

# Submission to the Independent review of the impact of liquor law reforms

NSW Young Liberal Movement

4 April 2016

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The Hon. Ian Callinan AC QC  
Liquor Law Review  
GPO Box 7060  
Sydney NSW 2001

BY EMAIL [liquorlawreview@justice.nsw.gov.au](mailto:liquorlawreview@justice.nsw.gov.au)

Dear Sir,

Please accept this submission by the NSW Young Liberal Movement to the Independent Review of liquor laws.

The NSW Young Liberal Movement comprises 2500 members aged 16 to 30, with a concentration of members aged 18-25.

The NSW Young Liberals support the work of the NSW Government. As part of productive policy debate, our Members hold a broad range of views and advocate strongly on policy.

We very much welcome a review into the laws that passed Parliament on 30 January 2014, and note from the outset that our submission calls for changes to the framework for three principle reasons:

- i. there are alternative ways of directly addressing 'alcohol-fueled violence' when compared to the current what would appear arbitrary impingement upon the freedoms of the people of NSW, and;
- ii. the economic and cultural impact that these laws have had on NSW has been deleterious, and;
- iii. individual responsibility is the foundation of a contemporary society, and as such, a part of the solution to the issue of alcohol-fueled violence is a return to placing weight on individual responsibility.

Our submission has been prepared in accordance with the terms of reference.

For the reasons provided herein, we submit that changes must be recommended.

Should the review seek any further submissions, in person or writing, we will with pleasure make ourselves available.

Yours faithfully,

Alex Dore  
President  
NSW Young Liberal Movement

Richard Karaba  
Officer (Policy)  
NSW Young Liberal Movement

All correspondence should be directed to: Richard Karaba: [REDACTED]

**1. The impacts of the 1.30am lock out and 3am cessation of liquor sales requirements on:**

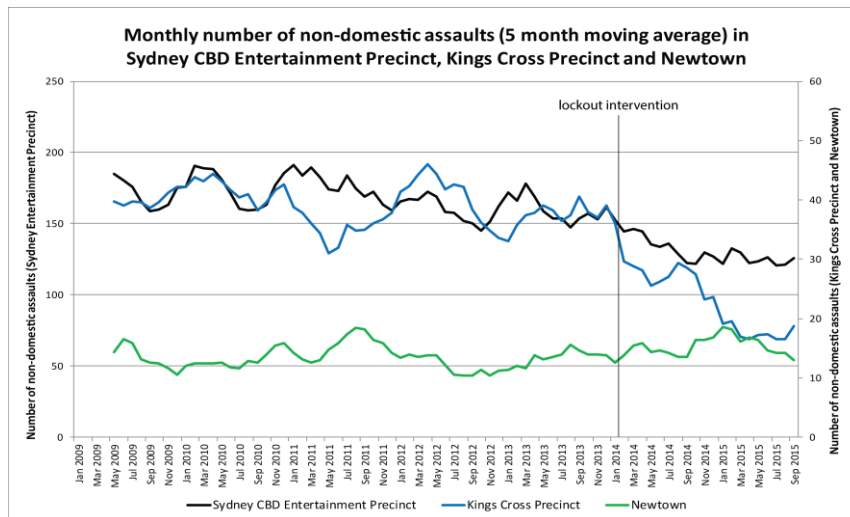
**a. alcohol-related violence and anti-social behaviour in the Sydney CBD Entertainment Precinct, Kings Cross Precinct, potential displacement areas, and the broader community;**

**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).**

The April 2015 NSW Bureau of Crime Statistics and Research (BOCSAR) Bulletin<sup>1</sup> on the matter of the lockout laws concludes that there has been a 32% decrease in Non-domestic assaults (NDAs) in the Kings Cross Precinct and a 26% decrease in the Sydney CBD Entertainment Precinct from the levels before the laws were introduced.

This is a welcome trend line; though over-emphasis muddies causation and correlation. Further, it must be noted that the decrease in NDAs forms part of the trend that, according to BOCSAR (see figure below)<sup>2</sup> has been occurring since 2009.



There are fewer NDAs because fewer people are attending the precincts. It is not the purview of BOCSAR to report on foot traffic, the NSW Government has not commissioned any substantial research into the Sydney nightlife economy, and the City of Sydney Late Night Management Area Reports are inconsistent in their presentation of data from report to report, however, it is irrefutable that venues are closing as a result of decreased patronage.<sup>3</sup>

Falling patronage is concerning because it means less consumption in the hospitality sector and increased pressure on venues to close as they become financially unviable. A cultural shift that

<sup>1</sup> NSW Bureau of Crime Statistics and Research 2015, 'Lockouts and last drinks: The impact of the January 2014 licence reforms on assaults in NSW Australia', *Crime and Justice Bulletin*, No 183, available at: <http://www.bocsar.nsw.gov.au/Documents/CJB/CJB183.pdf>

<sup>2</sup> NSW Bureau of Crime Statistics and Research 2015, 'Alcohol related violence', available at: [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_pages/Alcohol\\_Related\\_Violence.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Alcohol_Related_Violence.aspx)

<sup>3</sup> Barrie, M 2016, 'Would the last person in Sydney please turn the lights out?', available at: <https://www.linkedin.com/pulse/would-last-person-sydney-please-turn-lights-out-matt-barrie>

emphasises individual responsibility rather than "nannying" would empower law-abiding individuals and businesses.

