

DS/16600  
(LAC12/105)



## The Hon. Troy Grant MP

Deputy Premier  
Minister for Justice and Police  
Minister for the Arts  
Minister for Racing



V15/88-2#5  
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9 JUN 2015

Ms Ronda Miller  
Clerk of the Legislative Assembly  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

*Ronda*  
Dear Ms Miller

Please find attached for tabling purposes the NSW Government's response to the Legislative Assembly Committee on Law and Safety inquiry into measures to reduce alcohol and drug-related violence.

Yours sincerely

  
Troy Grant MP  
Deputy Premier

## **NSW Government response to the Legislative Assembly Committee on Law and Safety inquiry on measures to reduce alcohol and drug-related violence**

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The Government welcomes the report of the inquiry into measures to reduce alcohol and drug-related violence tabled by the Legislative Assembly Committee on Law and Safety (the Committee).

Alcohol and drug-related violence is a key priority for the NSW Government, and the work of the Committee in considering this important issue is appreciated.

The Government notes the Committee's finding that early indicators suggest that the measures to reduce alcohol and drug-related violence provided for in the *Liquor Amendment Act 2014* (which include the 1.30am 'lock out' and 3am 'last drinks' measures and the liquor licensing measures contained in the Sydney CBD Entertainment precinct Plan of Management) are having the desired effect of reducing violence and anti-social behaviour in the Sydney CBD and Kings Cross areas, and that the Committee considers that continuation of these measures is justified at this time.

The Government also notes that, in addition to the information considered by the Committee, the NSW Bureau of Crime Statistics and Research (BOCSAR) released its report *Lockouts and last drinks: The impact of the January 2014 liquor licence reforms on assaults in NSW in April 2015*. The Bureau's report found that the Government's reforms appear to have reduced the incidence of assault in the Sydney CBD Entertainment and Kings Cross precincts, with little evidence of crime being displaced to nearby areas.

The Government welcomes the Committee's recommendations, which are consistent with the Government's approach to implementing and assessing the reforms. A comprehensive review and evaluation programme to examine the impact of the reforms will be undertaken during 2015-16. This programme will consider a broad range of outcomes and assess results over a longer period than that available to the Committee, which will enable further consideration of the impact of the reforms, including any displacement effects. This work will inform the Government's consideration of any further refinements to the measures applying to the Sydney CBD Entertainment and Kings Cross precincts.

### **Recommendation 1:**

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*The Committee recommends that the Office of Liquor, Gaming and Racing, the NSW Police Force, the City of Sydney, NSW Health, and the NSW Bureau of Crime Statistics and Research work together to develop a common statistical boundary to measure alcohol and drug-related assaults in the Sydney CBD Entertainment Precinct.*

#### **Supported**

Crime, as well as ambulance data, can currently be collated within a common statistical boundary for the Sydney CBD Entertainment precinct. Improvements to data gathering processes will be considered if any issues arise with the current arrangements. It is important to ensure processes have the flexibility to enable the precinct's boundaries to be varied, for instance, if there is a spike in alcohol-related violence in an adjacent area that needed to be addressed.

### **Recommendation 2:**

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*The Committee recommends that the Office of Liquor, Gaming and Racing monitor the number of warehouse parties in the Sydney metropolitan area which are detected by the NSW Police Force on an ongoing basis.*

## Supported

The NSW Police Force and the Office of Liquor, Gaming and Racing (OLGR) liaise closely on the conduct of unlicensed warehouse parties. Police advise that, to date, there has been not been a noticeable increase in these parties.

### Recommendation 3:

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*The Committee recommends that the Government initiate an independent review of the Liquor Amendment Act 2014 and the Crimes and Other Legislation (Assault and Intoxication) Act 2014 to take place as soon as data from the Bureau of Crime Statistics and Research for the summer of 2014-15 becomes publicly available.*

## Supported

### Reviews of reforms introduced by the *Liquor Amendment Act 2014*

The Government is committed to evaluating its key reforms to reduce alcohol and drug-fuelled violence under this Act to assess their effectiveness, including any unintended impacts. Details of the principal reviews under the Government's review and evaluation programme, including their timing, are set out below.

*Bureau of Crime Statistics and Research (BOCSAR) report, Lockouts and last drinks: The impact of the January 2014 liquor licence reforms on assaults in NSW*

BOCSAR released this report on 16 April 2015. The report found that the reforms were associated with reductions in assaults in the Sydney CBD Entertainment (26 per cent) and Kings Cross (32 per cent) precincts, after adjusting for seasonal variations and pre-existing trends. BOCSAR also found little evidence of assaults being displaced to nearby areas. The report was based on data between February 2014 and September 2014. BOCSAR is conducting further research, including on the causes of the reductions in assault.

