney-lockout-review-while-kings-cross-residents-fear-return-of-violence-20150113-12n5zu.html>

The Greens recognise that BOCSAR statistics have shown a decrease in non-domestic assaults within the Sydney lockdown zones since the lockouts were implemented. The statistics also show that inner-city areas outside of the lockdown zones have not seen an increase in the number of assaults during that period.⁸ The reduction in assaults within the lockdown zone has come with other impacts, which will be discussed in more detail below.

The Greens welcome any reduction in violent crime but how this is achieved needs to be balanced with other impacts. We believe that it is possible to implement innovative, integrated policies that will have the same effect on reducing alcohol related violence, without a blanket lockdown that completely shuts down our city.

The lockdowns have had an enormously negative impact on people who like to go out late at night, our creative communities, live music venues, our night-time economy and our vibrant nightlife. Live performance venues are reporting decreased attendance and revenues. A number of venues have been forced to cease trading. Pedestrian numbers have decreased at a far greater rate than assaults.⁹

Live Performance Patronage

In February 2016 APRA AMCOS published an analysis of live performance revenue at venues within the Sydney CBD lockdown area.

The research found a 40% decrease in the revenue collected on door charges at venues, with a 19% decrease in attendance figures across all venues.

APRA AMCOS Live Music Office Policy Director John Wardle stated:

There are important measures that need to be put into place to reduce the impacts to the live music sector that are now being experienced in Sydney, whilst still ensuring public safety is paramount.

Venue Closures

A number of small bars and live music venues in the lockdown zone have ceased trade, citing the lockdowns as either the primary cause or a contributing factor to a reduction in patronage that has made continued trading unviable.¹⁰

The Greens support the City of Sydney's [OPEN Sydney: Strategy and action plan 2013-2030](#), which recognises that Sydney's visitors and residents want a vibrant night-time economy that encourages a diversity of venues and entertainment options.

⁸ http://www.bocsar.nsw.gov.au/Pages/bocsar_news/Lockouts-Forthcoming-Research.aspx

⁹ http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0011/250202/2015-541941-Report-Late-Night-Management-Areas-Research-Final.pdf

¹⁰ <http://musicfeeds.com.au/news/yet-another-sydney-venue-closes-doors-hundreds-march-protest-lockout-laws/>

The Community Response

It is clear that there is strong community opposition to the lockouts.

The Greens have been heard from many residents and community groups who feel that the lockouts were implemented without proper consultation. Many see the lockouts as a punitive measure that penalises the entire community, rather than targeting the small minority who act in an anti-social manner.

A number of community members passed on their concerns about the lockouts to our office, highlighting the impact that the lockouts have had on Sydney's night-time economy and creative communities.

The lockout laws have completely ruined the culture, arts and music within Sydney. I am an electronic musician, event promotor and DJ. I bring artists from all around the world to perform in Sydney. I have witnessed first-hand the amount of venues go under, many artist friends have either moved to Melbourne or overseas and the city is gaining a bad reputation amongst the youth globally.

There are simply no venues left for me to host events anymore and the strain is enormous. The pressure on venues to stay open is continually draining the vibrant music culture which needs a place to exist. Without music venues we have nowhere to grow as artists and are either forced to leave Sydney or take up extra work to sustain ourselves. It can be very bleak being an artist in Sydney.

I believe the lockout laws should be repealed. I think to really gain traction in reducing violent crime we need to look at the issue of male violence within Australia as a whole. I have never seen any violence at the parties and events I go to or put on. The wider public should not be punished for the actions of a few.

- Gareth

This laws appear to have been antiquated, shot from the hip style decisions based on blanket logic. This same logic if applied to hoons would mean all cars are banned from roads within 5km of a hoon 'hangout" or an on-road illegal drag strip, and as with the internet, i.e. it would need to be shut down because of the small percentage of anti-social predators who use the internet. There are many, more more analogies but I am sure you understand the connection.

So let's try the reverse, if a hoon is caught, action is taken against the hoon, and against all those within the area. So... if there are people who should not be in an area because of their violent, aggressive or anti-social behaviour then action needs to be taken against them, and them alone.

