



4 April 2016

The Hon. Ian Callinan AC
Liquor Law Review
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Dear Mr Callinan,

Independent Liquor Law Review

The Sydney Business Chamber (SBC) welcomes the opportunity to comment on the NSW Department of Justice's Independent Liquor Law Review.

The SBC is a division of the NSW Business Chamber and represents Sydney's leading organisations from the corporate, public and not-for-profit sectors. The Chamber advocates for Sydney to be a competitive and sustainable global city. The majority of Chamber members are based in the CBD and all are located within the Greater Sydney Basin.

The SBC shares the NSW Government's commitment to reducing alcohol-related violence. As a global city, the physical safety of visitors and residents alike are paramount to the reputation and standing of Sydney as a place to live, visit and do business. As we stated at the time of the Government's new legislation to address this issue:

"To be able to attract visitors, and be a city popular with tourists, whether Australian or overseas, we need a reputation as a safe place to visit. We've had that reputation. The events of recent times in particular, and the media frenzy around those events, have put that at risk."

Accordingly, the SBC welcomed the Government's tough measures to address alcohol related violence in the CBD. It was appropriate, at the time, to send a strong message to the community that such violence was unacceptable and such behaviour would not be tolerated.

The changes introduced by the Liquor Amendment Act (2014) included:

- 1.30am lockouts at hotels, registered clubs, nightclubs and karaoke bars in two designated areas, known respectively as the Sydney CBD Entertainment Precinct and Kings Cross Precinct;
- 3.00am cessation of alcohol service in venues in these Precincts;

- A freeze on new liquor licences and approvals for existing licences across the Sydney CBD Entertainment Precinct and continuation of the existing freeze in the Kings Cross Precinct;
- A ban on takeaway alcohol sales after 10.00pm across NSW;
- The extension of temporary and long-term banning orders issued to designated 'trouble-makers' to prevent them entering most licensed premises in the Kings Cross and Sydney CBD entertainment precincts

While the SBC notes the findings of the Bureau of Crime Statistics that these reforms provided an *"immediate and substantial reduction in assault in Kings Cross (down 32%) and a less immediate but substantial and perhaps ongoing reduction in assault in the Sydney CBD (down 26%)"*¹ the negative impact of the reforms on night time patronage numbers, business activity, employment and the attractiveness of Sydney as a tourist destination means that a more sustainable solution to managing safety in the City needs to be considered.

The visitor economy is one of Sydney's largest export industries, and is heavily reliant on a vibrant and accessible night-time economy. While the SBC recognises that the Government was right to act at the time in the interests of safety in our city, we believe that reconsideration of the current regulations, including lock-outs, should be considered. Perversely, while data suggests the reforms have significantly reduced the incidence of assault in the Kings Cross and CBD precincts, the heavy-handed approach has increased perceptions of these areas and venues in these areas as being unsafe to visit at night – driving down general patronage and business activity.

Feedback from SBC stakeholders has noted that businesses involved in hospitality and entertainment within these precincts have been adversely impacted by these measures. The Potts Point Partnership, which represents the business community in and around the Kings Cross precinct, has reported continued reductions in patronage due to the compounded effects of the lack of late night entertainment options and ongoing bad press regarding the precincts fortune. This has resulted in subsequent employment reductions across the precinct.

This comprehensive review of the scheme is an important opportunity to re-assess the means by which we effectively reduce alcohol-related violence while minimising the impact on businesses in the designated zones, and the entertainment offering of the city.

Government should be revisiting all options, especially the more innovative holistic solutions that serve patrons, residents and local businesses, including investing in key services such as police, public transport and public amenities, and re-examining the provision of public safety through best practice spatial design. SBC makes a number of recommendations below which we believe can be made to the current regulations to better support a vibrant late night economy without unduly impacting on the safety of patrons and the wider community.

¹ http://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2015/mr_cjb183.aspx

Pilot a trial exemption from the current 1.30am lock outs

As has been suggested by the City of Sydney in its submission to this review, the SBC believes that a pilot exemption from the current lock outs should be undertaken. Such a pilot would allow affected venues to demonstrate their compliance with general licensing obligations and overall safety performance. Under such a trial, where a venue can demonstrate appropriate management of safety and compliance over a six-month period, consideration of allowing changes to the 3am last drinks rule should also be considered.