*Independent review of the 1.30am 'lock-outs' and 3am cessation of liquor sales under the Liquor Act 2007*

The timing of the independent review of the 1.30am lock out and 3am last drinks restriction applying in the Sydney CBD Entertainment and Kings Cross precincts is determined by provisions introduced via the *Liquor Amendment Act 2014*. The review is required to be undertaken two years after the Act's assent i.e. after 5 February 2016. This will enable data to be considered over two summer periods, when seasonal increases in alcohol-related violence typically occur. The review will be informed by available alcohol-related crime data for the Sydney CBD Entertainment and Kings Cross precincts published by BOCSAR.

*NSW Treasury-led Evaluation of the Sydney CBD Entertainment Precinct Plan of Management*

The Sydney CBD Plan of Management (PoM) is a package of measures implemented between February and December 2014 to improve the safety of venues, public space and transport in the Sydney CBD Entertainment precinct. It supports the 1.30am lock out and 3am last drinks restriction.

The NSW Treasury-led evaluation will help determine whether the measures are achieving their intended objectives in terms of crime, health and economic outcomes. The evaluation is being undertaken by NSW Treasury's Centre for Program Evaluation (CPE) in consultation with key agencies and is being informed by data, including BOCSAR data for the summer of 2014-15.

An interim report is expected to be available by August 2015, with a final report to be published by September 2016.

#### *Evaluation of the 10pm take-away liquor restriction*

OLGR has commenced an evaluation of the impact of the State-wide 10pm take-away liquor sales restriction, which was introduced in February 2014. The evaluation is being informed by available BOCSAR crime data and data gathered from affected stakeholders, including operators, industry groups, the community and police.

#### Review of the *Crimes and Other Legislation (Assault and Intoxication) Act 2014*

The review of the operation of the amendments made under this Act will consider relevant data and be undertaken within three years of assent i.e. by February 2017, as required. The amendments include the:

- new offence of assault causing death, with a maximum penalty of 20 years imprisonment and minimum penalty of 8 years where the offender was intoxicated by alcohol or drugs at the time,
- police powers to test for alcohol or drugs where they suspect the new offence has been committed, and
- fifty steroidal agents proscribed under the Drug Misuse and Trafficking Act 1985 and increased penalties for supply.

#### **Recommendation 4:**

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*The Committee recommends that the evaluation framework for the independent review of the Liquor Amendment Act 2014 and the Crimes and Other Legislation (Assault and Intoxication) Act 2014 specifically consider their cultural, tourism, economic and leisure impacts.*

#### **Supported**

Under the CPE evaluation (referred to above in the response to recommendation 3), economic impacts will be assessed by quantifying the benefits and costs of the Sydney CBD PoM to establish if there is a net benefit for the community. It is noted that quantifying the impact of the policy on culture, tourism and leisure is particularly difficult as these activities are influenced by a wide range of economic and social factors e.g. tourism can be affected by exchange rates, interest rates, consumer confidence, hotel vacancy rates, airfares and special events. Attributing any changes in culture, tourism and leisure to the Sydney CBD PoM would therefore be problematic. Impacts on culture, tourism and leisure will therefore be considered using a qualitative approach, with analysis of input raised during consultation including with relevant industry groups. The consultation that will be undertaken is set out in detail in the Government's response to Recommendation 6.

#### **Recommendation 5:**

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*The Committee recommends that the evaluation framework for the independent review of the Liquor Amendment Act 2014 and the Crimes and Other Legislation (Assault and Intoxication) Act 2014 consider available data from the Bureau of Crime Statistics and Research to determine whether drug and alcohol-related violence may have been displaced to other areas as a result of these Acts.*

#### **Supported**

The independent review of the 1.30am lock out and the 3am last drinks restriction under the *Liquor Act 2007* and the review of the *Crimes and Other Legislation (Assault and Intoxication) Act 2014* will be informed by relevant BOCSAR data to help determine any displacement of assaults.

BOCSAR noted in its report that the reforms were associated with reductions in assaults in the Sydney CBD Entertainment (26 per cent) and Kings Cross (32 per cent) precincts between February and September 2014, after adjusting for seasonal variations and pre-existing trends, with little evidence of crime being displaced to nearby areas.

The evaluation of the Sydney CBD PoM will include an assessment, based on BOCSAR data and analysis, of whether there has been any:

- geographical displacement – that is, any shift of alcohol-related violence and anti-social behaviour from the Sydney CBD Entertainment precinct to other areas of Sydney (such as Pyrmont, Newtown or Paddington),
- physical or spatial displacement – that is, the shift of alcohol-related violence and anti-social behaviour from inside licensed venues to outside licensed venues, and
- temporal displacement – that is, the shift of alcohol-related violence between the times of day.