The current system not only negatively affects the culture of Sydney, the businesses in Sydney, Sydney's reputation as a modern cosmopolitan city, but also the way the youth will go about finding entertainment - and it will not be sitting at home with their parents watching TV. The current lock-out laws will, in the long term cause further, and potentially even worse problems for the future.

And if we follow the same methodology to correct those issues - they will compound and then we get into a negative spiral.

With today's technology it is easy for offenders to be identified and segregated or arrested.

There are obvious reasons for penalizing an individual instead of the masses, yet there are other benefits which include POSITIVE re-enforcement techniques such as: people want to be with their friends, when they are aware their friends may continue their entertainment without them they are less likely to risk being left out, plus the fact that their friends would take more effective action to limit any negative behaviour. This will encourage a culture of positive social interaction, the current lock-laws, although appearing to fix one problem are causing Sydney to become a segregated city.

I hope who-ever is mandated with managing this situation in future, ensure the individuals are targeted and not the population as a whole.

- Mark

I add my voice to the many advocating for the repeal of the 'lockout laws' and a return to the truly vibrant, economically successful and culturally supportive Sydney that I grew up in.

These laws have had so much of a negative impact on so many well loved establishments owned by good people. Good friends. This is not the Liberal way at all, sir. Hugo's Lounge, Jimmy Licks, Goldfish, the Flinders Hotel and too many more. More than just business, tourism, jobs, careers and the economy overall.. these were labours of love for all involved.

Of course people want to feel safe when out in this formerly vibrant city of ours, but a significant number of relevant factors were conveniently overlooked in the rush to introduce the lockout laws.

Further to these somewhat questionable decisions, are recent decisions to exempt lockout laws applying to a number of venues within the zone on the proviso that they offer gambling as entertainment only, no cultural/musical entertainment. I doubt whether one needs to be either the premier or a born again Christian to understand the well proven dangers associated with gambling such as suicide, poverty and family violence.

This matter has long passed the tipping point, now not only the whole state but indeed the whole world is watching to see how your government responds to this issue. I urge you to do the right thing this time, pay more than lip service to the review currently underway and return the liberty of Sydney to its rightful owners, the people. This may not please your friends at either casino, nor the many undoubtedly appreciative property developers, but this charade of destroying community under the guise of keeping citizens safe on the street has been exposed for the sham that it is.

- Jack

The lockout laws may have reduced the amount of violence, but that's just because no one goes out anymore. Shame.



The 'Keep Sydney Open' rally held on Saturday 21 February was attended by around 15,000 people, there to voice their opposition to the Sydney lockouts. More than 52,000 people have signed the [online petition](#) calling for an end to the lockouts. Many musicians, artists, live performers, promoters and venue owners have also publically stated their opposition to the measures.

Thousands of people have added their signature to a petition sponsored by NSW Greens MP Jenny Leong calling for a repeal of the Sydney lockouts (attached as an appendix) and tens of thousands have joined social media campaigns opposing the lockouts. While each of these individuals may not have engaged directly with this Independent Review, it is imperative that their opposition is noted.

The Greens believe that community participation is key to developing effective and fair public policy. Our communities have a right to be heard and to contribute to the development of laws and public programs.

THE NEWTOWN EXPERIENCE

According to BOCSAR statistics, the number of non-domestic assaults recorded in Newtown has remained stable since the introduction of the Sydney lockouts.¹¹ This is despite evidence, both statistical¹² and anecdotal, that there has been a significant increase in visitor numbers to the area.

However there is also significant anecdotal evidence that suggests that the increased patronage in the area has had an impact on the sense of safety felt by many people in the area. This may be because of an increase in incidents of low-level harassment that individuals believe do not warrant reporting.

It is crucial that there is recognition that strict regulations or a harsh law and order approach are not the appropriate means to address these concerns. A suitable approach will encompass education, awareness and community building initiatives to contribute to cultural change.

The Newtown Vibe Roundtable

In August 2015 the Newtown Vibe Roundtable was established to develop initiatives to actively preserve the character and diversity of Newtown and to ensure that there was no increase in violence as a result of the CBD lockout laws which were introduced in February 2014. Its main purpose was to monitor and promote the 'Newtown vibe' and to develop strategies to address issues as they were identified.

