



Joint Select Committee on Sydney's Night Time Economy

1/57 – September 2019

Sydney's night time economy



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

New South Wales. Parliament. Joint Select Committee on Sydney's Night Time Economy.

Report on the Joint Select Committee on Sydney's night time economy / Joint Select Committee on Sydney's Night Time Economy. [Sydney, N.S.W.] : the Committee, 2019. – [146] pages ; 30 cm. (Report ; no. 1/57)

Chair: Hon. Natalie Ward, MLC.

“September 2019”

ISBN 9781921012846

1. Nightlife—New South Wales—Sydney—Economic aspects.
2. Leisure industry—Sydney (N.S.W.)—Economic aspects.
3. Violence—Sydney (N.S.W.)
4. Youth—Alcohol use—Sydney (N.S.W.)
5. Social control—Sydney (N.S.W.)
 - I. Title
 - II. Ward, Natalie.
 - III. Series: New South Wales. Parliament. Joint Select Committee on Sydney's Night Time Economy. Report ; no. 1/57

362.292 (DDC22)

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Membership

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Chair's foreword

At the beginning of this report, the Committee wishes to acknowledge the victims of the serious assaults and violence that occurred on the streets of Sydney in the years leading up to the 2014 introduction of restrictions on licensed premises. The tragic deaths of Thomas Kelly and Daniel Christie shocked the community. We acknowledge their families and are deeply respectful of the circumstances which have led to this Committee being established.

In this light, I am pleased that the inquiry was a respectful and positive process. I present this report of the Joint Select Committee on Sydney's Night Time Economy, which contains the Committee's comments and recommendations in relation to this inquiry.

There was agreement from a vast majority of stakeholders that something needed to be done to control the rising levels of violence and antisocial behaviour, particularly in the Kings Cross precinct. At the time of their introduction, the 2014 laws were an appropriate circuit breaker and were successful in reducing violence in the Sydney CBD and Kings Cross.

However, in addition to the violence dropping, so did the City's vibrancy and the number of people engaging responsibly in the night time economy.

It is now an appropriate time to consider whether the 2014 laws are still proportionate. As well as reviewing the 2014 laws, this inquiry has presented the opportunity to examine Sydney's night time economy more broadly and find ways to promote innovation and invigorate Sydney's nightlife.

Sydney is Australia's only global city and remains the most popular destination for tourists. It is good to hear that visitor numbers continue to grow. However, we also heard that Sydney may be foregoing \$16 billion of potential economic activity by not taking full advantage of the night time economy. Rather than having an economy of \$27 billion, it could be worth \$43 billion. It is crucial for Sydney and Australia as a whole that we reach our full potential.

As a passionate advocate of Sydney and a mum of young adults, the responsibility weighs on me heavily. However, I can see how this inquiry has the potential to have a positive impact on Sydney's future provided that it is balanced with ongoing safety and community considerations.

It was pleasing that the inquiry received a large number of submissions. This was clearly an area close to many people's hearts. The vast majority of submissions were presented in a positive, constructive and collaborative manner.

We want to promote a diverse, innovative, world class and fun night time. Crucially, Sydney's nightlife should be experience based, not reliant on alcohol. Sydney is blessed with world class features and a fantastic climate. We want everyone to be able to enjoy this from day, through to twilight, and into the night, and to do so in a safe, fun and vibrant atmosphere. Vivid Sydney is an example of this working well.

The Committee has recommended a number of proposals for proactive safety measures as well as enhancement of the night time economy. We commend them to the Government and regulators. However, it will be important to continue to review the situation through ongoing

governance and oversight by an overarching coordinator bringing stakeholders together in a collaborative and exciting partnership.

On behalf of the Committee, I extend our gratitude to each of the individuals and organisations that made submissions to this inquiry and gave evidence at the Committee's public hearings. Your contributions have been extremely valuable to the Committee in furthering its understanding of the matters of concern, and formulating our comments and final recommendations.

I thank my colleagues, Mr Alex Greenwich MP, Mr Kevin Conolly MP, Ms Cate Faehrmann MLC, The Hon. Ben Franklin MLC, The Hon. John Graham MLC, The Hon. Mark Latham MLC, Mr Geoff Provest MP, Ms Felicity Wilson MP, and Mr Guy Zangari MP, for their diligence, enthusiasm and collegiate approach throughout this inquiry.

Finally, I would like to thank the Committee staff for their work in assisting and organising throughout the inquiry, and in the preparation of this report.

I commend the report to New South Wales.

The Hon Natalie Ward MLC
Chair

Summary

Outline of report and recommendations

Safety

Chapter one identifies safety as the primary concern when discussing Sydney's night time economy. It recognises the concerns raised by police and emergency services workers about the risks associated with any changes to the current regulatory environment. The Committee acknowledges the harms caused by excessive alcohol consumption, and is of the view that work needs to be done to diversify the night-time economy to ensure non-alcohol based options are available for people to enjoy safely.

The Committee recommends a range of harm-minimisation measures that will ensure venues can work with government to promote safety, including:

- venues engaging with the private-sector to promote community safety programs
- venues self-reporting breaches
- an improved notification process of any breaches
- co-ordinated venue inspections

Kings Cross Precinct

Chapter two acknowledges that the Kings Cross precinct has historically been unique and requires a specific, nuanced approach. The Committee finds that Kings Cross was a frequent destination for late-night partying, excessive alcohol consumption and often, violence. Action was required to break this cycle of anti-social behaviour, which came in the form of the liquor sale restrictions in 2014.

The Committee examines the impact of the 2014 laws in the precinct, finding that from January 2014 to March 2019, non-domestic assaults decreased by 52.8 percent. This equates to roughly 1,921 fewer assaults.

The Committee finds that due to the historical nature of Kings Cross, venue density and the small size of the precinct, there is a high risk that if the 2014 laws were removed, violence would increase and the rate of assaults would begin to rise again. However, the report recommends the development of a pathway to deconcentrate and diversify the Kings Cross precinct, with a view to a further review of the appropriateness of the 2014 laws in 12 months.

The reports makes a number of recommendations that would support this pathway, including:

- improved lighting and streetscapes
- a 'good neighbour policy' to deal with noise complaints

Governance

Chapter three recognises that while the 2014 laws improved safety in the relevant precincts, there has been a subsequent negative impact on Sydney's night-time economy. The Committee recommends the development of a governance framework to ensure there is sufficient oversight of the growth of Sydney's nightlife.

The Committee heard that there was not always efficient communication or collaboration between operators to support Sydney in having a safe but vibrant nightlife. As such, it has recommended that a coordinator be appointed to liaise with all these groups, and promote a more collaborative approach. This should be done by a central agency of government under the direction of a minister.

The coordinator should convene a working group that includes all relevant stakeholder, such as police, community representatives, health professionals and business representatives.

The Committee recognises the importance of a clear strategy, and recommends that the coordinator develop and implement a strategy to enhance Sydney's night-time economy.

To further promote diversity in Sydney's nightlife, the Committee has recommended that some of the more stringent restrictions on businesses be relaxed. There should also be a single point of contact for businesses to discuss concerns they have about which restrictions are the most problematic for them and how things could be improved while maintaining a safe environment.

Entertainment after dark contributes to the economy

Chapter four recognises the importance of night-time industries to the economy, and highlights the importance of providing options for all members of the community. The Committee found that increasing the diversity of activities, particularly those not centred around alcohol, can encourage a variety of people to engage with Sydney after dark. In turn, this will support a safe and exciting city.

Measures discussed in the report to promote diversity include:

- supporting our cultural institutions to provide more late night offerings
- encouraging more venues for music and creative events
- innovative ways to use vacant and occupied spaces
- making small bars a more attractive licensed venue business model

The Committee recommends easing the regulatory burden in the Sydney CBD to further support and enhance the night-time economy. The geography and infrastructure of the Sydney CBD support a diverse night-life, as demonstrated with the range of venues in the area.

The Committee is of the view that some of the current liquor regulation should be removed in the Sydney CBD, including Oxford Street. This includes the 1.30am lockout, the 3am cease service, and some of the restrictions around what drinks can be sold after midnight.

The Committee also considers ID scanners in the Kings Cross precinct, and recommends that their use only be mandatory after 10pm on Friday and Saturday nights, to limit the impact on venue operators without compromising safety at busy, high-risk times.

Responsible Service of Alcohol

Chapter five recognises the importance of a preventative approach, and identifies ways venues can ensure safe environments. The Committee acknowledges that Responsible Service of Alcohol (RSA) training has improved the understanding around what responsibilities a venue has when serving alcohol. Additionally, cultural attitudes and awareness around responsible alcohol consumption have improved. The Committee recommends that venues continue this, and further engage with additional RSA programmes.

The report identifies a number of ways venues can be supported and encouraged to be safe and compliant, including:

- rewards for good behaviour and ongoing compliance
- reintroduction of the 2014 laws for venues consistently in breach of relevant requirements, if deemed necessary by the authorities

Transport

Chapter six identifies the importance of transport in ensuring patron safety, and acknowledges that a number of stakeholders identified a lack of transport options as a contributing factor to violent incidents occurring late at night.

The Committee recognises the work of Transport for NSW, and notes significant improvement regarding available transport options at large events. However, other issues remain which require ongoing monitoring and action.

To further promote safe interaction with and travel around Sydney's night time economy, the Committee has recommended that costings be performed to determine whether 24-hour rail transport would be feasible on weekends.

Additionally, the Committee recommends that Transport for NSW investigate providing secure taxi ranks in Kings Cross and the Sydney CBD to ensure there are safe spaces for people waiting to travel home.

Reviews

The final chapter of the report identifies a number of reviews be undertaken to support the changes recommended by the Committee.

The Committee recommends that the current freeze on liquor licences be retained until its review in June 2020. This review should pay particular attention to the impact of the freeze on smaller music venues in the Sydney CBD. It is emphasised that the freeze is not for small bars, or other diverse and innovative licence types.

It is critical that the removal of the 2014 laws in Sydney CBD be subject to a review in 12 months. This review should look at any change in the assault levels, the feedback of businesses and the impact on the economy. This review should also look at the Kings Cross precinct and determine if any changes to its diversity and density have been made, and if these changes are sufficient to warrant regulatory relaxations.

To ensure sufficient transparency and oversight, the Committee recommends that the Independent Liquor & Gaming Authority include in its annual report a review into the operation of the 2014 laws.

Issues raised in individual submissions

The Committee received 793 submissions. This large number reflects the level of public awareness and engagement with the inquiry. The Committee thanks all submission makers for their interest and contribution to the inquiry.

Of the 793 submissions, approximately 85 per cent were received from individuals. The vast majority of these submissions engaged with one aspect of the terms of reference, namely, the impact of current liquor and venue restrictions on Sydney. The submissions can largely be grouped into two categories: submissions in favour of maintaining current regulations; and submissions in favour of relaxing or repealing current regulations.

Summary of issues in favour of maintaining current regulations

Below is a summary of some of the issues that were raised in favour of maintaining current regulations.

The city is safer

Submission makers commented that the 2014 laws have reduced the unacceptable level of violence that was occurring in Sydney. They argued that if the laws are removed, Sydney risks returning to the high level of antisocial behaviour that was present before. Some also argued that the 2014 laws were not a spontaneous reaction to particular events, but an intervention that had been supported for many years due to the violence that was occurring on a regular basis.

Improved amenity for residents

It was submitted that Kings Cross is a far more attractive place now for those living in the area and visiting the area. The streets are cleaner, quieter, less crowded, and less intimidating.

Safer for emergency workers

Many submitted that the 2014 laws have improved the working conditions for emergency service workers including police, ambulance officers, and health professionals. The reduced violence and criminal behaviour means that emergency workers can spend more time on other important areas, leading to more efficient use of resources.

Better health outcomes for the community

Many argued that the 2014 laws promote less alcohol consumption and encourage a more responsible approach to drinking and public behaviour. This reduced alcohol consumption leads to better health outcomes for both individuals and the community.

Good for small businesses

Some commented that the night time economy has been reinvented by the 2014 laws. Since the laws were introduced there has been an emergence of small bars, local restaurants and cafes. There is a fear that if the laws are removed, larger venues will come back and take the place of these emerging new businesses.

Summary of issues in favour of relaxing and/or repealing current regulations

Below is a summary of some of the issues that were raised in favour of relaxing or repealing current regulations.

Sydney is no longer interesting or vibrant

Submission makers described Sydney as soulless, boring, a ghost town and a shadow of its former self. They argued that the laws place a frustrating amount of control over what people can and cannot do, and that the city no longer accommodates different groups of people.

Detrimental to the night time economy

Many argued that the 2014 laws have had a negative impact on the night time economy. Businesses and venues have closed down leading to reduced revenue and employment opportunities. The laws are viewed as embarrassing for Sydney and dissuade tourists from visiting and returning to Sydney. Business owners submitted that it is difficult to attract talented people to work in Sydney because the city is not an interesting place to live.

The 2014 laws are unfair

It was submitted that the 2014 laws are unfair. They are a one-size fits all approach that punishes the majority for the antisocial behaviour of a few. Submission makers argued there are other ways to address the problems that the 2014 laws aimed to fix, such as, providing 24 hour transport services, improved RSA and a genuine attempt to address the culture of excessive drinking and violent behaviour.

Detrimental to the music and creative industry

Many people were vocal about the detrimental affect the 2014 laws have had on the live music industry. The closure of venues has led to reduced employment for musicians, DJ's, songwriters, producers and others working in the music and creative industries. Melbourne is viewed as a better alternative and many in the creative industries are leaving Sydney.

Discriminates against shift workers and young people

Arguments were made that the 2014 laws have denied young people a chance to enjoy a vibrant night life and that the laws were made by people who will not feel the impact of them. Comments were also received from shift workers who would like to be able to socialise after work but are unable to.

The city feels less safe because there are fewer people

Submission makers commented that Sydney feels less safe as there are fewer people out in the city at night. This was particularly the case for women and other vulnerable groups. Some submitted that they no longer wish to enjoy Sydney at night and feel unsafe being in Sydney alone.

The city feels intimidating with more police and security

Individuals submitted examples of feeling intimidated and harassed by a higher presence of police and security in Sydney. Individuals expressed concern about increasingly being moved on from areas and that their relationship with police has deteriorated due to the 2014 laws.

Findings and recommendations

Chapter One - Safety

Finding 1 _____ **1**

That community workers and visitors have the right to safety from violence in entertainment precincts and authorities must act proactively to provide safe environments.

Finding 2 _____ **1**

The Committee accepts that alcohol causes harm. The Committee supports additional research into its impact on NSW citizens.

Recommendation 1 _____ **3**

That venues be recognised and encouraged, through licence discounts, subsidies or other licensing incentives, to provide funding contributions and support to harm minimisation programs, such as the Safe Space and Stay Kind Take Kare Ambassadors programmes.

Recommendation 2 _____ **5**

That any venues who self-report a breach are, where appropriate, not penalised or have a reduced penalty in recognition of their initiation of action of their own volition and responsible approach.

Recommendation 3 _____ **6**

That processes for notifying venues of any breach are improved and streamlined so that venues can respond to any alleged breach quickly, effectively and collaboratively with regulators, with a view to remedial outcome rather than penalty and prosecutorial outcome.

Recommendation 4 _____ **6**

That there is a coordinated approach between the respective inspectors from the Independent Liquor & Gaming Authority, Liquor & Gaming, the City of Sydney Council, NSW Police and other agencies concerning the monitoring and inspection of venues to avoid duplication, overlap and unnecessary expense to Government and business. Inspectors should communicate immediately, or as soon as practicable, with licensees or operators to allow optimal opportunity for rectification and remedy, rather than maximum penalty. However, recidivist venues which do not demonstrate an enthusiasm for remedy and are consistently in breach should be subject to review by the Small Business Commissioner, Liquor & Gaming NSW and other relevant agencies.

