



LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES

LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY

REPORT 4/55 – NOVEMBER 2014

MEASURES TO REDUCE ALCOHOL AND DRUG-RELATED VIOLENCE: PRELIMINARY INQUIRY

REPORTS
COMMITTEES

5

LEGISLATIVE
ASSEMBLY



LEGISLATIVE ASSEMBLY

**LEGISLATIVE ASSEMBLY COMMITTEE ON
LAW AND SAFETY**

**MEASURES TO REDUCE ALCOHOL AND DRUG-RELATED
VIOLENCE: PRELIMINARY INQUIRY**

REPORT 4/55 – NOVEMBER 2014

New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Legislative Assembly. Committee on Law and Safety.

Measures to reduce alcohol and drug-related violence: preliminary inquiry/ Legislative Assembly, Committee on Law and Safety [Sydney, N.S.W.] : the Committee, 2014. 87 pages ; 30 cm. (Report no. 4/55 Committee on Law and Safety)

“13 November 2014”.

Chair: George Souris, MP.

ISBN 9781921012129

1. Violence—New South Wales—Sydney—Prevention.
2. Alcoholism and crime—New South Wales—Sydney.
3. Drug abuse and crime—New South Wales—Sydney.
- I. Souris, George.
- II. Title.
- III. Series: New South Wales. Parliament. Legislative Assembly. Committee on Law and Safety. Report ; no. 4/55

(363.320994 DDC22)

The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

Contents

Membership _____	iii
Terms of Reference _____	iv
Chair’s Foreword _____	v
List of Findings and Recommendations _____	vii
Glossary _____	ix
CHAPTER ONE – INTRODUCTION _____	1
CHAPTER TWO – BACKGROUND TO THIS INQUIRY _____	4
CHAPTER THREE – THE IMPACT OF RECENT MEASURES ON VIOLENCE AND ANTI-SOCIAL BEHAVIOUR _____	14
CHAPTER FOUR – IMPACT OF RECENT MEASURES ON RESIDENTS, BUSINESSES AND TOURISM _____	32
CHAPTER FIVE – TRANSPORT _____	61
CHAPTER SIX – AMENDMENTS TO THE CRIMES ACT AND OTHER LEGISLATION _____	70
APPENDIX ONE – LIST OF SUBMISSIONS _____	75
APPENDIX TWO – LIST OF WITNESSES _____	79
APPENDIX THREE – EXTRACTS FROM MINUTES _____	80

Figures and tables

Figure 1: Hospitalisations for interpersonal violence (rate per 100,000 population) 2007-2012 _____	9
Figure 2: Alcohol related violence (rate per 100,000 population) 2009-2013 _____	9
Figure 3: The Sydney CBD Entertainment Precinct _____	13
Figure 4: Non-domestic, alcohol-related assaults in NSW _____	18
Figure 5: Kings Cross/Sydney CBD Alcohol restriction measures: perceptions of Emergency Department staff _____	22
Figure 6: Rate of in-patient admissions for assault or alcohol intoxication per 1000 Emergency Department Presentations based on episode of care ICD10 coding. _____	23

Membership

CHAIR	The Hon. George Souris MP
DEPUTY CHAIR	Mr Garry Edwards MP (until 17 September 2014) Mr Bryan Doyle MP (from 15 October 2014)
MEMBERS	Mr Charles Casuscelli MP (from 17 September 2014) Mr Bryan Doyle MP (from 17 September 2014) Mr Nick Lalich MP Mr Chris Spence MP (until 17 September 2014) Mr Guy Zangari MP
CONTACT DETAILS	Legislative Assembly Committee on Law and Safety Parliament House Macquarie Street Sydney NSW 2000
TELEPHONE	(02) 9230 3439
FACSIMILE	(02) 9230 3309
E-MAIL	lawsafety@parliament.nsw.gov.au
URL	http://www.parliament.nsw.gov.au/lawandsafety

Terms of Reference

Inquiry into measures to reduce alcohol and drug-related violence

The committee will inquire into, and report on, the effectiveness of recent measures to reduce alcohol and drug related violence in the Sydney Central Business District (CBD), with particular reference to:

- Trends in alcohol and drug related violence in licensed venues and general street areas
- The impact of measures to reduce violence on Police, the Courts, hospitals, and the liquor industry
- Possible further measures to reduce alcohol and drug-related violence
- The effectiveness of measures taken to reduce alcohol and drug related violence in other jurisdictions, and
- Any other related matter.

Chair's Foreword

I am pleased to provide this Report of the Committee's Inquiry into measures to reduce alcohol and drug-related violence. As Minister for Tourism, Major Events, Hospitality, Racing and the Arts between 2011 and 2014, I heard first-hand of the effects of alcohol and drug-related violence on families. I was also closely involved with the Government's efforts to reduce violence and anti-social behaviour in Kings Cross and the CBD, and the subject is close to my heart.

The Committee is very much aware that the measures introduced in January 2014 have been in place for almost twelve months, and that it will take some time for their real impact to become apparent. However, the evidence that the Committee heard from Police and doctors was encouraging. They indicated that serious incidents of violence have already declined, and that this decline is greater than would ordinarily be expected over the winter months. For this reason, the Committee considers that the measures should remain in place, at least until a more comprehensive evaluation can be conducted.

The Committee received evidence from a range of stakeholders, including those directly affected by violence, residents of the affected areas, business owners and staff in the liquor industry, and some of the many law-abiding citizens who like to go out and enjoy the night time entertainment that Sydney has to offer. The Committee is aware that the restrictions on trading hours introduced earlier this year are likely to have a negative impact on some businesses in the area, and the Inquiry heard evidence that this is already occurring. This is an area where Government is required to balance the legitimate interests of different parties, and these are difficult choices. However, the Committee supports the Government's emphasis on public safety.

The Committee also heard concerns about the possible 'displacement' of violence and anti-social behaviour to other areas of the city, and heard some evidence that patrons are migrating to nearby neighbourhoods. The Committee's concern is that the violence and anti-social behaviour that we have seen in Kings Cross and the Sydney CBD does not follow them, and this is an issue that the Government needs to monitor closely.

Reducing violence is an ongoing process, and the measures introduced earlier this year will require further refinement. The Committee has made a number of recommendations designed to assist in the evaluation of the measures to reduce alcohol and drug-related violence, and to ameliorate some of their unintended effects.

I would like to thank my fellow Committee members, Charles Casuscelli MP, Bryan Doyle MP, Nick Lalich MP and Guy Zangari MP, as well outgoing members Garry Edwards MP and Chris Spence MP. They approached the Inquiry in a spirit of collaboration and their advice has been invaluable. Lastly, I would also like to thank the parliamentary staff who assisted in the management of the Inquiry and the preparation of the report: Abigail Groves, Elspeth Dyer and Abigail Javier.



The Hon. George Souris MP
Chair

List of Findings and Recommendations

FINDING 1 _____ 25

Early indicators suggest that the measures to reduce alcohol and drug-related violence provided for in the *Liquor Amendment Act 2014* are having the desired effect of reducing violence and anti-social behaviour in the Sydney CBD and Kings Cross areas. The Committee considers that continuation of these measures is justified at this time.

RECOMMENDATION 1 _____ 25

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.

RECOMMENDATION 2 _____ 31

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.

RECOMMENDATION 3 _____ 57

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.

RECOMMENDATION 4 _____ 57

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.

RECOMMENDATION 5 _____ 57

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.

RECOMMENDATION 6 _____ 58

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.

RECOMMENDATION 7 _____ 58

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.

RECOMMENDATION 8 _____ **58**

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.

RECOMMENDATION 9 _____ **59**

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.

RECOMMENDATION 10 _____ **59**

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.

RECOMMENDATION 11 _____ **60**

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.

RECOMMENDATION 12 _____ **69**

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.

RECOMMENDATION 13 _____ **69**

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.

RECOMMENDATION 14 _____ **69**

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

Glossary

BOCSAR	Bureau of Crime Statistics and Research
DCP	Development Control Plan
EVAT	Environment and Venue Assessment Tool
ILGA	Independent Liquor and Gaming Authority
LAC	Local Area Command
LGA	Local Government Area
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LNT	Late Night Trading
OLGR	Office of Liquor, Gaming and Racing
RPA	Royal Prince Alfred Hospital
RSA	Responsible Service of Alcohol

Chapter One – Introduction

Introduction

- 1.1 This short chapter details the Committee’s process for conducting the inquiry, and the structure and purpose of this report.

Conduct of the inquiry

- 1.2 On 2 July 2014, the Committee met and resolved to conduct an inquiry into measures to reduce alcohol and drug-related violence. Terms of reference for the inquiry were adopted, and these are detailed on page iv.
- 1.3 The Committee further resolved to advertise the inquiry and call for submissions. An ad appeared in the *Sydney Morning Herald* on 9 July 2014, inviting submissions by 15 August 2014. The Chair also wrote to a number of potential stakeholders such as the NSW Police Force, the Australian Hotels Association and the City of Sydney, to invite them to make a submission.

Submissions

- 1.4 The Committee received 113 submissions. These submissions came from a range of stakeholders, including individuals who live in the Kings Cross and Sydney CBD entertainment precincts, patrons of bars and clubs, and people who work in the entertainment industry. Submissions also came from a number of organisations including the NSW Police Force, the Royal Australian College of Surgeons, the NSW Government and the Australian Hotels Association. A full list of submissions is included at Appendix One.
- 1.5 The Committee resolved to publish most of the submissions it received, and these are available on the Committee’s website at: <http://www.parliament.nsw.gov.au/lawandsafety>. Some submissions remained partially confidential, at the request of the author.

Hearing

- 1.6 The Committee held a public hearing at Parliament House on Wednesday, 3 September. A full list of witnesses is available at Appendix Two. A full transcript of the hearing is also available on the Committee’s website.

Visit of inspection

- 1.7 Members of the Committee travelled to Melbourne on 14 July 2014 to meet with stakeholders there. Mr Souris and Mr Lalich met with the following stakeholders:
- Professor Robin Room, Director, Centre for Alcohol Policy Research
 - Dr Michael Livingston, Research Fellow, Centre for Alcohol Policy Research
 - Ms Cate Carr, Director, Liquor and Gambling Policy, Department of Justice
 - Assistant Commissioner Andrew Crisp (North West Metro Region), Victoria Police
 - Assistant Commissioner Steve Fontana (Crime Command), Victoria Police

- Assistant Commissioner Tracy Linford (Intelligence), Victoria Police
- Commander Rick Nugent (North West Metro Region), Victoria Police
- Superintendent Tim Hansen (Drugs & Alcohol Strategy), Victoria Police.

The report

- 1.8 **Chapter One** – this chapter – outlines the conduct of the Inquiry, and the structure of this report.
- 1.9 **Chapter Two** provides the background to this Inquiry. It summarises the regulatory framework surrounding alcohol in NSW, including the recent amendments which are the focus of this Inquiry. It also provides some brief background information about alcohol-related violence in NSW.
- 1.10 **Chapter Three** canvasses the evidence received from the Bureau of Crime Statistics and Research, the police and health professionals regarding the impact of the *Liquor Amendment Act 2014* and the *Crimes and Other Legislation (Assault and Intoxication) Act 2014*.
- 1.11 **Chapter Four** discusses evidence received from other stakeholders. The Committee received submissions from residents of the Sydney CBD Entertainment Precinct, patrons of licensed venues and business owners, as well as the City of Sydney. These submissions, many of which were strongly in favour of or opposed to the recent measures to reduce violence and anti-social behaviour, raised a range of issues and suggestions which are canvassed here.
- 1.12 **Chapter Five** discusses transport issues. The availability of transport was a key concern for inquiry participants and issues with current transport arrangements are discussed here.
- 1.13 **Chapter Six** canvasses the amendments to the Crimes Act and other legislation not related to liquor licensing. These amendments created a new offence of assault causing death. The Committee received only a small amount of evidence relating to these changes, which are summarised in this chapter.

Committee comment

- 1.14 The Committee is aware that stakeholders undertake additional and often unpaid work to contribute to committee inquiries and would like to take this opportunity to thank all the stakeholders who participated in this Inquiry.
- 1.15 The Committee is also aware that the *Liquor Amendment Act 2014* provides for a review two years after the date of its commencement. This Inquiry is not intended to pre-empt that review or any other evaluation. Rather, the purpose of this review is to undertake a preliminary examination of the impact of the *Liquor Amendment Act 2014* and the *Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014*, and identify issues that the Government may be able to remedy before a comprehensive review is conducted.
- 1.16 The Committee received a significant number of submissions which expressed a range of different views. As will be detailed in chapters that follow, residents of communities affected by the recent measures to reduce alcohol and drug-related

violence typically supported the measures while business owners and patrons of licensed venues opposed them. The Committee considered all of these submissions.

1.17 The Committee is conscious that there are important and difficult issues at stake in this Inquiry. Government is required to balance people's legitimate desire to socialise and consume alcohol with the need to ensure community safety. The Committee is aware that some businesses have suffered financial losses as a result of the recent changes to liquor licensing. The Committee is sympathetic towards those business owners and their staff who may have been affected. However, the Committee supports the Government's efforts to reduce violence and anti-social behaviour.

1.18 The Committee also heard evidence from Mr Ralph Kelly, whose son Thomas died as a result of an unprovoked assault in Kings Cross in 2012. The Committee was impressed by Mr Kelly's thoughtful response to this tragedy and urges participants in the Inquiry to reflect on the following comment that Mr Kelly made at the Committee's public hearing on 3 September 2014:

We have to find a way to work together amicably to find plausible solutions to fix this problem for the rest of the community. There will be some pain. We are going through the pain. I understand the shopkeepers and nightclubs are going through the pain, but we cannot let this carnage continue.¹

¹ Mr Ralph Kelly, Director, Thomas Kelly Foundation, Transcript of evidence, 3 September 2014, p42.

Chapter Two – Background to this Inquiry

Introduction

2.1 As this chapter details, a number of amendments have been made to liquor licensing legislation in recent years. The legislation was further amended in early 2014 with the establishment of the Sydney CBD entertainment precinct. The purpose of this chapter is to summarise the legislation and in particular, the recent changes which are the principal subject of this inquiry.

The Liquor Act 2007

2.2 In Australia, each state has legislation which regulates the sale and supply of alcohol. In NSW, the sale of alcohol is regulated by the *Liquor Act 2007* and its associated Liquor Regulation 2008. The objects of the *Liquor Act 2007* are, in summary:

- To regulate the sale, supply and consumption of liquor in a way that is ‘consistent with the expectations, needs and aspirations of the community’,
- To facilitate the balanced development of the liquor industry and contribute to the development of related industries,
- Minimise the harm associated with misuse of alcohol, and
- Encourage responsible attitudes and practices towards the sale, supply and consumption of alcohol.

2.3 The *Liquor Act 2007* provides for seven types of licences which regulate trading hours, numbers of patrons, and other conditions of the licence. The seven licence types are:

- hotel licence
- club licence
- small bar licence
- packaged liquor licence
- on-premises licence
- producer/wholesale licence
- limited licence.

- 2.4 In its 2012-2013 Annual Report, the Authority reported that there were 16,399 liquor licences in NSW.² In the Sydney CBD Entertainment Precinct (discussed below), there are 1,314 licensed premises, of which 425 are authorised to trade after midnight and 210 after 3am.³
- 2.5 The *Liquor Act 2007* and the *Gaming and Liquor Administration Act 2007* contain provisions for a statutory review five years after being assented to, to determine whether their objectives remain valid and whether their terms are appropriate to achieve these objectives. Accordingly, a review of both acts, chaired by Mr Michael Foggo (a former Commissioner of Liquor, Gaming and Racing), was conducted in 2013. The review found that the policy objectives of the *Liquor Act 2007* remain appropriate, and made 91 recommendations to the operation of these Acts. The Government provided a comprehensive response to the Review in August 2014, supporting most of the recommendations and signalling its intention to introduce amendments to both the Liquor Act and the Gaming and Liquor Administration Act.

Responsible agencies

- 2.6 Liquor licences are issued by the Independent Liquor and Gaming Authority, which is responsible for the determining applications for licences and alterations to licences, approval of licensees and managers, and determining disciplinary complaints against licensees and other subject to the *Liquor Act 2007*. It also administers the *Casino Control Act 1992* and its associated regulations; the *Liquor Act 2007* does not apply to the Star City Casino.
- 2.7 The NSW Office of Liquor, Gaming and Racing is responsible for licensing, policy, compliance and industry engagement functions. Inspectors appointed by the Office have statutory powers to enforce the Regulation, and can inspect licensed premises and issue penalty notices. The Office is a division of the NSW Department of Trade and Investment, Regional Infrastructure and Services. The Secretary of the Department has responsibilities under the Liquor Act including:
- imposing conditions on licences,
 - imposing restrictions on late entry to licensed premises,
 - determining complaints about venues,
 - prohibiting or restricting undesirable liquor products and advertising, and
 - approving liquor training courses and local liquor accords.
- 2.8 The NSW Police are responsible for enforcing the Liquor Act. The Commissioner of Police also has statutory responsibilities under the Liquor Act, and these include investigating matters referred to the police, referring complaints about licensed venues to the relevant authority and, in conjunction with the Secretary, approving local liquor accords.

² Independent Liquor and Gaming Authority, 'Annual Report 2012-2013', p4.

³ 'Plan of Management for the Sydney CBD Entertainment Precinct', NSW Government, p3.

Changes to liquor laws

- 2.9 As Trifonoff *et al* (2010) observe, liquor licensing legislation is continually changing to reflect shifts in commercial and community needs, priorities and concerns.⁴ In NSW, liquor licensing legislation has been amended several times since 2007, in an attempt to prevent violence and other anti-social behaviour associated with drinking. These changes are summarised below.
- 2.10 In 2008, for example, the government introduced a ‘freeze’ on the granting of 24 hour liquor licences. Any premises licensed after 30 October 2008 were unable to sell alcohol between 4.00am and 10.00am, unless the Independent Liquor and Gaming Authority approved a different period.
- 2.11 At the same time, the *Liquor Amendment (Special Licence Conditions) Act 2008* introduced a range of provisions which applied to those licensed premises with the highest numbers of violent incidents. These ‘Schedule 4’ conditions applied to 48 venues, and included:
- A mandatory lockout time of 2.00am (except for registered clubs)
 - No glass containers to be used after midnight
 - No shots to be served after midnight,
 - Ten minute alcohol sales time out every hour after midnight, or active distribution of water and/or food
 - Cessation of alcohol sales 30 minutes before closure.
- 2.12 In 2009, another package of measures was introduced which were, again, intended to address violence and anti-social behaviour associated with alcohol. The *Liquor Amendment (Temporary Licence Freeze) Act 2009* provided for a 12 month freeze on the issue of new liquor licences in Kings Cross, Darlinghurst and the southern CBD. Those venues considered ‘low risk’, such as licensed restaurants, cafes and cinemas, were exempt. The freeze has since been extended several times and remains essentially in place, though it was partly lifted in 2013 (only in the Sydney CBD south area) to facilitate the trial of a new Environment and Venue Assessment Tool (EVAT).
- 2.13 In 2010, the Government introduced the ‘Hassle free nights’ action plan, which applied to five entertainment precincts: Central Sydney, Manly, Parramatta, Newcastle and Wollongong. The scheme provided for the establishment of precinct-based local liquor accords, and allowed the Secretary of the Department of Trade and Investment, Regional Infrastructure and Services to approve them.
- 2.14 In 2011, a ‘three strikes’ disciplinary scheme applying to licensed premises was introduced. The three strikes scheme operated concurrently with the special licence conditions contained in Schedule 4 of the Liquor Act. ‘Strikes’ are issued in situations where a licensee or manager is convicted of an offence under the

⁴ Trifonoff, A. *et al*. ‘Liquor licensing legislation in Australia: Executive Summary’, National Centre for Education and Training on Addiction (NCETA).

Liquor Act. Once a strike is issued, additional conditions may be imposed on the licence. When a third strike is issued, a licence can be suspended or cancelled. To date, 88 venues have received one strike, 8 venues two strikes, and 2 venues have received three strikes.⁵

- 2.15 In 2012, a further package of measures was introduced; these applied specifically to an expanded Kings Cross precinct. The measures contained in the *Liquor Amendment (Kings Cross Plan of Management) Act 2012* included a range of special licensing conditions, restricting the sale of certain drinks after midnight; restricting the number of drinks that could be sold to any one person; restricting the use of glass after midnight; and requiring venues to cease selling alcohol an hour before closing. Licensees were also required to maintain a CCTV system, an incident register, promote late night transport options, and refuse entry to anyone wearing the colours of a motorcycle gang.⁶
- 2.16 In 2013, these measures were expanded further. Police were given the power to issue a temporary banning order prohibiting a person from entering licensed premises in the Kings Cross precinct for up to 48 hours; the Police Commissioner can also apply to the Independent Liquor and Gaming Authority to have someone banned for up to 12 months. High risk venues in the precinct were also required to install scanners and scan patrons' ID before entry. In 2013, the Government also commenced a trial of three sobering up centres, of which one is operated by police and two by non-government organisations.
- 2.17 The *Liquor Amendment (Small Bars) Act 2013* also established a new class of liquor licence for small venues catering to fewer than 60 patrons which do not sell takeaway alcohol. Small bars (defined as those with a capacity of 60 patrons or less) are exempt from the licensing freeze.

Harms associated with alcohol

- 2.18 The harms associated with alcohol and other drugs are well documented.⁷ The Royal Australasian College of Surgeons drew the Committee's attention to its negative impacts:
- Alcohol has been causally linked to more than 60 different medical conditions, including cirrhosis of the liver, inflammation of the gut and pancreas, heart and circulatory problems, sleep disorders, male impotence, eye diseases and conditions and alcohol dependence; alcohol also raises the overall risk of cancer,
 - About 10 per cent of all Australians put their health at long-term risk by drinking too much, and 20 per cent drink at a level that is risky in the short term, and

⁶ See the Office of Liquor, Gaming and Racing website: http://www.olgr.nsw.gov.au/liquor_3_strikes_register.asp, accessed 18 August 2014.

⁷ See Submission 11, Royal Australasian College of Surgeons, Submission 54, Royal Australasian College of Physicians.

- 80 per cent of alcohol consumed by people aged 14 to 24 is consumed in ways that put the drinker’s health at risk.⁸ Similarly, the Public Health Association of Australia noted that alcohol is a factor in the three leading causes of death among adolescents: unintentional injury, homicide, and suicide.⁹

2.19 Of more direct concern to this inquiry is the association between alcohol and violence, which is also well documented. The Royal Australasian College of Physicians, for example, emphasised that ‘there is a strong nexus between the consumption of alcohol and incidents of violence including domestic and non-domestic assault’.¹⁰

2.20 Stakeholders cited data regarding the role that alcohol plays in violent crimes. The Royal Australasian College of Surgeons, for example, said that ‘in Australia, about half of interpersonal violence, domestic violence and sexual assault are related to excessive alcohol consumption as are a half of homicides’.¹¹ Similarly, the College of Physicians reported data from the Bureau of Crime Statistics and Research (BOCSAR), which found that in 2013-14, alcohol was a factor in 9,948 domestic assaults, 12,895 non-domestic assaults and 1,632 assaults on police.¹² The Police Association reported that on average, one in four operational police are assaulted each year, with alcohol being involved in 70 per cent of these assaults, and 80 per cent of assaults occurring on weekends.¹³

2.21 The great majority of submissions received by the Committee referred to issues arising from excessive alcohol use only, with few expressing concerns relating to the use of other drugs. The Royal Australasian College of Physicians noted that:

while the inquiry terms of reference addresses alcohol and drug related violence, the measures put in place primarily address alcohol. We support this approach given the prominent involvement of alcohol in episodes of violence.¹⁴

2.22 However, the Australian Hotels Association took a different view, arguing that other drugs may play a greater role than currently recognised in statistics:

NSW Police consider that an incident is “alcohol related” if either the victim or the offender involved in the incident has consumed alcohol before the event. The police computer system automatically records an event as alcohol related in these circumstances. By contrast, for an even to be classified as “drug related”, the reporting officer has to make a decision that the event only occurred because of, or related to the use, possession or selling of drugs – “if not for drugs, this would not have occurred”. Further, drugs are an illegal substance, so for someone to admit to drug use renders them liable to prosecution.¹⁵

⁸ Submission 11, Royal Australasian College of Surgeons, p1.

⁹ Submission 109, Public Health Association of Australia, p4.

¹⁰ Submission 54, Royal Australasian College of Physicians, p7.

¹¹ Submission 11, Royal Australasian College of Surgeons, p1.

¹² Submission 54, Royal Australasian College of Physicians, p8.

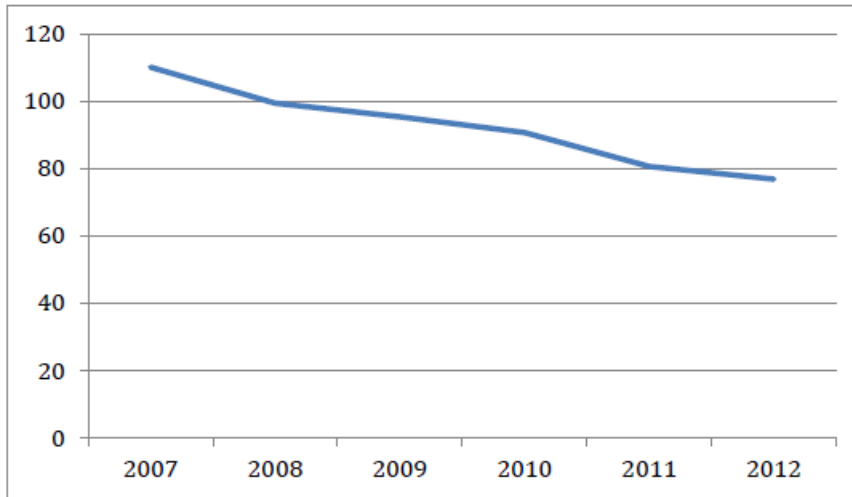
¹³ Submission 94, Police Association of NSW, p5.