The Roundtable was established following a well-attended public meeting, initiated by the Member for Newtown Jenny Leong, in collaboration with the Newtown Neighbourhood Centre and Newtown Business Precinct Association. The meeting identified key concerns of local residents and businesses, which provided impetus for the development of a series of guiding principles and actions undertaken in the local area.

The Roundtable consists of representatives from the Newtown Neighbourhood Centre, Newtown Police, the Newtown Business Precinct, the Liquor Accord, ACON, Marrickville and City of Sydney Councils and the office of Jenny Leong MP, Member for Newtown. It meets semi-regularly, depending on the issues that need to be addressed.

Outcomes from the Roundtable

There have been a number of actions and initiatives resulting from the Roundtable, most notably:

- **Newtown Neighbourhood Centre Activations in Newtown Square**

Regular live music events, Friday Night Vibes, have occurred in Newtown Square on Fridays from 6-8pm across a number of weeks. These activations aimed to create a welcoming and safe atmosphere on Newtown's streets. Additionally, the events provided a space for people to gather and socialise as an alternative to licenced venues.

¹¹ http://www.bocsar.nsw.gov.au/Pages/bocsar_news/Lockouts-Forthcoming-Research.aspx

¹² http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0011/250202/2015-541941-Report-Late-Night-Management-Areas-Research-Final.pdf

The public response to the Friday Night Vibes sessions in Newtown Square has been enthusiastic, based on feedback collected on the Newtown Vibe message board as well as informal discussions with locals and visitors. A full report is currently being prepared.

- **New Taxi Ranks**

Two new taxi ranks are now in operation on King St. Roundtable participants recognise the need for adequate public transport to allow late-night visitors to quickly and safely leave the area at the end of their night out.

- **Safer Bars Training**

The City of Sydney funded two training sessions facilitated by the industry-recognised Safer Bars training program. 23 staff from 10 different venues undertook the training. More sessions have been scheduled for 2016 and the Roundtable is working to provide input specific to the Newtown area which will be more tailored to the Newtown area and include extras such as diversity training from ACON, which addresses aggression and abuse arising from homophobia and transphobia.

- **Self-Imposed Last Entry Times in Newtown Venues**

In response to increased patronage and recognition that the CBD lockouts were dispersing late-night patrons to other areas of the city, Newtown venue owners agreed to trial a suite of self-imposed restrictions to confront possible alcohol-fuelled anti-social behaviour.

In July 2015, venues within the Newtown Liquor Accord agreed to implement a 3am curfew on new patrons and restrictions on the sale of shots and 'doubles' after midnight. The 3am curfew on new patrons was designed to discourage patrons ejected from venues within the lockout zone from travelling to Newtown in large numbers. The Liquor Accord agreement recognised that some patrons, such as staff from surrounding venues, may have reason to arrive after 3am, so offered an exemption to the curfew to patrons who contacted the venue ahead of their arrival to arrange entry.

The original six-month trial period has been extended and the self-imposed restrictions remain in place.

- **Way-finding and Signage**

Roundtable participants recognised the need for a measure that would encourage the dispersal of patrons across the multitude of local venues, to avoid issues resulting from queues at the most well-known venues. They also recognised the need to provide fast and efficient access to public transport when patrons chose to leave the area.

Accordingly, Roundtable participants are collaborating to improve signage and way-finding within the local area.

SUCCESSFUL NIGHTTIME ECONOMIES IN OTHER CITIES

There are many cities throughout the world that are capable of maintaining a vibrant and flourishing night-time economy without high levels of violence. Roberts and Eldridge¹³ identified Copenhagen and Barcelona (and Melbourne in comparison to Sydney) as cities that planned their public spaces wisely and created vibrant night-time economies by:

- Maintaining lower densities of outlets. This lowers the concentrations of patrons on the streets and reduces the catalysts for violent behaviour. Patrons also have to walk some distance between venues;
- Creating diversity of venue sizes, services and style, including alternatives to alcohol. Cultural events, shopping, business, education and exercise activities that have been traditionally treated as day-time activities have increasingly been incorporated into the night-focused precincts.