Chapter Two - Kings Cross Precinct

Finding 3 _____ **8**

That Kings Cross in 2012 had become a destination for continuation of activities where some individuals and groups had the intention for excessive consumption, poor behaviour and/or violence.

Finding 4 _____ **9**

The 2014 laws were both necessary and effective at the time they were implemented. They were effective in reducing alcohol-fuelled violence, but also reduced foot traffic in the Kings Cross area. However, Kings Cross is not yet sufficiently changed to warrant a complete reversal.

Recommendation 5 _____ **9**

That further analysis and research be undertaken to ascertain which of the suite of public safety measures introduced in the last decade have contributed most to the decline in non-domestic assaults both in Sydney and across the state.

Recommendation 6 _____ **14**

Given the density of venues in the Kings Cross precinct, a pathway should be created for licences to be transferred to outside the area to reduce the density of venues.

Recommendation 7 _____ **16**

That the City of Sydney be requested to continue to implement a streetscape and furniture improvement plan for Kings Cross to make it pedestrian friendly, eliminate black spots, improve signage, increase lighting and improve amenity. Other relevant government agencies should also consider such a plan.

Recommendation 8 _____ **16**

That the relevant minister encourage all councils to adopt the Inner West Council's Live Music Venues Good Neighbour Policy, and expand it to cover other venues, to ensure that complainants and businesses are mandated to meet with each other first, to try to resolve disputes collaboratively, before a council will act upon any complaint or dispute.

Recommendation 9 _____ **18**

That the Department of Planning, Industry and Environment investigate:

- adopting an agent of change principle into planning law to protect existing venues.
- adopting provisions to allow the designation of entertainment precincts that may encourage new venues.

Chapter Three - Governance**Finding 5** _____ **19**

That the 2014 laws had support within some sections of the community and have contributed to the reduction in violence but have also adversely impacted upon Sydney's night time economy and activity.

Finding 6 _____ **19**

As a result of the 2014 laws, Sydney has an underperforming night time economy. Deloitte estimates that Sydney is foregoing \$16 billion a year.

Finding 7 _____ **21**

That the NSW Government and stakeholders now need to take proactive steps to revitalise Sydney's night time economy.

Recommendation 10 _____ **21**

That the NSW Government appoint an overarching coordinator to bring together all relevant stakeholders to enhance Sydney's night time economy. This should be done by a central agency of government under the direction of a minister.

Recommendation 11 _____ **21**

The coordinator referenced in Recommendation 7 should, along with the Independent Liquor & Gaming Authority, convene a working group of stakeholders including, but not limited to:

- a community representative
- a licensee representative
- a youth representative
- a music representative
- NSW Health
- NSW Police
- the Small Business Commissioner
- Liquor & Gaming NSW
- the Independent Liquor & Gaming Authority
- the City of Sydney
- Destination NSW
- Create NSW
- the Department of Planning, Industry and Environment

Recommendation 12 _____ **28**

That the coordinator develop and implement a strategy to enhance Sydney's night time economy. This strategy should include:

- identifying and removing barriers to new and existing licensing and operation of venues;
- collaborating to offer more diverse options to potential visitors;
- encouraging the growth of entrepreneurial and new business start-up concepts in the Sydney CBD; and
- promotion of the Easy to do Business program.

Recommendation 13 _____ **28**

That the coordinator and the Independent Liquor & Gaming Authority work together to advise the relevant Minister within 60 days on the following matters:

- the development of the night time economy strategy
- small bar licence facilitation
- facilitating amendment and relaxation of licence conditions for "well behaved venues"
- facilitating ease of application and approvals for new licences or licence transfers
- arts venues
- small (120-250 people) and medium (400-500 people) sized music venues

Recommendation 14 _____ **30**

That the relevant minister relax some of the restrictions on businesses operating in the night time economy. A single point of contact, such as the Small Business Commissioner, should be established for businesses to discuss ongoing concerns with Government and identify the most appropriate restrictions to be repealed or consolidated.

Recommendation 15 _____ **31**

That the Department of Planning, Industry and the Environment develop an integrated application process for liquor licencing and development applications that removes duplication in processes.

Recommendation 16 _____ **31**

That the NSW Government amend liquor legislation to remove unnecessary conditions for liquor licences and development applications that place unnecessary restrictions on live music, such as banning certain genres of music or certain musical instruments.

Chapter Four - Entertainment after dark contributes to the economy**Finding 8** _____ **35**

That Sydney's night time activity contributes to Sydney's standing as a global city and as a tourist destination, to culture, arts and social activity, employment and the economy. In addition to safety measures, proactive steps should now be taken to encourage and support the growth and innovation in the night time economy.

Recommendation 17 _____ **35**

That the NSW Government investigate ways to support venues to provide entertainment. This should include making it easier for existing venues to do so, by encouraging new small and medium size music and entertainment venues, and the use of empty or under-utilised government spaces as temporary or opt-up arts and entertainment venues.

Recommendation 18 _____ **35**

That the NSW Government allocate funding to promote Sydney's night-time economy to both a domestic and international audience.

Recommendation 19 _____ **38**

That the NSW Government consider developing regulations to support the night time use of spaces occupied by businesses during the day, with a particular focus on supporting the night time use of the space by creative businesses.

Recommendation 20 _____ **38**

That the NSW Government consider developing regulations to permit unused government buildings to be used as creative art spaces.

Recommendation 21 _____ **39**

That the NSW Government amend the small bar licence to permit licensees to operate a bar with a patron limit of 130, and standard operating hours of operation under the licence to 2.00 am.

Recommendation 22 _____ **39**

Removing any rule of thumb requirement for small bar licences, for example for one security guard per 100 patrons, where a written security plan is in place and the venue is well performed. Should these provisions be required, they should be in the written plan of management for the venue, which is negotiated with NSW Police, rather than the licence or Development Application approval.

Recommendation 23 _____ **39**

For small bar licences, remove high risk licence fees for later trading from these low risk venues.

Recommendation 24 _____ **42**

That the following aspects of the suite of measures known as the 2014 laws be removed at licensed venues in the Sydney CBD precinct including Oxford Street, with appropriate urgency:

- 1.30am lockout
- prohibition on service of certain drinks after midnight, including: shots, drinks containing more than 50% spirits or liqueur, ready to drink beverages with an alcohol by volume content of more than 5%
- cocktails and drinks prepared on premises containing 30 ml or more of sprits or liqueur
- restriction of glass in the late trading period, and
- the 3.00am cessation of service.

Recommendation 25 _____ **42**

That the trading hours for the sale of takeaway alcohol be extended to midnight Monday through to Saturday, and 11pm on Sunday.

Recommendation 26 _____ **45**

That Liquor & Gaming NSW and the Independent Liquor & Gaming Authority, incentivise, recognise and reward licensees for ongoing good behaviour. Conversely, Liquor & Gaming

NSW and the Independent Liquor & Gaming Authority be able to impose the 2014 law measures for non-compliant venues, if necessary.

Recommendation 27 _____ **46**

That the Department of Planning, Industry and the Environment develop a tool that can complete the assessment of the cumulative impact of high impact venues in a particular neighbourhood through the liquor licencing system.

Recommendation 28 _____ **46**

The Department of Planning, Industry and the Environment should consider amending or expanding the violent venue scheme if alternative measures are required in future.

Recommendation 29 _____ **48**

That the mandated hours of operation of ID scanners in the Kings Cross precinct be reduced to require operation from 10pm on Friday and Saturday nights only. Venues which voluntarily operate ID scanners outside these hours should be offered recognition and incentives (such as subsidies or licensing incentives) for demonstration of model licensee behaviour.

Chapter Five - Responsible Service of Alcohol

Finding 9 _____ **51**

Understanding and implementation of responsible service of alcohol, cultural and attitude changes and awareness, better surveillance and policing have all improved safety and behaviour in entertainment venues and precincts.

Recommendation 30 _____ **51**

That venues be encouraged, through licence discounts, subsidies or other licensing incentives, to engage in additional RSA programs such as the Three Cheers program.

Recommendation 31 _____ **52**

That the 2014 laws be removed in the Sydney CBD and Oxford Street to facilitate increased patronage at a diverse range of venues to enhance Sydney's night time economy.

Chapter Six - Transport

Finding 10 _____ **55**

Transport for NSW and other agencies have made significant improvements in transport for large events and additional services, however there are still problems and lack of availability in late night transport, which require ongoing monitoring and action.

Recommendation 32 _____ **55**

That Transport for NSW perform costings for options, and take appropriate steps to improve late night public transport, including 24-hour services, to help people engage with the night time economy.

Recommendation 33 _____ **55**

That Transport for NSW examine ways to incentivise taxis operating between 1.30am and 4.30am when public transport is generally unavailable, allowing taxis to become effectively part of the public transport service during those hours.

Recommendation 34 _____ **58**

That Transport for NSW provide secure taxi ranks in Kings Cross and the Sydney CBD.

Chapter Seven - Reviews**Recommendation 35** _____ **59**

That the freeze on new liquor licences be retained until its 12 month review in June 2020. It is emphasised that the freeze is not for small bars or other types of diverse licences such as pop-ups, but rather for larger licensed venues. The review should pay particular attention to the impact of the freeze on smaller music venues in the Sydney CBD.

Recommendation 36 _____ **60**

That any removal of the 2014 laws be reviewed within twelve months, with particular focus on alcohol-related violence, alcohol-related accidents, and the night time economy. This, and any subsequent reviews, should be reported publicly.

Recommendation 37 _____ **61**

Should the NSW Government retain the 2014 law conditions in the Kings Cross precinct, a review of these conditions should be completed within 12 months taking into account diversity of venues and saturation of high impact venues.

Recommendation 38 _____ **62**

That the Independent Liquor & Gaming Authority include in its annual report a review into the operation of the 2014 laws, including statistics on complaints, and recommendations for further change.

Recommendation 39 _____ **62**

That the Bureau of Crime Statistics and Research and the Centre for Translational Data Science align their statistical analysis and provide ongoing statistical data to the coordinator to inform and assist decision making.

Recommendation 40 _____ **63**

If the Sydney Lock-out reforms are successful, the NSW Government should give consideration to a review of Newcastle liquor licensing conditions and working with Newcastle City Council to rejuvenate the night-time economy and its economic importance for the Hunter Valley.

That the Department of Planning, Industry and the Environment develop a tool that can complete the assessment of the cumulative impact of high impact venues in a particular neighbourhood through the liquor licencing system.'

Chapter One – Safety

- 1.1 This Chapter acknowledges the concerns of health workers and emergency personnel that any removal of the suite of measures known as the 'lockout laws' (the 2014 laws) may result in a less safe environment. It discusses the importance of harm minimisation and measures to encourage venues to provide a safe environment.

Safety is paramount

Summary

Safety must be the primary ongoing consideration. The Committee recognises alcohol causes harm.

Finding 1

That community workers and visitors have the right to safety from violence in entertainment precincts and authorities must act proactively to provide safe environments.

Finding 2

The Committee accepts that alcohol causes harm. The Committee supports additional research into its impact on NSW citizens.

- 1.2 The Committee acknowledges the tragic deaths of Daniel Christie and Thomas Kelly and all the victims of violence on the streets of Sydney. The Committee extends its sympathies to those affected by these tragic events.
- 1.3 The Committee acknowledges that police, health and other emergency service workers are understandably concerned that any removal of the current liquor restrictions operating in the Sydney CBD and Kings Cross will mean a return to high rates of violence and increased assaults.
- 1.4 The Committee heard distressing evidence about the traumatic injuries arising from alcohol-related violence. Associate Professor Steven Faux, Director of Rehabilitation, St Vincent's Health Network Sydney explained:

Hospital presentations are one thing, but to sit across the bedside from a family and say, "This chap might walk, he might talk, but he is never going to work again". Watching the eyes of a fiancée realise that their personality had changed forever, or asking the parents, "Who will stay with them for the next six weeks or six months before we can organise proper treatments and return to normal function", and watching the families when you say, "He is never going to return to sport". In our country we have a different attitude to concussion on the sporting field or in the military areas. We see that as very serious. We give people time off. It hits the papers if one of our greatest sports players has a significant head injury. But our

answer to our own young people getting head injuries is to turn up the alcohol. I cannot work it out.¹

- 1.5 The Committee heard from Professor Paul Haber, Specialist Addiction and Director, Royal Prince Alfred Drug Services, that there are no health benefits and only harms from alcohol consumption:

There are no health benefits from alcohol. When you drink, it is just a simple trade-off of "How much do I want to drink and how much harm do I want to have?" either as an individual, a community or the country. No health benefits; only harms. The other point I would like to make is that approximately half the harms are experienced by people that were not drinking. A guy has a car accident and crashes into somebody; the person injured did not touch a drop. That is probably the leading reason why we have a community obligation to do something about the harms from alcohol, because the public who are not drinking alcohol have a right to expect that we look after them.²

- 1.6 From this it is clear that alcohol causes harm and there is a responsibility on venues and authorities to provide safe environments.

- 1.7 The Committee notes research concerning the reduction in consumption of alcohol per capita. The National Drug Strategy Household Survey conducted by the Australian Institute of Health and Welfare - has found that over the last 10 to 15 years, there have been significant declines in people drinking at risky levels:

- Per capita alcohol consumption is at a 50-year low
- The sharpest declines are among 18-24 year olds
- Most Australians are drinking less frequently on a daily and weekly basis, and more people are deciding not to drink at all

- 1.8 Key findings of the Chief Health Officer's 2016 report examining "Trends in Alcohol Use and Health-Related Harms in NSW" include:

- A quarter of all adults drink alcohol at levels that place their long-term health at risk. Although rates have declined over the last 10 years, the overall impact on health is still high.
- Just under one quarter of all adults drank more than 4 standard drinks on a single occasion in the last 4 weeks, which placed them at a higher immediate risk of harm.
- Harmful drinking is highest for people aged 16-24 years and lowest for people over 65 years.

¹ Associate Professor Steven Faux, Director of Rehabilitation, St Vincent's Health Network, [Transcript of evidence](#), 9 August, p 7.

² Professor Paul Haber, Specialist Addiction and Director, Royal Prince Alfred Hospital, [Transcript of evidence](#), 9 August, p 11.

- People living in regional and remote areas are more likely than people in Sydney to drink alcohol at harmful levels.
- Young people are initiating drinking later and drinking at less harmful levels that they used to.

1.9 The Committee also notes that loneliness and social isolation can cause harm. To ameliorate these harms there are benefits to encouraging people to socialise and interact with the community. To ensure that these interactions are safe it is essential that there is a diversity of offerings. The Committee agrees with stakeholders that a vibrant night time economy should not be dependent on alcohol. As noted by Associate Professor Faux:

No Australian can properly say that we do not have enough access to alcohol. You can buy it in every supermarket. You can actually pay for people to deliver it. Early openers open at 5.00 p.m. Surely we need to look past the access to alcohol as attached to the improvement in the nightlife in Sydney.³

1.10 The Committee considers that one measure to provide a safe environment is to diversify Sydney's night time economy. The Committee would like to see an increase in different types of offerings such as, food, hospitality, arts, culture, music, fashion, technology, experiences, pop ups and performances in Sydney at night.

1.11 Greater collaboration between state government agencies, councils and private operators can create safer and more vibrant night time economies.⁴

Importance of harm minimisation

Summary

Venues should be encouraged to engage with the private-sector to promote and facilitate programs that ensure community safety such as safe spaces for people to receive welfare checks, first aid and other interventions.

Recommendation 1

That venues be recognised and encouraged, through licence discounts, subsidies or other licensing incentives, to provide funding contributions and support to harm minimisation programs, such as the Safe Space and Stay Kind Take Kare Ambassadors programmes.

1.12 The Committee acknowledges that harm minimisation and other interim measures are very helpful and mitigate harm and damage escalating to police and ambulance.

³ Associate Professor Faux, [Transcript of evidence](#), 9 August 2019, p 6.

⁴ [Submission 592](#), Night Time Industries Association, pp 28-29.