¹⁴ Submission 54, Royal Australasian College of Physicians, p8.¹⁴

¹⁵ Submission 105, Australian Hotels Association, p5.

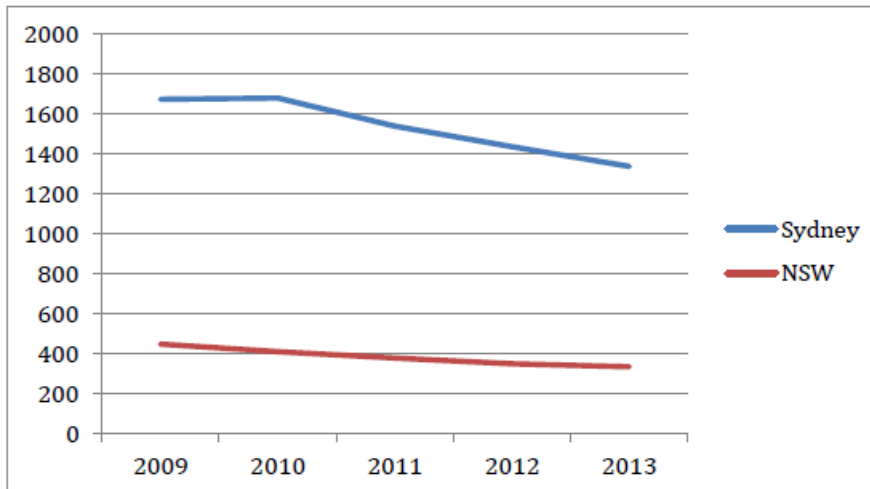
2.23 Despite the concerns about the role of alcohol in violence, several submissions also noted that alcohol-related violence has, in fact, declined somewhat in recent years. As Figure 1 shows, hospitalisations as a result of interpersonal violence have actually declined since 2007. Moreover, as Figure 2 shows, alcohol related violence in general is declining, both in Sydney and across NSW.

Figure 1: Hospitalisations for interpersonal violence (rate per 100,000 population) 2007-2012



Source: NSW Health statistics

Figure 2: Alcohol related violence (rate per 100,000 population) 2009-2013



Source: ABS and BOSCAR

2.24 However, as the Royal Australasian College of Physicians points out, the general decline in alcohol-related violence in recent years does not mean that violence has declined everywhere and at all times. In fact, in some places it has actually increased. For example, in both the Sydney CBD generally and in the Kings Cross precinct in particular, both domestic and non-domestic assaults have increased. Assaults on police have increased even further.

Deaths in Kings Cross

- 2.25 In July 2012, 18 year old Thomas Kelly died after an assault in Kings Cross. Mr Kelly had just arrived in the area and was walking down the street with his girlfriend when he was ‘king hit’ by a stranger. Mr Kelly sustained a severe fracture of the skull and a brain injury and died in hospital two days later. Eighteen year old Daniel Christie died on 11 January 2014, also following an unprovoked assault in Kings Cross. Mr Christie had been on his way to a nightclub on new year’s eve when he was assaulted by a stranger. After being punched in the face, he fell and hit his head on the pavement, causing him to lose consciousness.
- 2.26 The deaths of Thomas Kelly and Daniel Christie attracted enormous attention from the public and the media. News reports noted that such ‘king hit’ or ‘coward punch’ attacks have caused 91 deaths in Australia since 2000, with 28 of these deaths occurring in NSW.¹⁶ Researchers observed that alcohol is often involved in these incidents, which typically involve young men and occur in or near licensed premises.¹⁷
- 2.27 On 30 January 2014 the then Premier, the Hon. Barry O’Farrell, recalled Parliament to introduce two bills, the Liquor Amendment Bill 2014 and the Crimes and Other Legislation Amendment Bill 2014. The Premier said:

The purpose of the Liquor Amendment Bill 2014 and the Crimes and Other Legislation Amendment (Assault and Intoxication) Bill 2014 is to make our streets safer by introducing new measures to tackle drug and alcohol-related violence. Recent months have seen a number of serious violent alcohol and drug-fuelled assaults in the Sydney Central Business district and elsewhere that shocked the community across the State.¹⁸

The *Liquor Amendment Act 2014*

- 2.28 The *Liquor Amendment Act 2014* provided for a range of changes to the *Liquor Act 2007*. Most of these changes came into force from 24 February 2014, and are referred to in this report as ‘the recent changes’ or ‘recent amendments’. These amendments are summarised below:

- Establishment of a Sydney CBD Entertainment Precinct, with most of the changes to apply within this area and the existing Kings Cross precinct. The new precinct extended from the Victoria Street, Darlinghurst in the east to the city side of Darling Harbour in the west, and from Central Station in the south to Circular Quay in the north, with the Oxford/Flinders Streets neighbourhood in Darlinghurst also included. A map showing the Sydney CBD and Kings Cross precincts is included at Figure 4. In this report, ‘Sydney CBD’ refers to this precinct, unless otherwise specified.

¹⁶ Needham, K., Smith, A., “Daniel Christie dies following king-hit punch”, Sydney Morning Herald, 11 January 2014.

¹⁷ Pilgrim, J., Gerostamoulos, D., Drummer, O., (2014), “‘King hit’ fatalities in Australia, 2000-2012: the role of alcohol and other drugs”, Drug and Alcohol Dependence, 135, pp119-132.

¹⁸ The Hon. Barry O’Farrell, LA Debates, 30 January 2014.

- The Act created a 'freeze' on most new liquor licences and approvals for premises within the Sydney CBD Entertainment Precinct. However, the freeze did not apply to small bars with a capacity of 60 patrons or less.
- The Act imposed a 1.30am 'lockout' within the Sydney CBD and Kings Cross precincts, meaning that no new patrons will be admitted after 1.30am. If patrons leave a licensed venue after 1.30am they are unable to re-enter. Last drinks are to be served by 3.00am. Venues with existing licences that allow trading after 3.00am can remain open but are not permitted to serve alcohol until 5.00am or the beginning of the next trading period – whichever is the later.
- Banning orders, which had been introduced into the Kings Cross precinct in 2013, were extended into the Sydney CBD precinct. These orders allow police to issue a temporary 48-hour banning order in situations where a person has refused to comply with a direction to move on, been refused admission to licensed premises or asked to leave. The Act also provides for banning orders of up to 12 months.
- The Act also allows the Independent Liquor and Gaming Authority to suspend or revoke RSA (Responsible Service of Alcohol) competency cards for up to 12 months, where the card holder is employed within the Sydney CBD precinct. This Action can be taken where the Authority considers that a card holder has contravened RSA provisions. RSA competency cards are essential for positions involving sale of alcohol, so this measure will effectively prohibit a person from working in the liquor industry. The Act also suspended online RSA training.
- A 10.00pm closing time for take-away sales of alcohol. This applies across NSW.
- The Act also provided for the establishment of further precincts in the future, though none were specified. Thus the measures contained in the Act may be applied to other areas in future.

2.29 The Act also signalled further changes to be introduced by Regulation. The Sydney CBD Plan of Management was introduced on 18 July 2014 (after this inquiry commenced). The Plan of Management involves a range of specific licensing conditions which apply to venues in the Sydney CBD precinct. Some of these, such as restrictions on the sale of shots, doubles and other drinks designed for rapid consumption, had already been applied to high risk venues.

2.30 Schedule 1, clause 47 of the Act provides for an independent review of amendments relating to lockouts and 3am last drinks to be undertaken as soon as possible after the end of the period of 2 years from the laws coming into force, that is, February 2016.

The Crimes and Other Legislation (Assault and Intoxication) Act 2014

2.31 The *Crimes and Other Legislation (Assault and Intoxication) Act 2014* introduced a new offence of assault causing death, which carries a maximum penalty of twenty years jail. A person can be found guilty of this offence even if they did not

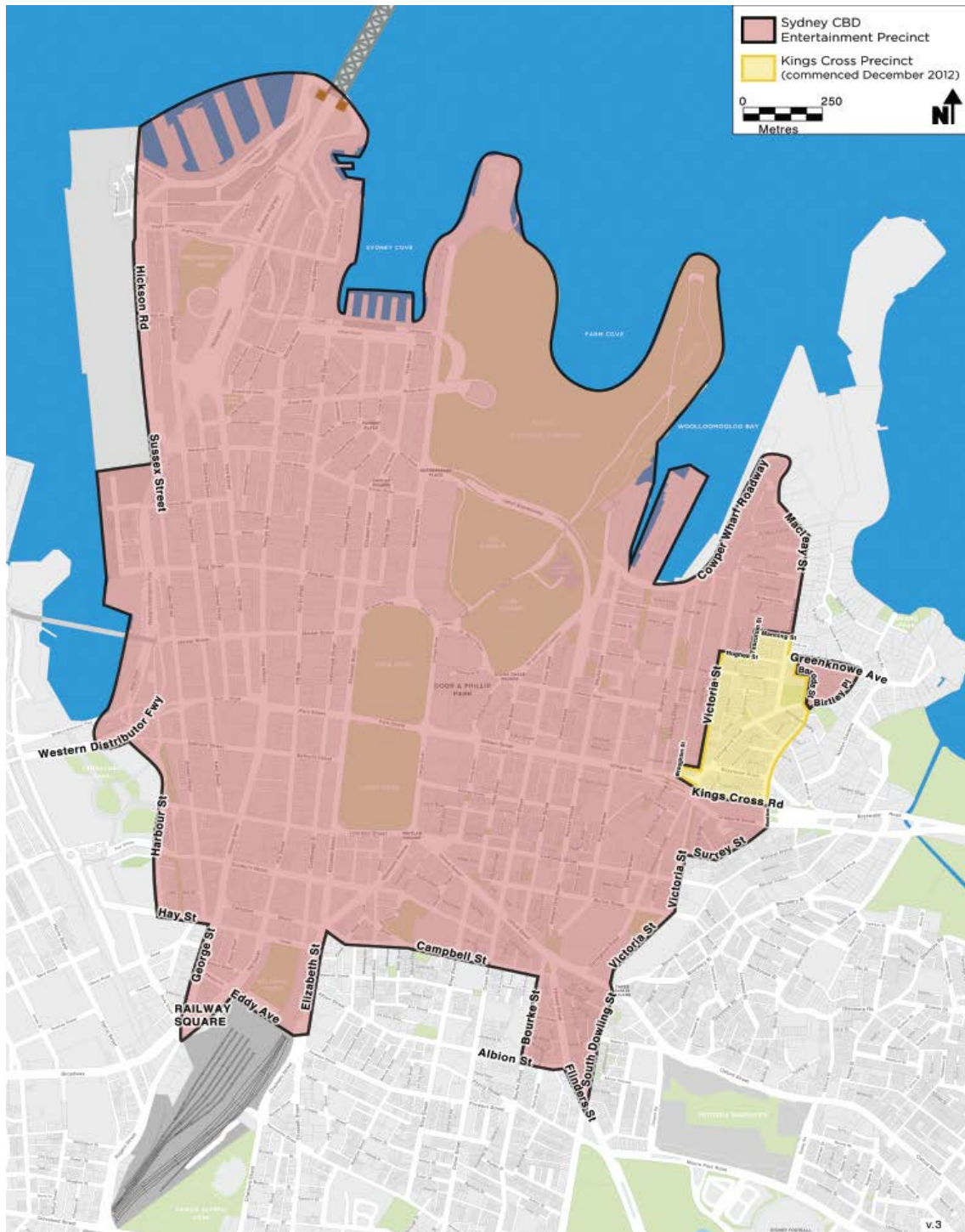
foresee or intend the death of the victim, or the victim's death was not reasonably foreseeable. Further, a minimum mandatory sentence of eight years applies if the offender was intoxicated by alcohol or drugs at the time of the assault.

- 2.32 The Act also provides police with powers to conduct tests for alcohol or drugs where they suspect that an offender has committed an offence under the Act. Police can require a breath test at the scene of an alleged offence or at a police station. Police can also require blood and urine samples in situations where they believe an alleged offender is under the influence of a substance other than alcohol, or where they have refused a breath test, or police have been unable to conduct one due to time constraints.
- 2.33 The Act also proscribed some 50 steroidal agents under the *Drug Misuse and Trafficking Act 1985*, and increased penalties for supply and possession of steroids.

Committee comment

- 2.34 The Committee shares public concern over drug and alcohol-fuelled violence. While acknowledging that much of this violence occurs in a domestic environment, this inquiry focuses on recent changes to legislation to address drug and alcohol-associated violence in and around licensed venues.
- 2.35 As will be discussed in the following chapter, much of the evidence received by the Committee in the course of its Inquiry focused on changes to the Liquor Act and specifically, restrictions on trading hours. The Committee received only a small number of submissions relating to the amendments to the Crimes Act, and these are discussed in Chapter Six.

Figure 3: The Sydney CBD Entertainment Precinct



Chapter Three – The impact of recent measures on violence and anti-social behaviour

- 3.1 The principal object the 2014 amendments to the *Liquor Act 2007* was to reduce violence and anti-social behaviour associated with the consumption of alcohol. Most stakeholders who gave evidence agreed that it is as yet too early to provide a full assessment of the impact of the changes. The Committee is aware of the problems that the timing of its inquiry poses. This and other limitations in the evidence available will be canvassed in this chapter.
- 3.2 While the Committee recognises that current evidence is insufficient to make a full assessment of the impact of the recent measures, it did hear evidence that the incidence of violence and anti-social behaviour in the Sydney CBD Entertainment Precinct has already declined. This evidence, while far from comprehensive, will also be discussed in this chapter.

Evidence received by the Committee

- 3.3 The Committee received a large number of submissions from a range of stakeholders including police, health professionals, academics and business owners, as well as people who live in the Sydney CBD Entertainment Precinct or patronise clubs and bars. Many of these submissions drew attention to limitations in the evidence available.
- 3.4 In particular, a number of stakeholders expressed the view that it is too early to assess whether the measures introduced in February 2014 are effective.¹⁹ For instance, the ACT Alcohol Policy Alliance expressed the view emphasised that ‘Given that these measures have been in place for six months or less, it is too soon to objectively evaluate the impact of the measures announced in January 2014.’²⁰ In its submission, the NSW Government also stated that ‘it is too early to evaluate the measures to address alcohol and drug related violence in the CBD introduced in early 2014’.²¹
- 3.5 There are two main reasons why a full evaluation of the recent measures is not possible at this time. First, as the measures were introduced only in February 2014 and this Inquiry commenced in July 2014, there has been no opportunity to assess their impact over the summer months. Alcohol-related violence is subject to seasonal variation, as Dr Don Weatherburn, Director, Bureau of Crime Statistics and Research, explained:

¹⁹ Submission 57, Australian Drug Foundation; Submission 86, NCOSS; Submission 60, Mental Health Association; Submission 95, NSW ACT Alcohol Policy Alliance; Submission 13, Dr Don Peter Miller, Deakin University.

²⁰ Submission 95, NSW ACT Alcohol Policy Alliance, p6.

²¹ Submission 113, NSW Government, p3.

There is enormous seasonal variability in the incidence of assaults ... assaults go up in summer, peaking in December and January and come back down in June, July and August.²²

- 3.6 Second, it is possible that any impact of measures to reduce alcohol and drug-related violence may not be sustained. For example, Dr Peter Miller from Deakin University told the Committee that the real impact of changes takes time to emerge:

According to the evidence from our large studies and those conducted internationally, interventions such as those implemented in Sydney take time to embed and we would not normally expect to see the sustained effects to become apparent for at least 12 months. In particular, while the measures will have an immediate effect on the numbers and types of incidents observed, there will not be sustained culture change for at least a year and it will take longer for the business community to adapt to the new measures and adjust their business models.²³

- 3.7 Beyond the timing of this inquiry, stakeholders also drew attention to the difficulties of assessing the impact or effectiveness of policy measures such as those contained in the *Liquor Amendment Act 2014*. Because the Act contains a range of measures, it is difficult to isolate which particular measures may be having an effect. For example, Mr John Green, Director, Policing, Regulations and Membership at the Australian Hotels Association (AHA) said that:

We have seen, particularly in the Sydney CBD area, in the last six years a range of sanctions and measures over consecutive years – the Sydney Liquor Taskforce, the introduction of the Liquor Act, the liquor freeze, the top 48 [high-risk venues], the hazard-free nights, the Sydney precinct liquor accord, the Kings Cross precinct measures and then the Sydney CBD precinct measures ... we have seen a raft of measures come into place. There has been a suite of measures but so many that we actually do not know what works and what does not work.²⁴

- 3.8 Most of the evidence provided to the Committee related to one specific measure: that is, the amendment to the *Liquor Act 2007* requiring licensed venues in the Sydney CBD Entertainment Precinct to refuse entry to patrons after 1.30am and stop selling alcohol at 3.00am. Indeed, those submissions which supported or opposed the recent measures typically referred only to these changes in trading hours, or canvassed other issues which were attributed to the changes in trading hours.

Data issues

- 3.9 Stakeholders also drew attention to the complexities involved in measuring the impact of measures to reduce alcohol and drug-related violence. Most of these issues are not specific to violence occurring in the Sydney CBD. For example, as

²² Dr Don Weatherburn, Director, Bureau of Crime Statistics and Research, Transcript of evidence, 3 September 2014, p8.

²³ Submission 13, Associate Dr Don Peter Miller, p1.

²⁴ Mr John Green, Director, Policing, Regulations and Membership, Australian Hotels Association, Transcript of evidence, 3 September 2014, p48.

doctors from St Vincent's Hospital pointed out, many assaults are not reported to police:

A lot of little tiffs occur in Kings Cross and some are reported to the police. However, some people are too embarrassed to report them. They come in sheepishly having had a blow to the nose or to the face while under the influence of alcohol and that is not reported. There is a great deal of under-reporting of assault because people have been out on the grog.²⁵

3.10 While more serious assaults are more likely to be reported to police, other sources such as ambulance records and emergency department presentations are also important sources of information for gaining an accurate picture of the level of violent incidents.

3.11 Further, information about whether incidents are related to alcohol or other drugs is not entirely reliable. The assessment of whether an incident is related to alcohol is made by the attending professional, whether that professional is a police officer, ambulance officer, doctor or nurse. An accurate assessment may not even be possible if a person is unconscious, for example. For example, Dr Weatherburn explained that police form a judgement about whether an incident is alcohol-related or not:

Normally I only speak about assault, whether it is alcohol-related or not. The reason for that is that the judgement of whether an assault is alcohol-related is a judgement formed by the attending police officer and it is quite likely that on some occasions they are mistaken ... I am sure they are absolutely right in many instances, but there would be many instances at the margin where they are not sure.²⁶

3.12 Similarly, Dr Paul Preisz, Acting Director, Emergency Department, St Vincent's Hospital, explained that hospital data also tends to underestimate the incidence of alcohol-related violence. Even once an assessment is made, the relevant information must be recorded and this is also subject to variations in practice:

The problem with the data we have is that it underestimates what is actually happening. Every patient who comes to an emergency department gets entered into a database. They have certain things logged about them but the way that is coded varies, depending on who is doing it. There is no uniform way of collecting data that has been properly designed and implemented. We do our best with what we have but we realise that we are underestimating the problem.²⁷

3.13 Accurate assessment of whether other drugs are involved in violent incidents is even more difficult. As was noted by the Australian Hotels Association and referred to in the previous chapter, a person's use of other drugs is often less visible to the observer. Assistant Commissioner Fuller explained the difficulty of determining whether a person is affected by drugs:

²⁵ Professor Anthony Grabs, Clinical Executive Director and Director of Trauma, St Vincent's Hospital, Transcript of evidence, 3 September 2014, p63.

²⁶ Dr Don Weatherburn, Director, Bureau of Crime Statistics and Research, Transcript of evidence, 3 September 2014, p6.

²⁷ Dr Paul Preisz, Acting Director, Emergency Department, St Vincent's Hospital, Transcript of evidence, 3 September 2014, p66.

alcohol is certainly easier to detect because there is a real smell that goes with that. With drugs, whilst you can see impairment, there are no real smells that come with drug use other than cannabis. So it can be challenging from a police perspective.²⁸

- 3.14 For the same reason, it seems likely that where a person is affected by both alcohol and other drugs, it is likely that an incident will be recorded as related to alcohol rather than other drugs, although Assistant Commissioner Fuller observed that people do frequently provide accurate information to police:

We also talk to the individual and ask them, "How many drinks have you had tonight and have you had drugs tonight?" You would be surprised at the honesty in terms of that. When we ask whether alcohol or drugs are an associated factor, sometimes that is visual when it comes to alcohol but in most cases it will come from either speaking to the individual or to people who are with the individual.²⁹

- 3.15 Another issue with data is that each agency responsible for dealing with alcohol and drug related violence has different boundaries for measuring results. For example, while the NSW Police Force has Local Area Command boundaries, the City of Sydney has its Local Government Area boundary while St Vincent's Hospital has its drawing area, all of which differ from the Kings Cross and Sydney CBD Entertainment Precinct boundaries. The Chair and Dr Don Weatherburn, Director of the NSW Bureau of Crime Statistics and Research (BOCSAR) discussed this issue at the Inquiry's public hearing:

Chair: Would you care to comment on the various boundaries?

Dr Weatherburn: ...There is the local area command boundary, the precinct boundary, the local government area boundary and the postcode boundary. There is no shortage of boundaries. We do not have a view about the most appropriate boundaries to use. It helps us a great deal if we can get a recognised boundary such as the local government area, just because there is a wealth of other information about local government areas, which is not obtainable if you are looking at a precinct. If we know the longitude and latitude of an event or assault we can tie it to whatever boundaries you want. It has created a fair amount of confusion in the public mind. When people ask what is going on in Kings Cross it is not entirely clear whether they are talking about the precinct, postcode, the local area command or the local government area...Or the plan of management.³⁰

Data from the Bureau of Crime Statistics and Research

- 3.16 Dr Don Weatherburn, Director of the Bureau of Crime Statistics and Research (BOCSAR), attended the public hearing on 3 September 2014 and gave evidence. BOCSAR is the key agency for the collection and analysis of crime statistics in NSW. Dr Weatherburn noted that, as canvassed in the previous chapter, non-domestic assaults (that is, assaults not related to family violence) have declined over the last five years across NSW. Figure 4 shows the trends in non-domestic assaults in NSW over the last ten years.

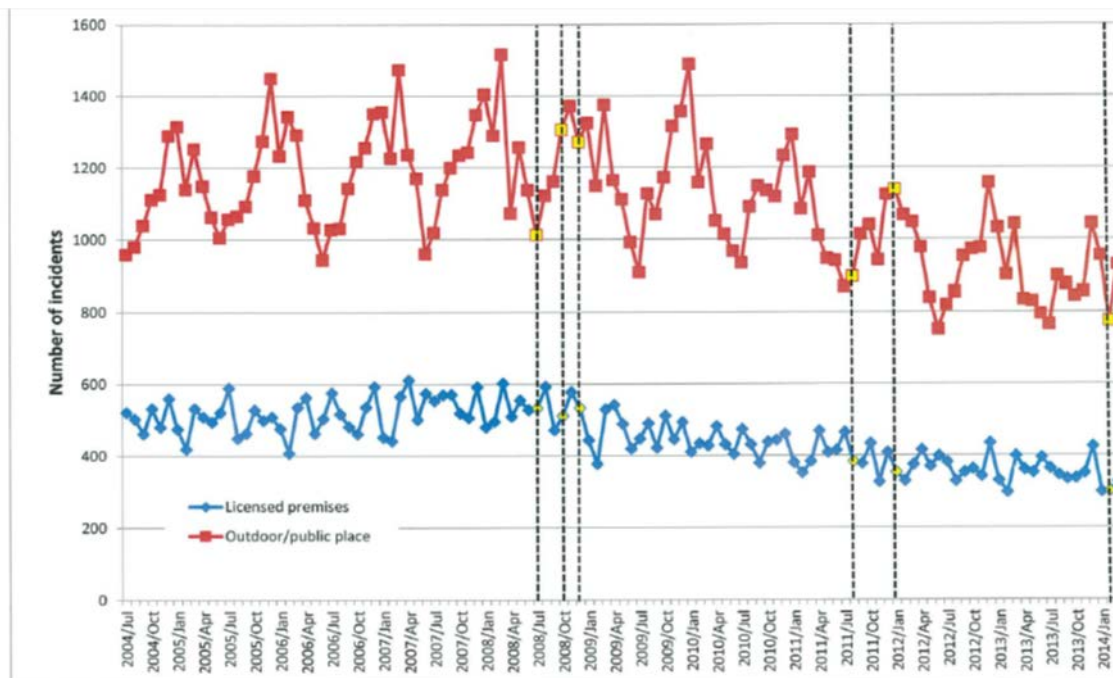
²⁸ Assistant Commissioner Michael Fuller, Region Commander, Central Metropolitan Region, NSW Police Force, Transcript of evidence, 3 September 2014, p20.

²⁹ Assistant Commissioner Michael Fuller, Transcript of evidence, 3 September 2014, p20.

³⁰ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p2.