Experience in these cities also demonstrates the importance of providing regular, frequent and affordable transport options and public amenities such as easily accessible public toilets and drinking fountains with integrated cleaning services for the local area.

The Greens believe that much can be learnt from the solutions that have been successfully implemented in other global cities.

PERIODIC LIQUOR LICENCE FEE SCHEME

The Greens are generally supportive of periodic licensing schemes, where liquor licences are reviewed each year and the amount payable determined by the level of 'risk' posed by an operation.

Under the Periodic liquor licence fee scheme, level of risk is determined by factors including:

- Authorised trading hours;
- Compliance history;
- Patron capacity; and
- Premises location.¹⁴

Particularly in respect of compliance history, the Greens believe that periodic licencing can be used as a punitive measure for venues that continue to breach the state's liquor laws.

However in order for the licencing scheme to be effective and prevent reoffending, it is critical that the amount charged for poor behaviour represents a significant proportion of a licensee's turnover.

As of April 2015, the additional loading on liquor license for venues that had a poor compliance history was as follows:

¹³ Roberts, M. and Eldridge, A. 2009. Planning the Night-time Economy, Routledge: Oxon.

¹⁴ <https://www.liquorandgaming.justice.nsw.gov.au/Documents/liquor/liquor-licences/AnnualLicenceFeeSchemeFactSheet.pdf>

- \$3,000 if one offence was committed and/or one strike is in force, provided the premises is not a declared premises
- \$6,000 if two offences were committed and/or two strikes are in force, and/or the licensed premises is a level 2 declared premises.¹⁵

For a large establishment, \$3,000 to \$6,000 is unlikely to impact the budget bottom line and therefore act as an incentive to change behaviour.

The Greens believe that rather than a flat rate periodic, risk based licensing needs to be set at a percentage of turnover if it is to be effective and not unfairly target small operators.

In response to the Liquor Amendment Bill 2014, the Greens moved an amendment to set risk based loadings at a maximum of 5% of the amount received in respect of liquor sold or supplied on the licensed premises during the assessment period,¹⁶ with those venues that do the right thing having significant reductions. The objective of this amendment is to increase the pressure on licensees to comply with the legislation by providing real financial incentives to adjust their practices.

The amendment was defeated, with the government arguing that it represented an excise on sales and was therefore it was unconstitutional for the state to impose.

In reviewing the operation of the scheme to date, the Greens believe that the proportionality proposed by the amendment is valid and should be considered in more detail.

The Greens also believe that the community should have the opportunity to participate in periodic reviews of liquor licences.

In response to the 2014 liquor reforms, the Greens suggested the following changes to the periodic licencing scheme:

- After each period of five years, the Director General is to invite public submissions before renewing any liquor licence.
- The Director General is to take into account all public submissions before renewing a liquor licence.
- Where a licence has attracted more than 100 submissions opposed to renewal or where more than 50 percent of submissions oppose renewal and the Director General determines that the licence is to be renewed, the Director General is to provide reasons in writing as to why the licence should be renewed.¹⁷

The Greens believe that these suggestions remain valid. Including public consultation in the Periodic Liquor Licence Fee Scheme can help ensure needs of the community are being met after the initial granting of the licence.

¹⁵ <https://www.liquorandgaming.justice.nsw.gov.au/Documents/liquor/liquor-licences/AnnualLicenceFeeSchemeFactSheet.pdf>

¹⁶ [http://www.parliament.nsw.gov.au/prod/parliament/nswbills.nsf/0/BB87F6864D9693C1CA257C6F007FEC0E/\\$file/24611617.pdf](http://www.parliament.nsw.gov.au/prod/parliament/nswbills.nsf/0/BB87F6864D9693C1CA257C6F007FEC0E/$file/24611617.pdf)

¹⁷ <http://www.johnkaye.org.au/alcohol-measures-2/>

BROADER ALCOHOL POLICY IN NSW

In order to assess the effectiveness of the Liberal-National government's measures to reduce alcohol related violence, it is critical that other areas of alcohol regulation in NSW are considered.

