

Submission to Hon. IDF Callinan AC QC

Independent Review  
NSW Liquor ACT 2007  
Liquor Amendment ACT 2014

1.30am Lockouts  
3am Cease Service Provisions

From:  
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As a licensee of a late night venue in the Kings Cross precinct I would like to provide this submission as part of the independent review of the impact of liquor law reforms relating specifically to the 1.30am lockouts and 3am cease service provisions.

Whilst this review is looking at the impacts of the 1.30am lockouts and 3am cease service, it must be noted that they are only two of many measures implemented across licensed venues, especially in the Kings Cross precinct.

In this submission I will talk about and explain in detail the impacts these measures have had on our business directly and solutions that I would recommend, but also about the impact they have had on myself, my staff and Sydney's nightlife economy in general.

### Financial effects

As you can imagine there have been significant financial effects as a direct result of the implementation of these laws. These effects can be split into 2 categories:

1. Extra costs incurred since the implementation of the new liquor laws.

Please have a look at the costs outlined in the table below to get a clear view of how our operating costs have increased due to the implementation of these laws. Keep in mind that this is just for one medium sized venue.

ID Scanners (hardware) 3 scanners x \$3500 each	\$10,500.00
ID Scanners (ongoing; software & maintenance etc..) \$850 per month	\$10,200.00
ID Scanners (operating costs) 4.5 hrs x 7 days x 52 weeks x \$40 p/h x 2 operators average	\$131,040.00
RSA Marshals 4 hrs x 2 days x 52 weeks x \$30 p/h x 2 marshals average	\$24,960.00
CCTV Upgrades	\$15,000.00
License Fee (minimum)	\$5,500.00
Increase in public liability insurance due to being a "high risk" venue in Kings Cross	\$22,000.00
Alcohol sales data reporting	\$3,000.00
High risk venue manager approval costs	\$2,700.00
<b>Total extra annual costs since the implementation of the new laws</b>	<b>\$224,900.00</b>

## 2. Downturn in turnover

Being one of only few venues still trading in the Kings Cross precinct, we have noticed a significant downturn in turnover as a direct result of the introduction of the new laws.

Across our income streams, which include food & beverage sales and cover charges, we have seen a downturn in turnover of roughly 25%. The highest affected area being the cover charge upon entry to our venue, this mainly being due to not being able to let people into the venue after 1.30am.

Putting these two together it quickly becomes apparent that operating a venue that is under the control of these conditions is now near impossible. It directly affects the amount of live entertainment we are able to put on, the amount of good staff we can employ, and above all our ability to run and safely operate our venue.

### **Job losses, tougher recruitment and staff retention issues**

Since the introduction of the 1.30am lockouts and 3am cease service we have lost many valuable staff members. Our operational team of staff has reduced from roughly 45 to 30 staff members.

The most immediate cause for this was the reduction of trading hours due the implementation of the 1.30am lockouts, which directly affected the length and number of shifts we could offer.

Another cause that heavily affects the smooth operations of our venue is the introduction of the high-risk venue manager approval.

The lengthy application process, and possible implications it brings with it for the applicant has not only seen good managers leave our team and the industry all together, but also means limited eligible, experienced and willing applicants for these roles.

The ability to recruit good managers, and any other staff for that matter, is integral to the smooth operations of any licensed venue, and to be limited in your options to achieve this due to laws that were implemented for the purpose of keeping people safe does not seem like a worthy solution. Or in other words completely contradicts what we as a city are trying to achieve.

### **Violence**

The question here really is:

“Have the new laws really helped to reduce alcohol related violence?”

I suppose that the answer to this really depends on a lot of other factors and is not an easy one to put together. To put things into perspective just a little bit however, here's a few things to consider:

- If foot traffic in the Kings Cross precinct is down by 84%, and alcohol related violence is only down by 40%, isn't the chance to be assaulted a lot greater now than it was before?
- Wasn't the number of alcohol related incidents already on the decline before these laws were introduced? I.e. is it really these new laws that have caused a decrease in alcohol related violence?
- Would a 1.30am lockout or 3am cease of service really have helped the victims of the 2 one-punch attacks that triggered the implementation of these laws?