- 1.13 Community safety is a primary concern for the Committee. It is critical that there is not a return to the levels of alcohol-related violence that existed in the affected precincts prior to the introduction of the 2014 laws.
- 1.14 The Committee wants to build on the good work that has occurred over the past 5 years. There should be incentives for venues to continue their commitment to running safe venues that contribute to a thriving and diverse night time economy in Sydney.
- 1.15 An example of one such initiative is Stay Kind, formerly known as the Thomas Kelly Foundation. Stay Kind was founded by Mr Ralph Kelly, the father of Mr Thomas Kelly who was tragically killed in 2014 after an alcohol-fuelled 'one-punch' attack. Stay Kind has 'a clear purpose and an enduring mission to keep our children safe...so that other families did not suffer the same loss of a child and brother that the Kelly family experienced'.⁵
- 1.16 Stay Kind have established 'Take Kare Safe Spaces', which aim to 'provide interventions that ensure a moment that could go terribly wrong does not'.⁶ Currently, there are three Safe Spaces in operation:
- Town Hall (opened in December 2014)
 - Kings Cross (opened in July 2015)
 - Darling Harbour (opened in February 2017)⁷
- 1.17 The Safe Spaces have provided over 69,000 interventions since the program started. This includes phone charging, welfare checks, referrals to other services or first aid until an ambulance arrives. The program has also been replicated in Soho, London, after the City of Westminster contacted the organisation about establishing a similar program.⁸
- 1.18 Stay Kind currently receives funding from the City of Sydney and the Department of Justice, as well as the private sector. However, representatives from the organisation noted that they are currently running at a shortfall, and would have to re-evaluate operating out of Town Hall if future funding was not secured.⁹
- 1.19 The Committee is of the view that this program is hugely beneficial to the community as a whole, and can be an integral part of supporting a safe night-time economy. In order to ensure that Stay Kind can operate effectively, the Committee recommends that an incentive be offered to venues who contribute or offer assistance to the program. This incentive may be in the form of licence discounts.
- 1.20 Facilitating collaboration between venue operators, licensees, health care professionals and other stakeholders will promote community safety. If venues

⁵ Ms Natalie Zelinsky, Chief Operating Officer, Stay Kind, [Transcript of evidence](#), 12 August 2019, p 37.

⁶ Ms Zelinsky, [Transcript of evidence](#), 12 August 2019, p 37.

⁷ Ms Zelinsky, [Transcript of evidence](#), 12 August 2019, p 37.

⁸ Ms Zelinsky, [Transcript of evidence](#), 12 August 2019, p 38-40.

⁹ Ms Zelinsky, [Transcript of evidence](#), 12 August 2019, p 40.

are able to contribute directly to an initiative such as Stay Kind, it will ensure that all parties can cooperate in a positive and productive way.

- 1.21 The Committee notes the dedication and hard work of the Stay Kind volunteers and team members, and commends them for their positive contribution to the safety of Sydney's night-time economy. Promoting their work and ensuring diverse avenues of funding will allow them to continue their efforts, and expand where necessary.

Venues to be encouraged to self-report

Summary

Reducing penalties for venues who self-report breaches is an effective way of promoting compliance and a positive relationship between venues and the relevant authorities.

Recommendation 2

That any venues who self-report a breach are, where appropriate, not penalised or have a reduced penalty in recognition of their initiation of action of their own volition and responsible approach.

- 1.22 The Committee acknowledges that a collaborative approach to safety is more effective in achieving harm prevention than a prosecutorial approach. Emphasis needs to be on promoting a proactive, positive and collaborative approach between all stakeholders. It is important that venue operators, entertainers and other stakeholders who are providing safe, diverse and innovative offerings, are not overly regulated and good behaviour encouraged.
- 1.23 Venue operators told the Committee that the regulatory framework is complex and hard to navigate, particularly for smaller operators.¹⁰
- 1.24 This environment has resulted in venue operators being, at times, unwilling or fearful of contacting Liquor & Gaming NSW or NSW Police to report a breach or ask for clarification.¹¹
- 1.25 The Committee is of the view that instituting a system where penalties for self-reported breaches can be reduced or lifted, where appropriate, will reduce some of this tension. Such a system will help venues better understand what is required of them and help develop a positive relationship between venues and regulators.
- 1.26 An individual and flexible approach should be taken to venues who self-report breaches of regulations. This will mean venues with minor and irregular issues are not treated in the same way as a venue with large, more systemic breaches. This solution is outcomes-focussed, and will ensure that issues are identified and remedied efficiently.

¹⁰ Mr Paul Waterson, Chief Executive Officer, Australian Venue Company, [Transcript of evidence](#), 5 August 2019, p 70; Mr Karl Schlothauer, President, Independent Bars Association NSW, [Transcript of evidence](#), 5 August 2019, p 70.

¹¹ Mr Waterson, [Transcript of evidence](#), 5 August 2019, p 69.

Improving the notification of breaches

Summary

Regulators must ensure they inform venues of a breach in a timely and effective way. This allows owners, operators and staff to identify any issues, and respond appropriately.

Recommendation 3

That processes for notifying venues of any breach are improved and streamlined so that venues can respond to any alleged breach quickly, effectively and collaboratively with regulators, with a view to remedial outcome rather than penalty and prosecutorial outcome.

- 1.27 Venue operators told the Committee that they are not always informed of a breach when or soon after it happens. The Committee heard an example where a breach regarding a security guard not wearing the correct vest was reported to the venue six weeks after the incident had occurred. This meant that the venue was unable to effectively investigate the matter and respond in the way they would like to.¹²
- 1.28 Throughout the inquiry, it was clear to the Committee that venue owners and operators generally want to make sure they do they right thing and respond to issues as they occur. In order for them to be able to do this effectively, they must be made aware of any problems in their venue in the most time-sensitive way.
- 1.29 The Committee recommends that the process for alerting venues of any breach be examined and improved, with the aim of ensuring notifications occur in a timely and clear way. Promoting clear communication between all relevant stakeholders will aid in the development of a positive relationship and a more transparent dialogue about community safety.

Coordinating the inspection of venues

Summary

Unnecessary complexity and duplication should be eliminated where possible, specifically when considering who is responsible for venue inspections.

Recommendation 4

That there is a coordinated approach between the respective inspectors from the Independent Liquor & Gaming Authority, Liquor & Gaming, the City of Sydney Council, NSW Police and other agencies concerning the monitoring and inspection of venues to avoid duplication, overlap and unnecessary expense to Government and business. Inspectors should communicate immediately, or as soon as practicable, with licensees or operators to allow optimal opportunity for rectification and remedy, rather than maximum penalty. However, recidivist venues which do not demonstrate an enthusiasm for remedy and are

¹² Mr Waterson, [Transcript of evidence](#), 5 August 2019, p 69.

consistently in breach should be subject to review by the Small Business Commissioner, Liquor & Gaming NSW and other relevant agencies.

- 1.30 The Committee heard that venues are often subject to several inspections in one night. The Chief Executive Officer of the Australian Venue Company told the Committee that one of their venues, Cargo Bar, had been subject to 25 inspections on the same night.¹³
- 1.31 Venues are subject to inspections from police officers, Liquor & Gaming inspectors and council investigative officers. The power to search and enter premises are legislated for each of these officers.
- 1.32 The Independent Bars Association's (IBA) submission to the inquiry stated that this kind of overlap can be vague, and does not provide operators with certainty about what good compliance is.¹⁴ The President of the IBA made the following comparison:
- It's like playing a game of football with three referees. There's no clear line between who does what and the venue ends up playing mediator between the three authorities.¹⁵
- 1.33 The Committee is of the view that this is not an efficient and effective way of ensuring community safety. With all three regulators undertaking general inspections in a short period of time it appears to be an overlap of efforts.
- 1.34 A coordinated approach between police, liquor inspectors and council inspectors will allow for a more efficient use of resources, as well as providing venues with more freedom to attend to operational issues. The Committee believes that there is room for the relevant bodies to collaborate and identify what kind of monitoring is necessary, and who is responsible for this.
- 1.35 It is clear that inspections are an important and critical part of ensuring ongoing compliance. However, the Committee is of the view that this process could be more streamlined to avoid the current unnecessary overlap.

¹³ Mr Waterson, [Transcript of evidence](#), 5 August 2019, p 68.

¹⁴ [Submission 754](#), Independent Bars Association of NSW, p 11.

¹⁵ [Submission 754](#), p 11.

Chapter Two – Kings Cross precinct

- 2.1 This Chapter discusses the unique characteristics of Kings Cross and suggests the development of a pathway for the diversification of night time activities in the precinct.

Kings Cross as an entertainment precinct

Finding 3

That Kings Cross in 2012 had become a destination for continuation of activities where some individuals and groups had the intention for excessive consumption, poor behaviour and/or violence.

- 2.2 The suite of reforms known as the 'lockout laws' were introduced to address alcohol-related violence in the Kings Cross and Sydney CBD precincts. The Committee heard evidence from a range of stakeholders who agreed that the situation prior to the 2014 interventions was dangerous and unsustainable.
- 2.3 The laws were described as a necessary 'circuit-breaker' in addressing the ongoing issues related to alcohol-consumption, violence and other criminal activity in the area.¹⁶
- 2.4 The Committee heard compelling evidence from a range of stakeholders with first-hand experience of alcohol-related harm in the precincts. This included police, emergency department doctors, trauma surgeons, paramedics, nurses and other medical professionals.
- 2.5 Representatives from St Vincent's Hospital Sydney (SVHS) told the Committee about the tragic impact of alcohol-related violence, describing the flow of injured people to the hospital as a 'conveyor belt of carnage'.¹⁷ Dr Paul Preisz, Director of Emergency Department, stressed that 'our experience of the shocking impact of alcohol-related violence...cannot be minimised. It was real. We saw it. It was devastating'.¹⁸
- 2.6 Other medical professionals discussed the harm done by excessive alcohol consumption to individuals and the community. When describing the link between the 2014 laws and a decrease in alcohol consumption, Mr Michael Thorn, Chief Executive Officer of the Foundation for Alcohol Research and Education (FARE) told the Committee that 'there is a simple equation. This is about the availability of alcohol and its supply. The more alcohol, the more problems'.¹⁹

¹⁶ Cllr Christine Forster, Councillor, City of Sydney Council, [Transcript of evidence](#), 5 August 2019, p 39.

¹⁷ Dr Paul Preisz, Director of Emergency Department, St Vincent's Health Network Sydney, [Transcript of evidence](#), 9 August 2019, p 1.

¹⁸ Dr Preisz, [Transcript of evidence](#), 9 August 2019, p 2.

¹⁹ Mr Michael Thorn, Chief Executive Officer, Foundation for Alcohol Research and Education (FARE), NSW ACT Alcohol Policy Alliance, [Transcript of evidence](#), 9 August 2019, p 13.

- 2.7 Additionally, Dr John Crozier of the Royal Australasian College of Surgeons told the Committee that for every hour after midnight where alcohol is available for consumption, there is a 20% increase in non-domestic violent assault requiring police callout.²⁰
- 2.8 The situation in Kings Cross was described as being unique and particularly dangerous, for a range of reasons. These included the high density of venues serving alcohol, the number of people who would spill into a concentrated area once venues were full, and limited transport options to enable people to leave the area and return home.²¹
- 2.9 The Lord Mayor of the City of Sydney reiterated this, describing the 'bloody night-time environment that was Kings Cross'.²² Ms Libby Harris, Night Time Manager, City of Sydney Council, said that 'Sydney...went through a phase of significant violence with the one-punch king hits that pervaded our nightlife at the time'.²³ This was in part attributed to the culture of the precinct, being an 'attractor for alcohol consumption' as it was 'the last place to go in the city that was open at night'.²⁴
- 2.10 While the focus was on Kings Cross, these issues are apparent in other areas.

Effectiveness of 2014 laws in Kings Cross

Finding 4

The 2014 laws were both necessary and effective at the time they were implemented. They were effective in reducing alcohol-fuelled violence, but also reduced foot traffic in the Kings Cross area. However, Kings Cross is not yet sufficiently changed to warrant a complete reversal.

Recommendation 5

That further analysis and research be undertaken to ascertain which of the suite of public safety measures introduced in the last decade have contributed most to the decline in non-domestic assaults both in Sydney and across the state.

Reduction of alcohol-related assaults

- 2.11 The 2014 laws were effective with regard to reducing alcohol-related violence in Kings Cross. The Bureau of Crime Statistics and Research (BOCSAR) state that they have:

²⁰ Dr Preisz, [Transcript of evidence](#), 9 August 2019, p 15.

²¹ Cllr Clover Moore, Lord Mayor, City of Sydney Council, [Transcript of evidence](#), 5 August 2019, p 9.

²² Lord Mayor of Sydney, [Transcript of evidence](#), 5 August 2019, p 9.

²³ Ms Libby Harris, Night Time Manager, City of Sydney Council, [Transcript of evidence](#), 5 August 2019, p 9.

²⁴ Ms Harris, [Transcript of evidence](#), 5 August 2019, p 9.

..Investigated the impact of the lockout reforms in several peer reviewed studies, all of which found a significant decline in assaults in the Kings Cross and Sydney CBD entertainment precincts corresponding to the implementation of the reforms.²⁵

2.12 BOCSAR provided the Committee with statistics that set out the change in non-domestic assaults recorded by NSW Police from January 2014 to March 2019. This data also provides the estimated number of how many fewer non-domestic assaults occurred following the introduction of the 2014 laws. These are set out below²⁶:

Areas	Change in non-domestic assault due to lockout laws (January 2014 – March 2019)	Estimated change in assaults due to the lockout laws (January 2014-March 2019)
Kings Cross Precinct	Down 52.8%	1,021 fewer assaults
Sydney CBD Entertainment Precinct	Down 4.0%	329 fewer assaults
Proximal displacement area ²⁷	Up 18.4%	479 more assaults
Distal displacement area ²⁸	Up 30.0%	476 more assaults
Rest of NSW	Up 9.5%	Not calculated

Figure 1: Change in non-domestic assault rates

2.13 BOCSAR summarises this data in stating that:

The decline in assaults in Kings Cross and the Sydney CBD precincts (1,350 fewer assaults) is larger than the increase in assaults in the displacement areas (up 955 assaults overall). This equates to a net benefit of 395 fewer assaults.²⁹

2.14 BOCSAR also provided data regarding the number of incidents of alcohol-related non-domestic violent assaults in the same areas, from April 2012 to March 2019. This data is as follows³⁰:

²⁵ [Answers to questions on notice](#), BOCSAR, 8 August 2019, p 4.

²⁶ [Answers to questions on notice](#), BOCSAR, 8 August 2019, p 4.

²⁷ BOCSAR defines the proximal displacement area as areas bordering the King Cross and Sydney CBD precincts, including all of Pyrmont (including the Star City Casino), and parts of Darling Harbour, Ultimo, Chippendale, Haymarket, Surry Hills, Elizabeth Bay, Rushcutters Bay, Potts Point and Darlinghurst. [Answers to questions on notice](#), BOCSAR, 8 August 2019, p 1.

²⁸ BOCSAR defines the distal displacement area as four suburbs which have night spots that are easy to reach from Kings Cross and Sydney CBD. These are Newtown, Coogee, Bondi Beach and Double Bay. [Answers to questions on notice](#), BOCSAR, 8 August 2019, p 1.

²⁹ [Answers to questions on notice](#), BOCSAR, 8 August 2019, p 4.

³⁰ [Answers to questions on notice](#), BOCSAR, 30 August 2019, p 1.