Under both Premier O'Farrell and Premier Baird, the NSW Liberal-National government has repeatedly undermined policy initiatives and government bodies seeking to promote the safe consumption of alcohol.

In many cases, community safety and interests have clearly sacrificed to appease the alcohol lobby.

The Greens believe that in order to reduce alcohol related violence, the following policies need to be taken into account and addressed as a matter of priority:

1. Liquor promotion guidelines

In July 2013, documents obtained by the Greens showed that show that the liquor retailers' lobby group, Coles, Woolworths the Australian Hotels Association and liquor giant Campari were allowed to severely weaken the guidelines for alcohol promotion in NSW.¹⁸

The biggest concession was given to bottle shop representatives, who succeeded in having an outright ban on bottle shop discounts and shopping docket liquor deals of more than 50 per cent off removed from the guidelines¹⁹.

While the alcohol lobby were given nearly a year to review and suggest changes to the draft guidelines, public health groups and the community were kept in the dark and denied any opportunity to comment.

Michael Thorn from the Foundation for Alcohol Research and Education (FARE), who was denied access to the draft guidelines and told he could not make a submission, criticised the changes and said the evidence shows there is a clear link between alcohol price and level of consumption²⁰.

A summary of the current Liquor Promotion Guidelines can be viewed [here](#).

2. Removing independence of ILGA

In October 2015, the Baird government announced a restructure of the Independent Liquor and Gaming Authority (ILGA) that would significantly weaken the regulatory structure that enforces laws about alcohol sales, electronic gaming machines and the casino.

The reforms were legislated through the Gaming and Liquor Administration Amendment Bill 2015, which passed the NSW Parliament unamended in November 2015.

¹⁸ <http://www.johnkaye.org.au/liquor-industry-lobbying-triumphs-with-alcohol-promotions-guidelines/>

¹⁹ <http://www.smh.com.au/nsw/government-bows-to-liquor-industry-on-discounts-20130713-2px3h.html>

²⁰ <http://www.smh.com.au/nsw/government-bows-to-liquor-industry-on-discounts-20130713-2px3h.html> | <http://www.fare.org.au/policy/pricing-taxation/>

Under the Gaming and Liquor Administration Act 2007, ILGA is responsible for determining contentious licensing proposals, determining disciplinary action taken against licensees and others and reviewing certain delegated decisions made on its behalf by Liquor & Gaming NSW.²¹

The reforms stripped ILGA of its entire staff and reduced the body to just a board with all support services to be provided by a government department.

They also introduced merit appeals from ILGA decisions to the NSW Civil and Administrative Tribunal (NCAT), providing clubs, pubs and bottle shop chains the opportunity to use expensive lawyers to overturn restrictions on poker machine entitlements or rejections of licence applications.

Once a matter is before NCAT, persons objecting to the licence decision can only lodge an appeal if they live within 100 metres from the application site and if they have made a submission.

There is a risk that these measures lock the community out of decisions regarding liquor and gaming licences and curtails the ability of ILGA to deal with undue disturbance complaints, extended trading hours and hotel and bottle shop licences.

3. Removal of Drug and Alcohol unit with the Department of Education

In July 2012, the O'Farrell government disbanded the Drug and Alcohol unit within the NSW Department of Education along with six positions.

The move left schools in NSW without support to provide prevention programs and advice regarding alcohol and drug harm minimisation.

After the unit was abolished the then Minister for Hospitality George Souris launched the 'Out Tonight? Party Right' website in 2013 to raise awareness about alcohol misuse among young people. The site was supported by the Australian Hotels Association, Clubs NSW and the Liquor Stores Association of NSW.²²

However it was subsequently revealed that the site directed children to websites containing adult relationship advice, instructions on taking peptides and other inappropriate content. At the time Mike Daube, the director of the McCusker Centre for Action on Alcohol and Youth, called on the NSW government to *"scrap this atrocious material ... and establish a proper, independent, well-funded education program."*²³