3.17 Dr Weatherburn reported that the two areas most relevant to the Committee’s inquiry - the Kings Cross Local Area Command and the Sydney Local Government Area – have also witnessed a downward trend in non-domestic assaults. Indeed, the decline in these areas is greater than the decline reported state-wide. For example, over the last five years the Kings Cross LAC reported a 9.7 per cent decline in alcohol-related assaults occurring on licensed premises, while across NSW a 7 per cent decline was reported. Over the last two years, the decline has been more marked: across NSW these assaults declined by 6 per cent, but in the Sydney LGA they declined by 14.8 per cent, and in the Kings Cross LAC by 29.2 per cent.³¹

Figure 4: Non-domestic, alcohol-related assaults in NSW



3.18 It is important to note that BOCSAR data also shows that the decline in assaults occurring outside licensed premises (that is, on the streets) is less marked and, in some areas, there has been no decline. Across NSW, for example, non-domestic alcohol-related assaults not occurring in licensed premises declined by 8.5 per cent over the last five years, but have remained stable over the last two years. In the Sydney LGA the decline was less marked, with a 5.7 per cent decline over the last five years but again, no decline over the last two years. The pattern was similar in the Kings Cross Local Area Command, with a 5.2 per cent decline over the last five years but no change over the last two years. Indeed, over a ten year

³¹ Dr Don Weatherburn, Tabled Document, ‘Number of non-domestic assault incidents recorded by the NSW Police as having occurred on and not on licensed premises, by whether alcohol related or not’, 3 September 2014.

period such assaults have actually increased by 2.3 per cent in Kings Cross.³² Similarly, there has been no decline in domestic assaults.³³

3.19 As assault data includes only those incidents reported to police, BOCSAR conducted research to ascertain whether a reluctance to report assaults occurring within licensed premises (particularly in light of measures which can be taken against high risk venues) may have influenced these results. However, BOCSAR found no evidence that willingness to report assaults had changed.³⁴ In evidence, Dr Weatherburn expressed the view that 'the decline is real; I do not think it is an artefact of reluctance to report'.³⁵

3.20 However, this data provides very little information about the effects of the measures introduced in February 2014. Dr Weatherburn expressed the view that 'it would be precipitous to draw conclusions in such a short period about the effect [of the recent measures]'.³⁶ Dr Weatherburn noted that assaults had fallen since January this year but emphasised that:

We should make this point very clear: there is absolutely no question that assaults have fallen since January this year; they do every year. We really need to remember the seasonal effects are quite pronounced. Anybody who is claiming success in reducing alcohol-related assaults because they have fallen since January this year is just misleading themselves if not others. Every year they go down from January to June; every year they go up from June to January.³⁷

Evidence from police

3.21 While crime statistics do not yet show an impact from the measures implemented in February 2014, other stakeholders provided strong anecdotal evidence about the impact of the recent measures to reduce violence. This evidence came from police, hospitals and local residents. For example, Assistant Commissioner Michael Fuller, Region Commander, Central Metropolitan Region, NSW Police Force, observed that the number of violent incidents has dropped since the introduction of the lock-out laws:

I caveat this with this is internal information, but if you compare the lockout period from the end of February to August last year to this year, last year there were 22 what we call grievous bodily harm assaults – which are serious assaults, serious injuries that would put you in hospital with a serious injury – and this year in that period from 24 February to August there were two. So that is a massive reduction. I agree with everything Dr Weatherburn said in being careful that it is quieter during winter and we do see trends up and down during that winter-summer cycle. But that

³² Dr Don Weatherburn, Tabled Document, 'Number of non-domestic assault incidents recorded by the NSW Police as having occurred on and not on licensed premises, by whether alcohol related or not', 3 September 2014.

³³ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p8.

³⁴ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p3.

³⁵ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p8.

³⁶ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p4.

³⁷ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p6.

is a really interesting statistic and a very positive one to think we have seen a reduction in grievous bodily harm assaults from 22 to 2.³⁸

- 3.22 Assistant Commissioner Fuller observed that there appear to be fewer people going out in the Sydney CBD area since the introduction of the new laws, particularly in Kings Cross:

I spoke again with the commander of Sydney city only this morning just to get his feel on the changes. Again, he feels it is encouraging. Whilst it is difficult to talk about loads of people, although Kings Cross feels as though there are fewer people on the streets now around the 1.30 am lockouts.³⁹

- 3.23 Assistant Commissioner Fuller's observation that patronage has declined since the introduction of the lock-out laws is consistent with evidence received from other stakeholders, which will be canvassed in the following chapter. Assistant Commissioner Fuller also noted that, following the introduction of the lock-out law, patterns of patronage appear to have changed, with fewer patrons moving from Kings Cross to nearby neighbourhoods such as Darlinghurst or the Sydney CBD:

It really stops the shift of the problem from Kings Cross. Then you might walk a couple of hundred metres down to Oxford Street and you get kicked out of Oxford Street and you go to George Street. The reality is that public transport has certain hubs and Central railway station is seen to be that point where they work back to.⁴⁰

- 3.24 Assistant Commissioner Fuller attributed this to not just the lock-out laws in themselves but also police action, particularly in directing patrons to move one or go home:

What that meant is that post-1.30am it really gave us an ability to move people on, particularly those who are intoxicated, where in the past they could drift from premises to premises ... Now we really have drawn a line in the sand: at 1.30 am if you are not in a premises you may well be getting a hamburger but after that it is time to go home. When police give you that move on, at least it gives an individual a clear message that it is time to go home.⁴¹

- 3.25 Assistant Commissioner Fuller also observed that, because venues are closing earlier, those patrons who are frequenting the Sydney CBD area are now less heavily intoxicated, saying, 'Police feel as though there have been encouraging signs in the reduction of intoxication'.⁴² He emphasised that intoxicated people are not only more likely to commit offences, but also to become victims of crime.⁴³

³⁸ Assistant Commissioner Michael Fuller, Region Commander, Central Metropolitan Region, NSW Police Force, Transcript of evidence, 3 September 2014, p13.

³⁹ Assistant Commissioner Michael Fuller, Transcript of evidence, 3 September 2014, p13.

⁴⁰ Assistant Commissioner Michael Fuller, Transcript of evidence, 3 September 2014, p14.

⁴¹ Assistant Commissioner Michael Fuller, Transcript of evidence, 3 September 2014, p12.

⁴² Assistant Commissioner Michael Fuller, Transcript of evidence, 3 September 2014, p14.

⁴³ Assistant Commissioner Michael Fuller, Transcript of evidence, 3 September 2014, p14.

Evidence from health professionals

- 3.26 The issue of intoxicated people becoming victims of crime or accidents was also raised by health professionals. Professor Anthony Grabs, Clinical Executive Director and Director of Trauma at St Vincent’s, explained that the ability to detect danger is impaired by consumption of alcohol:

Unfortunately, when people have alcohol on board they lose their ability to sense danger. That is why relatively innocent bystanders, although they might have consumed alcohol, confront difficult circumstances. I might see something happening that is not right, but people under the influence would not see it. They end up having a bit of a push and shove and the next thing they know they are involved in a huge fight. That is when injuries occur.⁴⁴

- 3.27 The Committee heard evidence from physicians at St Vincent’s Hospital, Darlinghurst. St Vincent’s sees more than 40,000 patients each year and is the principal hospital for the Sydney CBD area and eastern suburbs. Mr Toby Hall, Chief Executive Officer, St Vincent’s Health, said that since the introduction of the 2014 amendments the hospital has witnessed a reduction in both serious injuries as a result of alcohol-fuelled assaults and alcohol-related presentations generally:

We would like to make it fairly clear first of all that our experience to date is that, since the legislation came into existence six months ago, we have had an observed reduction in the amount of alcohol-related presentations to our emergency department across the board. Probably more importantly, our intensive care specialists, trauma services and emergency staff have observed a reduction in serious injuries at that time as well relating to alcohol-related assaults.⁴⁵

- 3.28 On this note, Professor Anthony Grabs, who is Director of Trauma at St Vincent’s Hospital, told the Committee that, ‘I work on the shop floor. Have been 30 years in this place and this is the first time I have seen a significant reduction in alcohol-related issues – not only violence but presentations.’⁴⁶

- 3.29 The Committee received similar evidence from the Australian Salaried Medical Officers’ Federation (ASMOF), which represents medical professionals working in NSW hospitals. ASMOF conducted research among its members who work at St Vincent’s Hospital and Sydney Hospital, which found that medical professionals had observed a decline in alcohol-related presentations to emergency departments following the introduction of the amendments in February 2014. This research is represented in Figure 5. More than 85 per cent of clinicians observed a decline in the number of alcohol-related presentations, with more than 80 per cent of these rating the decline as “significant”.⁴⁷

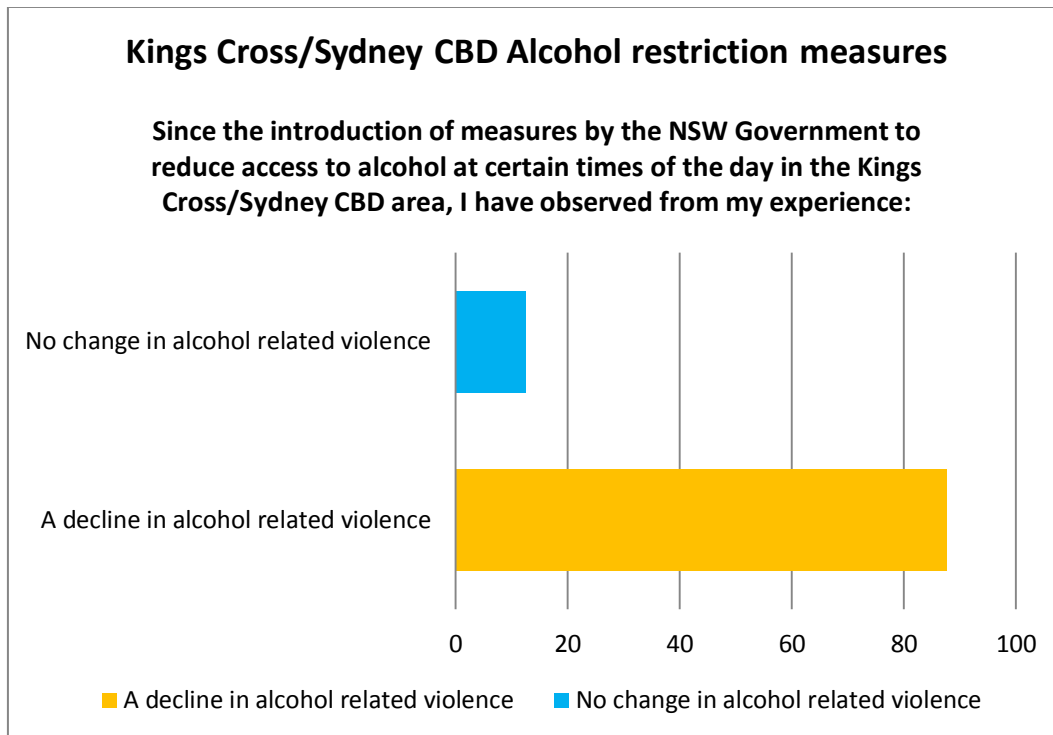
⁴⁴ Professor Anthony Grabs, Clinical Executive Director and Director of Trauma, St Vincent’s Hospital, Transcript of evidence, 3 September 2014, p62.

⁴⁵ Mr Toby Hall, Chief Executive Officer, St Vincent’s Health, Transcript of evidence, 3 September 2014, p58.

⁴⁶ Professor Anthony Grabs, Clinical Executive Director and Director of Trauma, St Vincent’s Hospital, Transcript of evidence, 3 September 2014, p61.

⁴⁷ Submission 73, Australian Salaried Medical Officers Federation, p5.

Figure 5: Kings Cross/Sydney CBD Alcohol restriction measures: perceptions of Emergency Department staff



3.30 ASMOF attributed this reduction in alcohol-related presentations to the measures introduced by the NSW Government earlier this year, saying, ‘It is difficult to identify any other factor readily that may have contributed to this decline other than the changes brought about by the NSW Government to date.’⁴⁸

3.31 The Royal Prince Alfred Hospital (RPA) in Camperdown also made a submission to the Inquiry. RPA services the Sydney Local Health District which includes part of the Sydney CBD Entertainment Precinct (around Central Station) and the areas immediately to its south and west such as Redfern, Pyrmont and Ultimo. RPA reviewed cases involving injuries caused by serious assaults and found that they had declined by 60 per cent in the five months following the introduction of the new laws, compared to the five months preceding their introduction.⁴⁹ In order to control for seasonal variation, RPA also compared figures for March to July 2014 with those for March to July 2013. These figures are summarised in Figure 6, and show a decline in both the number and rate of assaults and acute intoxication.

3.32 The evidence from the Royal Prince Alfred Hospital is also relevant because of concerns that patrons may ‘migrate’ from the Sydney CBD Entertainment Precinct, where restrictions apply, to adjacent areas where they do not. This ‘migration’ or ‘displacement’ effect will be discussed in more detail in Chapter Five. However, data from RPA indicates that the recent measures are likely to have had a positive impact on emergency department presentations there.

⁴⁸ Submission 73, Australian Salaried Medical Officers Federation, p5.

⁴⁹ Submission 52, Royal Prince Alfred Hospital, p4.

Figure 6: Rate of in-patient admissions for assault or alcohol intoxication per 1000 Emergency Department Presentations based on episode of care ICD10 coding.⁵⁰

	March-July 2013	Oct 2013-Feb 2014	March-July 2014
<i>Total ED presentations</i>	30,226	25,170	30,171
<i>Assault or acute (Rate)</i>	198 (6.55)	278 (11.04)	134 (4.37)
<i>Intoxication (Rate)</i>			
<i>Assault only (Rate)</i>	144 (4.76)	166 (6.60)	96 (3.18)

Use of other drugs

3.33 The Committee received less evidence about the use of other drugs, and whether this had been affected by the recent measures. As most other drugs are illegal, information about which drugs are being used and in what quantities is not available. The National Drug and Alcohol Research Centre, using data derived from a number of sources, estimated that 10.3 per cent of Australians had used cannabis in the previous year; 3 per cent used ecstasy; 2.1 per cent used methamphetamine and less than 1 per cent used heroin.⁵¹ Dr Weatherburn explained that use of amphetamines, in particular, appears to be growing:

Just looking at it from the vantage point of arrests, the biggest problem we have at the moment amphetamine use. It is growing and has grown very rapidly ... That is not to say there are no other drug problems around but in terms of ones that are growing I think there is a fair degree of consensus that amphetamine use, or what are called amphetamine-type substances, because there is a variety of them, is a growing problem.⁵²

3.34 Increased aggression is a symptom of amphetamine use. While some stakeholders argued that the role of other drugs in violent incidents is underestimated, Dr Weatherburn explained that alcohol remains the key factor, because the prevalence of alcohol use is so much greater (more than 80 per cent of Australians report using alcohol) than that of other drugs.⁵³ For example, at the public hearing, Mr Nick Lalich MP asked Dr Weatherburn about the relationship between other drugs and violence:

Mr NICK LALICH: We seem to be concentrating on alcohol-related violence. The stakeholders have suggested other drugs play a much greater role in violence than alcohol does. What is your opinion on that?⁵⁴

Dr WEATHERBURN: I do not think that is true but I would not rule out the possibility that other factors are at play. The reason I say that is that the prevalence of alcohol abuse is just so much greater than the prevalence of, say, for example,

⁵⁰ See Submission 52, Royal Prince Alfred Hospital, p4 for full citation.

⁵¹ Roxburgh, A. et al (2013) 'Trends in drug use and related harms in Australia: 2001 to 2013', National Drug and Alcohol Research Centre, UNSW, Sydney, pp10-14.

⁵² Dr Don Weatherburn, Transcript of evidence, 3 September 2014, pp10-11.

⁵³ Roxburgh, A. et al (2013), p27.

⁵⁴ Mr Nick Lalich MP, Member, Committee on Law and Safety, Transcript of evidence, 3 September 2014, p7.

methamphetamine abuse or steroid abuse ... The general pattern is that alcohol abuse far exceeds these other drugs. But I do not think it is an either/or situation.⁵⁵

It is quite possible in some locations and in some times that you get a combination operating. So someone, for example, who might be a regular steroid user, might behave even worse when they get alcohol on board, or someone who is a regular methamphetamine user and who has become irritable and aggressive might become much more violent when they drink. I do not think you can simply rule those out as factors in some locations but if you ask me what I think is the bigger driver and where we get the biggest leverage over the problem, it would still be alcohol.

- 3.35 Several inquiry participants provided evidence from their own experience of an increase in the use of illicit drugs following the recent measures to reduce alcohol and drug-related violence. They attributed this increase in drug use to the new restrictions in trading hours of licensed premises, suggesting that some patrons are using drugs because of limitations in the availability of alcohol. Below are some examples of this kind of evidence:

‘More alarming however has been the increase of recreational drug use in nightclubs. Prior to the introduction of these laws, I was quite accustomed to the use of recreational drugs at music festivals and concerts, however, on a night out clubbing this was a less usual occurrence. By drastically limiting the consumption of alcohol, and the introduction of 3am last drinks, many young people simply feel that in order to have a good night, it is a much easier option to consume illegal drugs’.⁵⁶

‘I have witnessed a huge number of people who previously would only drink moderately drinking far more since the lockouts. A large number of my friends have turned to drugs. While alcohol is not available between 3:00 and 5:30, ecstasy certainly is. I have also seen a huge spike in hip-flasks in clubs. The number of people who are sneaking alcohol into clubs is ridiculous’.⁵⁷

‘Businesses in Sydney may be suffering but the drug trade could not be stronger as everyone is on cocaine, ecstasy and any other form of street drug mix...currently, every other person I know is taking drugs they never have taken before.’⁵⁸

- 3.36 However, other stakeholders were more reluctant to draw a link between the recent measures and increased drug use. For example, Dr Paul Preisz from St Vincent’s Hospital, agreed that drug use appears to be increasing but did not feel that this trend is caused by a reduction in the availability of alcohol:

There has been a trend towards drug use. We see a lot of folk who take various drugs and I can honestly say that there is no drift from alcohol to other drugs. We

⁵⁵ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p7.

⁵⁶ Submission 22, Name suppressed, p1.

⁵⁷ Submission 33, Name suppressed, p1.

⁵⁸ Submission 87, Name suppressed, p3.

have not seen that at all. We have seen more patients with drug issues, but not because they have turned from alcohol to other drugs.⁵⁹

Committee comment

- 3.37 The Committee is cognisant of the limitations of this review, in terms of the availability of detailed data from the Bureau of Crime Statistics and Research. Reliable data will not be available until the second half of 2015 and it will take even longer to assess whether the impact of the recent measures – if indeed this data shows an impact – is sustained.
- 3.38 Despite the limitations of this Inquiry, the Committee found that there is no evidence that the recent measures to reduce alcohol and drug-related violence have had a negative impact, in terms of violence and anti-social behaviour. On the contrary, the Committee heard evidence from police and medical professionals that the recent measures have had a positive impact, in terms of reducing the number and severity of alcohol-related incidents in the Sydney CBD Entertainment Precinct. While anecdotal in nature, this evidence was sufficient to persuade the Committee that the measures should remain in place at this time until there is opportunity for review.
- 3.39 The Committee is aware that the recent measures are not supported by all stakeholders. The Committee received evidence from business owners and patrons who drew attention to negative impacts of the recent measures, particularly on businesses in the Sydney CBD area. This evidence and the issue of timing for the review of these laws will be canvassed in the following chapter.

FINDING 1

Early indicators suggest that the measures to reduce alcohol and drug-related violence provided for in the *Liquor Amendment Act 2014* are having the desired effect of reducing violence and anti-social behaviour in the Sydney CBD and Kings Cross areas. The Committee considers that continuation of these measures is justified at this time.

- 3.40 The Committee also notes the different boundaries used by agencies responsible for dealing with alcohol and drug related violence to measure results. The lack of standardisation in boundaries creates confusion. In the Committee's view, efforts should be made to create a common statistical boundary to measure violence in the Kings Cross and Sydney CBD Entertainment precincts for use by all affected agencies and organisations.

RECOMMENDATION 1

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.

⁵⁹ Dr Paul Preisz, Acting Director, Emergency Department, St Vincent's Hospital, Transcript of evidence, 3 September 2014, p62.

The displacement effect

3.41 One of the key concerns raised by stakeholders was the possibility that patrons will simply 'migrate' to other areas, or that violence will be displaced to other areas of the city where the recent measures do not apply. The areas of greatest concern are those closest to the Sydney CBD Entertainment Precinct, such as Pyrmont, Newtown, Paddington, Double Bay and Coogee.

3.42 A number of patrons and business owners raised this issue of displacement during the Inquiry. For example, one patron who made a submission to the Inquiry described the displacement effect:

Yes the number of assaults in those zones has dropped. But that's just numbers. If the average number of people visiting a zone drops from 20,000 to 6000 on a Saturday night, there are going to be less assaults in that zone. I'm not sure what the number of assaults is like in other zones where customers are now moving...customers are now heading in their droves to venues outside of the affected zones, in places like Double Bay or Newtown or Pyrmont, where venues can stay open at least until 5am. Surely you are just moving the problem elsewhere.⁶⁰

3.43 Business owner Mr Stephan Gyory made a similar point:

It may well seem that we are achieving our goals, but what has been achieved is simply a drop in current, visible, undesirable behaviour. People have been pushed to the periphery of the lockout zones and it is only a matter of time before someone is seriously hurt in Newtown. What then? Extend the zones? How far should we push the idiocy away before we deal with it?⁶¹

3.44 The Distilled Spirits Industry Council of Australia concurred:

The impact of recent measures on the wider Sydney area is unclear at this time. It is highly likely that the new restrictions will cause a displacement of drinkers from the Sydney CBD into surrounding areas outside the precinct, or for them to drink in venues closer to their homes. This will mean fewer patrons and lower density of drinkers in the Sydney CBD which will have to be taken into account in evaluating the success or otherwise of the measures. Looking at the simple number of assaults and arrests without regard to the reduced numbers of venues and patrons will present a false picture of the impact.⁶²

3.45 Mr Sam Skoulis, licensee of the Brighton Hotel, Darlinghurst, even indicated advertising by licensed establishments outside the lockout zones encourages displacement of patrons:

Double Bay and Newtown are the places to go these days and are primed for another alcohol fuelled incident to occur...now I am at a significant disadvantage when establishments outside the lockout zone are advertising Slogans like 'beat the lockouts'.⁶³

⁶⁰ Submission 39, Name suppressed, p1.

⁶¹ Submission 53, Darlinghurst Business Partnership, p1.

⁶² Submission 84, Distilled Spirits Industry Council of Australia, p4; see also submission 91, the Spice Cellar, p2.

⁶³ Submission 102, Brighton Hotel, p1.

3.46 As discussed in Chapter Three of this report, some stakeholders have also suggested lockouts have caused displacement of people to underground rave parties where there is even more reason for concern about safety. For example, Mr Lachlan McGrath observed that:

If one looks at the rate of violence in the Kings Cross area in a vacuum then there has been a net drop in violence. Unfortunately we do not live in a vacuum. What has occurred is an exodus from Kings Cross and the movement of parties underground. Warehouse parties and house parties have both increased in regularity at younger patrons do not see the worth of going out following the introduction of these laws. These parties have an increased rate of drug use (which is already prevalent in Australia), have dramatically inadequate if any security and no Responsible Service of Alcohol enforcement.⁶⁴

3.47 Similarly, Mr Andrew Castle stated:

The Lock out laws have increased the number of illegal warehouse parties around Sydney. This does the opposite of what the government wanted to achieve by pushing people into unregulated events without proper security, RSA and the ability to prevent drug use...I've noticed some of this first hand with never being asked to attend a warehouse party but now twice within the last two months and noticing more advertising, promotions and registering of events in the music circulars, publications, forums and websites. And if the government doesn't change this policy it'll entrench this scene in the music industry with people eventually preferring the lawlessness rather than the regulated clubs and pubs after giving them a taste of this freedom.⁶⁵

3.48 A recent article in the *Sydney Morning Herald* also reported that, according to club owners and music promoters, illegal warehouse parties had proliferated since the state's liquor laws were changed in early 2014. However, the article also reported that a NSW Police spokesperson indicated the rate of detected warehouse parties in the Marrickville area (where there is a significant warehouse district) had declined compared to the same period last year, and there had only been five callouts in the past six months; while Marrickville Council also said it had not received any complaints about such parties in the past 12 months.⁶⁶

3.49 In addition, when questioned at the Inquiry's public hearing on 3 September 2014 about whether the displacement effect has resulted in a rise in the number of underground rave parties, the Director of BOCSAR, Dr Don Weatherburn, indicated that BOCSAR had no evidence of this:

Mr Nick Lalich: The Committee is aware of media reports of underground rave parties. Do you have any figures or understanding of private rave parties going on in industrial areas where they hire out a unit?

Dr Weatherburn: No, I have not heard that.

⁶⁴ Submission 28, Mr Lachlan McGrath, p1.

⁶⁵ Submission 70, Mr Andrew Castle, p1.

⁶⁶ Koziol, M., 'Illegal Warehouse Parties Boom After Lockouts', *Sydney Morning Herald*, 11 August 2014, <http://www.smh.com.au>, viewed 18 September 2014.

Chair: We would be interested in whether or not the displacement effect has generated organisers renting a warehouse and conducting these events?