Precinct	Apr 2012 - Mar 2013	Apr 2013 - Mar 2014	Apr 2014 - Mar 2015	Apr 2015 - Mar 2016	Apr 2016 - Mar 2017	Apr 2017 - Mar 2018	Apr 2018 - Mar 2019
Kings Cross Precinct	356	297	176	130	105	82	101
Sydney CBD Entertainment Precinct	1110	994	860	817	901	889	755
Proximal Displacement Area ³¹	333	231	257	292	279	266	275
Distal Displacement Area ³²	213	250	230	231	277	267	231
Rest of NSW	11906	11224	9751	8940	8721	8675	8027

Figure 2: Number of alcohol-related non-domestic violent assault

- 2.15 These statistics were relied upon throughout the inquiry, with many stakeholders making the point that any reduction in assaults makes the 2014 laws valuable and worthwhile.³³
- 2.16 The Committee also heard from statisticians from the Centre for Translational Data Science at the University of Sydney who provided an analysis of the number of assaults in the relevant areas before and after the interventions. This report differed from data released by BOCSAR earlier in 2019 with regard to the Sydney CBD precinct and the number of assaults that had occurred there. This difference was primarily due to how the location of the assaults had been geographically classified.³⁴
- 2.17 In response to the BOCSAR data stating that non-domestic assaults had decreased by 4% in the Sydney CBD, the Centre for Translational Data Science (CTDS) told the Committee that:

Reporting a single value of 4% is misleading. The role of statistics is to quantify and report uncertainty. There are several sources of uncertainty in this number, one of which is the standard errors of the regression coefficients. Taking into account only this source of uncertainty (and there are several others) we put this reduction to be in the range (-5.8, 12), that is NDAs (non-domestic assaults) could have been reduced by as much as 12% or they could have increased by as much as 5.8%. These

³¹ Refer to footnote 27 for a definition of proximal displacement area.

³² Refer to footnote 28 for a definition of distal displacement area.

³³ [Submission 612](#), Last Drinks Coalition, p 2.

³⁴ Professor Sally Cripps, Director, Centre for Translational Data Science, University of Sydney, [Transcript of evidence](#), 5 August 2019, p 29.

intervals will get much wider if the uncertainty in the actual statistical model is taken into account³⁵

2.18 They went on to tell the Committee that:

CTDS's overall finding is that NDAs have been decreasing in NSW since 2008, indicating that a reduction in violent assaults are driven by more complex and diverse factors than the 2014 lock out laws alone. This is a good news story, however if we want to understand what is driving this downward trend in violent public behaviour we need to look beyond the lock out laws and analyse the impact of different engagement strategies and policy responses.³⁶

2.19 The Committee noted the broad downward trend in non-domestic assaults in both Sydney and across NSW. To further inform policy decisions in the future affecting Sydney's night time economy it would be helpful to know which of the various measures introduced to promote safety have contributed most to this observed trend.

2.20 While some difference remains in the figures BOCSAR and the CTDS provide for how much violence has decreased in the CBD, both data sets show a more significant decrease in the Kings Cross precinct than that seen in the Sydney CBD precinct.

2.21 The effectiveness of the 2014 laws in reducing alcohol-related violence was also evidenced by data provided by SVHS. In their submission to the inquiry, SVHS stated that the number of emergency department presentations at St Vincent's that are related to acute intoxication have dropped by almost 25% since the introduction of the 2014 laws.³⁷

2.22 SVHS also point to a decrease in maxillofacial trauma presentations, which involves trauma to the face and skull, and is the part of the body most often impacted by assaults. In the two years following the introduction of the 2014 laws, SVHS state that maxillofacial operative cases declined by 60%.³⁸ Additionally, over the same period, orbital fracture presentations decreased by more than 20%.³⁹

2.23 Significantly, St Vincent's also noted that there have been no alcohol-related assault deaths at the hospital since the introduction of the laws.⁴⁰

2.24 It is clear to the Committee that the impact of the 2014 laws remains overwhelmingly positive in the Kings Cross precinct. Research highlighted a 'sharp reduction in crime at the time of the 2014 laws, followed by a further slow decline after the 2014 laws' implementation'.⁴¹

³⁵ [Answers to questions on notice](#), Centre for Translational Data Science, 3 September 2019, p 6.

³⁶ [Answers to questions on notice](#), Centre for Translational Data Science, 3 September 2019, p 8.

³⁷ [Submission 771](#), St Vincent's Health Network Sydney, p 19.

³⁸ [Submission 771](#), p 20.

³⁹ [Submission 771](#), p 22.

⁴⁰ [Submission 771](#), p 4.

⁴¹ [Submission 734](#), Centre for Translational Data Science, University of Sydney, p 8.

- 2.25 The data provided by both BOCSAR and the University of Sydney show that the levels of assaults in the area remain consistently lower than they were pre-intervention. This is in addition to the evidence from medical professionals that alcohol-related assaults have decreased since the introductions of the laws.
- 2.26 The Committee supports the view that government intervention was required to address the levels of alcohol-related violence in the Kings Cross precincts. It is clear to the Committee that the laws were an effective way of addressing these issues, and have been instrumental in decreasing the number of assaults and hospital presentations in the area.

Rate of assaults in other parts of Sydney and NSW

- 2.27 The Committee acknowledges that throughout the inquiry, significant anecdotal evidence was provided which said violence was rising in surrounding areas as a result of the 2014 changes. In historical data provided by BOCSAR, any rise in these areas was determined to be not statistically significant, and not part of a wider trend. However, the most recent available data provided by BOCSAR (Figure 1) does show that there has been some increase in non-domestic assaults in these areas in recent years. However, this increase has not eclipsed the decrease in Kings Cross and Sydney CBD.
- 2.28 The Committee acknowledges these increases, and notes there is a need to continue to monitor these trends in the relevant geographical areas, as well as NSW more broadly.
- 2.29 Additionally, Clubs NSW provided the Committee with the below figure (sourced from BOCSAR data) which compares the change in non-domestic assault rates in the Sydney LGA, and the rest of NSW.

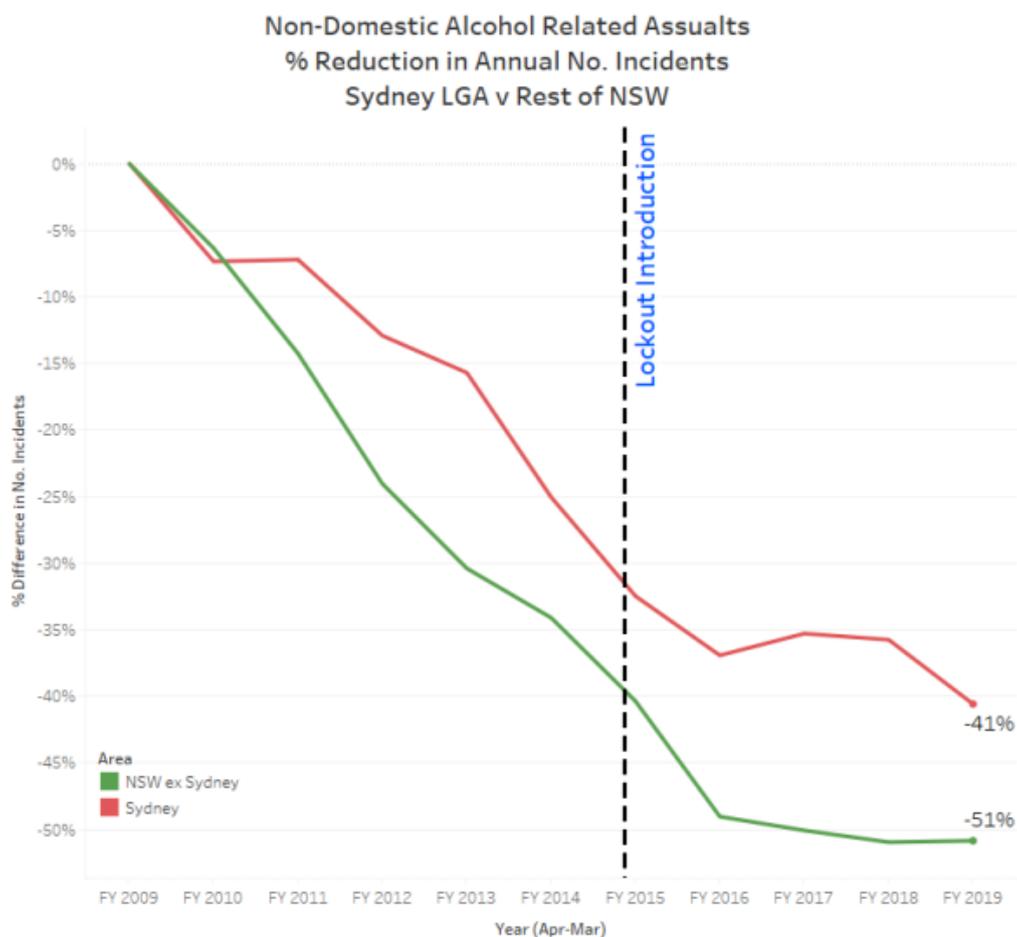


Figure 3: Non-domestic alcohol-related assaults in Sydney LGA v Rest of NSW⁴²

2.30 The Committee is of the view that there is a need to monitor these trends in order to understand the broader context in which the impact of the 2014 laws occurred.

Kings Cross is unique

Recommendation 6

Given the density of venues in the Kings Cross precinct, a pathway should be created for licences to be transferred to outside the area to reduce the density of venues.

2.31 The Committee heard evidence that if the 2014 laws were removed in Kings Cross, it was likely that there would be a return to the levels of alcohol-related assaults seen prior to 2014. This is because of the precinct's historical identity as

⁴² [Submission 381](#), Clubs NSW, p 8.

a late-night destination, and the density of the 'strip', allowing for concentrated licensed venues.⁴³

- 2.32 Dr Steven Faux, Director of Rehabilitation, St Vincent's Health Network Sydney, described Kings Cross to the Committee, identifying the risk of a return to previous levels of violence if lockouts were removed:

The focus of Kings Cross was strip joints, drugs and alcohol. That is why people went there. It was an entertainment area that focused on those three things. The strip clubs are still there. There is still access to alcohol. Whilst I agree it is more gentrified, in terms of the residential areas, I still think the strip would attract people. I do not see why it would not. One of our problems was that it was a concentrated area. People would go there and whether there was 30,000 or 29,500, it was always a powder keg. Whilst it continues to be a red light area, whilst it continues to have attractive bars and clubs, I do not think it has completely changed in terms of its drugs culture.⁴⁴

- 2.33 An example of this unique nature was provided by Stay Kind, an organisation that provides a range of support services at pop-up locations in both precincts. These services include rehydration, wayfinding, phone charging, basic first aid or more advanced first aid if needed. They said that their Kings Cross location is the only one they have had to remove staff from due to safety concerns, as it is the most likely site to have situations that escalate or may become violent.⁴⁵
- 2.34 Kings Cross is also a highly residential area now. Some residents have different views to local commercial associations and operators. These residents also agree that removing the 2014 laws in Kings Cross will be detrimental.⁴⁶
- 2.35 A pathway with specific steps to deconcentrate and diversify the Kings Cross precinct should be developed by the coordinator and relevant stakeholders. This should include consideration of issues such as diversity of venues and the potential transfer of licences to a different precinct.
- 2.36 As discussed later in this Report, the continued operation of the 2014 laws to the Kings Cross precinct should be subject to a 12 month review.

Improved lighting and streetscape

Summary

Poor lighting and amenity in Kings Cross has contributed to safety concerns. An Improved streetscape can address these concerns and provide a more safe environment.

⁴³ A/Professor Nadine Ezard, Director of Drug & Alcohol, St Vincent's Health Network Sydney, [Transcript of evidence](#), 9 August 2019, p 4.

⁴⁴ Dr Steven Faux, Director of Rehabilitation, St Vincent's Health Network Sydney, [Transcript of evidence](#), 9 August 2019, p 4.

⁴⁵ Ms Natalie Zelinsky, Chief Operating Officer, Stay Kind, [Transcript of evidence](#), 12 August 2019, p 40.

⁴⁶ Mr Patrick McGrath, Member, 2011 Residents Association Incorporated, [Transcript of evidence](#), 9 August 2019, p 35.

Recommendation 7

That the City of Sydney be requested to continue to implement a streetscape and furniture improvement plan for Kings Cross to make it pedestrian friendly, eliminate black spots, improve signage, increase lighting and improve amenity. Other relevant government agencies should also consider such a plan.

- 2.37 Improving the lighting and amenity in cities at night can help to create a safer environment. Dark areas on the streets can lead to a sense of fear and apprehension, regardless of the actual risk.⁴⁷
- 2.38 In their submission the Committee for Sydney alerted the Committee to the findings of their report, *Safety after dark: Creating a city for women living and working in Sydney*. In that Report poor lighting was raised by women as an issue that led to a perception of an area as being unsafe.⁴⁸
- 2.39 The City of Sydney submitted that they have upgraded street lighting and footways as part of the OPEN Sydney Strategy.⁴⁹ The Committee considers that the City of Sydney should do more in this regard and implement a streetscape and furniture improvement plan for Kings Cross.

The benefits of a 'good neighbour policy'

Summary

Where possible, venue operators and residents should try to solve problems through mediation, rather than through official complaint mechanisms.

Recommendation 8

That the relevant minister encourage all councils to adopt the Inner West Council's Live Music Venues Good Neighbour Policy, and expand it to cover other venues, to ensure that complainants and businesses are mandated to meet with each other first, to try to resolve disputes collaboratively, before a council will act upon any complaint or dispute.

- 2.40 As mentioned above, Kings Cross is increasingly becoming a more residential area. With this comes the need to balance entertainment venues with amenity for residents.
- 2.41 The issue of noise complaints was seen as a major barrier to businesses wanting to provide more diverse offerings in the night time. Several stakeholders observed that responding to noise complaints and trying to defend themselves took a significant amount of time. Concerns were also raised that there were numerous avenues for complainants to raise the issue of noise problems. This

⁴⁷ Newcastle City Council, [Newcastle After Dark Strategy 2018 – 2022](#), March 2018, p 36.

⁴⁸ Submission 657, [Committee for Sydney](#), p 7.

⁴⁹ Submission 780, [City of Sydney](#), p 14.

means that vexatious complainants can make complaints to a variety of different bodies, and makes it difficult for venues to respond properly.⁵⁰

- 2.42 While the Committee understands that excessive noise can be very disruptive, it heard evidence that the current balance may be unfairly weighted against venue operators. For example, the Committee was concerned to hear that one bar had to cease a game of pétanque at 8.00 pm as complaints had been made about the noise of the balls knocking together.⁵¹
- 2.43 One option presented to the Committee to improve the balance was that currently operating in the Inner West local government area. The Inner West Council has a Live Music Venues Good Neighbour Policy which aims for complaints to be 'mitigated rather than litigated'.⁵² The Policy encourages regular meetings between live music venue licensees and neighbouring residents and involves council's cultural and event officers. They also receive assistance from music industry peak bodies and Liquor & Gaming NSW prior to engaging legal action.⁵³
- 2.44 Several stakeholders, including venue operators, gave positive feedback about this approach.⁵⁴ They explained that they were eager to work collaboratively with complainants. If they are able to enact a simple solution without having to go through a complaint process, they are willing to do so. Some venues noted that they are unaware that there is a problem until they are served with notice papers.⁵⁵
- 2.45 Similarly, the Small Business Commissioner told the Committee about the benefits of mediation. This approach also makes it harder for people to make anonymous, vexatious complaints. Alternatively, where concerns or complaints are genuine they are more likely to be settled amicably.⁵⁶
- 2.46 The Committee considers that this is an appropriate approach to take, especially for an area like Kings Cross. The Committee notes that courts have compulsory mediation before hearings and it would be beneficial to facilitate and encourage residents and licensees to do the same.
- 2.47 The Inner West area of Sydney has been brought to the Committee's attention as an area with a very successful, vibrant and safe nightlife. This approach has helped to create that positive atmosphere and as such, the Committee

⁵⁰ [Submission 656](#), Live Music Office, p 17, Ms Kerri Glasscock, Director and CEO, Sydney Fringe Festival, [Transcript of evidence](#), 12 August 2019, p 6, Mr John Whelan, CEO, Australian Hotels Association, [Transcript of evidence](#), 9 August 2019, p 28, [Submission 592](#), Night Time Industries Association, p 29.