In March 2014, a report by the Australian National Council on Drugs (ANCD) found that binge drinking and drug taking culture among high school students is having a detrimental impact on schools, however many principals lack the human resources, funding and time to adequately address drug and alcohol related problems.²⁴

²¹ <https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilga.aspx>

²² <http://www.smh.com.au/technology/technology-news/states-antiboozing-site-links-children-to-online-dating-peptides-webpages-20130219-2eop8.html>

²³ <http://www.smh.com.au/technology/technology-news/states-antiboozing-site-links-children-to-online-dating-peptides-webpages-20130219-2eop8.html>

²⁴ <http://www.smh.com.au/national/education/teachers-deal-with-students-drug-and-alcohol-abuse-report-says-20140305-347ht.html>

To date, the unit has not been reinstated.

The “Out Tonight? Party Right” website is set to be disbanded on 1 July 2016.²⁵

4. Three strikes scheme and Violent Venues Schemes

The Three Strikes Scheme, which began in January 2012, is designed to target licensed venues that repeatedly commit serious offences in breach of the state’s liquor laws. Offences include permitting intoxication, selling liquor outside approved trading hours and permitting alcohol to be served to a minor.

The strikes are issued after a conviction, with the first being automatically incurred. However the second and third strikes are at the discretion of The Secretary of the NSW Department of Justice and the Independent Liquor & Gaming Authority.

The scheme has been heavily criticised for being deeply ineffective.

According to public records, just 1 venue has had its liquor licence revoked since the scheme began in 2012. Suburban Sydney karaoke bar Gold Music Box had its licence revoked for allowing intoxication on the premises, selling alcohol outside permitted hours and not complying with a plan of management.

In a Sydney Morning Herald Article published on 13 February 2014, the then Hospitality Minister George Souris said there have now been 76 strikes recorded against 72 venues, including one third strike and three second strikes.²⁶

It is clear that the scheme is failing to impose adequate punitive measures on licensed venues that breach the state’s liquor laws. With just one venue having their licence revoked, there is little incentive for venues to address ongoing problems.

The scheme runs parallel to the Violent Venues scheme, which grades venues with high levels of assaults and imposes restrictions accordingly.

ALTERNATIVE SOLUTIONS

The Greens recognise that, since the introduction of the *Liquor Amendment Act 2014*, there have been reductions in both reported non-domestic assaults and hospitalisations from alcohol-related activities within the lockout zone.

However we believe that there are alternative measures that could address the problems of alcohol-fuelled violence and anti-social behaviour that would not come with the negative impacts that accompany the lockouts.

Alternative solutions have been used successfully in other global cities and there is much that can be learned from their experiences..

²⁵ <http://www.partyright.nsw.edu.au/>

²⁶ <http://www.smh.com.au/nsw/strike-three-and-karaoke-bars-liquor-licence-is-out-20140212-32iab.html>

The Greens have identified a number of measures that could be implemented as an alternative to the Sydney Entertainment Precinct lockouts.

