

4 April 2016

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

Dear Justice Callinan

### **SUBMISSION TO REVIEW OF THE IMPACT OF LIQUOR LICENCE REFORMS IN NEW SOUTH WALES**

The Queensland Coalition for Action on Alcohol (QCAA) welcomes the opportunity to contribute to the Independent review of the impact of liquor licence reforms in New South Wales (NSW). QCAA is a coalition of like-minded health and community organisations in Queensland committed to reducing alcohol-related harm. QCAA is interested in the NSW review in light of similar measures soon to be introduced into Queensland.

The package of reforms introduced in NSW on 24 February 2014 to tackle alcohol-related violence in NSW was a landmark decision by the NSW Government. It provided a clear message that the community can no longer accept the carnage of alcohol-related violence that was Sydney's streets.

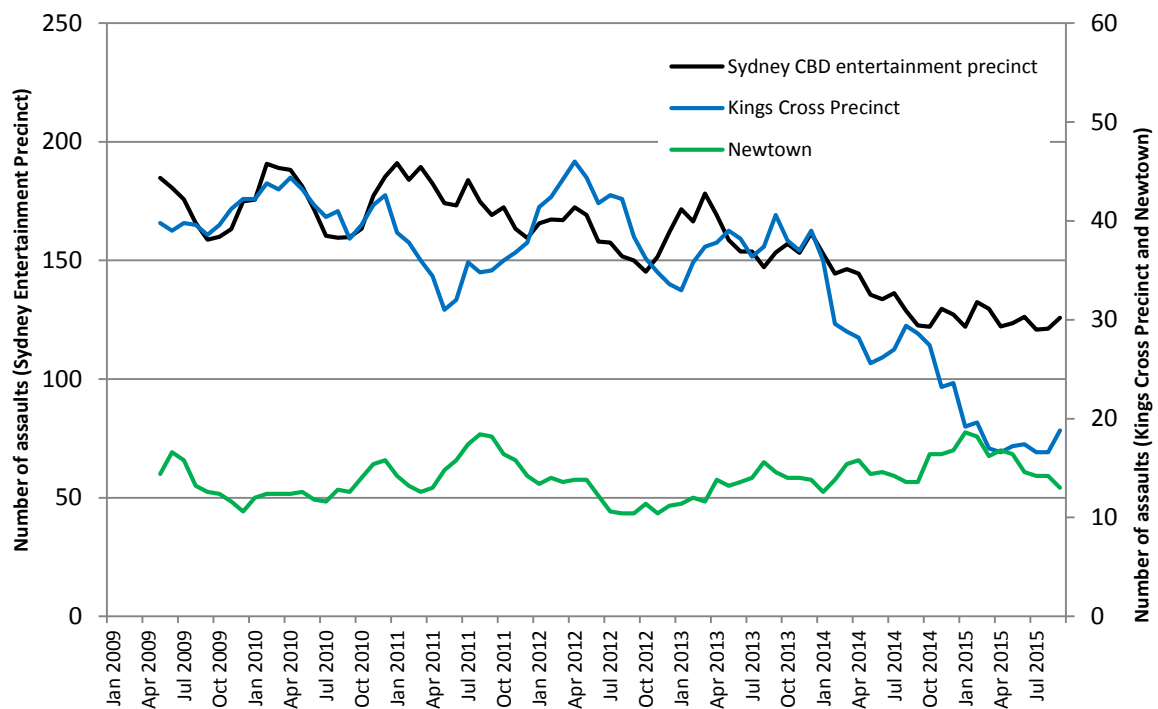
The key features of the package of reforms were the 3am cessation of liquor service and 1.30am restriction on entry (also known as a lockout or one-way door) at venues in the Sydney Central Business District (CBD) Entertainment and Kings Cross Precincts, and the 10pm restriction on take away liquor across NSW. These measures have been proven to be highly effective in reducing alcohol harm and should be retained.

There is now a body of research which is consistent in finding that policies which limit the availability of alcohol drive a reduction in harm.

