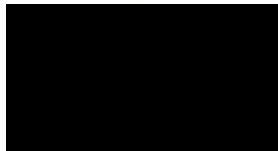




Moyle Family Hotels



Liquor law review

Prepared for: Liquor Law Review.
 NSW Government

Prepared by: Michael Starkey , General Manager , Moyle Family Hotels

3 April 2016

To whom it may concern,

The following are my opinions based on my personal experience with in the liquor industry over the last 17 years, regarding both the extensive liquor reforms adopted in 2014 and also comments relating to Newcastle and other regional areas.

I feel the departments approach to the apparent social issues surrounding our industry is fundamentally flawed and requires a complete rethink.

For a number of years now harm minimisation has been the phrase of the public service when it comes to dealing with our industry. Promotions, advertising and price points must not encourage excessive or the rapid consumption of alcohol we are told .

Alcohol is a controlled substance and must be treated with respect. Over the last 15 years this respect for the product has diminished despite heavier and more stringent laws. It is up to the industry and government to identify why. A rethink on how liquor is sold and promoted through big box liquor barns should be considered , As I have stated earlier Alcohol is a controlled substance and should be respected. The mass volume sales in these barns does nothing but normalise the excessive consumption in an uncontrolled environment.

We have an aggressive young society which I feel the government must take some responsibility for. We have a generation of young people that are continually told you can not do this, you can not do that and now the fundamental right to decide when and where they can enjoy their down time has been removed .

Civil liberties are being taken away from people that do not deserve it, whether that be business operators or customers.

Governments approach to one size fits all has not and will not work. Shutting down a city i.e. Newcastle may look great on a stat sheet, but it is completely sanitising our society, resulting in a one dimensional and dull community .

It is financially strangling once vibrant precincts resulting in mass job losses , the reduction in live entertainment and the ability to operate once sustainable business's. It has punished the majority of law abiding citizens and operators.

10pm No Take Away

The 10 pm restriction on takeaway liquor makes absolutely no sense, It has a number of unintended consequences including financial and social and all for little or no reward. The venues which I operate are in two very different area's one being rural/mining and the other city / suburban. We are not a business that supplies a lot of liquor off premise but the small amount we did sell has now ceased. The major affect that we have had to deal with is people removing liquor innocently to either answer a telephone or simply chat to a friend. We have seen a significant rise in our costs to ensure people are not stepping outside to answer a phone or have a chat. I have found as an operator the continual tapping on the shoulder saying you can't do this and that is actually creating problems that we have never had before.

The Royal Federal Hotel in Branxton is adjacent from a large council carpark . We were faced with a situation where customers were consuming liquor and congregating in this carpark after close. We implemented our own restriction in 2011 and decided that we would not sell takeaway liquor after 10pm . This immediately solved this issue but I was left with the flexibility to sell take away to coal miners and hospitality workers finishing shift and heading home after 10pm. With the forced blanket restrictions this had to stop which was crazy. It did not stop the miners or any one else for that matter from drinking after work it simply forced them to buy from somewhere else, affecting my business

Local solutions for local issues are key to ensuring good community amenity. A good operator deserves the right to operate unrestricted.

1:30am Lock out 3am Closure

I am of the opinion that rogue traders should certainly face restrictions, as should patrons that are convicted of an offence that could be proven to be the result of being in a venue during these hours. Again law abiding citizens and operators have been the victims of this restriction. The stats suggest, as they did in Newcastle, a massive drop in alcohol related crime . It is my opinion that a sure fire way to reduce the road toll is to remove the cars. This would have an amazing affect on the statistical information that governments love to tout when selling the success of their policy. The lock out policy has decimated local business, destroyed jobs and removed the vibrancy of our cities by basically removing the people .