Dr Weatherburn: There is no doubt we have a problem with amphetamine use but I do not know if this is what is occurring at rave parties or not. I have not heard of this before.⁶⁷

3.50 Dr Weatherburn also indicated to the Committee that two other possible displacement impacts of the lockout laws could involve changes in the timing of assaults and more domestic instead of street violence:

There is another dimension to the displacement issue that needs to be considered too, which is whether or not the timing of the assaults is occurring earlier in the evening if people are not travelling into the inner city to drink. So I think we will be looking at the timing and we will be looking at the domestic assault issue, and I welcome any other suggestions for issues we might not have thought of that you think bear attention.⁶⁸

Current data concerning displacement

3.51 As with the effect of measures to reduce drug and alcohol related violence more generally, BOCSAR does not yet have any reliable data on whether the recent reforms have had a displacement effect.⁶⁹ However, Dr Weatherburn told the Committee:

We have in train a research plan to evaluate the most recent set of reforms to see whether it has led to displacement to Pyrmont...Newtown, Coogee, Paddington...We consulted with the Office of Liquor, Gaming and Racing on likely displacement sites – they are probably best placed to judge where those risks are – and we are separately going to look at all of those sites to see whether if there is a reduction in Kings Cross or the Sydney CBD Entertainment Precinct it has spilled over to Pyrmont or to Newtown or to Coogee or to any of the nearby points.⁷⁰

3.52 Other stakeholders provided their preliminary views on whether displacement has resulted from the new measures. For example, Assistant Commissioner Michael Fuller, Region Commander, Central Metropolitan Region, NSW Police Force told the Committee that while it is necessary to wait for BOCSAR data to draw firm conclusions regarding displacement, there is no evidence that displacement of crime is occurring even if the Police feeling on-the-ground is that there are larger crowds in areas surrounding the lockout precincts:

...I caveat this information that Dr Weatherburn is the person who should produce it. But from my perspective as a region commander on an intelligence basis...there is no evidence there is a displacement in terms of crime...there is no evidence that would suggest that there has been an increase in calls for service from people wanting police for any given crime. There is some evidence that they are seeing some larger crowds...That is just a feeling of the police on the ground...there is no evidence to

⁶⁷ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p9.

⁶⁸ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p8.

⁶⁹ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p4.

⁷⁰ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p4.

suggest that there has been any increase in crime in any of the areas surrounding the lockout precinct.⁷¹

- 3.53 The submission of the Police Association of NSW to the Inquiry provided similar information:

According to our members, there has been an increase in patronage of licensed venues outside the CBD Precinct. However, while there may be bigger crowds in other areas now (like Newtown), these increased crowds have not translated to more crime occurring in those areas.⁷²

- 3.54 The Committee also notes the following exchange between Professor Anthony Grabs, Clinical Executive Director, St Vincent's Hospital and Director of Trauma and the Chair concerning displacement:

Professor Grabs: What we know is that our area of drawing for trauma is from Maroubra all the way up through the eastern suburbs of Sydney and right through to about George Street. Usually in George Street there is a decision whether they go to RPA or to St Vincent's. If they migrated into the eastern suburbs to Bondi and Coogee, we see it because we are the only major trauma centre for that area...We have not seen migration, certainly into the eastern suburbs, that has had an influence on us at all.

Chair: Have you spoken to the people at RPA?

Professor Grabs: We have spoken to the people at RPA.

Chair: Just to see whether there has been an increase.

Professor Grabs: They have not seen a major change. I was just chatting to one of the reporters and she said they have actually seen a little bit of a reduction. So that is very good from my point of view – that we have not seen that drift that was talked about.⁷³

- 3.55 Indeed, in its submission to the Inquiry, Royal Prince Alfred Hospital indicated it had seen a halving in assaults in the post lockout period when compared to the 5 months previous, and a 33 per cent reduction in assaults when compared to a similar time period in 2013.⁷⁴

- 3.56 In addition, some indications may be drawn about the likelihood of displacement from results in other areas and jurisdictions that have employed lockouts. When asked at the Inquiry's public hearing on 3 September 2014 whether greater restriction and supervision of licensed premises has displaced the violence problem Dr Weatherburn replied:

It is possible. The reason I am hesitant to draw that conclusion is that the best evidence we have from a controlled experiment is the Newcastle experiment, and the beauty of that from a statistician's point of view is that we have an adjacent area

⁷¹ Assistant Commissioner Fuller, Transcript of evidence, 3 September 2014, p14.

⁷² Submission 94, Police Association of NSW, p10.

⁷³ Professor Anthony Grabs, Clinical Executive Director, St Vincent's Hospital, Transcript of evidence, 3 September 2014, p60.

⁷⁴ Submission 52, Royal Prince Alfred Hospital, p3.

also with alcohol problems where the restrictions did not apply. In that circumstance, you might have expected to see restrictions in Newcastle lead to a displacement of the assault problem to Hamilton, but that displacement did not happen. That does not mean it can never happen but it does mean that it is an open question whether we will see it or not.⁷⁵

- 3.57 The City of Sydney also remarked on a lack of displacement in Newcastle following the implementation of lockouts:

A recent evaluation of the impact of significant restrictions on the trading hours (amongst other conditions) of a number of problematic premises in the Newcastle CBD found a significant reduction in the number of assaults, with no evidence of displacement to other neighbourhoods or premises – and a subsequent follow-up study found that this impact had been sustained over time.⁷⁶

- 3.58 Similarly, in its submission to the Inquiry, the Police Association noted a lack of displacement in Melbourne during a 3 month trial of lockouts:

In any event, what we believe can be taken away from the Melbourne experience is that a 'lockout'...does not mean that there will be issues with displacement – throughout the three month lockout period in Melbourne, KPMG found that there was no significant displacement of people to non-Lockout areas.⁷⁷

- 3.59 However, Mr John Green, Director Liquor and Policing, Australian Hotels Association cautioned against drawing a conclusion from the Newcastle lockouts that displacement to the adjoining area of Hamilton had not occurred:

The situation with Newcastle is that the original study that was done under the auspices of the Bureau of Crime Statistics and Research...said there was no displacement to Hamilton but across New South Wales in that first two years there had been a 10 per cent reduction, so in effect no change in Hamilton was actually a rise. If you looked at places such as Cessnock, Maitland and other places they sustained a rise once the Newcastle measures were put into place too, so there was displacement. The then Director of Liquor and Gaming, Albert Gardner, said in his report to Newcastle that there were about 12,500 patrons that used to go to Newcastle on a Friday and Saturday night. It is now down around 2000. There has been a significant numerical drop. So BOCSAR's one flaw sometimes is it looks at raw data. That is what we will see...where the number of assaults will probably drop in Sydney but the number of people has also dropped. It is simple mathematics in that regard.⁷⁸

Committee comment

- 3.60 In order to assess whether displacement has occurred as a result of recent measures to curb drug and alcohol related violence, reliable data is essential. Therefore, the Committee is pleased at evidence from Dr Weatherburn that BOCSAR has in progress a research plan around this issue.

⁷⁵ Dr Don Weatherburn, Transcript of evidence, 3 September 2014, p4.

⁷⁶ Submission 110, City of Sydney, p6.

⁷⁷ Submission 94, Police Association of NSW, p16.

⁷⁸ Mr Green, Transcript of evidence, 3 September 2014, p53.

- 3.61 The Committee also notes that certain external considerations must be taken into account in assessing the currently available information on displacement. For example, as discussed in previous chapters of this report, alcohol-related assaults are subject to seasonal variation – there is an increase in the summer months and a decrease in the winter. Summer 2014-15 statistics will provide a better comparison and indication of the effects of the measures, if any, on displacement.
- 3.62 Similarly, the Committee notes, in keeping with the evidence of Assistant Commissioner Fuller discussed above, that it may be possible for migration of patrons to occur to surrounding suburbs without a corresponding displacement of crime. For example, if patrons are migrating to a *range* of surrounding suburbs they may still be more dispersed than they would be if they had all congregated in the lockout precincts making assaults less likely. Similarly, outlet density, which has been linked with an increase in assaults⁷⁹, may be less in these suburbs than it would in the lockout precincts.
- 3.63 Whatever the case, BOCSAR’s research into displacement is essential before drawing conclusions. In light of this, the Committee is of the view that the evaluation framework for the independent review of the laws introduced in February 2014 to curb drug and alcohol related violence, discussed in Chapter Four of this report should specifically take BOCSAR’s findings in relation to displacement into account. The Committee makes a recommendation to this effect in Chapter Four of the report after discussion of the review.
- 3.64 The Committee is also concerned at reports of an increase in underground rave parties with all the attendant risks of an unregulated event. In the Committee’s view the rate of warehouse parties in the Sydney metropolitan area detected by Police should be monitored on an ongoing basis by the Office of the Liquor, Gaming and Racing.

RECOMMENDATION 2

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.

⁷⁹ Bureau of Crime Statistics, ‘Liquor outlet density and assault,’ 24 February 2011, <http://www.bocsar.nsw.gov.au>, viewed 22 October 2014.

Chapter Four – Impact of recent measures on residents, businesses and tourism

- 4.1 This chapter examines the views of residents, business owners and patrons concerning the impact of recent measures to reduce alcohol and drug related violence in the Sydney CBD Entertainment Precinct and Kings Cross Precinct. It also specifically explores stakeholder views about the effects of these measures on culture and tourism in Sydney.

Residents' views

- 4.2 During its Inquiry the Committee received submissions from ten residents of affected areas and four resident representative groups about the impact of recent measures to reduce alcohol and drug related violence in the Sydney CBD Entertainment Precinct and Kings Cross Precinct. It also received a submission from City of Sydney Councillor Jenny Green and heard evidence from City of Sydney staff about resident views on the impact of the measures.
- 4.3 The Committee heard that residents are overwhelmingly supportive of the measures with Ms Kate O'Connor, Acting Manager, City Business and Safety, City of Sydney, reporting that:
- Prior to the implementation of the new laws we were receiving correspondence from residents on a regular basis about concerns around...violence, concerns about the impact that very late trading premises have on their public amenity. I think it is fair to say that since the introduction of both the Kings Cross Plan of Management and also the new laws we have had feedback from residents that that has been a good thing. They are happy with the introduction of the new measures and we have certainly received less correspondence, if you like, which is probably a good thing...fewer people out on the street and fewer incidents. Practically, it means our waste and cleaning staff are out on the streets earlier and cleaning the streets sooner. So in the morning when residents are waking up they are happy with that because the streets are cleaner...⁸⁰
- 4.4 Councillor Jenny Green provided similar information:
- The responses I have received from residents are that the existing measures are welcomed and that these measures have greatly improved their amenity. They have indicated to me that they want these measures to stay in place indefinitely.⁸¹
- 4.5 Likewise, the East Sydney Neighbourhood Association (ESNA), a body representing residents in the area bounded by College, William, Oxford and Forbes Streets, advised the Committee that it has surveyed its members and found strong support for the recent measures:

⁸⁰ Ms Kate O'Connor, Acting Manager, City Business and Safety, City of Sydney Transcript of evidence, 3 September 2014, p28.

⁸¹ Submission 74, Councillor Jenny Green, p1.

ESNA conducted an email survey and the issue was also discussed at a residents' meeting on Wednesday 13 August. There is 100% support for the measures to continue. Reports varied from no difference through to some difference and significant, immediate and life-changing results.⁸²

- 4.6 Many individual residents spoke in similar terms. One Inquiry participant indicated his experience before the new measures:

For the past 8 years or so, since City of Sydney Council imposed its Late Night Trading DCP [development control plan] on the residents of Potts Point (aka Kings Cross) we have been living in hell. The LNT DCP allowed for an explosion of late-night trading premises and liquor licences, so we went from a precinct with a few (3 or 4) pubs and a small handful of fairly well-behaved licensed premises...to suddenly having HUNDREDS of bars, clubs and pubs, disgorging up to 20,000 drunk and aggressive patrons onto the streets anytime from midnight until 5am and 6am – precisely the night time hours that most residents would be attempting – mostly in vain – to have some peace and quiet...⁸³

- 4.7 The inquiry participant then provided information about life following the implementation of the new measures:

Since the lockout and associated legislations were introduced in February 2014, the community here in Kings Cross has been able to breathe, to live, to sleep, and to walk our streets in safety. The massive crowds of aggressive drunks have gone...We applaud the legislation. We know it's working. Enforce it. Extend it.⁸⁴

- 4.8 Another individual resident provided similar evidence:

I have lived in Darlinghurst, a few tens of metres from Oxford St, for about 17 years. At the height of the alcohol-related anti-social behaviour 'plague' I was calling the police about 6 nights a week, sometimes multiple times a night, to deal with patrons of licensed premises in my lane, who used it as a pre-fuelling drinking and after-party venue, and toilet, leaving smashed bottles, graffiti, damaged property, etc in their wake. These drunks were deaf to any sense of social responsibility and could only be dealt with by police ... Since the lockouts and other measures to reduce alcohol-related violence have been in place, I have called the police once. Instead of a dozen people a night using outside my house as a toilet, I get a couple a week. I consider that a HUGE improvement...These measures must be continued.⁸⁵

- 4.9 The City of Sydney did, however, caution that the decrease in incidents and the quieter streets following introduction of the February 2014 measures is to be expected during the winter months:

I suppose I would caveat all of that with the fact that we have come into winter; we would generally experience a quieter time in winter anyway. The same as the police, we experience more incidents and more people on the streets in summer.⁸⁶

⁸² Submission 49, East Sydney Neighbourhood Association, p1.

⁸³ Submission 9, Name suppressed, p1.

⁸⁴ Submission 9, Name suppressed, p1.

⁸⁵ Submission 25, Name suppressed, p1.

⁸⁶ Ms O'Connor, Transcript of evidence, 3 September 2014, p28.

- 4.10 In supporting the new measures residents also stressed that business owners can and do adjust their business models to accommodate change⁸⁷ and that all businesses should operate in compliance with laws designed to protect citizens' wellbeing.⁸⁸ Similarly, using the Newcastle lockouts as an example, Mr Tony Brown indicated:

...it takes a reasonable period of time for patrons and owners of premises and the underpinning "culture" to adjust to new, safer conditions. For example, the University of Newcastle surveyed the local community and young patrons of...licensed premises and found that 75% of patrons supported the new conditions as did 82% of the community. It is highly likely that a much smaller proportion of the young local Newcastle drinkers would have supported the intervention shortly after its instigation.⁸⁹

- 4.11 Only two of the ten individual residents who provided evidence to the Committee opposed the recent measures to curb alcohol and drug related violence. Mr Michael Jarvin, who indicated that he has lived in the Kings Cross/Potts Point area since 1957, expressed the view that the recent measures have negatively affected the area's ambience:

Prior to these lock outs I wasn't ever feeling things were getting out of hand ... Since the lockout the ambience and viability of Kings Cross has been reduced ... I support removal of this poorly planned lock out and support better solutions. Education, police presence and smarter policing, transport solutions, road closures.⁹⁰

- 4.12 Similarly, Ms Caroline Owen, a resident of Woolloomooloo who also lived in Rushcutters Bay for a number of years, objected to the changes in liquor trading hours:

I ... object to being told by the NSW Government when ... I cannot purchase alcohol ... It seems ridiculous the whole state is subject to a curfew due to the behaviour of a small minority, that has been whipped up by the media ... It is a shame that the NSW Government doesn't think that the population is capable of managing their own lives that juvenile type laws are enforced upon us.⁹¹

Residents' suggestions

- 4.13 A number of the submissions provided by residents and resident groups of suburbs affected by the new measures also contained further recommendations to address alcohol and drug-related violence. Chief amongst these was not only maintaining the restrictions but *extending* them across NSW. For example Ms Rebecca Wright expressed the view that the recent measures should be extended:

Point of departure should not be whether to relax and retreat but, rather, to continue and extend restrictions across the state...areas like Kings Cross...represent, especially in the minds of the most vulnerable young people, a no-holds-barred area

⁸⁷ Submission 35, Mr Tony Brown, p6.

⁸⁸ Submission 61, Confidential, quoted with permission, p1.

⁸⁹ Submission 35, Mr Tony Brown, p5.

⁹⁰ Submission 7, Mr Michael Jarvin, p1.

⁹¹ Submission 10, Ms Caroline Owen, p1.

where you go to deliberately engage in excess alcohol consumption and all that goes with it, seemingly with impunity...The very best way for...government to achieve a change of attitude about alcohol consumption is to DIScourage areas of industrial strength drinking such as Kings Cross.⁹²

- 4.14 Similarly, while some non-resident stakeholders favoured a review of the most recent measures to curb alcohol and drug-related violence within twelve months of their implementation (February 2015), one of the resident groups who provided a submission to the Inquiry indicated that the measures should stay in place for two years before review, until more comprehensive data is available about their effectiveness in reducing violence.⁹³
- 4.15 Resident submissions also stressed the importance of consultation with residents in developing alcohol policy. For example, Mr Tony Brown argued for greater input from local residents:
- The community would appreciate the committee doing all it can to ensure that local residents and the community receive at least an equal level of genuine input, consultation and support on liquor related matters from the government, its various agencies and local government as afforded liquor interests.⁹⁴
- 4.16 In this regard, one residents' group also recommended funding for a Community Defender around Alcohol and Gaming Related Harms to assist communities to engage in the policy process surrounding these issues, thereby balancing the influence of the alcohol industry.⁹⁵

Evidence from patrons

- 4.17 During its Inquiry, the Committee received 50 submissions from patrons and members of the public. Unlike the resident submissions, all 50 of the patron submissions were critical of the new measures, indicating that they have generated a number of unintended consequences. These are discussed below.

Poor policy

- 4.18 Patrons submitted to the Inquiry that the recent measures to curb drug and alcohol related violence, particularly the lockouts, are a poor policy response and a political, knee-jerk reaction to events. Some also commented on the failure of lockouts in other jurisdictions.

Knee-jerk reaction?

- 4.19 One of the most common complaints from patrons and members of the public who made submissions to the Inquiry was that the recent measures to curb violence, particularly the lockouts, are a draconian reaction that punishes the majority of law-abiding citizens for the actions of a small minority. Comments like the following were typical:

⁹² Submission 56, Ms Rebecca Wright, pp1-3; see also Submission 9, Name suppressed, p1; Submission 17, Mr David Paul Wagner, p1; Submission 18, Name suppressed, p1.

⁹³ Submission 18, Name suppressed, p1.

⁹⁴ Submission 35, Mr Tony Brown, p3.

⁹⁵ Submission 37, Name suppressed, p1.

What happened to the young men involved in those incidents was a tragedy however kneejerk laws punishing the majority for the devastating actions of the few isn't the answer.⁹⁶

4.20 Mr Robert Candelori made a similar point:

The 1:30am lockouts and 3.00am last-drinks rules are a heavy-handed, disproportionate and, might I add, highly illiberal policy response ghost-written by the Daily Telegraph ... Why are law-abiding Sydneysiders paying the price and being held responsible for the actions of a violent few?⁹⁷

4.21 Another member of the public expressed the view that NSW is becoming a 'nanny state':

I slowly see NSW changing into an over policed nanny state, where decent law abiding people can't socialise and drink sensibly with friends...It's very important to keep our children safe on a night out, but sending them home and reducing the amount of options they have to go out and enjoy themselves seems like a band aid solution and also punishes the wrong people. We lose many people on our roads every year, but no one would ever stop all people from driving every day, it's a shame the media and politics have got involved in closing this great city of ours down...not all the youth of today are walking around throwing punches at each other.⁹⁸

4.22 A patron who has settled in Sydney from New Mexico in the United States provided an international view on the issue, concluding that the laws are overly restrictive:

I first moved to Sydney two and a half years ago, as a 21-year-old graduate from New Mexico State University...One of the characteristics that struck me the most was...a young woman can safely walk down the street at any time of day without feeling threatened...The idea that Sydney is unsafe and needs to be more strictly regimented is befuddling. Yes, unsafe things happen, but it is impossible to remove one hundred per cent of risk...Adding more laws is not the way to address a situation that has only occurred once or twice. Crime rates are already low compared to major cities in other countries.⁹⁹

4.23 In addition, some patrons indicated this regulatory overreach could be counter-productive. For example, one said:

Punishing those who do the right thing doesn't fix the problem, it breeds contempt. It makes those who do follow the law less likely to respect it.¹⁰⁰

⁹⁶ Submission 101, Name suppressed, p1; see also Submission 21, Name suppressed, p1; submission 22, Name suppressed, p1; Submission 28, Mr Lachlan McGrath, p1; Submission 30, Mr Jordy McIntyre, p1; Submission 41, Ms Monique Galloway, p1; Submission 42, Mr Nicholas Clapham, p1; Submission 67, Mr Chris Baker, p1; Submission 69, Mr Alexander Weedon-Newstead, p1; Submission 75, Mr Roger Perrett p 1; Submission 79, Mrs Nicole Bohart, p2; Submission 96, Name suppressed, p1.

⁹⁷ Submission 44, Mr Robert Candelori, p1.

⁹⁸ Submission 50, Confidential, p1.

⁹⁹ Submission 98, Ms Anna Garliss, pp1-2.

¹⁰⁰ Submission 40, Name suppressed, p2; see Submission 24, Name suppressed, p2; and Submission 27, Name suppressed, p1.

Failure of lockouts in other jurisdictions

- 4.24 In arguing that lockouts represent poor policy, three patron submitters also pointed to the failure of lockout laws in Melbourne and Brisbane in recent years. For example, Miss Lauren Neko stated ‘Lock outs have not been successful in other states, look at QLD and VIC as examples.’¹⁰¹
- 4.25 Another Inquiry participant reported her experience of similar measures that were implemented in Victoria, saying, ‘Melbourne (where I live) attempted this a few years ago and that failed attempt showed that a different approach is necessary.’¹⁰²
- 4.26 The result of lockout laws in other jurisdictions is discussed in more detail later in this chapter.

Unintended consequences

- 4.27 Patrons and members of the public also submitted to the Inquiry that the measures introduced in February 2014 - particularly the changes in trading hours - have resulted in unintended consequences, including decreased safety; displacement; and disproportionate impact on lesbian, gay, bisexual, transgender and intersex (LGBTI) people and shift workers.

Reduced safety

- 4.28 A number of patrons indicated to the Committee that, in their view, people are less safe as a result of the 1.30am lockouts and 3am last drinks laws. First, some patrons indicated that the very fact of being locked out can result in dangerous situations. For example, one patron explained that the lockout leaves large numbers of patrons on the streets at the same time:

1.30am lockout poses danger. It’s that simple. There have been countless times where my friends and I have been ‘locked out’ of a venue after waiting in line for over an hour for entry. At this point many patrons are left to walk (due to the obvious inaccessibility of trains) to venues such as the casino in the early hours of the morning to continue their night.¹⁰³

- 4.29 Similarly, Mr Stephen McAlary described his experience of the lockout in negative terms:

The pre lockout era of going out in Sydney felt much safer at the end of the night because you finished your night when you were prepared to go home and were not forced out onto the streets with a plethora of drunk people.¹⁰⁴

- 4.30 Another patron emphasised stress caused by the time limits for entering clubs, which she said can bubble into anger:

¹⁰¹ Submission 40, Miss Lauren Neko, p1.

¹⁰² Submission 101, Name suppressed, p1; see also Submission 27, Name suppressed, p1.

¹⁰³ Submission 22, Name suppressed, p1.

¹⁰⁴ Submission 63, Mr Stephen McAlary, p1.

Some bars have rules such as ‘no tattoos’ and if you get there late...partygoers may not have time to find another bar to go to, this causes them to get angry and riled up, I have seen this many times.¹⁰⁵

- 4.31 Patrons also indicated that when the lockouts and last drinks were combined with a lack of transport particularly unsafe situations may eventuate. While transport is discussed in detail in Chapter Five of the report, the following comments are typical of many made to the Committee:

...lockouts create a rush of people attempting to get cabs to and from venues in and out of the city. This increases the risk of violence, as inebriated people are clamouring for cabs, fighting amongst themselves and abusing and/or assaulting cab drivers...¹⁰⁶

- 4.32 Similarly, Mr Warwick Levy expressed the view that locking patrons out creates a potentially dangerous situation:

...it’s bizarre that we kick people out at 3AM when there are no trains and taxi drivers abuse the situation of supply and demand and leave people stranded in a now very unsafe and dangerous environment...¹⁰⁷

- 4.33 Four patrons also raised particular concerns about the effect of the lockout laws on female patrons who can be separated from their friends leaving them alone and vulnerable. For example, Ms Anna Garliss told the following story:

I have personally been put into a very sticky situation because of the lockout laws. A few weeks ago, I went to a nightclub in the CBD with a group of friends. Everyone was...drinking responsibly and dancing...I set my purse down with my phone inside it where my friends were dancing and stepped outside for a breath of fresh air. The next thing I knew, I was being rejected from returning to the club by the security guards. I hadn’t even realised that I’d stepped outside the limits of the club. I was stuck on the street by myself with no phone, ID or money and that’s when I remembered that I’d also left my coat inside.¹⁰⁸

- 4.34 Another female patron told a similar story:

Twice I have been locked out without my items because they were with friends and I have accidentally moved outside the venue zone and therefore am without a phone wallet or ID. In addition to this, I am literally stuck on the street with drunk and drugged up people.¹⁰⁹

- 4.35 A third female patron described her experience after being refused re-entry to a club in Kings Cross:

¹⁰⁵ Submission 27, Name suppressed, p1.

¹⁰⁶ Submission 83, Ms Christie Torrington, p1; see also Submission 22, Name suppressed p1; Submission 27, Name suppressed, p1; Submission 39, Name suppressed, p1; Submission 63, Mr Stephen McAlary, p1; Submission 67, Mr Chris Barker, p1; Submission 68, Miss Taylor Davis, p1; Submission 72, Mr Warwick Levy, p1; Submission 100, Name suppressed, p1; Submission 106, Mr Jonathan Ussia, p1.

¹⁰⁷ Submission 72, Mr Warwick Levy, p1.

¹⁰⁸ Submission 98, Ms Anna Garliss, p1.

¹⁰⁹ Submission 87, Name suppressed, p2.