#### **Recommendation 6:**

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*The Committee recommends that the independent review of the Liquor Amendment Act 2014 and the Crimes and Other Legislation (Assault and Intoxication) Act 2014 seek input from all affected stakeholders, including residents of local communities.*

#### **Supported**

Stakeholders will be consulted during each of the reviews.

The statutory review of the 1.30am lock out and 3am cessation of liquor sales restriction will be informed by input from all affected stakeholders, including residents of local communities.

The statutory review of the *Crimes and Other Legislation (Assault and Intoxication) Act 2014* will also be appropriately informed by stakeholder consultation.

As part of the evaluation of the Sydney CBD PoM, CPE is conducting an extensive consultation process with key stakeholders, including representatives from:

- community groups, including resident groups and relevant non-government organisations,
- agencies responsible for the development and implementation of the PoM,
- licensed premises in the Sydney CBD Entertainment precinct,
- peak industry bodies representing the liquor/hospitality, music, retail and transport industries, and
- other Government agencies, including health services.

Consultation with industry will include an online survey of all licensed premises in the Sydney CBD Entertainment precinct.

### **Recommendation 7:**

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*The Committee recommends that the NSW Government partner with the City of Sydney to conduct geographically specific research into alcohol consumption and behaviour patterns at live music and performance venues in the Sydney CBD Entertainment Precinct.*

#### **Supported in principle**

The City of Sydney is considering a project to examine the impact of live music venues on alcohol-related violence. The Office of Liquor, Gaming and Racing is providing assistance with this project through the provision of relevant licensing data.

### **Recommendation 8:**

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*The Committee recommends that the Minister for Liquor, Gaming and Racing consider alternatives to the liquor licence freeze in addressing liquor outlet density and in particular, models that encourage a more diverse night time environment to emerge.*

#### **Supported**

The statutory liquor freeze applying in the Sydney CBD Entertainment and Kings Cross precincts applies to high impact licensing proposals, including applications for new hotels, packaged liquor licences, public entertainment venues (nightclubs) and extended trading hours. Low risk businesses such as restaurants, small bars and tourist accommodation venues are exempt from the freeze to help encourage the development of a diverse night time economy.

The freeze expires on 5 February 2016. The Government will review the operation of the freeze, and consider the merits of other options, prior to its expiry.

### **Recommendation 9:**

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*The Committee recommends that the NSW Police Force work with industry to resolve potential safety issues that may arise when patrons are refused re-entry to venues after 1:30am and in particular, strategies to address situations where patrons may be separated from their party or belongings.*

#### **Supported**

Police and licensing inspectors have worked extensively with individual venues to assist them to comply with the lock out requirements. Venues have been advised that the best way to address situations where patrons may be separated from their party is to inform them prior to leaving that re-entry is not allowed during the lockout period for any reason. If belongings are left inside, licensed venues have been advised to assist patrons by retrieving their items. This approach ensures the lock out requirement is consistently applied.

Vulnerable people in the Sydney CBD Entertainment precinct have been assisted by the Safe Space Trial, which is supported by the Thomas Kelly Youth Foundation, the City of Sydney and the Government. Under this program, the Salvation Army provided a safe space located next to Town Hall House, and deployed teams of volunteer Take Kare Ambassadors to provide roving assistance, such as help contacting friends or parents. The program operated late at night on Fridays and Saturdays in the busy warmer months when safety risks are typically greatest.

The Safe Space trial is being evaluated by the City of Sydney to assess its effectiveness and efficacy, which will inform the future of the program.

### **Recommendation 10:**

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*The Committee recommends that the Office for Liquor, Gaming and Racing consult with the Department of Education and Communities, the NSW Police Force and other relevant stakeholders about opportunities for further community and school education to address alcohol and drug related violence in NSW.*

#### **Supported**

Current community and school education initiatives are extensive as set out below. In addition, the Office of Liquor, Gaming and Racing will work with the Department of Education and Communities to consider opportunities to further improve offerings. This includes considering whether content from the Office of Liquor, Gaming and Racing's interactive online resource *Out Tonight? Party Right* for teachers and students can be incorporated into future education resources.

#### School education

The current alcohol and drug related violence education provided is consistent with best practice. The education is designed to:

- address the short and long term consequences of alcohol drug use,
- provide strategies to minimise harm in a variety of settings, such as parties,
- inform students on how to seek help for themselves and others, and
- empower young people to make positive choices for their health.