⁵¹ Clr Craig Chung, Councillor, City of Sydney Council, [Transcript of evidence](#), 5 August 2019, p 42.

⁵² Clr Darcy Byrne, Mayor, Inner West Council, [Transcript of evidence](#), 5 August 2019, p 38.

⁵³ [Submission 770](#), Inner West Council, p 3.

⁵⁴ Mr John Green, Director, Liquor and Policing, Australian Hotels Association, [Transcript of evidence](#), 9 August 2019, p 28, [Submission 657](#), p 4, Mr Carrington Brigham, Executive Chair, The Potts Point Partnership Incorporated, [Transcript of evidence](#), 9 August 2019, p 44.

⁵⁵ Mr Anthony Trimarchi, Manager – Policy and Government, ClubsNSW, [Transcript of evidence](#), 9 August 2019, p 29.

⁵⁶ Ms Robyn Hobbs, Small Business Commissioner, NSW Small Business Commission, [Transcript of evidence](#), 12 August 2019, p 49.

recommends that other councils try to get businesses and complainants together to solve their differences.

- 2.48 While the focus was on Kings Cross, the Committee considers that this solution will be beneficial across Sydney.

Agent of change

Recommendation 9

That the Department of Planning, Industry and Environment investigate:

- **adopting an agent of change principle into planning law to protect existing venues.**
- **adopting provisions to allow the designation of entertainment precincts that may encourage new venues.**

- 2.49 The Committee also received evidence about the 'agent of change' principle.⁵⁷ This principle aims to create a fairer approach when noise complaints are made against longstanding venues or operations. It aims to put the responsibility on managing noise impacts on the more recent arrival. Therefore, if a new building is built next to an existing live music or other entertainment venue, it is the responsibility of the new building's developer to ensure that there is proper noise reduction facilities.

- 2.50 Other options to facilitate and / or protect night time entertainment from the impact of noise complaints included investigating the creation via planning instruments of a specific zone for night time entertainment; and the Sydney City Council policy known as the Agent of Change principle.

⁵⁷ [Submission 780](#), pp 23-24.

Chapter Three – Governance

- 3.1 This Chapter discusses some of the aspects that make up Sydney's night time economy and the importance of all stakeholders working together to support the current ecosystem. It outlines the benefits in appointing a coordinator who can bring all these stakeholders together and create an overarching vision for energising Sydney's nightlife. It identifies some of the barriers for businesses operating in the night time economy and how these could be removed.

2014 laws reduced violence but affected the night time economy

Finding 5

That the 2014 laws had support within some sections of the community and have contributed to the reduction in violence but have also adversely impacted upon Sydney's night time economy and activity.

Finding 6

As a result of the 2014 laws, Sydney has an underperforming night time economy. Deloitte estimates that Sydney is foregoing \$16 billion a year.

- 3.2 The Committee received evidence that the introduction of the 1.30am lockout and 3.00am cessation of service had a negative effect on Sydney's night time economy due to a number of issues including:
- reduced foot traffic
 - reduced patronage
 - reduced turnover; and
 - reduced staffing
- 3.3 The Committee heard that the above has led to an observable decline in businesses operating in the night time economy.
- 3.4 The Small Business Commission reported that:

When asked directly, business owners and managers in the lockout zone confirm what can reasonably be inferred — patronage, too, has fallen sharply. In their survey of 211 licenced premises in the CBD precinct, NSW Treasury found that 82.9% of businesses open after midnight reported declines in patronage from 2013 to 2015.

This trend is further evinced by the decline in live performance revenue at central Sydney venues. Music copyright fee collector APRA AMCOS recorded a 40% decline in door charge receipts at CBD venues with a live artist performance licence, and a 19% fall in attendance across nightclubs and dance venues, from February 2013 to January 2015.⁵⁸

⁵⁸ [Submission 783](#), NSW Small Business Commission, p 6.

3.5 The Small Business Commission also highlighted that:

Lower turnover for businesses in the lockout zone has led to lower staffing levels. NSW Treasury's survey of CBD licenced premises found that the average reduction in full-time equivalent staff, for operator trading after midnight, was 17.7% from 2013 to 2015. Moreover, 44% of respondents suggested the lockouts had led to the decrease in staffing levels.⁵⁹

3.6 They continued to note that:

While we acknowledge there is some professional conjecture around the optimum means by which to measure foot traffic, studies of this metric inside the lockout zone uniformly show a downturn since 2014. This decline has been quantified through a number of surveys measuring both pedestrian activity and business patronage. City of Sydney surveyed pedestrian activity in the following areas in 2012 and 2015: CBD Central, South and North; Kings Cross; Oxford Street; Newtown; Pyrmont; Glebe; Redfern and Surry Hills. These provide that pedestrian numbers decreased from 2012 to 2015 in all but one area affected by the lockouts. Using the data provided by these surveys, stakeholders estimated the following reductions in foot traffic from 2012 to 2015:

- The City North Liquor Accord estimated foot traffic declined by 26% in the CBD;
- The Kings Cross Liquor Accord suggested foot traffic fell by 70 to 80% in Kings Cross - from 22,000 on Friday and Saturday nights to just 5,000 to 6,000.
- Keep Sydney Open estimated that foot traffic in Kings Cross fell by 40%.

In addition, the NSW Department of Justice conducted pedestrian surveys of several areas of the CBD in 2014 and 2015. Using this data, NSW Treasury concluded there was a 20% decline in pedestrian activity after midnight across the areas surveyed. In George Street North, it estimated a 33% decline in pedestrian activity between midnight and 4:00am.⁶⁰

3.7 The Small Business Commission also observed that:

As noted, though the number of small accommodation and food services businesses in the central Sydney area grew steadily from June 2009 to 2014, this trend shifted into reverse from 2015.

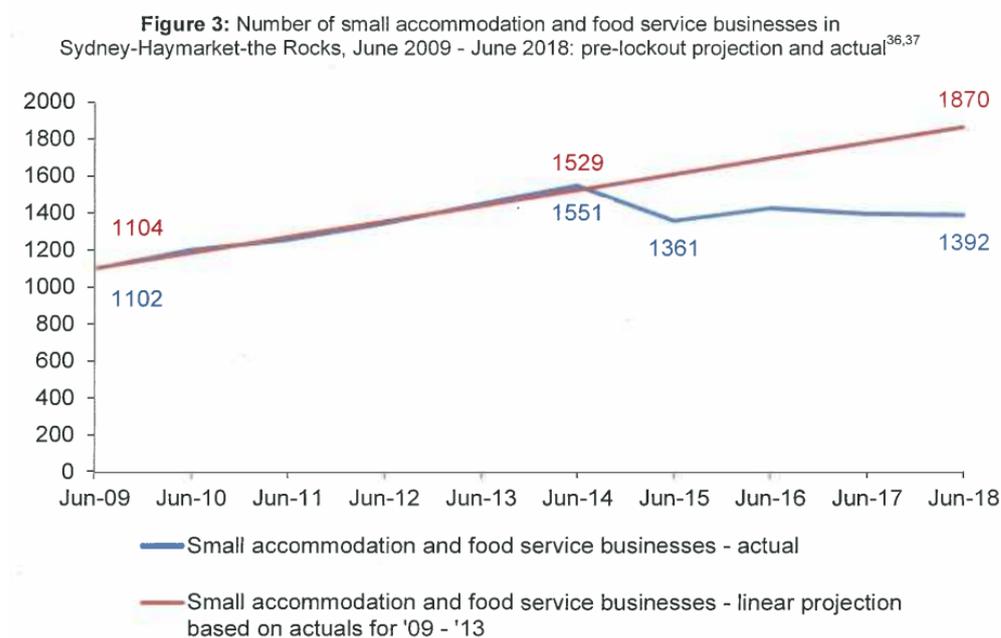
If the small accommodation and food services business count had continued to grow at the same rate as from June 2009 to June 2014, a linear projection provides that the count would have increased to 1,870 to 2018 - rather than shrinking to 1,392 as transpired.

This represents a difference of -478 small businesses between the pre-lockout projection and the real decline since (see Figure 3). That is, if central Sydney's small businesses had continued on the pre-lockout growth path, an additional 478 small

⁵⁹ [Submission 783](#), p 7.

⁶⁰ [Submission 783](#), pp 5-6.

accommodation and food service businesses would have been operating in June 2018.⁶¹



Improving coordination across the night time economy

Development of a governance framework for the night time economy

Summary

A governance framework should be established to improve collaboration between all the stakeholders operating in and regulating the night time economy. This will ensure there is proper oversight of the management and growth of Sydney's nightlife.

Finding 7

That the NSW Government and stakeholders now need to take proactive steps to revitalise Sydney's night time economy.

Recommendation 10

That the NSW Government appoint an overarching coordinator to bring together all relevant stakeholders to enhance Sydney's night time economy. This should be done by a central agency of government under the direction of a minister.

Recommendation 11

The coordinator referenced in Recommendation 7 should, along with the Independent Liquor & Gaming Authority, convene a working group of stakeholders including, but not limited to:

- a community representative

⁶¹ [Submission 783](#), p 9.

- **a licensee representative**
- **a youth representative**
- **a music representative**
- **NSW Health**
- **NSW Police**
- **the Small Business Commissioner**
- **Liquor & Gaming NSW**
- **the Independent Liquor & Gaming Authority**
- **the City of Sydney**
- **Destination NSW**
- **Create NSW**
- **the Department of Planning, Industry and Environment**

3.8 There are a variety of options available for people to enjoy when visiting Sydney in the night time. In addition to standard night time activities such as eating in restaurants, attending the theatre, listening to live music, shopping and drinking, there are a number of options unique to Sydney. These include:

- **Art After Hours** – a program offered by the Art Gallery of NSW which showcases talks from guest speakers, films, music events and the ability to view current exhibitions and galleries.
- **First Fridays** – on the first Friday of each month, UNSW Art and Design Galleries open after hours to allow people to participate in their program of exhibitions, events, screenings and performances.
- **ARTBAR** – an artist led night of performances and exhibitions hosted by the MCA Australia four times a year.
- **MCA GENEXT** – an event for children aged 12-18 years, hosted by the MCA Australia, offers access to exhibitions, as well as live music, free snacks, creative workshops and social activities. It takes place four times a year and includes an after hours component.
- **Summer and winter outdoor markets at Carriageworks** which also include live music, DJs, and cooking demonstrations.
- **Night Light Tours** offer the opportunity to tour and experience Sydney Living Museums, such as Vaucluse House, at night.

- The Sails of the Opera House are illuminated each night with a screening of Badu Gili, a seven-minute projection that celebrates the stories and rich contemporary culture of Australia's First Nations People.
- Lights of Later – the MCA opens late every Wednesday night to allow people to visit exhibitions, attend workshops, and hear informal talks.
- Sydney Observatory night tours allow visitors to use telescopes to view the stars and planets.⁶²

3.9 There are also large scale annual events including:

- Vivid Sydney
- The Sydney Film Festival
- The Sydney Writers Festival
- Sydney Festival
- The Sydney Fringe Festival.

3.10 The City of Sydney considers Sydney's night time economy to be the economic activity that takes places between 6.00 pm and 6.00 am.⁶³ The Night Time Industries Association reflected that this period can be further split up as:

- Twilight, between 6.00 pm and 9.00 pm.
- Night Time, between 9.00 pm and 2.00 am.
- Late Night, between 2.00 am and 6.00 am.⁶⁴

3.11 People engaging with the night time economy during these different periods have different requirements. However, these activities relate to one another as someone who is attending a show at 7.30 pm may then want to have dinner in the city around 10.00 pm.

3.12 In addition to people engaging with the night time economy after a traditional working day, there are also many shift workers and students in the Sydney CBD and surrounding areas. Compared to people with more traditional working hours, shift workers and students are likely to have different needs when they are in the night time economy, such as shopping at a supermarket or having a casual dinner late at night.⁶⁵

3.13 All of these activities exist as an ecosystem and rely on one another to operate. The interdependence of these businesses can be seen as a symbiosis between

⁶² [Answers to questions on notice](#), Create NSW, 7 August 2019 p 2 and [Answers to questions taken on notice](#), Create NSW, 27 August 2019, pp 7-9.

⁶³ City of Sydney, [Open Sydney Discussion Paper](#), October 2011, p 5.

⁶⁴ [Submission 592](#), Night Time Industries Association, p 2.

⁶⁵ Mr Russell Zimmerman, Executive Director, Australian Retailers Association, [Transcript of evidence](#), 5 August 2019, p 26 and Mr Justin Hemmes, Chief Executive Officer, Merivale, [Transcript of evidence](#), 9 August 2019, p 58.

artistic institutions, live performance, theatre, music, festivals, retailers, the hospitality industry and the transport needed to travel between them.⁶⁶

- 3.14 Having a diversity of options available and a diversity of people participating in a night time economy can help to promote a safe atmosphere. This is discussed further, later in this chapter. The Small Business Commissioner observed that safe and healthy night time economies are usually successful ones:

... prosperity after dark does not occur at the expense of but in conjunction with public safety; safe streets are a necessary prerequisite for a vibrant night time economy.⁶⁷

- 3.15 To better support this ecosystem, and ensure that Sydney's night time economy continues to develop and grow, there needs to be clearer governance and more cooperation. A number of stakeholders told the Committee that the night time economy was being hindered because there was no overall control and oversight of the development and support of new businesses and regulations.⁶⁸ They suggested that one of the difficulties of operating in the night time economy was that 'there are lots of different people in charge of different bits of it.'⁶⁹

- 3.16 Similarly, the Night Time Industries Association highlighted the lack of clarity and the confusion when dealing with government. They expressed the view that:

It is not clear which minister is responsible for supporting the night-time economy. Responsibility is split across multiple ministers and agencies meaning with the consequence that the government response is disjointed and fragmented.⁷⁰

- 3.17 A number of stakeholders argued that it would be beneficial for there to be a forum for the various participants in the night time economy to work together.⁷¹ This forum should involve a wide range of regulators, commercial operators, members of the entertainment industry and representatives from community groups.⁷² Ms Justine Baker, Chief Executive Officer, Solotel Hospitality Group, highlighted the importance of working collaboratively to help grow the economy:

Industry needs to collaborate with all stakeholders and Government. ... As you have heard today, if this is an issue of interdependencies, it is planning, it is regulation, it is arts, it is culture, it is music, it is licensing, it is local government, it is employment,

⁶⁶ [Submission 592](#), p 2.

⁶⁷ [Submission 783](#), p 2.

⁶⁸ [Submission 657](#), Committee for Sydney, p 2, [Submission 754](#), Independent Bars Association of NSW, p 7, [Submission 774](#), Australian Venue Co, p 5, [Submission 780](#), City of Sydney, p 16,.

⁶⁹ Mr Michael Rose, Chairman, Committee for Sydney, [Transcript of evidence](#), 5 August 2019, p 2.

⁷⁰ [Submission 592](#), p 15.

⁷¹ [Submission 657](#), Committee for Sydney, pp 2-3, [Submission 783](#), p 32, Ms Libby Harris, Night Time City Manager, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 12, Clr Craig Chung, Councillor, City of Sydney Council, [Transcript of evidence](#), 5 August 2019, p 40.