Personally I completely agree that something needs to be done against violence in Sydney, and I believe more can be done! In saying this, It doesn't seem to me that the so called solutions put in place to combat this have been thought through very well, and have most certainly not taken all affected parties into account. Putting a blanket law in place to control what time people can be in certain places and do certain things is only going to displace a problem, be it to neighboring suburbs, casinos (that happen to be exempt) or illegal (uncontrolled) underground parties, it is not actually tackling the problem at hand.

### **Policing**

This is an area that with some simple adjustments could work so much better. For years now a lot of police resources have been put into checking on venues and how they operate. I do appreciate that this is necessary to ensure compliance, but if the problem is violence, does my manager really need to be taken away from his job at peak trading times to talk about whether or not he has memorized all the mandatory signs? This happens up to 5 or 6 times a night at the busiest times and keeps us from doing our jobs, which is mainly focused on keeping people safe and happy.

Wouldn't the resources be much better utilized policing the streets? The place where 90% of all incidents occur? High visibility policing has been proven to work all over the world and somehow hasn't been improved here.

### **Transport**

Transport in and out of Kings Cross has been an issue for years and years, and yet nothing has really been done to improve it. Taxi change-over times of 3am used to disrupt the peace quite heavily all over the city, which was never looked at. Another one is the addition of late night trains. The trains at the moment stop running just after 1am and do not start until around 5am. With a 1.30am lockout

and a 3am cease service, this means that just as the late night venues close, the transport stops.

There has been an initiative for a couple of years now to put nightrider buses on between Kings Cross and the city. These buses have a security guard on them, yet have been empty ever since they were introduced. This has cost millions of dollars that could have been spent on solutions that actually work.

To top this off, if any of my staff members are unable to explain to someone what the late night transport options are I as a licensee am liable and could incur a strike as part of the 3-strikes scheme.

### **Level playing field**

It seems that only certain areas have been affected by these new laws and other areas simply fly under the radar. If the agenda has been to reduce alcohol related violence, then how come certain venues such as the Star Casino are exempt from these laws? Is the reaction to this: "Oh yeah, but they fall under a different ACT.." or should it rather be: "It is obvious that there is a problem there, I don't care how we do it but we need to act on this just as strongly as we did in other areas!" The agenda seems to be very mixed and without clear direction. Do we need to wait until someone in one these exempt places dies before we act?

### **Personal impacts**

Lastly, I'd like to express my personal experience through all of this and how it has affected me. I have been working in the same venue for 9 years now and have therefor seen the area go through all the different stages since 2007.

Knowing first hand how vibrant and lively this area once was, and how the new laws have caused many businesses to close down and many people to lose their jobs, whilst not directly tackling the problem at hand is simply said sad, and seems to be a step backwards for a growing global city. I have seen the moods and stress levels change for the worse for staff members across many industries in the area, which in turn has a contra-effect on the people that come here.

Being a Sydney sider I find it hard to see a nightlife economy being run into the ground for the wrong reasons. We should all look at moving forward, whilst putting measures in place to keep people safe, without the massive strain on good businesses trying to do the right thing by implementing laws that haven't been thought through.

## **Recommended solutions & ideas:**

- Look at IMPROVING our night time economy rather than STAMPING IT OUT. Look at how other cities across the globe are approaching these issues and tackling them successfully. E.g. The introduction of a night mayor, more street entertainment and education.
- Removal of the 1.30am lockout provision and instead look at staggered closing times for different “types” of venues rather than everyone ending up out on the street at the same time.
- More onus on the individual through harsher penalties.
- Better late night transport options such as a 24hr train system.
- More (police controlled) CCTV cameras on the streets in high foot traffic areas.
- Early education on the impacts of violence.
- Increased high visibility policing on the streets.
- The ability for individual venues to impose section 77 banning orders through the ID scanners on patrons to their venue.
- Improved process for the RSA, Privacy and high risk venue manager applications.

In summary I would like to express that as part of a strong hospitality community I agree that something needs to be done against alcohol related violence, but that semi-blanket conditions, and in my eyes knee-jerk reactions are not a worthy or long term solution.

I sincerely hope that the impact and solutions above will be taken into account when reviewing these laws, as turning a blind eye to the affected livelihoods of thousands of people in this city by implementing measures that don't necessarily tackle the problem at hand is a selfish move, and a step backwards for this global city.

Sincerely

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