Research by the Bureau of Crime Statistics and Research (BOCSAR) data has consistently shown a large and rapid decline in assaults in the Sydney CBD Entertainment and Kings Cross precincts since measures of the type suggested above were introduced.<sup>1 2</sup> Recent data shows that these reforms were associated with a 45.1 per cent and 20.3 per cent reduction in non-domestic assaults in Kings Cross and the Sydney CBD precincts respectively.<sup>3</sup> Figure one demonstrates the impact the introduction of these measures have had on the rate of decline in assaults. The graph clearly shows that there has been a steep decline in assaults since the introduction of the measures in February 2014. This contrasts sharply with the gradual decline observed prior to the introduction of these measures.

Importantly, the research also found that most areas adjacent to the Kings Cross or Sydney CBD Entertainment Precincts or within easy reach of these precincts showed no increase in assaults. Last year there were many claims that the introduction of the liquor reform measures in 2014 led to a displacement of violence to Newtown, however the evidence does not support this claim, as demonstrated in Figure one.

**Figure one: Monthly number of assaults (5 point moving average) in Sydney CBD Entertainment Precinct, Kings Cross Precinct and Newtown<sup>4</sup>**



We should not be surprised by these results. A similarly large decline in the number of assaults was observed in Newcastle when a 3.30am close and 1.30am lockout was introduced in 2008. Eighteen months after these measures were introduced there was a 37 per cent reduction in night time assaults between the hours of 10pm and 6am.<sup>5</sup> This reduction was sustained over time, with alcohol-related assaults reduced by an average of 21 per cent per hour after five years.<sup>6</sup> This is, in turn, consistent with international observations. Following the introduction of earlier trading hours in cities across Norway, an average drop in alcohol-related assaults of 20 per cent per hour of restriction was observed.<sup>7</sup>

Little data is available on the impact of the 10pm cessation of service for take away liquor, however BOCSAR’s research did show that in addition to the large reductions in assaults in the Sydney CBD Entertainment and Kings Cross precincts, there was a nine per cent reduction in non-domestic assaults across NSW. Dr Don Weatherburn from BOCSAR has been quoted as saying that the earlier closing times of bottle shops along with other drinking restrictions were "fully attributable" to the nine per cent fall in assaults across the state.<sup>8</sup> Take away sales from packaged liquor outlets are particularly concerning since they account for nearly 80 per cent of alcohol consumed in Australia.<sup>9</sup> Availability of alcohol has been linked to significant alcohol-related harm such as assault,<sup>10,11</sup> domestic violence,<sup>12</sup> child neglect and abuse<sup>13</sup> and injury<sup>14</sup> and therefore action to reduce its availability should continue.

Because of the evidence demonstrating the effectiveness of these measures, the Queensland Government passed legislation in February of this year to introduce similar measures across the state. From 1 July 2016, all venues that are licensed to sell alcohol for consumption on the premises must cease serving alcohol at 2am, unless they are located in a safe night precinct where venues continue to trade until 3am. Other measures have also been introduced including restrictions on take away liquor outlets to trade beyond 10pm, high alcohol drinks and from 1 February 2017, a 1am lockout at all venues in 3am safe night precincts.

The legislation in Queensland recognises the success of the measures introduced in NSW and goes one step further to acknowledge that alcohol-fuelled violence is a state-wide problem that needs a state-wide solution. The Queensland Attorney General, the Hon Yvette D’Ath MP, has said “In my almost nine

years in federal and state parliament I have never seen so much independent evidence to back up a bill. I have never seen so much evidence to support a piece of legislation coming before the parliament.”<sup>15</sup>

Success does not mean we should become complacent and assume that our job is done. For these reductions in assaults in the Sydney CBD Entertainment and Kings Cross precincts to be sustained over time, the measures must be retained. Any weakening of the measures will see a weakening of the benefit. These measures are important because they reduce the risk of harm. If the NSW Government was to remove or weaken the measures, an increase in risk will follow.

Research has shown that for every additional hour of trading, there is a 16-20 per cent increase in assaults and conversely, for every hour of reduced trading there is about a 20 per cent reduction in assaults.<sup>16</sup>

As the measures currently stand, the benefit is restricted to those areas where the measures have been introduced. Having so clearly demonstrated their effectiveness, the NSW Government should be considering extending these measures to the whole state.