- **Density of Outlets** Local planning regulations need to oversee the density of venues, ensuring that venues are dispersed. BOCSAR statistics show that a concentration of hotel licences in an LGA, particularly at higher density levels, is strongly predictive of both DV and non-DV assault rates.²⁷ Precincts with a high prevalence of violence and alcohol-related anti-social behaviour should be identified, with a freeze on new licences. Regulators also need to seek opportunities of existing densities in problem zones.
- **Diversity of Venues and Diversity of the Night-time Economy** Local planning regulation also need to consider the size and style of licenced venues, and the services offered (eg live music, food). Local planning should encourage venues that offer alternatives to alcohol consumption, such as live performance. Non-licenced venues should also be encouraged, to draw a diversity of patrons to a local area. Local planning should ensure that late-night food outlets are available, wherever possible.
- **Provide Necessary Transport and Infrastructure** Transport infrastructure allows for the efficient and timely dispersal of patrons from entertainment zones, reducing opportunities for conflict. Public amenities such as easily accessible public toilets and drinking fountains
- **Improved Enforcement of RSA** Responsible Service of Alcohol guidelines need to be enforced by independent rangers, employed by Local Council or Liquor & Gaming NSW, but paid for my money collected from venues. The emphasis should be on policing venues, not punishing responsible patrons. The burden should fall on the licensees, not bar staff.
- **Regulating Alcohol Advertising and Promotions** The liquor industry currently has free reign to undertake dangerous promotions of alcohol. The NSW Government has failed to take sensible steps to curtail problematic inducements such as two-for-one deals, deep discounting of package alcohol and promotions aimed at young people.
- **Re-establish the Drug and Alcohol unit within Department of Education** The NSW Department of Education Drug and Alcohol unit was disbanded by the O'Farrell Government in 2012, leaving school schools in NSW without support to provide prevention programs and advice regarding alcohol and drug harm minimisation. The unit produced critical curriculum materials based on the latest international research and needs to be re-instated.
- **Effective Periodic Licencing** Periodic licensing schemes that require the regular review of liquor licences can be an effective means of oversight and a method of ensuring venue compliance. The community should have the opportunity to participate in periodic reviews and fines for non-compliance should be of an amount that creates a significant incentive to change behaviour.
- **Strengthening Liquor Accords** Membership of Local Liquor Accords²⁸ should be compulsory for all licenced venues and outlets within the area. Revenue collected by the Local Liquor Accord (s. 136

²⁷ <http://www.bocsar.nsw.gov.au/Documents/CJB/CJB181.pdf>

²⁸ <https://www.liquoraccord.org/liquor-accords/nsw>

of the Liquor Act) should be available to local councils for the purposes of mitigating the impacts of alcohol consumption and addressing the costs of the impacts.

- **Ensure Community Participation in Licencing and Local Planning Decisions** Local communities are often best placed to find localised solutions to problems that arise from excessive alcohol consumption. Residents, businesses, and community groups should be engaged in planning and policy decisions that affect licencing, venue distribution and any restrictions on venues.

CONCLUSION

The NSW Coalition government responded to issues of alcohol-fuelled violence and anti-social behaviour with a heavy handed law and order approach. The resulting lockouts through Kings Cross and Sydney's CBD have come at a huge cost to our personal freedom, our nightlife culture, the night-time economy and our creative communities.

The lockouts were put in place without community consultation and without proper investigation into other innovative, integrated policies that could keep our city vibrant and open while also making our streets safer.

The Greens believe that the current measures in place should be replaced by policies that address problems of alcohol-related violence but allow Sydney to thrive as an internationally recognised, 24-hour city that encourages creativity, entrepreneurship and community use of public spaces.

PETITION to KEEP SYDNEY OPEN

To the Honourable the Speaker and members of the Legislative Assembly of New South Wales.

This Petition of citizens of New South Wales brings to the attention of the House the damaging impact of the “lockout laws” on culture, personal freedom, business and Sydney's global reputation. We agree that the city's streets should be safer, however we disagree that the way to do this is by locking people out of music venues and shutting down our nightlife. Well-run venues provide safe spaces for late night entertainment and make a big contribution to our reputation as one of the world's great entertainment cities. We demand smarter solutions. We must take a thoughtful and cross-government approach to preventing assaults. A vibrant nightlife and safe streets are not mutually exclusive. With considered, innovative policies we can keep our streets safe and Keep Sydney Open.

The undersigned petitioners ask the Legislative Assembly to:

1. Call on the Government to commit to developing innovative policies that ensure a diversity of venues and late-night entertainment options with consideration of safety, public amenities, transport, security and density issues.
2. Recognise the value and contribution that live music, night-time culture, and creativity make to Sydney and its residents, as well as its global reputation.
3. Put an end to the Kings Cross and CBD lock-outs and rule out implementing further lock-outs in Sydney.
4. Acknowledge that alcohol-related violence is not inevitable and that through responsible planning and government initiatives Sydney's nightlife can remain vibrant and accessible to all.

Name	Address	Signature	Email (optional) *

Please return this petition to the office of Jenny Leong at 383 King St Newtown.
You can call (02) 9517 2800 or email jenny.leong@parliament.nsw.gov.au with any questions or comments.

**leave your email to stay in touch with the latest on Keeping Sydney Open and other local issues*