...a few weeks ago I decided to go out for a dance and offered to drive my friends. As we left one venue quite late I decided to drop my friends at the second venue and then park. Despite parking relatively quickly I didn't manage to make it to the door by lockout and was therefore denied entry and had to walk back to my car through the dark streets of Kings Cross by myself. I also wasn't there to drive my friends home later which I found out meant a huge hassle for a friend...who had fallen down the stairs and couldn't walk to a cab easily....¹¹⁰

- 4.36 Similarly, Mr Patrick Horne reported the experience of some of his female friends:

The 1.30am lockout separates revellers and leaves people drunk, alone and vulnerable. I know girls who have been trying to make it to a group of friends before lockout, only to be denied by the bouncers and left on their own, intoxicated and unable to be taken care of by their male friends. Not a pleasant experience.¹¹¹

- 4.37 When questioned about the effect of lockouts on the safety of female patrons, Assistant Commissioner Michael Fuller, Region Commander, Central Metropolitan Region, NSW Police Force indicated that this is an operational matter that licensed premises need to address in their plans of management:

The premises are in a difficult situation because at 1:31am everyone will have a reason for being allowed to re-enter the venue. We cannot possibly write legislation to cover every situation...We hope that in those circumstances the security staff would at least find a friend or the patron's property...When people are about to walk out at 1.29am they should be reminded that they cannot re-enter the venue. That is part of the plan of management. We can certainly look at that. If a number of people are in that situation we can work with industry and venues to ensure that security staff speak to them when they exit the venue after 1.15am.¹¹²

- 4.38 A number of patrons also expressed the view that the new laws have led to increased excessive drinking as well as drug-taking. For example, one patron described his experience of changes in drinking patterns in clubs:

I have witnessed a huge number of people who previously would only drink moderately drinking far more since the lockouts. A large number of my friends have turned to drugs. While alcohol is not available between 3.00 and 5.00, ecstasy certainly is. I have also seen a huge spike in hip-flasks in clubs...The lockout laws have changed the whole demeanour of clubbers. Before lockouts it felt more social and friendly. Now it feels like everyone is going as hard as possible trying to make it to 5am.¹¹³

- 4.39 Concentrating on the issue of drug-taking, Mr Warwick Levy expressed the view that, 'it [the 3am last drinks] really just encourages people to take pills so that

¹¹⁰ Submission 100, Name suppressed, p1; see also Submission 43, Mr Patrick Horne, p1.

¹¹¹ Submission 43, Mr Patrick Horne, p1.

¹¹² Assistant Commissioner Fuller, Transcript of evidence, 3 September 2014, p17.

¹¹³ Submission 33, Name suppressed, p1; see also Submission 39, Mr Reagen Jones, p1; Submission 87, Name suppressed, p2.

they can stay out if they have to stop drinking.¹¹⁴ Other inquiry participants also reported increased drug use as a result of changes to liquor trading hours.¹¹⁵

- 4.40 Mr Stephen McAlary indicated the 3am last drinks laws can cause people to drink more because some bars stay open longer than they otherwise would:

...I worked in the Orient in the rocks when I was 18 and sometimes if the night was quiet on a Friday or Saturday we could close by 1am or 2am...but I have spoken to friends still working at different bars and they have said the 3am end of service has pushed patrons to stay longer and drink more simply because they know that the pub will close by 3am anyway.¹¹⁶

- 4.41 Related to patron reports of an increase in drug-taking, many patrons also reported an increase in illegal warehouse parties for attendees who wish to avoid the new laws. While this issue is also discussed in Chapter Three which considers displacement, the following comment from Mr Andrew Castle sums up the issue:

The lock out laws have increased the number of illegal warehouse parties around Sydney. This does the opposite of what the government wanted to achieve by pushing people into unregulated events without proper security, RSA and the ability to prevent drug use...I've noticed some of this first hand with never being asked to attend a warehouse party but now twice within the last two months and noticing more advertising, promotions and registering of events in music circulars, publications, forums and websites. And if the government doesn't change this policy it'll entrench this scene in the music industry with people eventually preferring the lawlessness rather than the regulated clubs and pubs after giving them a taste of this freedom.¹¹⁷

- 4.42 Mr Stephen McAlary also emphasised that such parties do not have the security and safety regulations that are required of licensed venues:

The underground rave scene has picked up due to these restrictions...these 'venues' are nowhere near as safe as being in a club with bouncers and proper OH&S they are BYO and have no regulation on alcohol containers so often there is broken bottles everywhere as well as smoking indoors...¹¹⁸

- 4.43 Another Inquiry participant highlighted the attraction of such parties for young people:

...not mentioning the wave of warehouse parties. Why would I go to a club when I could more easily enter a big warehouse full of people with better mentalities, with my own...drinks and usually better music, completely unpoliced.¹¹⁹

¹¹⁴ Submission 72, Mr Warwick Levy, p1.

¹¹⁵ Submission 22, Name suppressed, p1; and submission 87, Name suppressed, p3.

¹¹⁶ Submission 63, Mr Stephen McAlary, p1.

¹¹⁷ Submission 70, Mr Andrew Castle, p1; see also Submission 27, Name suppressed, p1; Submission 28, Mr Lachlan McGrath, p1; Submission 39, Name suppressed, p1; Submission 62, Mr Isaac Roberts, p1; Submission 72, Mr Warwick Levy, p1; and Submission 106, Mr Jonathan Ussia p1.

¹¹⁸ Submission 63, Mr Stephen McAlary, p1.

¹¹⁹ Submission 33, Name suppressed, p1.

Displacement to other areas

- 4.44 Another significant theme running through submissions provided to the Committee by patrons and members of the public was concern about possible displacement of the problem. That is, even if statistics eventually do show a drop in violence in the lockout zones, the problem may have simply shifted to surrounding areas. The following submission from a patron typified this:

Yes the number of assaults in those zones has dropped. But that's just numbers. If the average number of people visiting a zone drops from 20,000 to 6000 on a Saturday night, there are going to be less assaults in that zone. I'm not sure what the number of assaults are like in other zones where customers are now moving...customers are now heading in their droves to venues outside...the affected zones, in places like Double Bay or Newtown or Pyrmont, where venues can stay open at least until 5am. Surely you are just moving the problem elsewhere.¹²⁰

- 4.45 The issue of 'displacement' of drug and alcohol-related violence or 'migration' of patrons is discussed in more detail in Chapter Three of this report.

Disproportionate effects on certain communities

- 4.46 Some patrons who made submissions to the Inquiry also indicated that the recent measures to reduce drug and alcohol related violence have a disproportionate negative effect on certain communities. First, some indicated that as Oxford Street is included in the lockout precinct, the lesbian, gay, bisexual, transgender and intersex (LGBTI) community is disproportionately affected:

My partner and I travel from the Central Coast to socialise and enjoy a night out in venues that we feel safe and secure in free from harassment with other LGBTI community members...Unfortunately the majority of quality venues that cater for our need fall within the boundaries of the new measures and this impacts...our access and enjoyment of these venues...It is obvious that non-LGBTI people have simply adopted the practice of moving to venues outside the boundaries in Sydney's suburbs or the Casino precinct. As LGBTI people we do not have this option if we want to remain in a safe, secure, welcoming environment.¹²¹

- 4.47 Another submission also emphasised the impact on the LGBTI community:

Perhaps more poignantly, Oxford Street is a gay community hub. There is very little violence and anti-social behaviour from that community yet their main nightlife is severely affected by these laws.¹²²

- 4.48 This accords with evidence provided to the Committee by ACON, a health promotion organisation specialising in HIV and LGBTI health, which also runs an Anti-Violence Project that supports LGBTI people who have experienced homophobic, transphobic, domestic or family violence. In its submission, ACON expressed its opposition to the recent measures:

¹²⁰ Submission 39, Name suppressed, p1.

¹²¹ Submission 90, Name suppressed, p1.

¹²² Submission 88, Confidential, p1.

We maintain our concern...that the package provides no tangible benefits to our communities or the Oxford Street Precinct, other than to limit the ability of our community to come together at night and challenge the commercial viability of community venues.¹²³

- 4.49 The Committee also heard that shift workers are disproportionately affected by the lockout laws and 10pm closure of bottle shops. For example, Ms Monique Galloway expressed her opposition to the changes in trading hours:

Lock out laws...are unfair to those who do not work 9-5 hours. Many people in the hospitality industry for example, don't finish work until after 1am, and therefore they cannot go and socialise or have an after work drink.¹²⁴

- 4.50 Another submission expressed similar concerns:

Also, I finish work late sometimes. And when I do, I want to be able to buy myself some wine on my way home so I can have a glass and relax at the end of the day. But no, some bright spark on about \$120k per year decided that would be too dangerous. Well done.¹²⁵

Patrons' suggestions

- 4.51 As with resident submissions, a number of the submissions provided by patrons contained recommendations to address alcohol and drug related violence. Like residents, patron submitters stressed the importance of consultation with all stakeholders in developing appropriate policy. For example, Mr Robert Candelori stated:

If the Government insists there is a problem, involve the community in a proper long-term transparent consultation process, from youths to businesses to the Police to the Bureau of Crime Statistics, rather than knee-jerk reacting to media stories and implementing a policy that is neither consistent nor principled.¹²⁶

- 4.52 Patrons also advocated for punishment of violent perpetrators and rogue business operators, emphasising that most licenced venues and patrons have done nothing wrong: 'punish the venues that misbehave intentionally and regularly with zero tolerance for disobedience and reward the patrons and businesses that are well behaved.'¹²⁷

- 4.53 Another Inquiry participant, Mr Isaac Roberts, expressed a similar view:

ID scanners, in targeting the minority who do the bad thing, are much preferred to the blanket lockout where the majority suffer, and should be very effective in deterring repeat offenders.¹²⁸

¹²³ Submission 104, ACON, p2.

¹²⁴ Submission 41, Ms Monique Galloway, p1; see also Submission 27, Name suppressed, p1; Submission 44, Mr Robert Candelori, p1; and Submission 103, Name suppressed, p1.

¹²⁵ Submission 21, Name suppressed, p1.

¹²⁶ Submission 44, Mr Robert Candelori, p2.

¹²⁷ Submission 46, Name suppressed, p3.

¹²⁸ Submission 62, Mr Isaac Roberts, p1.

- 4.54 In addition, many patrons stressed the importance of education in changing cultural norms around alcohol. For example, Mrs Nicole Bohart stated:

What needs to be done is more education at grass roots level. There is a terrible drinking culture in Australia and education is the key, not a knee-jerk measure that only punishes law abiding citizens, musicians and venue owners and their staff.¹²⁹

- 4.55 In this regard, the Committee notes that on 26 September 2014, the NSW Government launched a new social marketing campaign, *Stop Before It Gets Ugly* to address alcohol fuelled violence in the community. The campaign demonstrates the devastating consequences of alcohol related violence using television, online television, cinema, notices on street furniture, in-venue posters and coasters, notices on taxi backs, ATM screens and Facebook sponsored posts and will run until January 2015.¹³⁰

- 4.56 Other Inquiry participants focused specifically on education in schools. For example, one suggested targeting children and young people in schools:

Please consider discussing with the Education Minister for a more effective way to teach about alcohol and drug consumption in schools...The key to solving these issues lies with education, and being involved in the community, not by shutting it off.¹³¹

- 4.57 Similarly, Miss Ella Beer (a recent high school graduate) suggested more emphasis on education about alcohol in schools:

As a recent high school graduate who has been through the NSW education system I would like to suggest that a [better] solution would be increased awareness of alcohol...I do believe I might have spent a total of only a few hours learning about this in school.¹³²

- 4.58 Patron recommendations concerning education accord with the evidence of other stakeholders who made submissions to the Inquiry. These include the Royal Australasian College of Physicians which recommended broader community education about the risks of alcohol consumption to facilitate cultural change;¹³³ and NSW Young Lawyers who noted the World Health Organisation's support for education as a potentially effective strategy to avoid alcohol-related violence.¹³⁴ Similarly, Mr Ralph Kelly, Director of the Thomas Kelly Foundation and father of king-hit victim Thomas Kelly told the Committee:

I think at the moment there is a fundamental problem in the education system...in that within their PDHPE programs schools address alcohol and drugs, but the majority of schools, I believe, focus on the illegal drugs and not the legal drugs...Separate to that, the education is very siloed in terms of the police will come

¹²⁹ Submission 79, Mrs Nicole Bohart, p2.

¹³⁰ NSW Government Strategic Communications website, <http://www.advertising.nsw.gov.au/updates/stop-it-gets-ugly>, viewed 23 October 2014.

¹³¹ Submission 47, Name suppressed, p1.

¹³² Submission 76, Miss Ella Beer, p1; see also Submission 93, Mr Regan Jones, p1, Submission 96, Name suppressed, p1.

¹³³ Submission 54, Royal Australasian College of Physicians, p2.

¹³⁴ Submission 65, NSW Young Lawyers, p5.

to them and talk about speeding, someone else will talk about car accidents...and you have the alcohol and the drugs separate as well...all of these things [should be] woven together – that alcohol will lead to car accidents, that you will speed...¹³⁵

4.59 Mr Kelly further advised that his foundation is conducting focus groups with school children to inform program design for schools to prevent alcohol related violence.¹³⁶

4.60 Finally, some patrons suggested an increase in the diversity of late night entertainment options as opposed to a focus on large clubs selling alcohol. For example, Mr Jonathan Ussia emphasised the need for a more diverse range of venues:

Encouraging the ‘right’ type of venues, small bars, dedicated music/theatre/comedy venues etc. that provide entertainment have much lower incidents than large clubs/bars which exist nearly solely to provide a place to sell alcohol. ‘Entertainment venues’ use alcohol as a means to provide enough income to supplement their other endeavours which otherwise would not be economically viable.¹³⁷

4.61 Another Inquiry participant expressed very similar views:

I think we seriously should consider...encouraging a diversity of inner-city late night options – allowing later trading for restaurants, shops and cultural venues (museums, galleries etc).¹³⁸

Evidence from business owners

4.62 The Committee also received 17 submissions from people with business interests and business peak bodies during the course of its Inquiry. This evidence focussed on the effect that the recent measures have had on the industry. Like patrons, these stakeholders raised concerns that the laws are penalising the majority for the wrongdoing of a minority. They also questioned the efficacy of the laws.

Effect on the industry

4.63 Business stakeholders who gave evidence to the Inquiry consistently reported an overall reduction in business revenue of between 20 and 50 per cent as a result of the measures introduced in February 2014. Mr John Green, Director of Liquor and Policing, Australian Hotels Association explained the effect of the recent measures on businesses:

We know that one in four hospitality workers lost their jobs. We know that over \$25 million was wiped off the value of the hotels. I know of hoteliers that have lost their entire superannuation. We can achieve the reductions and we can achieve the safety of our children without putting people out of business and without shutting down international cities.¹³⁹

4.64 Submissions like the following from individual operators were typical:

¹³⁵ Mr Kelly, Transcript of evidence, 3 September 2014, p43.

¹³⁶ Mr Kelly, Transcript of evidence, 3 September 2014, p41.

¹³⁷ Submission 106, Mr Jonathan Ussia, p1.

¹³⁸ Submission 64, Name suppressed, p1.

¹³⁹ Mr Green, Transcript of evidence, 3 September 2014, p 54.

At the same time as dedicating ourselves to good management we have had to contend with the real revenue restrictions that have been brought about by the licensing changes. Changes that have seen our business shrink by 26% and our staffing levels by 200 hours per week in addition we have had to cut back on our rostered entertainment and live music. The new legislation has not changed the fact that we are pro-regulation but it has created an environment where operators who are playing by the rules are being significantly disadvantaged by a rushed, inconsistent and incoherent set of rules that without significant education are creating more friction than they are relieving.¹⁴⁰

4.65 Another submission explained:

We as a venue since the lock out laws have been introduced have seen our business drop by 40% of revenue...The 1.30 lock out law is really punishing to our venue as we don't have a smoking area and people can't come back in after having a cigarette...Two of our major revenue sources were the hospitality industry and after parties for concerts and gigs, who often arrived after finishing work anytime between 2am and 5am...These crowds attributed for 40% of our revenue which we have now lost.¹⁴¹

4.66 Other business submissions made the point that it is not only hotels that have had a significant drop in business as a result of the laws, and that the laws will have more far-reaching economic impacts. For example, in its submission Backroom described the effect on businesses in the Kings Cross area:

The effect on our premises due to these changes is not only hurting the nightclub industry but a lot of other businesses in the area. You only have to walk around Kings Cross and see how many shops are for lease.¹⁴²

4.67 In its submission, the Darlinghurst Business Partnership reported similar problems and suggested that these will continue:

Forget the bottle shops and bars who are down 20-50%. Forget the day time traders going down the sink in the lockout zones. We are going to see knock on effects. Chippies and plumbers out of work. Shopfitters out of work. Youth unemployment (because who works in bars) up. Venues left languishing. Sizeable investments not made. Sydney left behind on a global level because it treats its grown ups like a bunch of pissed teenagers.¹⁴³

Regulatory overreach?

4.68 Like patrons, a large number of business stakeholders also expressed the view that the recent measures to curb violence constitute a draconian reaction which punish the majority for the actions of a small minority. The Australian Hotels Association, for example, expressed this view:

¹⁴⁰ Submission 77, Name suppressed, p1; see also Submission 45, Name suppressed, p1; Submission 82, Name suppressed, pp1-2; Submission 91, The Spice Cellar, p1; Submission 102, Brighton Hotel, p1; Submission 105, Australian Hotels Association, p9.

¹⁴¹ Submission 82, Name suppressed, pp1-2.

¹⁴² Submission 92, Backroom, p1.

¹⁴³ Submission 53, Darlinghurst Business Partnership, p2; see also Submission 59, Sydney Business Chamber, p2.

Over the last 24 months, there have been a number of cowardly “one punch” attacks on the streets of Sydney...these assaults, including two tragic fatal incidents occurring at 9.00pm and 10.00pm in almost the same place on a public street, and another series along George Street (excepting one) have no direct relationship to licensed premises. In the one incident that did involve a licensed premise the victim was a security officer, king-hit for merely doing his job in refusing entry to an aggressive male. These incidents were the catalyst for a sustained campaign where evidence and fact were soon abandoned for rhetoric and point-scoring. On 21 January 2014, former NSW Premier The Hon. Barry O’Farrell MP, announced unprecedented measures to address violence on our streets, although predominantly targeting licensed premises with no history of violence.¹⁴⁴

4.69 Individual business owners had similar observations:

We are one of Sydney’s first small bars, having been around since 2009. In that time we have had zero alcohol related incidents and four noise complaints registered...We believe we are being punished unreasonably for an issue we have never contributed to, and would like the lockout laws to be restricted to venues with a track record of alcohol related incidents.¹⁴⁵

4.70 Another business owner stated:

I honestly believe that venues that are run prudently like ours are part of the long term solution to the alcohol fuelled violence problem. I find it extremely difficult to understand why we are being punished so ruthlessly without even being consulted...We have been building our business with care for so long, to have it unravelled in a matter of months by a law which punishes those who are part of the solution, it all seems misguided and unnecessarily harsh.¹⁴⁶

4.71 The Sydney Business Chamber concurred, stating:

Good regulatory practice suggests that rather than a blanket approach, restrictions on good operators with low records of anti-social behaviour should be eased.¹⁴⁷

Unintended consequences

4.72 Again, like some patrons who provided evidence that the new laws have a disproportionate impact on the LGBTI community and shift workers, a business owner also raised concerns with the Committee that the 10pm closure of bottle shops have a disproportionate impact on patrons of rural pubs. For example, Mr Greg Oates, a rural pub owner described the impact of the changes in trading hours in rural areas:

A large number of our patrons travel up to and over 100km to come to the pub for a cold drink, to relax and forget about all the day’s heartaches and try to cheer up, get a few supplies and return home...In the bush a lot of people work daylight to dark, dark isn’t until after 8:30pm out here in summer time. You imagine driving one hour or more to get supplies and get to the pub, maybe have a meal and get told that you cannot buy takeaway alcohol because of the Laws brought in for one part of Sydney

¹⁴⁴ Submission 105, AHA NSW, p4.

¹⁴⁵ Submission 45, Name suppressed, p1.

¹⁴⁶ Submission 91, Mr Murat Kilic, p2; see also Submission 58, Bulletin Place, pp1-2.

¹⁴⁷ Submission 59, Sydney Business Chamber, p2.

1000km away. No one would ever condone what happened at Kings Cross...What we need is a local solution for a local area, an exemption on the Take Away Alcohol Laws for our Small Rural Pubs is all we ask.¹⁴⁸

Effectiveness of the laws in reducing violence

- 4.73 Like other Inquiry participants, business stakeholders also commented on the effectiveness of the laws in reducing alcohol related violence. First, the Committee heard from one business owner that prior to the introduction of the most recent measures, non-domestic assaults were already falling in the affected areas. The stakeholder argued that existing measures to reduce alcohol-related violence were adequate:

The [BOCSAR] data shows that licensing and regulation already in place in the Sydney LGA prior to the introduction of the Liquor Act amendments in February 2014 (together with all other external factors that contribute to this data) were working to reduce non-domestic assaults in the area.¹⁴⁹

- 4.74 Like some patrons, business stakeholders also questioned the distorting effect displacement would have on any statistics regarding violence following introduction of the February 2014 laws. For example, the Distilled Spirits Industry Council of Australia argued that an evaluation of the success of the recent measures must take displacement into account:

The impact of recent measures on the wider Sydney area is unclear at this time. It is highly likely that the new restrictions will cause a displacement of drinkers from the Sydney CBD into surrounding areas outside the precinct, or for them to drink in venues closer to their homes. This will mean fewer patrons and lower density of drinkers in the Sydney CBD which will have to be taken into account in evaluating the success or otherwise of the measures. Looking at the simple number of assaults and arrests without regard to reduced numbers of venues and patrons will present a false picture of the impact.¹⁵⁰

- 4.75 As noted above, the issue of possible displacement of violence and anti-social behaviour to other areas is discussed in more detail in Chapter Three of this report.
- 4.76 Finally, given reliable data is not yet available on the impact of the most recent measures on violence, like patrons, business stakeholders also commented on the failure of lockout laws in other areas of NSW and other jurisdictions. For example, the Australian Hotels Association expressed the view that the measures implemented in Newcastle have been unsuccessful:

...the truth surrounding Newcastle has slowly emerged. The ‘outstanding results’ that have been used to call for stringent measures to be imposed across all of NSW – and indeed Australia – have been shown to be the result of deterring many thousands of young people from heading to Newcastle. Simple mathematic equations identify that the subsequent and easily predicted reduction in the number of incidents occurred because people who previously came from surrounding

¹⁴⁸ Submission 36, Oasis Hotel, p1.

¹⁴⁹ Submission 111, Confidential, p6, quoted with permission.

¹⁵⁰ Submission 84, Distilled Spirits Industry Council of Australia, p4; see also Submission 53, Darlinghurst Business Partnership, p1.

suburbs and regional centres, such as Maitland, Cessnock and the Central Coast, chose not to go to the Newcastle CBD.¹⁵¹

- 4.77 The Australian Hotels Association reported that there is little evidence to support lock-outs from licensed premises:

Other jurisdictions have implemented holistic strategies recently that have not at this stage been properly evaluated...There is currently NO evidence national or international that lockouts have been proven as an effective measure in major cities. A Law & Policy University of Denver study of Fortitude Valley, Queensland, identified that lockouts led to a reduction in on-premise assaults but had NO EFFECT on public space assaults. Kings Cross has a public space assault problem NOT an on-premise assault problem.¹⁵²

- 4.78 The submission went on to remark on a lockout trial conducted in Melbourne:

A NSW Parliamentary Library Research briefing compiled in November 2008 states "In Victoria, a controversial 2.00am lockout was trialled between June and September 2008 and applied to designated trouble spots in Melbourne. Once concluded, the Victorian Government declined to extend the trial and has since announced that the policy has been abandoned altogether."¹⁵³

- 4.79 However, the Committee notes that while a review of the Melbourne lockout trial conducted by KPMG did find that the trial had negative impacts (for example, an increase in reported assaults between midnight and 2am and between 2am and 4am) this trial was complicated by a unique factor – it was hampered by legal challenges. More than a quarter of venues were granted exemptions from the trial because the Victorian Civil and Administrative Tribunal found the Government had failed to consult with industry.¹⁵⁴

- 4.80 Finally, also on the subject of lockouts in other jurisdictions, the Australian Hotels Association commented on a lockout trial in Queensland:

Following a similar trial in Queensland, Professor Ross Homel, Foundation Professor of Criminology and Criminal Justice and Director of the Institute for Social and Behavioural Research at Griffith University in Brisbane emphatically told a Queensland Parliamentary Committee that 'The 3.00am lockout is a complete, absolute 100 per cent failure from all of the data that we have been able to observe. I will just say that dogmatically. You can interrogate me at your will on that one, but I can defend that statement. It is what I regard as a politically attractive but completely ineffective strategy.'¹⁵⁵

Business stakeholders' suggestions

- 4.81 As with resident and patron submissions, a number of the submissions provided by business stakeholders also contained further recommendations to address alcohol and drug related violence.

¹⁵¹ Submission 105, Australian Hotels Association, p8.

¹⁵² Submission 105, Australian Hotels Association, p12.

¹⁵³ Submission 105, Australian Hotels Association, p12.

¹⁵⁴ Houston, C., 'Court blow for lockout initiative' *The Age*, 17 June 2008, <http://www.theage.com.au>, viewed 9 October 2014.

¹⁵⁵ Submission 105, Australian Hotels Association, p13.

Better targeted laws

- 4.82 Chief amongst these was that laws should be better targeted to affect only those venues with a record of alcohol-related incidents, and comments from stakeholders regarding this are noted above as part of the discussion of regulatory overreach.