⁷² [Submission 458](#), Diageo Australia, p 17, [Submission 592](#), p 31, [Submission 783](#), p 32, p 68, Clr Chung, [Transcript of evidence](#), 5 August 2019, p 40, Mr Rose, [Transcript of evidence](#), 5 August 2019, p 4 & 5, Clr Clover Moore, Lord Mayor, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 11, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, [Transcript of evidence](#), 9 August 2019, p 29, Ms Margy Osmond, Chief Executive Officer, Tourism and Transport Forum Australia, [Transcript of evidence](#), 9 August 2019, Mr Hemmes, [Transcript of evidence](#), 9 August 2019, p 53, Ms Robyn Hobbs, Small Business Commissioner, NSW Small Business Commission, [Transcript of evidence](#), 12 August 2019, p 50.

it is industry and it is Sydney's brand and narrative. We understand the complexity of the issue and would encourage a committee ... where all stakeholders can have a look for and view a holistic solution—come up with the solve together.⁷³

- 3.18 Another aspect of the night time economy crucial to supporting its success and creating a safe environment are adequate transport options for the participants in it. A number of stakeholders highlighted the increasingly popularity of rideshare services such as Uber, the imminent opening of the light rail system, and the new Metro service.⁷⁴ These changes have affected how people interact with the night time economy and have the potential to improve transport in the Sydney CBD. Therefore, it would be useful to have representatives from Transport for NSW having input into any discussions around how to enhance Sydney's nightlife.
- 3.19 The Small Business Commissioner noted that it would be preferable to include other groups to work alongside government. This would help to develop a well-supported approach:
- I believe one of the strengths is that if you actually bring the community with you—when you have a community-led solution and then you have the key stakeholders—you will get far more happening than a government agency. I would not recommend a government agency is the sole arbiter of this. I think there are certain agencies that have a key role to play.⁷⁵
- 3.20 Examples of the success of this approach working can be found in NSW and in other jurisdictions. In Newtown, the Newtown Vibe Roundtable is a community group drawing members from local police, local councils, advocacy groups, the liquor accord, and local businesses. The group takes a collaborative approach to maintaining a safe and vibrant nightlife.⁷⁶ For example, an event known as 'Friday Night Vibes' has been established including live music from local performers which was organised by the Newtown Neighbourhood Centre. The Roundtable meetings have also identified the need for diversity training for bar staff to prevent aggression and abuse arising from homophobia and transphobia.⁷⁷
- 3.21 In Melbourne, the Melbourne Licensees Forum considers the night time economy at a strategic level and includes participants from local and state government, business chambers, industry associations, police and public health agencies. There is also a Steering Committee which provides the strategic leadership and builds high level partnerships between the key stakeholders. The Committee comprises government and industry representatives and guides the activities, agendas and strategic direction of the Forum. Their aim is to achieve vibrant and safe late night environments across the city.⁷⁸

⁷³ Ms Justine Baker, Chief Executive Officer, Solotel Hospitality Group, [Transcript of evidence](#), 9 August 2019, p 52.

⁷⁴ [Submission 783](#), pp 16-17, [Submission 592](#), p 12 & 14 [Submission 657](#), p 7, Mr Hemmes, [Transcript of evidence](#), 9 August 2019, p 54.

⁷⁵ Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 49.

⁷⁶ [Submission 328](#), Newtown Vibe Roundtable, p 1.

⁷⁷ [Submission 328](#), p 4.

⁷⁸ [Submission 791](#), City of Melbourne, p 1.

- 3.22 Both Newtown and Melbourne were frequently talked about as examples of areas with vibrant and safe night time economies.⁷⁹ These committees and the collaborative approach they foster have clearly been integral to the development of a positive atmosphere.
- 3.23 The Committee was pleased to hear support for a collaborative approach from a wide range of stakeholders. Representatives from the following areas all indicated that they would be open to working together:
- the medical community⁸⁰
 - local government⁸¹
 - the business community⁸²
 - licensees⁸³
 - large venue owners⁸⁴
 - small bars⁸⁵
 - state government⁸⁶
 - NSW Police⁸⁷
 - music professionals.⁸⁸
- 3.24 As such, the Committee recommends that the government establish an appropriate governance framework for Sydney's night time economy which will involve industry, local government, and other state government agencies. This will allow for greater collaboration between operators, regulators, and other interested parties to address the issues affecting the night time economy.

⁷⁹ Clr Chung, [Transcript of evidence](#), 5 August 2019, p 44, Mr Nathan Farrell, Nathan Farrell Entertainment, [Transcript of evidence](#), 5 August 2019, p 48, Mr Jules Selzer, Public Policy and External Relations Manager, Diageo Australia, [Transcript of evidence](#), 9 August 2019, p 22, Mr Hemmes, [Transcript of evidence](#), 9 August 2019, p 53, Ms Baker, [Transcript of evidence](#), 9 August 2019, p 56, Mr Roger Field, Chief Executive Officer, Live Nation Australasia, [Transcript of evidence](#), 12 August 2019, p 66, Mr Michael Rodrigues, Chair, Night Time Industries Association, [Transcript of evidence](#), 12 August 2019, p 9

⁸⁰ Mr Anthony Grabs, Director of Trauma, St Vincent's Health Network, [Transcript of evidence](#), 9 August 2019, p 8.

⁸¹ Lord Mayor of Sydney, [Transcript of evidence](#), 5 August 2019, p 11.

⁸² Ms Katherine O'Regan, Executive Director, Sydney Business Chamber, [Transcript of evidence](#), 5 August 2019, p 20

⁸³ Mr Mark Gerber, Chief Executive Officer and Licensee, Oxford Art Factory, [Transcript of evidence](#), 5 August 2019, p 60.

⁸⁴ Mr Paul Waterson, Chief Executive Officer, Australian Venue Company, [Transcript of evidence](#), 5 August 2019, p 67.

⁸⁵ Mr Karl Schlothauer, President, Independent Bars Association NSW, [Transcript of evidence](#), 5 August 2019, p 67

⁸⁶ Ms Bridget Barrett, Executive Director, Service NSW for Business, Service NSW, [Transcript of evidence](#), 12 August 2019, p 23, Ms Natasha Mann, Executive Director, Liquor & Gaming NSW, [Transcript of evidence](#), 12 August 2019, p 26.

⁸⁷ Mr Michael Willing, Assistant Commissioner NSW Police Force, [Transcript of evidence](#), 12 August 2019, p 32.

⁸⁸ Mr Roger Field, [Transcript of evidence](#), 12 August 2019, p 72.

- 3.25 Stakeholders put forward a number of possible options for how this framework could operate.⁸⁹ The majority stressed that, given the importance of the role and the need to engage with a variety of government departments, the Department of Premier and Cabinet should be heavily involved.
- 3.26 The Committee is of the view that having an overarching coordinator would be the best model. This should be done by a central agency of government under the direction of a minister.
- 3.27 Given the success of the Small Business Commission in improving the regulatory environment for cafes, restaurants and small bars, the Committee considers that the current Small Business Commissioner should be on the working group.⁹⁰ She has demonstrated an ability to consult with all relevant bodies to ensure that there is support from all areas and that goals are realistic and achievable.⁹¹
- 3.28 The coordinator must involve all relevant government agencies and stakeholders, with the coordinator being able to invite specific representatives as opposed to agencies nominating preferred officers.
- 3.29 The Committee intends for this coordinator to outline priorities for fostering a vibrant and safe night time economy, and to have some power to ensure that these priorities are actioned. However, by gathering together various stakeholders, there should be the opportunity for ideas, problems and objections to be raised and solved informally through a collaborative approach. This can ensure a positive hospitality approach rather than a narrow compliance approach.

Young people should be included

- 3.30 A common theme throughout this inquiry was that young people found it more difficult to engage in the night time economy, particularly since the introduction of liquor regulations. Ms Baker, outlined the common perception among young people that 'Sydney has become conservative, boring, less diverse and middle-aged. It is not a city our 20-year-olds are proud of and it is not a city for them.'⁹²
- 3.31 Ms Margy Osmond, Chief Executive Officer, Tourism and Transport Forum Australia, highlighted the importance of involving young people in the decision making process around the night time economy.⁹³ There are often changing perceptions in youth culture that can be difficult for those outside the culture to stay abreast of. Similarly, the Committee heard anecdotal evidence about a number of issues that are affecting young people's engagement with the night time economy, including changing drinking habits.⁹⁴

⁸⁹ [Submission 657](#), pp 2-3, [Answers to additional questions](#), City of Sydney, 2 September 2019, p 1, [Answers to additional questions](#), Night Time Industries Association, 2 September 2019 p 1, [Answers to additional questions](#), Randwick City Council, 29 August 2019, p 1, [Answers to questions on notice](#), Sydney Fringe Festival, 27 August 2019, p1.

⁹⁰ [Answers to additional questions](#), Councillors Christine Forster and Craig Chung, 29 August 2019, p 1.

⁹¹ Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 55.

⁹² Ms Baker, [Transcript of evidence](#), 9 August 2019, p 52.

⁹³ Ms Osmond, [Transcript of evidence](#), 9 August 2019, p 68.

⁹⁴ [Submission 696](#), Spirits & Cocktails Australia, p 5.

The importance of a clear strategy

Summary

A strategy should be developed to ensure that there is a clear purpose to any actions devised to enhance Sydney's night time economy.

Recommendation 12

That the coordinator develop and implement a strategy to enhance Sydney's night time economy. This strategy should include:

- **identifying and removing barriers to new and existing licensing and operation of venues;**
- **collaborating to offer more diverse options to potential visitors;**
- **encouraging the growth of entrepreneurial and new business start-up concepts in the Sydney CBD; and**
- **promotion of the Easy to do Business program.**

Recommendation 13

That the coordinator and the Independent Liquor & Gaming Authority work together to advise the relevant Minister within 60 days on the following matters:

- **the development of the night time economy strategy**
- **small bar licence facilitation**
- **facilitating amendment and relaxation of licence conditions for "well behaved venues"**
- **facilitating ease of application and approvals for new licences or licence transfers**
- **arts venues**
- **small (120-250 people) and medium (400-500 people) sized music venues**

3.32 Several stakeholders emphasised the importance of having a discrete strategy to guide future action to enhance Sydney's night time economy. Having such a strategy would ensure that all stakeholders would be aware of what was required and the best way to ensure that Sydney remained a world-leader in having a vibrant nightlife.⁹⁵

3.33 The coordinator would be the best author of this strategy. They will be able to consult with all relevant bodies to ensure that there is support from all areas and that goals are realistic and achievable. The strategy should identify and outline

⁹⁵ Mr Dean Ormston, Artist, APRA AMCOS, [Transcript of evidence](#), 5 August 2019, p 52

areas where barriers exist for establishment of new business ideas and how these could be removed through stakeholder cooperation.

- 3.34 Throughout the inquiry, the Committee heard about the importance of having a diverse offering of options for people wanting to engage with the night time economy. Rather than focussing solely on the provision and consumption of alcohol, the Committee was told that people want more opportunities to enjoy cultural events, sporting matches, late night shopping and later food services.⁹⁶
- 3.35 One of the major benefits of having more variety in Sydney's night time economy is that it will attract a more diverse group of people to the city. There has already been some shift away from the male-dominated venue which centred around beer drinking towards bars offering better food and better facilities for women and families.⁹⁷
- 3.36 There are a number of activities across Sydney which attract different groups of people including families, with grandparents and young children out together.⁹⁸ In particular, the Committee notes the success of numerous cultural and religious festivals that offer a variety of ways for people to socialise and enjoy themselves at night, often without the presence of alcohol.⁹⁹
- 3.37 The Alcohol and Drug Foundation noted that males are significantly more likely to be involved in an aggressive incident when entering or leaving a licensed venue.¹⁰⁰ Increasing the number of entertainment options available in Sydney's night time economy has the potential to attract more diverse groups to participate in Sydney's nightlife and perhaps help lessen this risk. This has the potential to reduce the problems associated with excessive alcohol consumption.¹⁰¹
- 3.38 The government has already produced an action plan relating to Sydney's night time economy. This action plan was released following three roundtable meetings that took place between March to May 2016. The roundtables were attended by participants from business, community organisations and government agencies.¹⁰² As of August 2019, 19 of the 25 actions outlined in this plan have been completed. The remaining six are currently underway.¹⁰³
- 3.39 The Committee is pleased to hear that a collaborative approach to examining the issues faced by stakeholders in Sydney's night time economy led to numerous recommendations that were taken up by the government. We heard positive

⁹⁶ [Submission 657](#), p 4, [Submission 592](#), pp13-14, Lord Mayor of Sydney, [Transcript of evidence](#), 5 August 2019, p 8.

⁹⁷ Mr John Whelan, Chief Executive Officer, Australian Hotels Association NSW, [Transcript of evidence](#), 9 August 2019, p 32.

⁹⁸ Mr Rose, [Transcript of evidence](#), 5 August 2019, p 3.

⁹⁹ [Submission 657](#), p 4.

¹⁰⁰ [Submission 662](#), Alcohol and Drug Foundation, p 5.

¹⁰¹ Dr Phillip Wadds, Senior Lecturer in Criminology, University of NSW, [Transcript of evidence](#), 5 August 2019, p 35.

¹⁰² [NSW Government response to the Night-Time Economy Roundtable](#), December 2016, p 3

¹⁰³ [Answers to questions taken on notice](#), Create NSW, 27 August, p 1.

feedback about the work being undertaken to act upon the recommendations made through this process.¹⁰⁴

- 3.40 However, the Committee also considers that there is a need for ongoing consultation and a wider ranging strategy to continue to enhance Sydney's night time economy. For this reason, we have recommended that a new strategy be produced and implemented by the coordinator. This Committee's report will hopefully inform some of this strategy.
- 3.41 Despite some of the concerns raised during this inquiry that Sydney's nightlife has regressed, the Committee was pleased to hear that stakeholders still saw the potential for Sydney's night time economy to thrive. While Sydney's international standing may have slipped, there was enthusiasm to establish it, once again, at the top of the world rankings for cities with attractive night lives.¹⁰⁵ The Committee is sure that with a well thought out strategy and buy in from all stakeholders that this will be a significant step in the right direction.
- 3.42 The Committee considers that there are certain aspects of the night time economy that should be addressed as matter of a priority. In addition to the overarching strategy, the Committee considers that the following issues should be looked into within 60 days:
- the development of the night time economy strategy
 - small bar licence facilitation
 - facilitating amendment and relaxation of licence conditions for "well behaved venues"
 - facilitating ease of application and approvals for new licences or licence transfers
 - arts venues
 - small (120-250 people) and medium (400-500 people) sized music venues.

Relax restrictions on night time businesses and provide a single point of contact

Summary

To assist operators in the night time economy, there should be a relaxation of some of the restrictions imposed on them.

Recommendation 14

That the relevant minister relax some of the restrictions on businesses operating in the night time economy. A single point of contact, such as the Small Business Commissioner, should be established for businesses to discuss

¹⁰⁴ [Submission 657](#), p 2.

¹⁰⁵ Mr Hemmes, [Transcript of evidence](#), 9 August 2019, p 60, Mr Michael Johnson, Chief Executive Officer, Tourism Accommodation Australia, [Transcript of evidence](#), 9 August 2019, p 68.

ongoing concerns with Government and identify the most appropriate restrictions to be repealed or consolidated.

Recommendation 15

That the Department of Planning, Industry and the Environment develop an integrated application process for liquor licencing and development applications that removes duplication in processes.

Recommendation 16

That the NSW Government amend liquor legislation to remove unnecessary conditions for liquor licences and development applications that place unnecessary restrictions on live music, such as banning certain genres of music or certain musical instruments.

- 3.43 Some important sectors for this work should include:
- small and medium music venues, working with APRA AMCOS
 - small bars, regardless of licence class, working with the Independent Bars Association of NSW
 - the broader restaurant sector.
- 3.44 In addition to the liquor restrictions introduced in 2014, there are a number of other regulations which apply to operators in the night time economy. The Committee heard that the number and complexity of the current regulatory framework can make it difficult to run a successful business.
- 3.45 The views of several operators in the night time economy were summarised as being that the 'regulatory environment is onerous, complex, confusing and expensive to navigate'.¹⁰⁶
- 3.46 A common complaint was that the approval process for applying for a liquor licence was particularly complex and time consuming. Venue operators need to engage with three different local and state authorities to complete the process. This includes:
- Liquor & Gaming NSW to lodge the application or submit change or exemption requests.
 - Local council to apply for development approval.
 - Police Local Area Command to lodge a plans of management for patron safety at the licensed premises.¹⁰⁷

¹⁰⁶ Ms Baker, [Transcript of evidence](#), 9 August 2019, p 52.