Maintain current ban on late night liquor sales

As part of the Liquor Amendment Act (2014), a statewide ban on the sale of take away alcohol was implemented from 10.00pm. While the SBC recognises the impact that this change has had on liquor outlets, reducing the prevalence of street drinking and patrons "pre-loading" before attempting to enter licence venues should continue. With the vast majority of anti-social behaviours occurring outside licenced venues, it would be useful to see how this measure in its own right sustains the downward trend on anti-social behaviour.

Improve late night transport

The SBC commends the Government on beginning to address business concerns around the provision of late night transport allowing patrons to move quickly on at the end of the night. By welcoming the positive contributions that new services like Uber can make to support the taxi industry, the Government has eased some of the pressure that taxi change over times once put on the ability of patrons to disperse from the Kings Cross and CBD precincts. However, the Kings Cross precinct remains underserved by public transport at night. A range of public transport options, with late running bus and train services, as well as clearly labelled taxi pick up and drop off points can assist in this regard.

SBC also supports improving transport information through both signage (for example departure times for last trains from major CBD stations should be clearly marked at the entrances and exits of all major City stations) and technology (text alerts with last service information).

No further expansion of lock-out precincts

As noted above, the SBC does not see the current regulatory framework for liquor licensing in the CBD or Kings Cross precincts as a viable long term solution to addressing anti-social behaviour in our City.

Accordingly, the SBC does not believe that the current Liquor Laws should expand beyond the currently affected precincts.

While Government may develop, in conjunction with industry, location based strategies to address alcohol related violence, regulatory frameworks should not be applied, as they

currently are, as a blunt instrument on an area. Instead, regulatory frameworks should be based on the variables of a venues risk, mitigation measures and safety performance.

Additionally, the SBC recognises that despite the potential for the lock out laws to simply move anti-social behaviour outside of the nominated precincts, this has not occurred in a statistically meaningful way.

SBC notes that much of this can be linked to the strong commitment to safety demonstrated by these venues. For example, despite being outside of the liquor law precinct, since the commencement of the lockouts, The Star casino has seen a downward trend in the number of incidents which occur on its premises.

The Star has continued to focus strongly on its obligations relating to the Responsible Service of Alcohol and, in light of the changes in the liquor law precincts, has committed to not becoming a “venue of last resort” for late night revellers. The Star takes a zero tolerance approach to anti-social behaviour and works closely with the community, police and regulators in ensuring its patrons are safe at all times.

In this light, Government should be looking to help facilitate the sharing of strategies between venues on Responsible Service of Alcohol (RSA), security strategies, community and police engagement and how these measures can serve to provide safe late night experiences for patrons, residents and local businesses.

Support innovative solutions to help reduce street violence

The SBC strongly supports looking at innovative solutions to help reduce street violence including through better spatial planning, lighting and visible street policing.

As was noted in the City of Sydney’s Late Night management Areas Research report:

“There is a relationship between congestion and antisocial behaviour throughout the evening and night, with the exception of a distinctive peak in ASB at 3am, despite gradually decreasing congestion”²

As has been consistently demonstrated during key festivals and events (for example Vivid and New Year’s Eve) closing off CBD streets to traffic in the evening can have a dramatic effect on rates of anti-social behaviour. Activating these areas with lighting and late night entertainment as well as a visible police presence can help reduce instances of anti-social behaviour in these areas without impacting on the vibrancy of the late night economy.

To this end, the SBC is encouraged by the efforts of the Designing Out Crime team at UTS. Designing out Crime works with Government partners to utilise planning and design decisions to help reduce the potential for anti-social behavior. The SBC notes Designing out

² http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0011/250202/2015-541941-Report-Late-Night-Management-Areas-Research-Final.pdf



Crime's previous work with the City of Sydney and would encourage this partnership to continue.

Thank you for the opportunity to provide input into this review. If you have any further questions in relation to this submission, please feel free to contact Mr Luke Aitken, Senior Manager Policy, NSW Business Chamber on 9458 7582.

Yours sincerely,

A handwritten signature in blue ink that reads "Patricia Forsythe".

THE HON. PATRICIA FORSYTHE
Executive Director