Review of laws

- 4.83 In his evidence to the Committee Mr John Green, Director, Liquor and Policing, of the Australian Hotels Association also indicated support for a review of the recent measures introduced as soon as data becomes available:

I think there is an opportunity here for us to look at all the measures...we would like to see it sooner rather than later...I think it would be prudent to examine them as soon as we have some available data as to the impact that there has been.¹⁵⁶

- 4.84 The Australian Hotels Association also stressed in its submission that each measure should be evaluated individually and not as part of a 'suite of measures'. Mr Green expanded on this point in his evidence to the Committee:

...the measures legislated in January and commenced in February this year actually postdated identification scanning in Kings Cross but predated the implementation of scanning, then had to have a lockout and a 3.00am cease service of alcohol as well...my argument is it is probably likely that the identification scanning is far more effective than a lockout so it should have been able to replace it. But because it was put in before we had even started the ID scanning we will never quite know unless we wind back, have a look at all of the measures that have been imposed in the last six years, work with industry and the community and identify those measures that work. Then let us put in a proper series of strategies, not a scattergun or a kneejerk type of series.¹⁵⁷

Consultation

- 4.85 Like residents and patron submitters, business stakeholders also stressed the importance of consultation with all stakeholders in developing appropriate policy. Just as one residents' group recommended funding for a Community Defender to assist communities to engage in the policy process surrounding alcohol, another business stakeholder proposed elected representatives from industry to liaise with government:

We believe that enfranchising licensees in the legislation process is an important measure to help reduce alcohol and drug related violence. [We recommend] an independent industry elected board of representatives that liaise directly with the government on liquor policy.¹⁵⁸

- 4.86 This marries up with a comment made by Councillor Jenny Green in her submission to the Inquiry which emphasised consultation with business:

The implementation of the new measures were with minimal consultation and little time for the businesses to adjust, and I would suggest that government bodies need

¹⁵⁶ Mr Green, Transcript of evidence 3 September 2014, p55.

¹⁵⁷ Mr Green, Transcript of evidence 3 September 2014, pp52-53.

¹⁵⁸ Submission 77, Name suppressed, p3.

to provide greater assistance to local businesses when significant changes like these will impact on businesses.¹⁵⁹

Increased diversity of late night options

- 4.87 Like some patrons who made submissions to the Inquiry, the Distilled Spirits Industry Council of Australia (DSICA) also suggested an increase in the diversity of late night entertainment options. The DSICA expressed its support for a more diverse night-time economy:

DSICA supports government policies that would introduce a broader range of leisure activities and types of entertainment into the night time economy and in particular into the high density entertainment precincts. Changes to the basis of the entertainment precinct and the night time economy away from purely or mostly being alcohol supply and consumption would bring a wider range and more diverse and hence calmer crowds. Precincts that only attract fairly homogenous crowds of 18 to 24 year olds out to socialise and consume alcohol and drugs are very likely to develop a culture of excessive and antisocial behaviour...¹⁶⁰

- 4.88 In keeping with this desire to diversify offerings, Councillor Jenny Green also recommended reconsideration of the start time to 10pm for operation of ID scanners in establishments that have a dining service. Councillor Green indicated:

Many licensed establishments whose primary focus is dinner service earlier in the evening are being significantly affected by adverse patron reaction.¹⁶¹

Lighting, CCTV and ID scanners

- 4.89 The submission of the Australian Hotels Association to the Inquiry also calls for better lighting and CCTV.¹⁶² Mr Green of the Australian Hotels Association expanded on this point:

It is something as simple as telling people the CCTV is there. Sometimes people see CCTV as an investigative tool. One venue in Kings Cross or the city area will have 60 to 80 cameras that are viewing every public area...The issue is there should be significant signage telling people that they are being viewed, that their actions and images are being recorded. That is a deterrent.¹⁶³

- 4.90 Indeed, when asked about CCTV during the Inquiry's public hearing, Assistant Commissioner Michael Fuller, Region Commander, Central Metropolitan Region, NSW Police Force confirmed CCTV is currently used primarily as an investigative rather than deterrence tool:

I certainly agree that the cameras have been an important tool in terms of stopping crime from happening but more so in assisting in solving crimes. When someone is impaired by intoxication or drugs, they are probably not going to worry about a

¹⁵⁹ Submission 74, Councillor Jenny Green, p2.

¹⁶⁰ Submission 84, Distilled Spirits Industry Council of Australia, p5.

¹⁶¹ Submission 74, Councillor Jenny Green, p2.

¹⁶² Submission 105, Australian Hotels Association, p12.

¹⁶³ Mr Green, Transcript of evidence, 3 September 2014, p51.

camera but it helps us to move much more quickly in terms of arresting the individual.¹⁶⁴

- 4.91 Mr Green also indicated in principle support for ID scanning but argued that it should be wound back to be used on Friday and Saturday nights, prime times for assaults, instead of every night:

I am in favour of the Friday and Saturday night ID scan...Their identity is known, which means their behaviour is not anonymous...When we talked about identification scanning in the first instance we wanted it to be at peak times, so we always said on Friday and Saturday nights, which is when the Bureau of Crime Statistics and Research tells us is the witching hour for assaults...At the moment it is each night, and we would like to see it wound back.¹⁶⁵

Music and tourism

- 4.92 This chapter concludes with a discussion of further evidence the Committee received during its Inquiry concerning the effects of measures to curb drug and alcohol-related violence on Sydney's music and tourism industries.

Music

- 4.93 The Inquiry heard from a number of stakeholders that the recent measures to curb alcohol and drug-related violence have had a negative impact on the cultural life of Sydney. For example, the City of Sydney expressed concern about the impact of the recent measures on the night time economy :

While the City acknowledges that there has been a reduction in alcohol related incidents in the CBD and Kings Cross, the measures used to achieve this outcome risk the viability of live music and performance in the Sydney CBD, reduce income to musicians (among Australia's lowest paid workers) and performance technical staff and impact the diversity of leisure options available to visitors and residents in Sydney at night.¹⁶⁶

- 4.94 Individuals who work in the music industry provided similar evidence to the Inquiry:

I am an aspiring musician and currently in my second year of University. My income is quite limited and due to the lockout laws currently in place, I am greatly disadvantaged and struggling to keep myself alive. I used to DJ at around 2 or 3 clubs each Saturday night but, due to the lockout being 1.30am I am limited to only 1 or 2 as I am unable to enter a venue past that time. Because of this, I have had to live off a friend's lounge and get by on the bare minimum because of a few people who cannot handle their alcohol.¹⁶⁷

- 4.95 In the same vein, Mr Sebastian de Haas reported that he has lost work as a result of the changes in trading hours:

¹⁶⁴ Assistant Commissioner Fuller, Transcript of evidence, 3 September 2014, p17.

¹⁶⁵ Mr Green, Transcript of evidence, 3 September 2014, p51.

¹⁶⁶ Submission 110, City of Sydney, p3; see also Ms Kate O'Connor, Acting Manager, City Business and Safety, City of Sydney, Transcript of evidence, 3 September 2014, p29.

¹⁶⁷ Submission 1, Name suppressed, p1.

Since the lockouts have begun I have personally lost a lot of work as I am a freelance audio engineer who works at clubs within the city, as well as a DJ. The clubs I work in are unable to make the money they used to as their patronage has been cut by about 50% since the lockouts began and this has directly resulted [in] myself and others like me losing work as clubs are cutting costs in every aspect possible. I have also seen many venues who used to produce amazing shows unable to afford the talent they once did, and this has directly influenced Sydney's up and coming artists as there aren't the support slots available due to the reduction in hours. As a city that prides itself on nurturing the arts and our artists, these laws have crippled a huge part of our music industry.¹⁶⁸

4.96 Mr Chris Barker, an event organiser and promoter, also reported that the recent measures had affected business:

Lockouts have made it impossible to reach the already difficult bar minimums and cover charge quota to sustain our entertainment. We've been forced out of the city into warehouses and ill-suited venues that lack the street traffic and police presence that make going out so much safer. I, alongside a lot of fellow organisers, have simply had to shut up shop and cancel important events for Sydney's cultural scene.¹⁶⁹

4.97 Patrons complained about the effect on live music too, with one stating:

This has had a big strain on live music, I know I personally used to enjoy going to watch a live cover band play around 8-9pm, have a couple of drinks, and then head to bed or a club later, but now many bars known for live music have cancelled this and moved their djs in earlier. This is not giving the public the chance to go enjoy a small amount of alcohol whilst listening to a band, and is pushing us to go out clubbing instead.¹⁷⁰

4.98 Some stakeholders also put forward the view that music should be encouraged in an effort to minimise alcohol and drug-related violence, as it has a positive effect on night time environments. Expanding on the point made earlier in this chapter about the importance of diversifying late night options, the City of Sydney indicated:

The City's Late Night Management Area Research shows that 55 per cent of those accessing the night-time economy after 11pm are under the age of 30. In line with the OPEN Sydney strategy we strongly advocate for the provision of a more diverse night-time economy with more non-alcohol activities available to this younger audience...Live music and performance activity has a significant role to play in changing the night time environment in central Sydney. Qualitative research undertaken previously suggests that such activity can have the effect of reducing alcohol consumption and/or providing a safer, more welcoming environment.¹⁷¹

4.99 Further, the City of Sydney quoted a 2011 Deloitte Access Economics report, *The Economic, Social and Cultural Contribution of Venue-Based Live Music in Victoria*

¹⁶⁸ Submission 51, Mr Sebastian de Haas, p1; see also Submission 3, Miss Grace Owen, p1; Submission 21, Name suppressed, p1; and Submission 64, Name suppressed, p1.

¹⁶⁹ Submission 67, Mr Chris Barker, p1.

¹⁷⁰ Submission 27, Name suppressed, p1; see also Submission 40, Miss Lauren Neko, p1; Submission 85, Mr Jason Heller, p1; Submission 71, Miss Phuong Nguyen, p71; and Submission 75, Miss Ella Beer, p2.

¹⁷¹ Submission 110, City of Sydney, p4.

which found that live music can have a positive impact on the atmosphere of a city:

It was overwhelmingly indicated that live music can have positive impacts for the community – 92% of patrons surveyed believe that live music in venues improves quality of life, and 84% believe it provides a welcoming and safe environment. These findings are supported by evidence obtained through consultations, where it was suggested that live music in venues can be a solution to many actual or potential social issues through the social connections it creates. A number of participants noted that live music often draws the focus of the crowd away from alcohol consumption and towards the music performance – the specific reason for attendance at the venue for 63% of patrons.¹⁷²

- 4.100 Patrons too emphasised the positive effects music can have on the night time environment in Sydney. For example, Miss Lauren Neko emphasised that the night time economy is not just about drinking alcohol:

I can assure you, those who go out aren't all out to just get smashed, pick a fight or cause trouble. People go out for the music. To connect to people. To dance. To celebrate life...It is scientifically proven that music brings people together. It reduces violence. This is not just a cliché.¹⁷³

- 4.101 Miss Neko went on to recommend harnessing the arts community to campaign against violence:

In the long term: Address the cultural problem of drinking and violence. This was addressed in our sporting community and our athletes helped campaign for safety before and after matches. I remember this as a youth in SA. We didn't punish those attending sporting events. So why do we neglect our arts culture, when more people are engaged in it than sports? How about we get our industry people behind anti-violence? Our ARIA award winning producers and DJs. Our international touring bands? Our radio hosts?¹⁷⁴

- 4.102 The National Live Music Office also expressed concern over the Sydney CBD Entertainment Precinct liquor licence freeze, given the positive effect music can have on night time environments:

Unless the government has access to data that is not publicly available, there is no evidence linking live music with violence in the Sydney CBD or elsewhere to the best of my knowledge. Restricting these venues by not allowing new licences or variations can only embed an existing character in the night economy without allowing for new cultural options such as live music venues and theatres.¹⁷⁵

- 4.103 The City of Sydney made a similar point about the freeze:

¹⁷² Submission 110, City of Sydney, p4.

¹⁷³ Submission 40, Miss Lauren Neko, p1.

¹⁷⁴ Submission 40, Miss Lauren Neko, p1.

¹⁷⁵ Submission 89, National Live Music Office, p1.

...the freeze on new licences means that no new licensed live music venues can be established while the measures are in place, irrespective of their contribution to the cultural life of Sydney or the level of risk they actually pose.¹⁷⁶

Tourism

- 4.104 Many stakeholders also provided their views on the effect recent measures to curb alcohol and drug-related violence are having on Sydney’s international and national reputation as a tourist destination. Patrons were particularly vocal with comments such as:

People are attracted to Sydney because of its vibrant nightlife. There used to be always something going on and there used to be always something to see at all hours of the night and day. Since the new Lockout Laws, the Sydney CBD is a ghost town. I walked down Oxford St a couple of weeks ago at 12am and it was dead and soulless. What a shame...Honestly, in the international scheme of things, this is bloody embarrassing.¹⁷⁷

- 4.105 Similarly, Mr Robert Candelori emphasised the importance of the night time economy in Sydney’s status as a global city:

Sydney is Australia’s largest and most populous city. The Government enjoys telling the media and citizens that Sydney is Australia’s ‘only global city’...Yet with these new laws, the Government has single-handedly tolled the death-knell of a vibrant and dynamic nightlife in Sydney.¹⁷⁸

- 4.106 Other stakeholder groups made similar observations. For example, a musician who made a submission to the Inquiry compared Sydney to other cities:

Berlin, long famed for its laissez faire stance on late night clubbing is now competing with London and Paris as the major tourist destinations in Europe...And consider Melbourne, our greatest rival, which continues to claim countless of my friends as they realise that life is just more interesting down south.¹⁷⁹

- 4.107 Similarly, Mr Robert Sloane, a business owner described the reaction of visitors from overseas:

If anything sums up our feelings on the stage 2 restrictions, it would be the look on the faces of international businessmen told that we are unable to serve him a nightcap from our top-end spirits selection; an ironic cocktail of bemusement, pity and ridicule and Sydney’s reputation as a 21st century world city looking shaky.¹⁸⁰

City of Sydney suggestions

- 4.108 The City of Sydney’s submissions contained recommendations to address the possible impacts of recent measures on the city’s cultural activities and tourism.

¹⁷⁶ Submission 110, City of Sydney, p3.

¹⁷⁷ Submission 96, Name suppressed, 1; see also Submission 27, Name suppressed, p1; Submission 33, Name suppressed, p1; Submission 40, Miss Lauren Neko, p1; Submission 42, Mr Nicholas Clapham, p1; Submission 47, Name suppressed, p1; Submission 62, Mr Isaac Roberts, p1; Submission 63, Mr Stephen McAlary, p2; Submission 87, Name suppressed, p3; and Submission 103, Name suppressed, p1.

¹⁷⁸ Submission 44, Mr Robert Candelori, p1.

¹⁷⁹ Submission 64, Name suppressed, p1.

¹⁸⁰ Submission 58, Bulletin Place, p2.

In particular, City of Sydney joined certain other stakeholders in calling for a review of the laws as soon as possible. As discussed in Chapter Two of this report, the *Liquor Act 2007* provides for an independent review of the laws to take place as soon as possible after the end of the period of two years from the laws coming into force; that is, February 2016. However, the City of Sydney proposed that it be conducted earlier:

While the Government has committed to an independent evaluation of the measures after 2 years, the City recommends the evaluation is undertaken after 12 months and that there is ongoing monitoring...¹⁸¹

- 4.109 The City of Sydney further argued that the evaluation framework for the review of the recent measures should specifically consider the cultural, tourism, economic and leisure impacts of the new measures,:

In addition, the evaluation and ongoing monitoring process should ensure these reported impacts are comprehensively analysed and reported. In the event that evidence shows that there has been significant and ongoing negative impact on cultural businesses and diversification of evening activities in Sydney, policy responses should be developed which provide for more nuanced regulatory conditions.¹⁸²

- 4.110 The City of Sydney also recommended ‘saturation zones’ (under which no new licences, or particular types of licences are issued for a zone for a 3 year period) as a mechanism for addressing outlet density, rather than a blanket licensing freeze (which may simply serve to embed the existing character of the night time economy). The City of Sydney stated:

...the City recommends a ‘saturation zone’ model which provides licensing authorities and local government the capacity to create a more dispersed licensed environment. This tool should also allow a more diverse licensing environment to emerge by allowing local government to control the saturation of particular licence categories within an area.¹⁸³

- 4.111 The submission further explained that, under such a model the decision to create a saturation zone could be devolved to the relevant local authority, which would be required to make its decision after public consultation and against established criteria including the number of licensed premises, the distribution of particular licence categories, the number of late trading licensed premises, and crime rates in the precinct.¹⁸⁴

- 4.112 The Environment and Venue Assessment Tool (EVAT), a tool for guiding licensing decisions, was trialled for new liquor licence applications for 12 months from early 2013 in the City of Sydney and Newcastle local government areas.¹⁸⁵ Rather than blanket banning of new liquor licences for a period of time, the EVAT enables a weighted risk assessment of licence applications to take place,

¹⁸¹ Submission 110, City of Sydney, p4.

¹⁸² Submission 110, City of Sydney, p4.

¹⁸³ Submission 110, City of Sydney, pp5&6.

¹⁸⁴ Submission 110, City of Sydney, p5.

¹⁸⁵ NSW Trade and Investment, Office of Liquor Gaming and Racing, ‘Evaluation of the Trial of the Environment and Venue Assessment Tool,’ July 2014, p5.

examining things such as rate of alcohol-related assaults in the proposed area, availability of transport, proportion of high risk venues, proportion of diversifying venues (e.g. on-premises licences without primary service authorisations) and patron capacity.¹⁸⁶ An evaluation of EVAT which reported in July 2014 recommended state wide rollout of the tool subject to a number of changes including improvements to the risk rating process.¹⁸⁷

- 4.113 Finally, the City of Sydney observed that there is a lack of research on the relationship between live music and performance, alcohol consumption, and anti-social behaviour in licensed premises:

...the existing research is a qualitative assessment of public perceptions of the relationships, and further research is required to test and quantify the role of live music in mitigating alcohol consumption and anti-social behaviour, as a future contribution to policy reform around liquor licensing of live music and performance venues.¹⁸⁸

- 4.114 For this reason, the City of Sydney also recommended that the NSW Government partner with the City to undertake geographically specific research into alcohol consumption and behaviour patterns at live music and performance venues.¹⁸⁹

Committee comment

- 4.115 The Committee notes the views of various stakeholder groups as explored in this chapter and Chapter Three. In particular, it notes that while Police, hospitals and residents of affected communities are overwhelmingly supportive of recent measures to curb drug and alcohol-related violence (as is discussed in Chapter Three); patrons, business owners and other stakeholders have raised concerns about various issues. These include the effect of the measures on the liquor, music and tourism industries; safety; and a possibly disproportionate impact on certain communities.

- 4.116 As discussed earlier, Schedule 1, item 47 of the *Liquor Act 2007* provides for an independent review of the laws to take place as soon as possible after they have been in place for two years. While some resident stakeholders have indicated support for this timeframe, the liquor industry and City of Sydney support review after one year.

- 4.117 In the Committee's view, given a range of evidence from hospitals, the Police, the City of Sydney and residents that the measures are having the desired effect on violence and anti-social behaviour, they should remain in place until a review takes place. Nonetheless, the Committee is concerned by the evidence of patrons, businesses and other stakeholders about certain negative impacts that the laws are having and, for this reason, the Committee supports an independent review at the earliest possible stage rather than after two years.

¹⁸⁶ NSW Trade and Investment, Office of Liquor Gaming and Racing, 'Evaluation of the Trial of the Environment and Venue Assessment Tool,' July 2014, pp4-5.

¹⁸⁷ Office of Liquor, Gaming and Racing, http://www.olgr.nsw.gov.au/liquor_home.asp, viewed 24 October 2014.

¹⁸⁸ Submission 110, City of Sydney, p5.

¹⁸⁹ Submission 110, City of Sydney, p5.

- 4.118 As discussed in Chapter Three, data does about the impact of the recent measures is not yet available. As these measures were introduced in February 2014 and assaults may be expected to decline in the winter months regardless, it will be necessary to examine summer 2014-15 figures to assess their impact.
- 4.119 For this reason, immediate review of the laws, or review within 12 months (in February 2015) is not possible – summer 2014-15 figures will not be available until after March 2015. Hence, the Committee simply supports an independent review of the laws at the earliest possible stage, rather than waiting two years as currently provided for in the *Liquor Act*.

RECOMMENDATION 3

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.

- 4.120 Given the wide array of concerns various stakeholder groups have raised with the recent measures, the Committee also makes the following recommendation about considerations that the Government should take into account in developing an evaluation framework for the laws.

RECOMMENDATION 4

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.

- 4.121 As discussed in detail in Chapter Three, there is also concern from some stakeholders that patrons may simply migrate to other areas or that violence will be displaced to other areas where the recent measures do not apply, particularly those areas surrounding the lockout precincts such as Pymont, Newtown, Paddington, Coogee and Double Bay. As also discussed in that chapter, the Bureau of Crime Statistics and Research is developing a plan to evaluate the recent measures to determine whether they have indeed led to displacement. As this is an important issue in evaluating the success of the new measures, the independent review of the recent measures should take BOCSAR's findings in relation to displacement into account.

RECOMMENDATION 5

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.

- 4.122 The Committee also notes that resident, patron and liquor industry stakeholders expressed concerns, discussed above, at not being consulted sufficiently in

relation to alcohol-related policy, with some stakeholders recommending the formation of new peak bodies to consult directly with Government on these issues. The Committee agrees that thorough, widespread consultation is essential in developing policy and makes the following recommendation.

RECOMMENDATION 6

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.

- 4.123 Further, the Committee notes that a number of submissions to the Inquiry advocated greater diversity of late night options in the CBD and Kings Cross Precincts, for example, live music and performance venues, shops and galleries, to balance out pubs and clubs. The Committee agrees that attracting a greater number of people whose sole focus is *not* consuming alcohol may make for calmer crowds and a decrease in violent and anti-social behaviour. In this regard, the Committee supports further research into alcohol consumption and behaviour patterns at live music and performance venues as proposed by the City of Sydney in its submission.

RECOMMENDATION 7

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.

- 4.124 The Committee also notes evidence that the liquor licensing freeze may serve to embed the existing character of the night economy. The Committee considers the NSW Government should examine possible alternatives to the freeze in addressing liquor outlet density, in particular, models that allow a more diverse licensing environment to emerge. In this regard, the Committee notes that the EVAT tool is already available to guide licensing decisions. As discussed above, rather than imposing a blanket ban on new licence applications, EVAT allows them to be assessed according to risk, taking into account matters such as the proportion of diversifying venues in the area proposed for the licence.

RECOMMENDATION 8

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.

- 4.125 Alternatively, depending on the outcome of the research into alcohol consumption and behaviour at live music and performance venues recommended above, the NSW Government could consider making licences for live music and performance venues exempt from the freeze in the future.
- 4.126 The Committee is also concerned at evidence from patrons that the lockout laws may have contributed to decreased safety in the CBD Entertainment and Kings

Cross precincts. In particular, the Committee notes evidence concerning female patrons being locked out of licensed premises alone and Police evidence that this is an operational matter that licensed premises need to address in their plans of management.

- 4.127 In the Committee's view this issue requires prompt resolution prior to the independent review of the lockout laws. Hence, the Committee supports the NSW Police Force working with industry and security staff to resolve any operational issues with patrons being separated from their party and belongings as a result of the lockouts.

RECOMMENDATION 9

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.

- 4.128 Further, the Committee makes recommendations in Chapter Five concerning transport that will also assist to resolve other safety issues raised earlier in this chapter.
- 4.129 In addition, the Committee notes evidence from a number of patrons supporting more education to address drug and alcohol related violence. As noted earlier in the chapter, some suggested more content in the NSW high school curriculum while others suggested harnessing the arts community to campaign against drug and alcohol related violence. It was also noted that calls for more education are backed up by other stakeholders who made submissions to the Inquiry such as the Royal Australasian College of Physicians, NSW Young Lawyers and Mr Ralph Kelly.
- 4.130 In this regard, the Committee is pleased to note the NSW Government's recently launched social marketing campaign *Stop Before It Gets Ugly*, and the focus groups that the Thomas Kelly Foundation are conducting with school children to inform program design for schools, which are also discussed earlier in this chapter. Recognising the importance of education, the Committee supports consideration of further educative initiatives to address this issue and therefore makes the following recommendation.

RECOMMENDATION 10

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.

- 4.131 Finally, the Committee notes the call of the Australian Hotels Association for significant signage in the Kings Cross and CBD Entertainment Precincts telling people that they are being viewed by CCTV cameras. The Committee further notes Police evidence that CCTV is currently more of an investigative tool than a tool for deterrence. The Committee considers that it would be helpful to

examine whether signage could be improved to increase the deterrence value of CCTV in these areas.

RECOMMENDATION 11

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.

Chapter Five – Transport

- 5.1 This chapter examines the issue of transport. During the Inquiry a wide variety of stakeholders indicated that the availability of late night transport is essential to reduce drug and alcohol-related violence. Many stakeholders, particularly patrons, indicated that public transport in the Kings Cross and Sydney CBD Entertainment precincts is inadequate.