Students in Kindergarten to Year 10 learn about drugs and alcohol, protective strategies and the impact of violence through the subject Personal Development, Health and Physical Education (PDHPE). Students can also elect to study PDHPE in Years 11-12 and Government school students in Years 11-12 also participate in the mandatory short course, Crossroads, which educates students about responsible behaviour and protective strategies in drug and alcohol related situations. Schools may also choose to use OLGR's *Out Tonight? Party Right* resource.

Where necessary, educational prevention programs aimed at raising awareness for students regarding drug and alcohol-related violence run parallel with counselling support programs for school students who may be subject to drug and alcohol-related behaviours and/or violence.

It is considered essential that community members, students and parents are involved in the process of identifying opportunities for school education to ensure it is contextualised, relevant and appropriate for each community which may have its own unique challenges and circumstances in relation to drugs and alcohol.

The NSW Police Force supports education in schools, including through School Liaison Officers who advise high schools on crime issues affecting students, including crime associated with alcohol. School Liaison Officers have conducted over 27,000 school visits since the program began in 2006.

NSW Health funds Life Education NSW to deliver drug and alcohol and healthy lifestyle education to approximately 340,000 primary school students and 24,000 secondary school students annually.

## Community education

The NSW Government conducted the *Stop before it gets ugly* advertising campaign between September 2014 and January 2015 to inform people about the dangers of excessive drinking and encouraging them to recognise their tipping point to reduce alcohol-related violence. The target audience was men aged 18 – 35 years, as research indicated that this group was the most likely to engage in alcohol-related violence. Advertisements ran in regional and metropolitan markets, including on television, cinema, digital and social media advertising channels. The campaign was assessed and found to have effectively raised awareness and changed attitudes and behaviour in the target audience.

The Department of Education and Communities is responsible for managing the *Tackling Violence* program. *Tackling Violence* is an effective community education program based around local rugby league clubs in 24 communities with high rates of drug and alcohol-related domestic violence.

The Department of Justice has identified alcohol-related assaults as one of its key priorities. It has proposed the development of information and advice for local councils that have an identified alcohol-related assault issue within entertainment precincts.

NSW Health funds a number of initiatives, including:

- Community Drug Action Teams that deliver community focused drug and alcohol prevention and education activities,
- online drug and alcohol education websites, including the Your Room and the Drug Info at Your Library sites, and
- the *Save a Mate* program run by the Australian Red Cross which provides drug and alcohol overdose education and prevention and outreach at youth and community events.

### **Recommendation 11:**

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*The Committee recommends that the Minister for Liquor, Gaming and Racing, in consultation with the City of Sydney and the NSW Police Force, consider whether there is adequate signage to advise patrons of the Sydney CBD Entertainment Precinct that they are being monitored by CCTV.*

#### **Noted**

CCTV signage is the responsibility of the City of Sydney. The City of Sydney has advised the Government that it has upgraded CCTV signage in the precinct to improve visibility.

### **Recommendation 12:**

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*The Committee recommends that Transport for NSW work with the City of Sydney and the NSW Police Force to improve security and lighting at taxi ranks throughout the Sydney CBD Entertainment Precinct.*

#### **Supported**

Under the Sydney CBD PoM, Transport for NSW and Roads and Maritime Services have worked with the City of Sydney to make significant improvements to taxi ranks, including extending pre-paid taxi fares to an additional seven ranks and implementing additional security.

The City of Sydney is responsible for the infrastructure at taxi ranks. The Transport Cluster will assist the City of Sydney in the implementation of this recommendation, where appropriate.



**Recommendation 13:**

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*The Committee recommends that Transport for NSW cease issuing taxi licences with a 3am and 3pm changeover until November 2016 and conduct a review of the impact of this measure at that time.*

**Supported**

Transport for NSW confirms that all taxi licences issued in the Sydney metropolitan region since 2011 are required to changeover at times other than 3am and 3pm.

As noted by the Committee, Roads and Maritime Services has also released additional peak availability licences in the Sydney metropolitan region in 2013-14 and 2014-15 to address additional demand in the peak period between 12 noon and 5am. Roads and Maritime Services released 250 peak availability licences in 2013-14 and 95 in 2014-15.

**Recommendation 14:**

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*The Committee recommends that the Minister for Transport revitalise advertising to promote the use of 'Plan B' buses from Kings Cross to Railway Square via Town Hall Station for the summer period.*

**Supported**

Transport for NSW will consider measures to further encourage use of 'Plan B' buses, including improvements to current advertising, in time for next summer, when seasonal increases in alcohol and drug-related violence typically occur.