Further, no explanation has been provided as to the reasoning behind the 1.30 AM and 3.00 AM times in respect of the lockouts. Hour by hour assault data would be necessary to justify the timing, and BOCSAR has not presented any such data. Accordingly, the times must be held as arbitrary. A more logical way to deal with intoxication at the end of a night out would be to link last drinks times to the closing times of venues.

If the last entry and last drinks times were to be removed, intoxicated people would be refused entry as per the existing Responsible Service of Alcohol laws.

***Recommendation 1: The 1.30 AM last entry and 3.00 AM last drinks times be removed, and replaced with a last drinks '30 minutes before closing time' rule. People would be free to enter venues in the no service period before closing.***

Responsible citizens should not have their ability to move freely and enjoy their time out to be limited across the board because certain individuals choose to act recklessly when out. An increased police presence in areas susceptible to alcohol-fueled violence would directly address the particular individuals who cause NDAs to occur, and would allow all other people the ability to enjoy their nights out.

***Recommendation 2: A police taskforce be established to directly deal with intoxicated people who commit NDAs or are likely to commit NDAs in susceptible areas.***

## **2. 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.**

While statistical inference can be harnessed as justification for the post-lockout law data in respect of NDAs, no such thing can be said for the restriction of the sale of takeaway alcohol after 10pm.

The BOCSAR report merely notes the restrictions exist, but provides no insight as to the way in which it is 'working' or 'not working' in the endeavour of reducing NDAs.

The 10pm restriction appears arbitrary; at no stage has an explanation been offered by way of justification.

The absence of data (by virtue of the inability to track what people do with their purchased takeaway alcohol) gives rise to the consideration of the normal regimes that cover the purchase and consumption of takeaway alcohol.

> The logic behind the restriction on sales is that it limits consumption, and in turn, the incidences of intoxication which would leave to alcohol-related NDAs.

> If an intoxicated person is refused entry to a licensed venue, it follows that person must also be refused sale of takeaway alcohol because of being intoxicated. The existing RSA laws already provided for this.

> If a person purchases takeaway alcohol, they may not consume it in Alcohol-Free Zones, which cover most of the area of the Kings Cross and Sydney CBD

Entertainment Precincts.<sup>4</sup> People cannot drink on public transport. Should there be consumption which is inconsistent with the regulations, Police have a vast array of move-on and arrest powers to eliminate any disruption that could occur. The existing laws already provided for this.

> The lived impact affects people who are going home and not intoxicated. Should someone leave a licensed venue (be it a pub, bar, restaurant, etc.) to head home with the view of drinking with their family or friends, they are restricted from doing so in circumstances where they have not pre-purchased alcohol before 10pm.

Further, the restrictions have had a disproportionate impact on rural and region communities.<sup>5</sup> Where people in rural areas are working late, they will not always have the opportunity to pre-purchase alcohol for consumption at home, and thus the only option after 10pm is to go to a pub and in almost all cases by driving there, which increases the likelihood of alcohol-related road accidents. It would be preferable in all the circumstances to allow the purchase alcohol after 10pm so it may be consumed at home.

***Recommendation 3: That the 10pm restriction on the sale of takeaway alcohol be removed, and the ordinary trading hours regime that existed beforehand be reinstated.***

### **3. The impact of the periodic licensing system on business viability and vibrancy.**

The periodic licensing system is in keeping with maintaining individual responsibility. Venues have a duty to ensure their patrons are not intoxicated and act peacefully, and venues that are more susceptible to NDAs inside their venues and as patrons depart should be charged fees according to their risk. Risk however would be better correlated to instances of NDAs rather than scheduled according to license-type.

***Recommendation 4: the periodic licensing system be adjusted with cost apportioned based on instances of NDAs.***

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<sup>4</sup> City of Sydney 2016, 'Alcohol-free Zones,' available at:  
[http://www.cityofsydney.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0012/110325/AFZs2015\\_CoSLGA.pdf](http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0012/110325/AFZs2015_CoSLGA.pdf)

<sup>5</sup> Clennell, A. 2016, 'National Party Trio to Challenge lockout laws,' 10 February, *Daily Telegraph*, available at:  
<http://www.dailytelegraph.com.au/news/nsw/national-party-trio-break-ranks-to-challenge-lockout-liquor-laws/news-story/66fcff172f805d2fd1c7b098e0228ac8>