The importance of transport

- 5.2 A number of stakeholders who provided evidence to the Inquiry emphasised the importance of the availability of late night transport to reduce drug and alcohol-related violence. For example, the Foundation for Alcohol Research and Education explained that the lack of transport generates problems:

One of the key problems with public transport is that many licensed venues are open long after public transport stops operating. When public transport options are not made available, increasing numbers of people are forced to remain on the streets for longer periods of time, and competition for available transport can increase conflict and disorder. The experience of competing for limited resources in a crowded environment can be frustrating at the best of times, but within contexts in which the majority of people are in some way intoxicated, the risk of ‘negative’ outcomes can be heightened.¹⁹⁰

- 5.3 The World Health Organisation also stresses the importance of transport in minimising alcohol-related harm:

The World Health Organization (WHO) encourages the provision of alternative transportation including public transport until after the closing time for licensed premises, as a strategy to reduce alcohol-related harms. Transport options should be varied and made available up until and after licensed premises have ceased trading.¹⁹¹

- 5.4 Similarly, the NSW Government indicated in a document attached to its submission to the Inquiry:

Transport is a vital part of a functioning night time precinct and access to information about transport availability is critical. Communicating available transport options helps to stagger patron departures and get people home quicker.¹⁹²

¹⁹⁰ Foundation for Alcohol Research and Education 10 point plan to reduce alcohol-related harms in NSW, August 2012, Submission 112, Foundation for Alcohol Research and Education, attachment to submission 112, Foundation for Alcohol Research and Education, p14.

¹⁹¹ Foundation for Alcohol Research and Education 10 point plan to reduce alcohol-related harms in NSW, August 2012, Submission 112, Foundation for Alcohol Research and Education, attachment to Submission 112, Foundation for Alcohol Research and Education, p14; see also Submission 65, NSW Young Lawyers, p4.

¹⁹² ‘Plan of Management for the Sydney CBD Entertainment Precinct,’ attachment to Submission 113, NSW Government, p6.

Current transport arrangements

- 5.5 Given the importance of transport, the Government has put measures in place to improve flows in the Kings Cross and Sydney CBD Entertainment precincts.
- 5.6 Following the tragic death of Thomas Kelly in Kings Cross on 7 July 2012, the then Premier, the Hon. Barry O'Farrell MP announced the Government's 10 Point Plan for 'Cleaning up the Cross' to be read alongside the September 2012 'NSW Government Response to Issues in Kings Cross' which extends and further details the 10 Point Plan.¹⁹³
- 5.7 The 2012 Response was divided into parts, with its second part was entirely dedicated to transport. It included improvements to the major taxi rank servicing Kings Cross to increase the safety of taxi services: a trial of pre-paid taxis, an extension of late night bus services, and improved signage for patrons. The City of Sydney Mayor also announced the City had been given \$200,000 from the federal government to install dedicated CCTV and improved lighting at the major taxi rank on Bayswater Road.¹⁹⁴
- 5.8 According to a document attached to the NSW Government's submission to the Inquiry, the NSW Government's Plan of Management for the Sydney CBD Entertainment Precinct, released May 2014, also incorporates the following transport measures:
- Approximately 400 train and bus services which leave the Sydney CBD between midnight and 5am on Friday and Saturday nights. Rail services operate 20 hours across all lines with the last service leaving around 1:50am and the first services commencing after 4am. Once train services end, NightRide buses commence along rail routes.
 - Eleven NightRide bus services from Town Hall Station to various locations, and one from Railway Square to Bondi Junction.
 - Two bus services (the 'Plan B Bus' route 300 and N100) operated by Sydney Buses and Transdev to provide free late night weekend bus services every 10 minutes from Kings Cross to Railway Square via Town Hall Station on Friday and Saturday nights. These bus services connect customers to the broader NightRide network. (It is understood these services have been advertised through posters, drink coasters and napkins at venues, and through dedicated signage throughout Kings Cross¹⁹⁵).
 - Secure taxi ranks, currently located in the CBD, on Oxford Street and in Kings Cross.
 - Transport information provided through the comprehensive transportnsw.info website, phone service and real time train and bus

¹⁹³ Julia Quilter, 'Populism and criminal justice policy – An Australian case study of non-punitive responses to alcohol-related violence' June 2014, attachment to Submission 32, Dr Julia Quilter, pp11-12.

¹⁹⁴ Julia Quilter, 'Populism and criminal justice policy – An Australian case study of non-punitive responses to alcohol-related violence' June 2014, attachment to Submission 32, Dr Julia Quilter, p13.

¹⁹⁵ "'Plan B' bus rolls out to Kings Cross', Transport for NSW, <http://www.transport.nsw.gov.au>, viewed 23 October 2014.

phone applications and more late night transport information will be provided in the Precinct.

- Following the success of the Kings Cross trial of pre-paid taxi fares, pre-paid fares will be extended to all secure taxi ranks in the CBD, to be available for all taxi fares between 9pm and 6am. Extra security will also be provided on these ranks.
- To improve accessibility of hire cars, which have a small but increasing share of the transport market out of the Precinct, the City of Sydney will advise the hire car sector of legal loading zones across the CBD to make it easier for passengers to access this mode of transport.¹⁹⁶

5.9 Similarly, a June 2012 *Sydney Morning Herald* article reported the Government was also taking steps to reduce the shortage of taxis available in the early hours of the morning. Taxi drivers traditionally change over from their 12 hour shifts at 3am and 3pm:

The Government this month launched a tender for a new batch of taxi licences that require changeovers before 2am and 2pm to try to break the changeover bottlenecks that typically occur at 3am and 3pm. More than 200 such licences were issued by the state government in 2011, bringing the total number of taxis who can't change at the regular time to 1201, or 21 per cent of the fleet.¹⁹⁷

5.10 In March 2014 Transport for NSW released 250 'peak availability taxi licences' for the Sydney metropolitan region in 2013 and is to release a further 95 such licences in 2014. Peak availability licences do not allow drivers to be on the road between 5am and 12 noon thereby increasing the number of taxis on the road at the traditional changeover times and other busy times.¹⁹⁸

5.11 Ms Kate O'Connor, Acting Manager, City Business and Safety, City of Sydney expanded on the work that has been done in respect of taxis:

I understand from my Transport colleagues that any new licence they issue now you are not allowed to change over at 3.00am...We receive Federal Government funding to upgrade the ranks. One of the issues, particularly in Kings Cross, is that taxi drivers do not always want to go to Kings Cross because they feel that it is not safe to pick up passengers from there. So we have done some work. We have put in a dedicated CCTV camera at the rank; we have improved the lighting; Transport already pays for the security guards to be there so it is what we are calling a super rank...It is a secure rank where taxi drivers can feel safe to go and pick up passengers and vice versa. Passengers can feel safe getting into a taxi. The other thing that transport has done is introduce prepaid fares...the taxi driver has the option. If they

¹⁹⁶ 'Plan of Management for the Sydney CBD Entertainment Precinct,' attachment to Submission 113, NSW Government, p6.

¹⁹⁷ Josephine Tovey, 'Council tackles 3am taxi drought to save city nightlife' *Sydney Morning Herald*, 30 June 2012, <http://www.smh.com.au>, viewed 25 September 2014.

¹⁹⁸ 'More cabs hit the road as taxi fares rise by CPI only', Transport for NSW, <http://www.transport.nsw.gov.au>, viewed 7 October 2014.

turn up at a rank and they feel anxious about a passenger doing a run-off, they can ask for their money in advance.¹⁹⁹

Problems with transport

5.12 Despite the above measures, many stakeholders who provided evidence to the Inquiry, particularly patrons, felt that public transport in the Kings Cross and Sydney CBD Entertainment precincts is inadequate and may be exacerbating violence particularly when combined with the lockouts.

5.13 First, a number of patrons indicated that problems with taxis still exist, particularly as the 3am last drinks now occurs at the same time as many taxi drivers are changing over. For example, one patron stated:

Drinks are stopped at 3am, many people choose to leave at this time because they cannot buy any more alcohol to keep them going, meaning thousands of people are on the streets between 3 and 4, which is also the time that taxis are changing over meaning it is practically impossible to find a taxi, which again leaves people angry, annoyed and drunk.²⁰⁰

5.14 Other patrons reported that this shortage of taxis is made worse by the fact that trains are not running at 3am either. For example, Mr Warwick Levy stated:

...it's bizarre that we kick people out at 3AM when there are no trains and taxi drivers abuse the situation of supply and demand and leave people stranded in a now very unsafe and dangerous environment.²⁰¹

5.15 Another Inquiry participant, Miss Taylor Davis expressed a similar view:

Basically, you're kicking everyone out...at either 1.30 or 3.00, when the taxis change over, all of a sudden you have the intoxicated people on the street, ready to have a go at each other...Why not just make the trains 24 hours?²⁰²

5.16 Another patron voiced his concerns including a perception that the Government had put no new public transport measures in place:

The laws fail to benefit anyone, whilst doing absolutely nothing to curb violence. In fact, with people hurrying to drink more before the early closure and being sent out onto the streets, it's making people behave in a worse fashion. Many taxi drivers have said people are just as unruly now as they were before, the only difference now is that there are more people on the street at lockout times, however, the government put no new public transport measures in place...no extra trains...not enough taxis to cope with the volume of people.²⁰³

5.17 Mr Chris Barker painted a particularly stark picture:

¹⁹⁹ Ms Kate O'Connor, Acting Manager, City Business and Safety, City of Sydney Transcript of evidence, 3 September 2014, p32.

²⁰⁰ Submission 27, Name suppressed, p1.

²⁰¹ Submission 72, Mr Warwick Levy, p1.

²⁰² Submission 68, Miss Taylor Davis, p1.

²⁰³ Submission 22, Name suppressed, p1.

Have any of these politicians tried to catch a cab on changeover time? Have they caught a crowded night-rider bus filled with drunk and dangerous citizens? Have they waited at a gloomy train station for three hours for the train home at 4am?...Sydney's taxi system is so deprived of adequate service that it probably causes more problems than it creates. Countless times I have been refused cabs for not going far enough – including situations of taxi drivers almost running over me just to speed away. I've seen fights break out because in a 100 person Kings X taxi line, only one cab comes every 15 minutes. Why does changeover exist in the first place? Why can't more buses and trains run late at night?²⁰⁴

- 5.18 Like Mr Barker, Mr Jonathan Ussia emphasised the problem of taxi drivers refusing service to customers who are not travelling far:

...outside, people seem to be frustrated especially after the 1:30am lockout when groups of people who were trying to get into venues have been turned away simultaneously, suddenly taxi services are in high demand (which are really the only viable transport option late at night) and will often only take people who are going to valuable destinations (it may be illegal but it is true) often causing conflicts.²⁰⁵

- 5.19 Another patron highlighted the safety issues for female patrons who are unable to catch a train or find a taxi:

...after 3am venues push everyone (regardless of their state of intoxication) out on the street, this has not only made me feel really uncomfortable but also made it almost impossible for me to get home...there is no public transport and cabs refuse to take me to Balmain (as it's too close) at the best of times let alone at change over. This has meant that I have either had to find people heading in my direction or spend the next hour wandering the cold streets trying to find a nice cab driver...for a law that is meant to keep people like me safe, having a 23 year old girl walk the streets alone at night doesn't seem very safe.²⁰⁶

- 5.20 More generally, a document outlining the Foundation for Alcohol Research and Education's 10 Point Plan to Reduce Alcohol-Related Harms in NSW indicates that 58 per cent of Sydney-siders are not satisfied with access to public transport at night and want more bus and rail services.²⁰⁷

- 5.21 Similarly, the Distilled Spirits Industry Council of Australia backed up patron complaints with the following:

DSICA would also submit that the 3am taxi shift changeover adds to the difficulties of people getting out of the entertainment precincts easily, quickly, and without conflict. The 3am shift starts removing taxis from being available from 2am onwards, and probably for the same length of time after 3am. The loss of taxi numbers makes queues much longer at the peak time when people want to leave the Sydney CBD and Kings Cross.²⁰⁸

²⁰⁴ Submission 67, Mr Chris Barker, p1.

²⁰⁵ Submission 106, Mr Jonathan Ussia, p1.

²⁰⁶ Submission 100, Name suppressed, p1.

²⁰⁷ Foundation for Alcohol Research and Education 10 point plan to reduce alcohol-related harms in NSW, August 2012, Submission 112, Foundation for Alcohol Research and Education, attachment to submission 112, Foundation for Alcohol Research and Education, p14.

²⁰⁸ Submission 84, Distilled Spirits Industry Council of Australia, p5.

5.22 In contrast, in verbal evidence provided at the public hearing on 3 September 2014, the City of Sydney claimed there are a sufficient number of taxis at 1:30am and 3am in the Kings Cross and Sydney CBD Entertainment precincts:

Ms O'Connor: I understand from...speaking to Transport colleagues that the taxis have currently coped with the demand that was anticipated at 1:30am and 3:00am...

Chair: You have not heard patrons complaining about the lack of taxis?

Ms O'Connor: No. We did used to have complaints that the queues were huge. In Kings Cross you could wait half an hour for a taxi. We were aware, and police would support this, that that would cause friction and that would then lead to violence, but I think probably since Kings Cross is quieter now then the demand is there. Certainly, there was never really an issue with taxi supply in George Street and the CBD as far as I am aware.²⁰⁹

5.23 Another transport-related problem touched upon during the Inquiry was that few people catch the 'Plan B' buses mentioned above, that is, the free late night bus services every 10 minutes from Kings Cross to Railway Square via Town Hall Station on Friday and Saturday nights that aim to connect people to the broader NightRide network. These buses have been operating since December 2013.²¹⁰ Over the span of a night, the services have capacity to carry more than 1000 people.²¹¹ However, at a Budget Estimates hearing on 19 August 2014 the following exchange between the Hon. Penny Sharpe MLC and the Chief Executive of Government bus operator State Transit, Mr Peter Rowley, indicated that the buses are not well-utilised:

Hon. Penny Sharpe: Mr Rowley, can you tell us the patronage figures for the late night buses from Kings Cross?

Mr Rowley: Friday night services are averaging 60 passengers and Saturday night services are averaging 120 passengers.

Hon. Penny Sharpe: Per bus?

Mr Rowley: No, per night.²¹²

5.24 During the public hearing held on 3 September 2014, Mr John Green, Director, Liquor and Regulation, Australian Hotels Association, speculated about why few people are catching the 'Plan B' buses:

Mr Green: I cannot fathom why but it is something that appears to be in that generation. They want their transport; they want it immediately. They want to get out of the venue into a taxi or train and off on their way...I spoke to one acting Kings Cross commander who said that at 5:14am it was like the sun had come up and the

²⁰⁹ Ms Kate O'Connor, Acting Manager, City Business and Safety, City of Sydney, Transcript of evidence, 3 September 2014, p32.

²¹⁰ "'Plan B' bus rolls out to Kings Cross', Transport for NSW website, <http://www.transport.nsw.gov.au>, viewed 23 October 2014.

²¹¹ Saulwick, J., 'Kings Cross late-night bus service a flop,' *Sydney Morning Herald*, 20 August 2014, <http://www.smh.com.au>, viewed 22 September 2014.

²¹² Transport and The Hunter Budget Estimates 2014-15, Transcript of evidence, 19 August 2014, p28.

vampires were going because the people on the street would descend into the train station with no issue.²¹³

- 5.25 However, in its submission to the Inquiry, the Police Association of NSW claimed that use of the buses had increased since introduction of the lockouts in February 2014:

Prior to the introduction of the “lockouts” in February 2014, anecdotally, we understand that only 3-4 people were using each bus meaning that significant resources were being underutilised at considerable expense to the Government. However, the introduction of the lockout has meant that there has been a strong uptake on the Plan B buses. We have been informed that Kings Cross patrons are more readily utilising the Plan B buses because they know that when the 1.30am lockout hits, they will not be allowed entry anywhere so voluntarily choose to use the Plan B bus to leave the Kings Cross vicinity and head home.²¹⁴

Stakeholders’ suggestions about transport

- 5.26 To solve the transport issues outlined above, some stakeholders recommended that trains run all night in the metropolitan area on Friday and Saturday nights, and some also recommended a greater number of buses. For example, the City of Sydney stated:

...the City has long been advocating [for]...Improved late night transport – 24 hour trains, buses and light rail on Friday and Saturday nights. Tens of thousands of people are present on the city streets late at night. Despite this, public transport is limited and/or ceases, e.g. trains. The free buses out of Kings Cross are welcome, but to move tens of thousands of people safely across metropolitan Sydney other modes of transport operating on Friday and Saturday nights are needed.²¹⁵

- 5.27 Similarly, in its submission, the Australian Hotels Association NSW expressed support for extending train services:

Keep the trains running at night from Kings Cross, Town Hall and Central suburban transport hubs to ensure patrons can get out of the city quickly and safely. Currently on a Saturday night the last train is at 1:44am (to Central) and the first train 5:14am.²¹⁶

- 5.28 Mr Green of the Australian Hotels Association expanded on this point at the Inquiry’s public hearing on 3 September:

If we look at the International Fleet Review and New Year’s Eve, the trains run overnight and there are significant policing resources in uniform around the city. We have no problems and people move seamlessly through the transport system. We know that works.²¹⁷

- 5.29 A patron who made a submission to the Inquiry made a similar point:

²¹³ Mr Green, Transcript of evidence, 3 September 2014, p50.

²¹⁴ Submission 94, Police Association of NSW, p12.

²¹⁵ Submission 110, City of Sydney, p6.

²¹⁶ Submission 105, Australian Hotels Association NSW, p12.

²¹⁷ Mr Green, Transcript of evidence, 3 December 2014, p50.

...stopping all trains and buses except for a night rider bus, which often come an hour in between, which does not solve any of these issues...when there is an event or music festival that runs late, there are hundreds of EXTRA bus services and trains in order to transport these people. The number of people going to these events is quite comparable to the number of people pouring into the city on Friday and Saturday night, who all have different directions and times to get home.²¹⁸

5.30 Similarly, Miss Lauren Neko stated:

Arrange for better transport – trains out of the CBD until 4am. MORE night buses. There are simply not enough.²¹⁹

5.31 Regarding taxis, the Distilled Spirits Industry Council of Australia suggested further changes need to be made regarding licensing:

A change to the shift times or a system of taxi licensing that allows for additional taxis at the peak between midnight and 4am could be very useful in alleviating...the problems.²²⁰

5.32 Similarly, the Australian Hotels Association NSW recommended secure and better signposted taxi ranks to ensure safety of passengers.²²¹

Committee comment

5.33 The Committee notes the importance of available transport in helping to reduce the incidence of alcohol-related violence and commends measures introduced to date to improve services. The Committee also notes with concern evidence from a number of stakeholders about a continued shortage of taxis combining with the suspension of trains in the middle of the night to increase the chances of drug and alcohol related violence.

5.34 While the City of Sydney stated in its evidence to the Committee that there are now an adequate number of taxis to service the Kings Cross and Sydney CBD Entertainment precincts, the Committee heard a significant amount of evidence to the contrary and the Committee notes that, while taxi licensing reform has taken place, the majority of taxis still change over at 3am, the same time as last drinks. The Committee is particularly concerned by claims that patrons are unable to find a taxi to take them home unless they are travelling a long distance, and concerned to hear of fights breaking out at taxi ranks.

5.35 The Committee notes evidence from the City of Sydney about the ‘super rank’ at Kings Cross which features CCTV, improved lighting and security guards employed by Transport for NSW. In the Committee’s view, the possible extension of super ranks to other locations should be explored. Extra security guards employed by Transport may be particularly useful to ensure that taxi drivers feel confident to pick up passengers in certain areas, to prevent drivers refusing to take passengers who are not travelling far enough, and to prevent fights breaking out at taxi ranks.

²¹⁸ Submission 24, Name suppressed, p1.

²¹⁹ Submission 40, Miss Lauren Neko, p1.

²²⁰ Submission 84, Distilled Spirits Industry Council of Australia, p5.

²²¹ Submission 105, Australian Hotels Association NSW, p12.

RECOMMENDATION 12

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.

- 5.36 The Committee also notes evidence that in recent years a number of new taxi licences have been issued that do not allow 3am and 3pm changeovers. This is a positive step in increasing the number of taxis available at the 'last drinks' time of 3am and the Committee therefore recommends that this strategy be continued.

RECOMMENDATION 13

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.

- 5.37 In addition, the Committee notes evidence that 'Plan B' buses from Kings Cross are poorly utilised by patrons. While the Police Association indicated take-up had improved since the new measures including lockouts were introduced in February 2014, the Chief Executive of State Transit indicated as recently as August 2014 (to an Estimates hearing) that few people were catching the buses. The Committee further notes calls from the City of Sydney, the Australian Hotels Association and some patrons for 24 hour trains on Friday and Saturday nights in the Sydney Metropolitan area, to enable patrons to catch one form of transport out of the lockout precincts to the area where they live.
- 5.38 In the Committee's view, there may be safety issues with running trains full of intoxicated passengers into the night. If an incident occurs on a 'Plan B' or NightRide bus, Police are more readily able to reach a public road than a train that may be stopped between stations or even in a tunnel. Similarly, post-lockout patronage of 'Plan B' buses in the busier summer months has not yet been tested – the lockouts had not yet begun when the buses were introduced in December last year.
- 5.39 In the circumstances, and given its recommendations to improve taxi services, the Committee does not support the introduction of 24 hour trains. Instead, the Committee supports giving the 'Plan B' buses a fair trial into the summer months of 2014/15. To facilitate this, a re-vitalised advertising campaign for the services may be helpful.

RECOMMENDATION 14

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

Chapter Six – Amendments to the Crimes Act and other legislation

6.1 This chapter examines measures introduced in the *Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014*, which was introduced along with the *Liquor Amendment Act 2014* in January 2014. As previously noted, the Committee received only a small amount of evidence related to the amendments to the Crimes Act and other legislation. For this reason, the Committee’s examination is purely preliminary.

6.2 As outlined in Chapter Two, the *Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014* amended the Crimes Act to introduce a new offence of assault causing death. The offence carries a maximum penalty of 20 years imprisonment. Further, if an offender is intoxicated at the time of the offence, a maximum sentence of 25 years imprisonment applies, and a minimum mandatory sentence eight years. The offence is defined in Section 25A of the Act as follows:

A person is guilty of an offence under this subsection if:

- a) the person assaults another person by intentionally hitting the other person with any part of the person’s body or with an object held by the person, and
- b) the assault is not authorised or excused by law, and
- c) the assault causes the death of the other person.

6.3 In his second reading speech to Parliament the then Premier, the Hon Barry O’Farrell MP, explained the Government’s rationale for introducing this new offence:

Perpetrators of one-punch killings have previously been prosecuted in New South Wales for manslaughter. This means that when the case goes to court the prosecution has to prove beyond reasonable doubt that the offender should have foreseen that, by doing what he or she did, the victim would be placed at risk of serious injury.²²²

6.4 In her submission to the Inquiry, Dr Julia Quilter, Senior Lecturer, University of Wollongong, criticised the introduction of this offence on a number of grounds. Dr Quilter noted that ‘manslaughter convictions were consistently achieved in NSW under existing laws’.²²³ Dr Quilter questioned the effect of this new offence of assault causing on the ‘hierarchy’ of criminal offences, which is intended to escalate according to seriousness of the offence. She observed that other jurisdictions have rejected proposals to introduce such an offence:

No Australian law reform commission has recommended the introduction of an ACD [Assault Causing Death] offence – indeed, they have recommended against ... One of

²²² The Hon Barry O’Farrell MP, Premier, Legislative Assembly Debates, 30 January 2014.

²²³ Submission 32, Dr Julia Quilter, p2.

the consequences of this is that the question of where such an offence sits in the hierarchy of fatality crimes has received little attention in Australia. The question of hierarchy is an important one to determine if there is a 'match' between the perceived need for a new offence and the nature of the offence itself.²²⁴

- 6.5 Dr Quilter noted that in Western Australia, where assault causing death is an existing offence, it has been used in situations where the offence is considered less, rather than more, serious than the offence of manslaughter.²²⁵ This is because charges have been laid in situations where the offender may not have foreseen that the victim would die from the assault, which is a requirement in proving the offence of manslaughter. While in NSW the offence of assault causing death carries a mandatory minimum sentence of eight years imprisonment where the offender was intoxicated at the time of the offence, this will not apply to all, or even most, cases where the charge is laid. This means that there is potential for shorter sentences such as those that have been handed down in Western Australia.
- 6.6 Dr Quilter was also critical of the concept of 'intoxication' as contained in the Act. While the concept of 'intoxication' carries a common-sense meaning, legal definition of intoxication is more complex. Section 25A (6)(b) effectively defines intoxication as having a blood alcohol level of 0.15 or more. The Act also amends to the *Law Enforcement (Powers and Responsibilities) Act 2002* to provide police with powers to carry out breath and urine tests in situations where an offender is likely to be charged with one of the relevant offences. However, offenders may not be apprehended at the scene of an offence. For example, Kieran Loveridge, who was convicted of manslaughter in relation to the death of Thomas Kelly in Kings Cross (discussed in Chapter Two), was arrested 11 days after the offence. In such situations, proving that an offender was intoxicated is virtually impossible. This may result in inequities between the treatment of offenders who are apprehended at the scene of a crime and those who are not.
- 6.7 Lastly, Dr Quilter drew attention to the definition of 'assault' contained in the *Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014*. Section 25 A (a) of the Act effectively defines assault as 'intentionally hitting the other person with any part of the person's body or with an object held by the person'.²²⁶ This definition excludes a range of other acts which may deliberately or recklessly kill another person, such as kicking, stomping, burning, strangling or drowning.

Mandatory sentencing

- 6.8 Some stakeholders were critical of the mandatory minimum sentence that applies to the charge of assault causing death where the offender is intoxicated. The Criminal Law Committee of NSW Young Lawyers expressed its opposition to mandatory sentencing in principle, arguing that it has no effect in deterring crime:

²²⁴ Submission 32, Dr Julia Quilter, p2.

²²⁵ Submission 32, Dr Julia Quilter, p2.

²²⁶ Submission 32, Dr Julia Quilter, p3.