Arguments against the early closing and lockout measures have so far been based on data that is unsubstantiated or is misleading. Claims that tourists will no longer visit Sydney with its iconic harbour, Opera House and beaches because they can't get a drink at a licensed venue after 3am are a nonsense. Other international cities such as Los Angeles, Boston, Ottawa and Boston manage to attract tourists despite sales of alcohol stopping by 2am and 2.30am in the case of Dublin.

The periodic or risk based licensing (RBL) system should also be retained. This system calculates licensing fees based on trading hours and compliance history and where compliance with the Liquor Act is poor, consideration is also given to factors such as the number of strikes, location and patron capacity. As the level of risk increases for a venue, licence fees increase accordingly. The additional revenue generated from this scheme is available to offset costs associated with administration of the RBL scheme and increased monitoring and enforcement costs.

In light of above, QCAA strongly supports the retention of these measures and makes the following recommendations:

1. The NSW Government retains the 3am last drinks and 1.30 am lockout measures and extends these measures to all venues across NSW.
2. The NSW Government retains the 10pm cessation of all takeaway alcohol from all venue types across NSW.
3. The NSW Government retains the risk based licensing system in NSW.

Yours sincerely



**Professor Jake Najman**  
**Chair**  
Queensland Coalition for Action on Alcohol



**Dr Dennis Young**  
**Secretary**  
Queensland Coalition for Action on Alcohol

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- <sup>2</sup> Bureau of Crime Statistics and Research *Lockouts and last drinks* viewed on 31 March 2015 at [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_news/Lockouts-Forthcoming-Research.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_news/Lockouts-Forthcoming-Research.aspx)
- <sup>3</sup> New South Wales Bureau of Crime Statistics and Research (2016). *Lockouts and last drinks*. Retrieved from: [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_news/Lockouts-Forthcoming-Research.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_news/Lockouts-Forthcoming-Research.aspx)
- <sup>4</sup> Bureau of Crime Statistics and Research, personal communication
- <sup>5</sup> Kypri, K., Jones, C., McElduff, P., & Barker, D.J. (2010). Effects of restricting pub closing times on night-time assaults in an Australian city. *Addiction*, 106 303-310
- <sup>6</sup> Kypri, K, McElduff, P. & Miller, P. (2014). Restrictions in pub closing times and lockouts in Newcastle, Australia five years on. *Drug and Alcohol Review* 33, 323–326
- <sup>7</sup> Rossow, I. & Norström, T. (2011). *The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities*. *Addiction* (107) 3.
- <sup>8</sup> Partridge E (2015) Royal Australasian College of Surgeons fights to keep 10pm bottleshop closures under lockout laws Sydney Morning Herald, 16 September 2015, viewed on 31 March 2016 at <http://www.smh.com.au/nsw/royal-australasian-college-of-surgeons-fights-to-keep-10pm-bottleshop-closures-under-lockout-laws-20150915-gin6co.html>
- <sup>9</sup> Euromonitor International. *Alcoholic drinks in Australia*. Euromonitor International Ltd. London. 2012.
- <sup>10</sup> Jochelson, R. (1997). *Crime and place: An analysis of assaults and robberies in Inner Sydney*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- <sup>11</sup> Briscoe, S. & Donnelly, N. (2001). Temporal and regional aspects of alcohol-related violence and disorder. *Alcohol Studies Bulletin*. Sydney: New South Wales Bureau of Crime Statistics and Research (BOCSAR).
- <sup>12</sup> Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction* 106(5): 919–25.
- <sup>13</sup> Laslett, A.M., et al. (2015). *The hidden harm: Alcohol's impact on children and families*. Canberra: Foundation for Alcohol Research and Education (FARE).
- <sup>14</sup> Chikritzhs, T. & Stockwell, T. (2006). The impact of later trading hours for hotels on levels of impaired driver road crashes and driver breath alcohol levels. *Addiction* 101(9): 1254-64.
- <sup>15</sup> Hansard (2016) *Record of proceedings First session of the fifty-fifth parliament Wednesday, 17 February 2016* Queensland Parliament, p158
- <sup>16</sup> Rossow, I & Norström, T (2011) The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities *Addiction* Vol 107, Issue 3.