¹⁰⁷ [Submission 754](#), p 7

- 3.47 This process can take from six to twelve months, and in some cases even longer.¹⁰⁸ It was also seen as an expensive undertaking, with one example being given that it cost \$30,000.¹⁰⁹ The Committee heard that one of the reasons for the length of time was that there was a lack of communication between the three agencies.¹¹⁰
- 3.48 The length of time that approvals take also means that some venues accept more stringent licencing conditions as they don't have enough time or money to continue the application process.¹¹¹ Applying for subsequent changes to licensing conditions is also seen as prohibitively complicated and expensive.¹¹² One of the reasons for this is a lack of communication between the relevant agencies. If a venue amends a trading condition, such as extending trading hours, the same condition is not automatically updated with the other two agencies.¹¹³ This has made some potential venue operators unwilling to open new venues in Sydney.¹¹⁴
- 3.49 Some of the harsher conditions that the Committee was told about included a prohibition on disco music, a prohibition on mirror balls or a prohibition on dancing.¹¹⁵ While some of these restrictions were subsequently lifted, the businesses involved indicated that it was a very expensive and drawn out process.¹¹⁶
- 3.50 Similarly, in the entertainment sector there are a variety of regulations which impede the provision of live performances, particularly those on a smaller scale. The Committee heard that attempts were made to diversify the nightlife in a particular area by putting on performances in existing buildings that were not necessarily entertainment venues. However, the regulatory framework made it very difficult to achieve this.¹¹⁷
- 3.51 Ms Kerri Glasscock, Director and CEO, Sydney Fringe Festival, explained:
- What we found was all the businesses in that particular project were wanting to have some type of public facing aspect to their business and also a closed door side. So, it might have been a writing studio that turned into a theatre at night. It might have been a rehearsal studio that wanted to have four or five showings a week. As soon as you add the layer of public facing onto any desire of a DA or any business model, it triggers a huge amount of regulatory conditions that are completely onerous and prohibitively expensive for the type of business you are actually proposing. In the world of the regulators, it does not matter whether you are a

¹⁰⁸ Mr Andrew Thomas, Acting Executive Manager, Development, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 16.

¹⁰⁹ [Submission 754](#), p 3

¹¹⁰ [Submission 774](#), p 5.

¹¹¹ Mr Schlothauer, [Transcript of evidence](#), 5 August 2019, p 69.

¹¹² [Answers to additional questions](#), Independent Bars Association of NSW, 30 August, p 6.

¹¹³ [Submission 754](#), p 7

¹¹⁴ Ms Baker, [Transcript of evidence](#), 9 August 2019, p 52.

¹¹⁵ Mr Rose, [Transcript of evidence](#), 5 August 2019, p 5.

¹¹⁶ [Submission 774](#), p 3.

¹¹⁷ [Submission 398](#), The Sydney Fringe Festival, pp 13-15

2,000-seat music venue or a 25 seat rehearsal studio with a public facing. You are treated in the same way as far as the assumption of risk.¹¹⁸

- 3.52 In the hospitality sector, stakeholders advised that they wanted to be able to offer more outdoor dining. Due to Sydney's temperate climate, this would be an effective way to attract people in to the city at night and create a more vibrant atmosphere. However, several stakeholders argued that the current regulatory burden makes it a less attractive prospect.¹¹⁹
- 3.53 The Committee heard that the Small Business Commissioner and Service NSW has done some work to identify and remove unnecessary regulations for cafes, restaurants and small bars. This work aimed to keep the 'right regulations' in place that are suitable and appropriate for community safety without making it too hard for operators.¹²⁰ Previously, someone wanting to set up a café, restaurant or small bar had to deal with up to 13 agencies, 75 regulations, 30 phone numbers, 48 forms and wait up to 18 months. This has now changed so that one only needs to fill in one online form, with one support phone number, and the process takes less than three months.¹²¹
- 3.54 The Committee considers that there would be great value in taking a similar approach to other aspects of the hospitality and entertainment sector. The newly appointed coordinator will be an ideal person to arrange discussions around some of the more onerous regulations to take place. The Committee considers that the Small Business Commissioner would bring valuable experience to this project.
- 3.55 The Committee heard that some efforts had already been made for businesses to apply for restrictions to be removed or relaxed. However, feedback on this initiative suggested that success was limited due to a lack of consultation with the stakeholders concerned.¹²²
- 3.56 The Committee would also like to see a one-stop-shop established, where members of the hospitality and entertainment industries can go to outline their problems and ask for assistance.
- 3.57 This new initiative may operate in a similar way to the Easy to do Business program. However, the Committee notes the arguments of some stakeholders that if regulations themselves do not change, then it will remain prohibitively expensive for more novel and diverse entertainment options to be established.¹²³ As such, the Committee has recommended that as part of the new initiative, there should be a program to identify and remove the more onerous restrictions,

¹¹⁸ Ms Kerri Glasscock, Director and Chief Executive Officer, The Sydney Fringe Festival, [Transcript of evidence](#), 12 August 2019, p 4.

¹¹⁹ [Submission 657](#), p 5, [Submission 777](#), Australian Hotels Association NSW, p 27, and [Answers to additional questions](#), Randwick City Council, p 2.

¹²⁰ Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 50.

¹²¹ Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 55.

¹²² Mr Rodrigues, [Transcript of evidence](#), 12 August 2019, p 10.

¹²³ Ms Glasscock, [Transcript of evidence](#), 12 August 2019, p 4 and Mr Rodrigues, [Transcript of evidence](#), 12 August 2019, p 13.

while ensuring that this does not have a negative effect on community safety or amenity.

3.58 The Committee was pleased to hear that as part of Liquor & Gaming NSW's move to the Department of Customer Services, they intend to look at some of the difficulties faced by operators. This is with a view to simplifying some of the regulatory complexities in the licensing area.¹²⁴

3.59 This inquiry has highlighted the importance of having more diverse offerings as part of the night time economy. By relaxing some of the more onerous restrictions that are currently in force, this should encourage more creative business ideas to be trialled in Sydney. This, in turn, can help to enhance Sydney's night time economy.

3.60 Similarly, the Committee received the evidence from the Independent Bars Association of NSW concerning onerous restrictions:

The current process sees security conditions imposed by local councils during the process of applying for development consent to operate a small bar. The general practice is a 1:100 ratio, meaning that one security guard is required for venues with a capacity of 100 patrons. Many small bar operators accept this condition to expedite the process of attaining a liquor licence, believing it can be easily removed once they have commenced operating. This condition is also often applied to venue with a capacity less the 100.

However, once a security condition is applied to a small bar's development consent, it is often applied to the liquor licence. If a licensee then seeks to be exempted from this condition, they must apply separately to the local council and Liquor & Gaming NSW. This is just one example of the administrative burden placed on small bar operators due to the disjointed nature of the liquor licence process.¹²⁵

3.61 They further highlighted examples of strict conditions applied:

Within local council, there are often lists of standard conditions; however, these are selectively applied. Some examples of conditions include:

- The premise must not operate any pin ball or arcade machines
- All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times, with the word "SECURITY" clearly identifiable in bold print at least 100mm high, on the front and back
- When more than one security guard is on duty, security officers and management shall communicate by hand held radios at all times
- Security guards are to be provided at the premises on Fridays and Saturdays from 9.00pm at a minimum ratio of 1 security staff member to 100 patrons or part thereof.¹²⁶

¹²⁴ Ms Rose Webb, Deputy Secretary, Better Regulation Division, Department of Customer Service, Liquor & Gaming NSW, [Transcript of evidence](#), 12 August 2019, p 24.

¹²⁵ [Answers to supplementary questions](#), Independent Bars Association, 30 August 2019, p 2.

¹²⁶ [Answers to supplementary questions](#), Independent Bars Association, 30 August 2019, pp 5 - 6.

Chapter Four – Entertainment after dark contributes to the economy

- 4.1 This Chapter discusses the night time economy such as supporting creative industries, innovative business models. This Chapter also examines aspects of the current regulatory framework and recommends changes.

Revitalising Sydney's night time economy

Support for musicians and the creative arts through encouraging more venues

Summary

Music and the creative arts are an integral part of the night time economy. The closure of venues over recent years has adversely impacted on the viability of the music and creative arts industries. More venues in the Sydney CBD should be encouraged, with a particular emphasis on medium sized venues.

Finding 8

That Sydney's night time activity contributes to Sydney's standing as a global city and as a tourist destination, to culture, arts and social activity, employment and the economy. In addition to safety measures, proactive steps should now be taken to encourage and support the growth and innovation in the night time economy.

Recommendation 17

That the NSW Government investigate ways to support venues to provide entertainment. This should include making it easier for existing venues to do so, by encouraging new small and medium size music and entertainment venues, and the use of empty or under-utilised government spaces as temporary or opt-up arts and entertainment venues.

Recommendation 18

That the NSW Government allocate funding to promote Sydney's night-time economy to both a domestic and international audience.

- 4.2 Music is an important part of the night time economy. It contributes to the economy by employing singers, musicians and other workers involved in the industry. It is also a part of our cultural identity and the industry fosters the talents of artists to reach success nationally and internationally. The Committee heard that the music scene in Sydney has been particularly negatively impacted by the 2014 laws.
- 4.3 Several witnesses informed the Committee of the impact on venues since the laws came into effect. Ms Robyn Hobbs, Small Business Commissioner, NSW

Small Business Commission referred to 270 venues having closed,¹²⁷ while the Lord Mayor advised of a 50 per cent drop in the number of live music venues.¹²⁸ Mr Nathan Farrell, Director of Nathan Farrell Entertainment shared that his business has lost approximately \$600,000 per year as a result of restricted trading hours.¹²⁹

4.4 The City of Sydney told the Committee that:

In 2014 there were 22 [music] venues in the LGA reporting annual receipts of more than \$10,000 to ticketed music concerts. In 2018, this had declined to just 11 venues.¹³⁰

4.5 Closure of music venues has impacted on the careers of musicians. In March 2019, CreateNSW conducted a survey of 1,333 people as part of their Contemporary Music Strategy. They reported that 42 per cent of musicians have been affected by a lack of suitable venues to perform in and 59 per cent experienced reduced opportunities to perform at live music events over the last five years. A lack of affordable rehearsal space was also cited.¹³¹

4.6 Emily Collins, Managing Director, MusicNSW shared similar results from a survey of musicians. She advised that 85 per cent of people working in the industry agreed that the 2014 laws have directly impacted their music career, 75 per cent had a reduced number of gigs and 40 per cent reported reduced earnings per show over the last 5 years.¹³²

4.7 Along with the economic contribution the music industry provides, the cultural impact of a strong live music scene was highlighted. Singer Jenny Morris commented:

I believe culture speaks to who we are as people and as a collective. Part of our culture is represented by music. I feel that if we do not get the opportunity to express who we are through music then we will lose the thread of who we are as a people and as entities in our own right. I think if we are given the backing of our society it gives us so much more confidence to do what we do bravely, sincerely and successfully. If we are not provided with platforms upon which to show the world who we are then we stagnate. If our cultural entities—the creatives—in our society are stagnant then I think it is bad for our society.¹³³

4.8 The importance of encouraging small and medium sized venues was highlighted during the inquiry. Ms Kerri Glasscock, Director and CEO, Sydney Fringe Festival, noted that the majority of artists in NSW will never perform in well-known venues such as the Sydney Opera House, rather they earn their living in the smaller venues. While governments invest in larger, more recognised venues, Ms

¹²⁷ Ms Robyn Hobbs, Small Business Commissioner, NSW Small Business Commission, [Transcript of evidence](#), 12 August 2019, p 52.

¹²⁸ Clr Clover Moore, Lord Mayor, City of Sydney [Transcript of evidence](#), 5 August 2019, p 8.

¹²⁹ Nathan Farrell, Director, Nathan Farrell Entertainment, [Transcript of evidence](#), 5 August 2019, p 48.

¹³⁰ [Submission 780](#), City of Sydney, p 13.

¹³¹ [Answers to questions on notice](#), CreateNSW, 27 August 2019, pp 5-6.

¹³² Emily Collins, Managing Director, MusicNSW, [Transcript of evidence](#), 5 August 2019, p 46.

¹³³ Jenny Morris, Artist, [Transcript of evidence](#), 5 August 2019, p53

Glasscock told the Committee there needs to be a commitment to the smaller and medium sized venues. This is where the majority of people in the arts industries are employed.¹³⁴ Ms Glasscock advocated that creative arts spaces should be built in to any planning of state infrastructure projects:

What we advocate for... is let us just have an empty box. It could be a 50-square metre concrete shopfront, as much as it could be a 2,000-seat auditorium. We like to think of a world where if the State are building infrastructure projects, let us ensure that there is some bare-bone space that we can put aside for cultural use; whether...as a performance venue or whether it is making workshop space...the cost would be nominal to ensure that a tiny little part is put aside for that in any type of major infrastructure program, be it a train station or anywhere.¹³⁵

4.9 The Committee received evidence that:

The City of Sydney's Late Night Trading Development Control Plan (the DCP) provisions incentivise performance, cultural and creative uses in licensed premises, such as small bars, bars and pubs, and dedicated performance venues such as theatres, halls and cinemas which are located in night trading areas.¹³⁶

4.10 The City of Sydney explained that this is done by providing additional trading hours and patron numbers, including allowing venues that have the capacity to put on performance and are located in late night trading areas, one additional trading hour at closing time on the night they provide at least 45 minutes of performance after 6pm.¹³⁷

4.11 Further ways that the government could encourage more venues included:

- by addressing the issues of noise regulation;
- offering financial benefits such as tax offsets or rent free periods to assist with the costs of opening a venue; and
- providing grants to venues, similar to what occurs in Victoria.¹³⁸

4.12 The Committee supports a strong music and creative arts scene in Sydney. Having the appropriate venues, as a space to develop and showcase talent, is an essential part of supporting these industries and a vibrant night time economy.

4.13 The Committee notes there was a recent Legislative Council Committee inquiry into the arts and music industry which made a number of recommendations aimed at supporting the live music industry.

¹³⁴ Ms Kerri Glasscock, Director and CEO, Sydney Fringe Festival, [Transcript of evidence](#), 12 August 2019, p 7.

¹³⁵ Ms Glasscock, [Transcript of evidence](#), 12 August 2019, p 3.

¹³⁶ [Answers to supplementary questions](#), City of Sydney Council, 2 September 2019, p 2.

¹³⁷ [Answers to supplementary questions](#), City of Sydney Council, 2 September 2019, pp 2-3.

¹³⁸ Ms Collins, [Transcript of evidence](#), 5 August 2019, p 50; Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p52; and Mr Dean Ormston, Artist, APRA AMCOS, [Transcript of evidence](#), 5 August 2019, pp 53-54.

Using occupied and vacant spaces for creative businesses

Summary

Finding an appropriate space for creative business can be costly and difficult. Using a shared space and/or vacant government spaces, are innovative ways to make it easier for creative businesses to operate in the night time economy.

Recommendation 19

That the NSW Government consider developing regulations to support the night time use of spaces occupied by businesses during the day, with a particular focus on supporting the night time use of the space by creative businesses.

Recommendation 20

That the NSW Government consider developing regulations to permit unused government buildings to be used as creative art spaces.