My personal experience with lock out laws in Newcastle are not positive. Our venue is in a Newcastle suburb that is not affected by the lock out restrictions. The venue has a standard midnight trading licence. The result of the lock out laws for us is that our patrons are leaving earlier to ensure they beat the restrictions. The irony of that is, the venues that had the most issues during the time the lock outs where introduced in Newcastle are also the one seeing the most benefit with business effectively being funnelled to them by the

regulations earlier than before resulting in increased profits and sales. This is at the expense of law abiding well operated venues, of which many have succumbed to financial strain placed upon them.

The same could be said for Sydney with the implementation of the Kings Cross and CBD solutions. There has been huge financial benefits for some while massive loss's for others. The stats suggest that crime has had dramatic decreases as a percentage but I feel a far more accurate measure is one were incidents are measured against the volume of people that are actually in the precinct or venue.

The lock out and curfew's have created an un even playing field and in my opinion is doing exactly the opposite of what was intended . The restrictions are putting a time limit on people to consume. This in affect promotes exactly what we as operators are not allowed to do with our liquor promotions, promote the rapid consumption of alcohol. A far better option if the intention of these restrictions was to disperse crowds is to allow all liscenced venues to trade later, therefor reducing migration and mass's of people on the street at one time while achieving the same result with out the financial impact of the lock out laws. If all liscenced Venues were granted extended trading hours and allowed to trade to a time of their choice, staggered closing times would result in less strain on our already underperforming public transport system.

A new liscencing system could be considered where a licence to trade unrestricted is granted to a venue and operator / owner until such time that person or organisation give reasons for restrictions to be placed upon them applying to that venue or operator only. Punishing the majority due to the actions of a small minority is fundamentally wrong and is a result of lazy policy and investigation

Conclusion

There is no doubt that the social issues that the Kings Cross and area's of the CBD have seen have had a dramatic decrease . But at what expense ? Civil liberties, Vibrancy, a booming night time economy, a world class entertainment city and state, excitement, enjoyment for all kinds of people and not to mention jobs, business's and livelihoods. The stats and figures can be picked apart and formulated to suit both sides of the argument. They can be spread right through the media creating public hysteria almost guaranteeing a government the opportunity to swing an axe to appease a some sections of the community. We live in a free society who should be given the right to make its own decisions. Law enforcement should be tough on perpetrators of crimes that no person of sane mind would deem acceptable. Governments role is to govern for all, striking a balance between lifestyles, civil liberties and safety. In this instance I believe they have got it wrong. To think that me as forty year old man in 2016 is unable to have a beer or a glass of wine in Newcastle after 1130 unless I want to attend a nightclub catering for 18 to 20 year olds or head to a leagues club that completely lacks any kind at atmosphere is an absolute disgrace and an embarrassment for a so called world class city . Surely as an intelligent society we can come up with better solutions then complete prohibition which incidentally history proves does not work .

I feel a rethink of the whole liscencing system should be considered where individual operators are held to account ensuring a safe environment for consumers and the wider community. Perpetrators of crimes

should also be held to account with tougher sentencing on individuals who choose to degrade our way of life by creating an environment that is unsafe. Blanket solutions are unfair and place a stigma on our whole society for which I think is unjustified and completely unfair. Local solutions for local issues, positive relationships between government, authorities and operators and a well thought out education program will see greater results then what has been stated while maintaining the vibrancy, the flexibility and the freedoms we once had.

10pm No take away sales need to be completely removed for over the bar purchases the restriction achieves nothing except driving people to purchase their alcohol form the big Box liquor barns earlier and in greater volumes.

The periodic licence fee as long as it is fair and reasonable, is risk based is acceptable in my eyes . I would like for this revenue to funnelled into education and programs to change the way our people currently view liquor .

Although this submission may lack the facts and figures that some may have ,it is a practical example of the effects of these restrictions in 75% of venues through out NSW . The Majority of operators and customers are law abiding responsible people who are well respected in their various communities. I urge you to consider this when you hand down your decision on these reforms .

Kind Regards

A handwritten signature in dark ink, appearing to read 'Michael Starkey', with a large, sweeping flourish extending from the bottom right.

Michael Starkey

General Manger

Moyle Family Hotels