The Committee opposes any move towards mandatory sentencing. To this end, we point toward the empirical evidence on what factors impact crime – noting that the magnitude of a sentence is not one such factor. BOCSAR’s research has found that increasing the length of prison sentences exerts no measurable effect at all on crime.²²⁷

- 6.9 Mandatory sentencing provisions such as those that were introduced in the *Crimes and Other Legislation (Assault and Intoxication) Act 2014* remove a judge’s capacity to exercise discretion in the sentencing of an offender. Introduction of this legislation followed widespread criticism of the four-year sentence received by Kieran Loveridge, who was convicted of manslaughter in relation to the death of Thomas Kelly in November 2013.²²⁸ The Director of Public Prosecutions later appealed against Loveridge’s sentence on the grounds that it was ‘manifestly inadequate’.²²⁹ The then Attorney General, the Hon Greg Smith, subsequently announced his intention to introduce legislation to specifically target ‘one-punch’ attacks such as the one that killed Mr Kelly.²³⁰ However, Dr Quilter argued that mandatory sentencing requirements do not remove discretion from sentencing but rather displace it from judges to police and prosecutors:

Studies of mandatory sentencing indicate that ‘discretion’ is not removed from the system; rather it is displaced often onto police and prosecutors, and significantly so in the area of charging and charge negotiation. Further evidence that the acceptance of pleas is likely can be found in the one study by Quilter ... of one-punch manslaughters, which indicated that, in all cases but one, the matter did not proceed to trial, with the offender pleading guilty to manslaughter.²³¹

- 6.10 Dr Quilter argued instead for sentencing guidelines in manslaughter cases, which are used in the UK, or a guideline judgment. Guideline judgments provide judges with general principles, a sentencing range and relevant factors to be taken into consideration. According to Dr Quilter, they provide consistency in sentencing:

A guideline judgment provides consistency in sentencing and structures the sentencing exercise. Guidelines have previously been successfully used to tackle offences for which there has been concern over lenient or inconsistent sentencing, where there is a specific need for general deterrence or to highlight relevant sentencing principles and practices.²³²

- 6.11 Following the conviction of Kieran Loveridge in November 2013, former Attorney General the Hon Greg Smith requested the NSW Court of Criminal Appeal to issue

²²⁷ Submission 65, Criminal Law Committee, NSW Young Lawyers, p3.

²²⁸ See ‘Parents slam “lenient” sentence for Kelly’s killer Kieran Loveridge’, *The Australian*, 8 November 2013; Dale, A. ‘What justice? Kieran Loveridge’s four years jail for taking the life of Thomas Kelly with a king hit’, *Daily Telegraph*, 8 November 2013.

²²⁹ Office of the Director of Public Prosecutions (NSW), Media release, 14 November 2013.

²³⁰ ‘Thomas Kelly killing: director of public prosecutions to appeal sentence,’ *The Guardian*, 15 November 2013, www.theguardian.com, viewed 9 October 2014.

²³¹ Quilter, J. ‘One-punch laws, mandatory minimums and ‘alcohol-fuelled’ as an aggravating factor: implications for NSW criminal law’, *Criminal Justice Journal*, 3, 2014, p102. Also see Submission 32.

²³² Submission 32, Dr Julia Quilter, p6.

a guideline judgment in manslaughter cases.²³³ However, this request was subsequently withdrawn.²³⁴ Mr Loveridge's sentence was increased on appeal.

6.12 The *Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014* also introduced increased maximum penalties for certain public order offences under the *Summary Offences Act 1988*. The offences targeted were:

- Continuation of intoxication and disorderly behaviour following a move-on direction (section 9 of the Summary Offences Act) for which the penalty was increased from a maximum \$660 court-imposed fine to a maximum \$1,650 court-imposed fine. If proceeding by penalty notice, the prescribed fine was increased from \$200 to \$1,100.
- Offensive conduct (section 4 of the Summary Offences Act) from a prescribed penalty notice fine of \$200 to a prescribed penalty notice fine of \$500.
- Offensive language (section 4A of the Summary Offences Act) from a prescribed penalty notice fine of \$150 to a prescribed penalty notice fine of \$500.²³⁵

6.13 In her submission, Dr Quilter was also critical of these changes for a number of reasons. First, prior to the changes, these offences were already charged in high numbers each year.²³⁶ Secondly, there is no clarity over the legal elements of such offences – the offences instead rely on a vague 'offensiveness' standard.²³⁷ In an article attached to her submission, co-authored by Professor Luke McNamara, Dr Quilter expanded on this point, quoting former NSW Attorney-General, the Hon. Frank Walker MP:

One of the most arbitrary and dangerous aspects of the Bill is the proliferation of vague, uncertain dragnet offences such as are to be found in...the definition of unseemly words and later in the Bill in provisions dealing with offensive behaviour.

Any practising criminal lawyer will say that such terminology operates only to give the widest possible latitude to police and magistrates, and thereby constitutes a serious blow to the liberty of the citizen to be free from arbitrary arrest and arbitrary prosecution. Certainty is the very essence of the criminal law. Every man has the right to know whether his actions at a given time are or are not criminal. Sweeping, dragnet terminology means that a particular act will be legal or illegal according to the subjective opinions of the police officers and magistrates involved.²³⁸

²³³ 'NSW AG seeks guideline on Loveridge case', Sydney Morning Herald, 21 November 2013.

²³⁴ 'Request for one-punch judgment dropped', SBS, 13 February 2014, <http://www.sbs.com.au/news/article/2014/02/13/request-one-punch-judgment-dropped>, viewed 9 October 2014.

²³⁵ See Schedule 5 *Crimes and Other Legislation (Assault and Intoxication) Act 2014*.

²³⁶ Submission 32, Dr Julia Quilter, p7.

²³⁷ Submission 32, Dr Julia Quilter, p7.

²³⁸ Quilter, J., McNamara, L., 'Time to Define "The Cornerstone of Public Order Legislation": The Elements of Offensive Conduct and Language Under the Summary Offences Act 1988 (NSW)', *UNSW Law Journal*, Volume 36(2), p535, attachment to Submission 32, Dr Julia Quilter.

- 6.14 Dr Quilter also commented that these types of offence are known to have a disproportionate impact on indigenous persons with a 2009 Ombudsman’s report finding that 83 per cent of Criminal Infringement Notices issued from November 2007 to July 2008 for offensive conduct or language were issued to Aboriginal people.²³⁹ In addition, Dr Quilter pointed out that the changes may impact on driver licence disqualifications for unpaid fines. Again this is an issue of particular concern for Aboriginal people in rural and regional areas where public transport options may be limited.²⁴⁰
- 6.15 Finally, Dr Quilter submitted that the issues raised by such public order offences are better dealt with by tackling the causes of such offences. For example, referring to findings by the Bureau of Crime Statistics and Research (BOCSAR) that 50 per cent of offensive conduct charges relate to urinating in public, Dr Quilter suggested that a preferable solution to fines is providing a greater number of public toilets.²⁴¹

Committee comment

- 6.16 Committee members shared the disappointment expressed by members of the community at the sentence originally received by Mr Kieran Loveridge following his conviction for manslaughter in relation to the death of Mr Thomas Kelly. The Committee was pleased to note that the sentence handed down to Mr Loveridge following the appeal by the Director of Public Prosecutions was more consistent with community expectations.
- 6.17 The Committee notes the concerns expressed by stakeholders regarding mandatory minimum sentences that apply to the offence of assault causing death in circumstances where the offender is intoxicated. However, the Committee is also cognisant of the fact that, as the *Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014* was introduced only in January 2014, there is as yet no case law to indicate that these amendments have had negative or unintended effects. The Committee therefore makes no recommendations in relation to these issues.
- 6.18 The Committee notes that the legislation contains provision for review as soon as practicable within three years after the commencement of the Act. The Committee looks forward to this review.

²³⁹ Submission 32, Dr Julia Quilter, p7.

²⁴⁰ Submission 32, Dr Julia Quilter, p7.

²⁴¹ Submission 32, Dr Julia Quilter, pp7&8.

Appendix One – List of Submissions

1	Name Suppressed
2	Name Suppressed
3	Name Suppressed
4	Mr Matthew Bicket
5	Mr Nicolas Fayard
6	Mr Jeremy Fraser
7	Mr Michael Jarvin
8	Mr Eoin Maher
9	Name Suppressed
10	Name Suppressed
11	Royal Australasian College of Surgeons
12	Home The Venue
13	Faculty of Health, School of Psychology, Deakin University
14	Name Suppressed
15	Name Suppressed
16	Name Suppressed
17	Mr David Paul Wagner
18	Name Suppressed
19	St Vincent's Health Australia
20	Name Suppressed
21	Name Suppressed
22	Name Suppressed
23	Name Suppressed
24	Name Suppressed
25	Name Suppressed
26	Keep Sydney Open
27	Name Suppressed
28	Mr Lachlan McGrath
29	Last Drinks in Bryon
30	Mr Jordy McIntyre
31	Ms Hannah Chapman

LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY
LIST OF SUBMISSIONS

32	Dr Julia Quilter
33	Name Suppressed
34	Name Suppressed
35	Mr Tony Brown
36	Oasis Hotel
37	Name Suppressed
38	Thomas Kelly Youth Foundation Limited
39	Name Suppressed
40	Miss Lauren Neko
41	Ms Monique Galloway
42	Mr Nicholas Clapham
43	Mr Patrick Horne
44	Mr Robert Candelori
45	Name Suppressed
46	Name Suppressed
47	Name Suppressed
48	Name Suppressed
49	East Sydney Neighbourhood Association (ESNA)
50	Confidential
51	Mr Sebastian de Haas
52	Royal Prince Alfred Hospital
53	Darlinghurst Business Partnership
54	The Royal Australasian College of Physicians
55	Drug Policy Modelling Program, University of New South Wales
56	Ms Rebecca Wright
57	Australian Drug Foundation
58	Bulletin Place
59	Sydney Business Chamber
60	Mental Health Association NSW
61	Confidential
62	Mr Isaac Roberts
63	Confidential
64	Name Suppressed
65	Criminal Law Committee - NSW Young Lawyers

ALCOHOL AND DRUG-RELATED VIOLENCE
LIST OF SUBMISSIONS

66	Confidential
67	Mr Chris Barker
68	Miss Taylor Davis
69	Mr Alexander Weedon-Newstead
70	Mr Andrew Castle
71	Miss Phuong Nguyen
72	Mr Warwick Levy
73	Australian Salaried Medical Officers' Federation NSW (ASMOF)
74	Cr Jenny Green
75	Mr Roger Perrett
76	Miss Ella Beer
77	Name Suppressed
78	Name Suppressed
79	Mrs Nicole Bohart
80	The Salvation Army (NSW) Property Trust
81	Mr Ivan Chohey
82	Name Suppressed
83	Ms Christie Torrington
84	Distilled Spirits Industry Council of Australia
85	Mr Jason Heller
86	Council of Social Service of NSW (NCOSS)
87	Name Suppressed
88	Confidential
89	National Live Music Office
90	Name Suppressed
91	The Spice Cellar
92	Backroom
93	Mr Reagen Jones
94	Police Association of New South Wales
95	NSW ACT Alcohol Policy Alliance
96	Name Suppressed
97	Confidential
98	Ms Anna Garliss
99	Name Suppressed

LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY
LIST OF SUBMISSIONS

100	Name Suppressed
101	Name Suppressed
102	Brighton Hotel
103	Name Suppressed
104	ACON
105	Australian Hotels Association (AHA) NSW
106	Mr Jonathan Ussia
107	Information and Privacy Commission
108	Australasian College for Emergency Medicine (ACEM)
109	Public Health Association Australia
110	City of Sydney
111	Confidential
112	FARE (Foundation for Alcohol Research and Education)
113	NSW Government Premier of New South Wales

Appendix Two – List of Witnesses

3 September 2014, Room 814/815 (Government Party Room), Parliament House

Witness	Position and Organisation
Dr Don Weatherburn	Director <i>NSW Bureau of Crime Statistics and Research</i>
Mr Michael Fuller	Assistant Commissioner <i>NSW Police Force</i>
Ms Anne Hoban Ms Kate O'Connor	Director, City Life Acting Manager, City Business and Safety <i>City of Sydney</i>
Mr Ralph Kelly	Director <i>Thomas Kelly Youth Foundation</i>
Mr John Green	Director, Liquor and Policing <i>Australian Hotels Association</i>
Assoc. Professor Anthony Grabs	Clinical Executive Director & Director of Trauma
Mr Toby Hall	Group Chief Executive Officer
Dr Paul Preisz	Acting Director, Emergency Department <i>St Vincent's Hospital</i>
Assoc. Professor Nadine Ezard	Director, Alcohol and Drug Service <i>St Vincent's Health Group</i>

Appendix Three – Extracts from Minutes

MINUTES OF MEETING 25

Wednesday 2 July 2014

9.35am

Macquarie Room, Parliament House

Members Present

Mr Souris (Chair), Mr Edwards (Deputy Chair), Mr Lalich

Staff in attendance: Carly Maxwell, Abigail Groves, Abigail Javier

1. Apologies

Apologies were received from Mr Spence and Mr Zangari.

2. ****

3. Correspondence

Resolved, on the motion of Mr Lalich: That the Committee note the following items of correspondence sent and received:

- ****
- Letter to the Hon. Brad Hazzard MP, Attorney General, re: Proposed inquiry into alcohol-related violence, dated 24 June 2014.

4. ****

5. Inquiry into measures to reduce alcohol-related violence

Resolved, on the motion of Mr Lalich, seconded by Mr Edwards:

1. That the Committee adopt the following terms of reference for an Inquiry into alcohol-related violence:

The committee will inquire into, and report on the effectiveness of recent measures to reduce alcohol and drug related violence in the Sydney Central Business District, with particular reference to:

- Trends in alcohol and drug related violence in licensed venues and general street areas
- The impact of recent measures to reduce violence on Police, the Courts, hospitals, and the liquor industry
- Possible further measures to reduce alcohol and drug-related violence

- The effectiveness of measures taken to reduce alcohol and drug related violence in other jurisdictions, and
 - Any other related matters.
2. That the Committee advertise the inquiry in the *Sydney Morning Herald* and call for submissions with a closing date of 15 August 2014, and
 3. That the Chair write to the following stakeholders inviting them to make a submission to the inquiry:
 - BOCSAR
 - Department of Police and Justice
 - Transport for NSW
 - Clubs NSW
 - Australian Hotels Association
 - Liquor Stores Association
 - City of Sydney
 - Sydney Business Chamber
 - Office of Liquor, Gaming and Racing
 - St Vincent's Hospital
 - Ambulance Service of NSW
 - NSW Police Force

The Committee further resolved to invite representatives from BOCSAR and the NSW Police Force to brief the Committee, and to write to the Speaker to request approval to travel to Melbourne to meet with the Victoria Police, the Department of Justice and other relevant stakeholders identified by the Chair.

6. Adjournment

The Committee adjourned at 10.05am, *sine die*.

MINUTES OF MEETING 26

Tuesday 12 August July 2014
3.40pm
Room 1254, Parliament House

Members Present

Mr Souris (Chair), Mr Edwards (Deputy Chair), Mr Lalich, Mr Spence, Mr Zangari

Staff in attendance: Carly Maxwell, Abigail Groves

1. Confirmation of minutes

Resolved, on the motion of Mr Edwards: That the draft minutes of meeting no. 25 on 2 July 2014 be confirmed.

2. ****

3. **Inquiry into measures to reduce alcohol-related violence**

3.1 Correspondence

- The Committee noted correspondence received from S. Wooster, Manager, Secretariat, Office of the Commissioner of Police, acknowledging the Chair's correspondence, dated 10 July 2014.

3.2 Submissions

The Committee considered submissions no. 1 to 11.

Resolved, on the motion of Mr Spence, seconded by Mr Zangari: That Submission nos. 4, 5, 6, 7, 8, and 11 be published and uploaded onto the Committee's website, and that Submissions nos. 1, 2, 3, 9 and 10 be published with names suppressed at the request of the authors.

3.3 Travel to Melbourne 13 – 14 July

The Chair provided a report on his recent travel to Melbourne. He was accompanied by Mr Lalich and Dr Groves and met with the Centre for Alcohol Policy Research, the Office of Liquor, Gaming and Racing, and the Victoria Police.

3.4 Hearings

The Committee agreed to conduct a hearing on Wednesday 3 September and invite the following stakeholders:

- Bureau of Crime Statistics and Research
- NSW Police Force
- Royal Australian College of Surgeons
- City of Sydney
- Office of Liquor, Gaming and Racing.

4. Adjournment

The Committee adjourned at 4.00pm, *sine die*.

MINUTES OF MEETING 27

Wednesday 3 September 2014

9:00am

Room 814/15, Parliament House

Members Present

Mr Souris (Chair), Mr Lalich, Mr Spence, Mr Zangari

Staff in attendance: Helen Minnican, Jonathan Elliott, Abigail Groves, Sasha Shevtsova, Millie Yeoh

1. Apologies

Mr Edwards.

2. Confirmation of minutes

Resolved, on the motion of Mr Lalich, seconded by Mr Spence: That the draft minutes of meeting no. 26 on 12 August 2014 be confirmed.

3. Inquiry into measures to reduce alcohol-related violence

3.1 Submissions

Resolved, on the motion of Mr Spence, seconded by Mr Lalich: That submission nos. 13, 13a, 17, 19, 26, 28, 29, 30, 31, 32, 32a, 35, 36, 37, 38, 40, 41, 42, 43, 44, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 79, 80, 81, 83, 84, 85, 86, 89, 91, 92, 93, 94, 95, 98, 102, 104, 105, 106, 107, 108, 109, 110, 112 and 113 be published; that submission nos. 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 27, 33, 34, 39, 45, 46, 47, 48, 64, 77, 78, 82, 87, 90, 96, 99, 100, 101 and 103 be published with names and identifying information suppressed as per the request of the authors; that submission no. 12 be published in part; and that submission nos. 50, 61, 63, 66, 88, 97 and 111 remain confidential as per the request of the authors.

3.2 Hearings/briefings

Resolved, on the motion of Mr Spence, seconded by Mr Lalich: That the Committee invite the following stakeholders to give evidence:

- Professor Don Weatherburn, Director, BOCSAR
- Assistant Commissioner Michael Fuller, NSW Police
- Ms Kate O'Connor, A/g Manager, Business and Safety, City of Sydney
- Ms Anne Hoban, Director, City Link, City of Sydney
- Mr Ralph Kelly, Director, Thomas Kelly Foundation
- Mr Toby Hall, Chief Executive Officer, St Vincents Health
- Associate Professor Anthony Grabs, St Vincents Health
- Dr Paul Preisz, St Vincents Health
- Dr Nadine Ezard, St Vincents Health
- Mr John Green, Director, Policy, Regulations and Membership, Australian Hotels Ass'n

The Chair noted that the Office of Liquor, Gaming and Racing declined the invitation to give evidence.

3.3 Media orders

Resolved, on the motion of Mr Lalich, seconded by Mr Zangari: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearing on 3 September 2014 in accordance with the NSW

Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

3.4 Transcript of evidence

Resolved, on the motion of Mr Spence, seconded by Mr Lalich: That the corrected transcript of evidence given on 3 September 2014 be authorised for publication and uploaded on the Committee's website.

3.4.2 Answers to questions on notice

Resolved, on the motion of Mr Spence, seconded by Mr Lalich: That witnesses be requested to return answers to questions taken on notice and supplementary questions within 2 weeks of the date on which the questions are forwarded to the witness, and that once received, answers to questions on notice be published on the Committee's website.

3.4.3 Documents tendered during the public hearing

Resolved, on the motion of Mr Lalich, seconded by Mr Zangari: That documents tendered during the public hearing be accepted by the Committee and published on the Committee's website.

3.4.4 Public hearing

The Chair opened the public hearing at 9.15am. Witnesses and the public were admitted.

Professor Don Weatherburn, Director, Bureau of Crime Statistics and Research, affirmed and examined.

Professor Weatherburn tabled a number of documents, entitled:

- 'Key liquor licensing reforms'
- 'Number of recorded non-domestic assaults on licensed premises and outdoors'
- 'Sydney: Survey of non-domestic assaults, by whether alcohol-related or not, April 2013 to March 2014'
- 'Sydney CBD Entertainment Precinct'
- 'Non-domestic assault incidents recorded by police on licensed premises in the Kings Cross Freeze Precinct'
- 'Incidents of non-domestic assault recorded in the Kings Cross Freeze Precinct'.

Evidence concluded, Professor Weatherburn withdrew.

Assistant Commissioner Michael Fuller, Region Commander, Central Metropolitan Region, NSW Police Force, sworn and examined.

Evidence concluded, Assistant Commissioner Michael Fuller withdrew.

Ms Kate O'Connor, A/g Manager, City Business and Safety, City of Sydney and Ms Anne Hoban, Director, City Link, City of Sydney, affirmed and were examined.

Evidence concluded, Ms O'Connor and Ms Hoban withdrew.

The Committee adjourned at 12.30pm. Witnesses and the public withdrew.

The Committee resumed at 1.00pm. Witnesses and the public were admitted.

Mr Ralph Kelly, Director, Thomas Kelly Youth Foundation, sworn and examined.

Evidence concluded, Mr Kelly withdrew.

Mr John Green, Director, Liquor and Policing, Australian Hotels Association, sworn and examined.

Evidence concluded, Mr Green withdrew.

Associate Professor Anthony Grabs, Clinical Executive Director, St Vincents Hospital and Mr Toby Hall, Chief Executive Officer, St Vincents Health, sworn and examined.

Dr Paul Preisz, Acting Director, Emergency Department, St Vincents Hospital and Dr Nadine Ezard, Director, Alcohol and Drug Service, St Vincent's Health Group affirmed and were examined.

Evidence concluded, the Associate Professor Grabs, Mr Hall, Dr Preisz and Dr Ezard withdrew.

The Chair closed the hearing at 3.35pm. Witnesses and the public withdrew.

4. ****

5. Adjournment

The Committee adjourned at 3.36pm, *sine die*.

MINUTES OF MEETING 28

Wednesday 15 October 2014

3.40pm

Room 1043, Parliament House

Members Present

Mr Souris (Chair), Mr Doyle, Mr Zangari

Staff in attendance: Jonathan Elliott, Abigail Groves, Elspeth Dyer, Abigail Javier

1. Apologies

Apologies were received from Mr Casuscelli and Mr Lalich.

2. Confirmation of minutes

Resolved, on the motion of Mr Zangari: That the draft minutes of meeting no. 27 on 3 September 2014 be confirmed.

3. ****

4. Inquiry into measures to reduce alcohol and drug-related violence

4.1 Correspondence

The Committee noted the following correspondence received:

- Letter from Mr Anthony Ball, Chief Executive Officer, ClubsNSW, re: Inquiry into measures to reduce alcohol and drug-related violence, dated 11 August 2014
- Letter from Ms Clover Moore, Lord Mayor of Sydney, re: Inquiry into measures to reduce alcohol and drug-related violence, dated 16 September 2014

4.2 Answers to questions on notice taken at hearing on 3 September

Resolved, on the motion of Mr Doyle, seconded by Mr Zangari: That the Committee publish the following answers to questions on its website:

- From A/Prof Nadine Ezard, Clinical Director, Alcohol and Drug Service, St Vincent's Health, dated 23 September 2014
- From Dr Don Weatherburn, Director, BOCSAR, dated 9 October 2014, including the following documents:
 - Number of incidents of non-domestic violence related assault in Sydney lockout intervention locations
 - Number of recorded non-domestic assaults on licensed premises and outdoors in NSW
 - Alcohol and non-alcohol related assault data – Kings Cross and NSW
- From Dr Don Weatherburn, Director, BOCSAR, dated 4 September 2014, including the following documents:
 - Kyprios - Effects of restricting pub closing times
 - Recorded crime statistics – Age of people charged with assault
 - Recorded crime statistics – Trends in domestic violence assaults

5. Adjournment

The Committee adjourned at 3.45pm, *sine die*.

MINUTES OF MEETING 29

Wednesday 12 November 2014

5.05pm

Room 1043, Parliament House

Members Present

Mr Souris (Chair), Mr Casuscelli, Mr Doyle, Mr Zangari

Staff in attendance: Jonathan Elliott, Abigail Groves, Elspeth Dyer, Abigail Javier

1. Apologies

An apology was received from Mr Lalich.

2. Confirmation of minutes

Resolved, on the motion of Mr Zangari, seconded by Mr Doyle: That the draft minutes of meeting no. 28 on 15 October 2014 be confirmed.

3. Inquiry into measures to reduce alcohol and drug-related violence

4.1 Answers to questions on notice taken at hearing on 3 September 2014

- Received from Mr Andrew Scipione, Commissioner of Police, NSW Police Force, dated 25 October 2014.

Resolved, on the motion of Mr Zangari, seconded by Mr Doyle: That the answers to questions on notice received from Received from Mr Andrew Scipione, Commissioner of Police, NSW Police Force, dated 25 October 2014, be published and uploaded to the Committee's website.

4.2 Chair's draft report

Resolved, on the motion of Mr Doyle, seconded by Mr Zangari: That the Committee adopt the draft report as the report of the Committee, to be signed by the Chair and presented to the House; that the Chair and the secretariat be permitted to correct stylistic, typographical and grammatical errors; and that, once tabled, the report be published on the Committee's website.

The Chair also tabled a media release to accompany the Report.

Resolved, on the motion of Mr Doyle: That the Committee acknowledge the excellent work of Abigail Groves, Inquiry Manager, Elspeth Dyer, Research Officer and Abigail Javier, Committee Officer in preparing the Chair's draft of the Report on Measures to Reduce Alcohol and Drug-related violence.

4. Adjournment

The Committee adjourned at 5.18pm, *sine die*.