- 4.14 A challenge for many creative businesses in Sydney is the cost and approval process of finding appropriate space.¹³⁹ Representatives from the NSW Small Business Commission suggested one way to make space more affordable was the use of a shared space, such as a business shopfront or café during the day and a performance space or bar in the evening.¹⁴⁰
- 4.15 A further suggestion was the using vacant government properties for art and cultural offerings.¹⁴¹ The NSW Small Business Commission submitted:
- Reforms to planning regulation could support the temporary use, for creative arts purposes, of empty buildings marked for redevelopment - irrespective of the zone applied to the land's permanent use. Opportunities to support such initiatives could be identified through a review of the Environmental Planning and Assessment Act 1979 (NSW) and accompanying regulations.
- 4.16 The City of Sydney also acknowledged the need for affordable creative spaces and easier regulation. They advised that they are working on proposed reforms to present to Government to support shared spaces.¹⁴²
- 4.17 The City of Sydney encourages space to be made available for cultural activity and performances through incentives in its planning approvals. Mr Benjamin Pechey, Acting Executive Manager, Strategic Planning and Urban Design, City of Sydney Council commented:
- The example in our late-night trading development control plan is we offer later trading hours for venues that host performance to encourage that diversity and, in particular, that cultural activity of performance. It essentially gives those sorts of venues an advantage over other venues that do not provide the performance and it

¹³⁹ Ms Glasscock, [Transcript of evidence](#), 12 August 2019, p 4.

¹⁴⁰ Claire Curtin, Director of Advocacy and Strategic Projects, NSW Small Business Commission, [Transcript of evidence](#), 12 August 2019, p 51 and Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 55.

¹⁴¹ [Submission 783](#), NSW Small Business Commission, p 24.

¹⁴² Ms Lisa Colley, Manager Cultural Strategy, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 10

encourages venues to create and make available the space for creatives in our city.¹⁴³

- 4.18 Creative spaces within and around the Sydney CBD are available through CreateNSW's Infrastructure Support Policy (ISP). CreateNSW has nine properties of various sizes that include spaces for theatre, performance, rehearsal, filming exhibitions and storage. These spaces are made affordable by lower rental rates.¹⁴⁴
- 4.19 The Committee finds these suggestions for using space an innovative and exciting opportunity to provide unique spaces for creative businesses. The Committee recommends that the NSW Government develop regulations to make it easier for this to occur.

Making small bars more attractive

Summary

Small bars are a low risk licensed venue model offering variety for the night time economy. In order to encourage the growth of small bars and promote diversity in Sydney's night time economy, the Committee recommends increasing the patron limit for small bars from 100 to 130.

Recommendation 21

That the NSW Government amend the small bar licence to permit licensees to operate a bar with a patron limit of 130, and standard operating hours of operation under the licence to 2.00 am.

Recommendation 22

Removing any rule of thumb requirement for small bar licences, for example for one security guard per 100 patrons, where a written security plan is in place and the venue is well performed. Should these provisions be required, they should be in the written plan of management for the venue, which is negotiated with NSW Police, rather than the licence or Development Application approval.

Recommendation 23

For small bar licences, remove high risk licence fees for later trading from these low risk venues.

- 4.20 Small bars are an example of a licensed venues which expand the options available in the night time economy. According to the NSW Small Business Commission there are many small bars in Sydney that offer a 'genuinely bespoke

¹⁴³ Mr Benjamin Pechey, Acting Executive Manager, Strategic Planning and Urban Design, City of Sydney Council, [Transcript of evidence](#), 5 August 2019, p 10.

¹⁴⁴ [Answers to questions on notice](#), CreateNSW, 27 August 2019, pp 11-12.

aesthetic and ambience.¹⁴⁵ They are viewed as adding a sophisticated and unique option for patrons wanting a smaller or more 'low tempo' venue.¹⁴⁶

- 4.21 An example of a small bar that was brought to the attention of the Committee is the Shirt Bar in Barangaroo, where patrons are able to buy high-end cocktails, while being fitted for a custom shirt¹⁴⁷. This kind of innovative, boutique offering supports the development of a diverse night-time economy.
- 4.22 Small bars are regarded as a low risk licensed venue model. Liquor & Gaming NSW indicate that the rate of assault across small venues in the Sydney Local Government Area with a patron capacity of 120 or less is consistently low.¹⁴⁸

Rate of alcohol-related assaults in 'small' venues in the City of Sydney LGA

Patron Capacity	Licence type	Category	April 14- March 15	April 15- March 16	April 16- March 17	April 17- March 18	April 18- March 19
120	General Bar	Number of premises	45	45	46	42	42
		Number of Assaults	3	6	4	5	1
		Rate of assaults	0.07	0.13	0.09	0.12	0.02
	On-premises	Number of premises	56	57	85	97	107
		Number of Assaults	6	6	6	3	4
		Rate of assaults	0.11	0.11	0.07	0.03	0.04
<=100	Small Bar	Number of premises	13	27	31	51	60
		Number of Assaults	0	1	0	1	2
		Rate of assaults	0.00	0.04	0.00	0.02	0.03
All		Number of premises	114	129	162	190	209
		Number of Assaults	9	13	10	9	7
		Rate of assaults	0.08	0.10	0.06	0.05	0.03

Figure 1: Rate of alcohol-related assaults in 'small' venues in the City of Sydney LGA

- 4.23 In addition, in their 2016 review of small bar legislation, Liquor & Gaming NSW found that there was little difference in the rate of alcohol-related violence in venues with a patron capacity less than 120. However, once a venue exceeded a limit of 120 an increased trend in alcohol-related violence became more evident.¹⁴⁹
- 4.24 Small bars are an increasingly popular business model, with the number of small bar licences in the Sydney CBD rising from 10 in 2014 to 43 in 2019.¹⁵⁰ Liquor & Gaming NSW highlight that since the reforms in 2016, which saw the patron limit increased from 60 to 100, small bar liquor licences have more than doubled.¹⁵¹
- 4.25 To provide continued support to this area of the night time economy, the Committee heard that the NSW Government could consider further regulatory

¹⁴⁵ [Submission 783](#), p 27.

¹⁴⁶ Mr Karl Schlothauer, President, Independent Bars Association NSW, [Transcript of evidence](#), 5 August 2019, p 70; Mr Farrell, [Transcript of evidence](#), 5 August 2019, p 49; [Answers to additional questions](#), Spirits and Cocktails Australia, 29 August 2019, p 3.

¹⁴⁷ Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 51.

¹⁴⁸ [Answers to additional questions](#), Liquor & Gaming NSW, 30 August 2019, p 2.

¹⁴⁹ [Answers to additional questions](#), Liquor & Gaming NSW, 30 August 2019, p 2; Liquor & Gaming NSW, [Review of Small Bars Legislation](#), September 2016, p 24.

¹⁵⁰ [Answers to questions on notice](#), Liquor & Gaming NSW, 15 August 2019, p 3.

¹⁵¹ [Answers to additional questions](#), Liquor & Gaming NSW, 30 August 2019, p 1.

change by increasing the patron limit.¹⁵² The NSW Small Business Commission submitted that such an increase would provide support for current small bar operators, as well as provide an incentive for prospective licensees.¹⁵³

- 4.26 Additionally, the NSW Small Business Commissioner, advocated that increasing the patron limit for small bars would be a sensible first step in any staged approach to wider amendments to liquor regulations:

As you have seen I have advocated for a phased approach to whatever happens going ahead. One of the things we would advocate for in the beginning is the expansion of small bars. The data shows us that there has been growth in these areas and they are considered to be low risk. If the patron limit, which is currently 100, changes to 120 that is in line with Western Australia and South Australia. I think those things then become far more manageable in terms of the safety going forward.¹⁵⁴

- 4.27 The Committee also heard that increasing the small bar patron limit will align with the City of Sydney's planning controls, which sets the maximum number of patrons for lower risk premises at 120.¹⁵⁵

- 4.28 The Independent Bars Association also said they would like to see an increase in the patron capacity for small bars.¹⁵⁶ As they wrote in their submission, for some venues transferring to a small bar licence is not economically feasible given the 100 patron limit.

Case study: This Must be The Place

Trading since 2015, This Must Be The Place (TMBTP) has an exemplary trading record and has been recognised as one of Sydney's best bars, winning *Time Out* Sydney's 'Bar of the Year' award in 2017. It operates under a general liquor licence due to historic prior ownership reasons. For all intents and purposes, TMBTP is a small bar. However moving to a small bar licence would mean capping the number of patrons it can admit at 100 instead of 120 it can admit now, and this is not economically feasible.

Source: [Submission 754](#), NSW Independent Bars Association, p 4.

- 4.29 The Committee acknowledges that the patron limit for small bars was recently reviewed by Liquor & Gaming NSW. The 2016 Review found that while there is little evidence that venues with a patron limit of up to 120 have an elevated risk of alcohol-related violence, it is 'desirable for there to be some distinction between the patron limit for low risk venues such as small bars and the patron capacity that the legislation defines for classification as a high risk venue (i.e.

¹⁵² [Submission 783](#), p 27; [Answers to additional questions](#), City of Sydney, 3 September 2019, p 6; [Answers to additional questions](#), Night Time Industries Association, 2 September 2019, p 3.

¹⁵³ [Submission 783](#), p 27.

¹⁵⁴ Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 51.

¹⁵⁵ [Submission 783](#), p 27; [Answers to additional questions](#), City of Sydney, 2 September 2019, p 6.

¹⁵⁶ [Submission 754](#), NSW Independent Bars Association, p 4. Note: The NSW Independent Bars Association recommended the creation of a single bar licence with a sub category for small bars with a patron capacity of 150.

120).' As a result, the Review recommended the patron limit be increased to 100 instead of 120.¹⁵⁷

- 4.30 However, the Review also considered that the 100 patron limit should be monitored and evaluated in light of any impact on venue viability and levels of alcohol-related violence.¹⁵⁸ In light of other recommendations in this report aimed at creating a strategy to enhance Sydney's night time economy, the Committee considers it worthwhile to reconsider the patron limit for small bars.

Easing the regulatory burden in the Sydney CBD

Summary

Aspects of the existing liquor regulations should be removed in the Sydney CBD to address some of the issues that have resulted from the current framework.

Recommendation 24

That the following aspects of the suite of measures known as the 2014 laws be removed at licensed venues in the Sydney CBD precinct including Oxford Street, with appropriate urgency:

- 1.30am lockout
- prohibition on service of certain drinks after midnight, including: shots, drinks containing more than 50% spirits or liqueur, ready to drink beverages with an alcohol by volume content of more than 5%
- cocktails and drinks prepared on premises containing 30 ml or more of spirits or liqueur
- restriction of glass in the late trading period, and
- the 3.00am cessation of service.

Recommendation 25

That the trading hours for the sale of takeaway alcohol be extended to midnight Monday through to Saturday, and 11pm on Sunday.

- 4.31 Following several tragic deaths and increased concern about the level of violence, the suite of reforms colloquially known as the 'lockout laws' were introduced by the *Liquor Amendment Act 2014*. The Act introduced a number of measures, including:
- 1.30am lockouts enforced at hotels, registered clubs, nightclubs and karaoke bars across the Sydney CBD and Kings Cross Precincts

¹⁵⁷ Liquor & Gaming NSW, [Review of Small Bars Legislation](#), September 2016, p 27.

¹⁵⁸ Liquor & Gaming NSW, [Review of Small Bars Legislation](#), September 2016, p 27.

- 3am cessation of the service of alcohol in those venues across the Sydney CBD and Kings Cross Precincts
- a freeze on new liquor licences in the Sydney CBD and Kings Cross Precincts
- prohibition of certain drinks after midnight, including:
 - shots (or any other drink designed to be consumed rapidly)
 - any drink containing more than 50% spirits or liqueur
 - any ready to drink beverage with an alcohol by volume content of more than 5%
 - any drink prepared on the premises that contains more than 30 ml of spirits or liqueur.
- glasses prohibited during the general late trading period

- 4.32 The laws introduced a number of other changes, in addition to those outlined above. A full excerpt of the relevant legislation can be found at Appendix Two.
- 4.33 While the Committee heard significant evidence on the positive impact of the 2014 laws, particularly in the Kings Cross precinct, many stakeholders expressed an alternate viewpoint.
- 4.34 The Committee heard the 2014 laws be described as blunt, overly severe and having resulted in a number of unintended consequences.¹⁵⁹ Stakeholders made the point that while it was clear change needed to occur, especially in the Kings Cross precinct, the uniform application of the restrictions had adversely impacted businesses, the culture of the area, and Sydney's reputation more broadly.
- 4.35 The Committee appreciates these concerns, and notes the hard work of individuals and businesses in the hospitality industry, the music industry and other forms of entertainment to adapt in a new regulatory framework.
- 4.36 It became clear to the Committee that while it was necessary to take strong and decisive action in 2014, it is now important to consider a more nuanced application of any restrictions.
- 4.37 The Committee heard that international tourists are often negatively impacted by the liquor restrictions in hotel bars in the Sydney CBD.¹⁶⁰ Tourists may arrive at a hotel later in the evening and be unable to enjoy the hotel's hospitality, while being unaware of why these restrictions are in place. Given these venues seem to be relatively low risk, it would appear that this is an example of an unintended consequence. Liquor & Gaming NSW were receptive to this argument, noting that 'those drinks provisions were put in place at a time...where people were going to

¹⁵⁹ Mr Russell Zimmerman, Executive Director, Australian Retailers Association, [Transcript of evidence](#), 5 August 2019, p 18.

¹⁶⁰ [Submission 779](#), Tourism Accommodation Australia, p 3; Mr Roger Field, Chief Executive Officer, Live Nation, [Transcript of evidence](#), 12 August 2019, p 71.

the bar and doing lines and lines of shots'.¹⁶¹ It was acknowledged that there had been a range of contextual shifts, and that it was 'probably worth looking at whether they need to be in place across the board going forward'.¹⁶²

- 4.38 Smaller or high-end bars in the Sydney CBD also appear to be adversely and unnecessarily impacted by the liquor regulations. The restrictions relating to what drinks can be served after midnight significantly impacts what drinks these bars can serve. Given the recent trend of boutique bars with niche spirit and cocktail offerings, this is a particularly relevant issue.
- 4.39 The Independent Bars Association make this point in their submission, noting that the regulations around specific beverages stifle innovation, and add unnecessary complexity.¹⁶³ This was reiterated by a range of other key hospitality industry representatives, such as Merivale¹⁶⁴ and Solotel Hospitality Group.¹⁶⁵
- 4.40 Similarly, these kinds of establishments are impacted by the regulations requiring no service of glass bottles after midnight, which is particularly evident when patrons order a bottle of champagne.¹⁶⁶
- 4.41 Data provided by Liquor & Gaming NSW shows that 43 small bars operate in Sydney CBD, as opposed to 1 in Kings Cross.¹⁶⁷ Small bars have significantly lower assault rates than larger venues, indicating that that the general profile of venues in Sydney CBD differs to that of Kings Cross.¹⁶⁸ Given the low risk profile of these establishments and their patrons, these regulations may be overly onerous even in venues that do not operate under a small bar licence, but offer a similarly high-end, boutique experience.
- 4.42 The infrastructure and geographical profile of the Sydney CBD mean that the precinct is more diverse than Kings Cross. As the CBD is a larger area and is made up of a range of discrete and unique zones like Circular Quay, Barangaroo, Town Hall and China Town, there is less clustering and concentration of licensed venues. This means that the Sydney CBD does not have the issue of a large number of people being outside venues on the street in a relatively small area, like Kings Cross does.
- 4.43 Given that venue density has been identified as a major contributor to violent incidents, the Committee is of the view that the more spread out geography of the Sydney CBD supports a more diverse, safe night time economy.
- 4.44 The Committee is of the view that the balance between safety and a thriving night-time economy, at this stage, can be better struck by separating Kings Cross and the Sydney CBD precincts. While the Committee is satisfied that the nature of Kings Cross requires an instrument like the 2014 laws to ensure public safety,

¹⁶¹ Ms Natasha Mann, Executive Director Liquor & Gaming NSW, [Transcript of evidence](#), 12 August 2019, p 22.

¹⁶² Ms Mann, [Transcript of evidence](#), 12 August 2019, p 22.

¹⁶³ [Submission 754](#), p 12.

¹⁶⁴ Mr Justin Hemmes, Chief Executive Officer, Merivale, [Transcript of evidence](#), 9 August 2019, p 55.

¹⁶⁵ Ms Justine Baker, Chief Executive Officer, Solotel Hospitality Group, [Transcript of evidence](#), 9 August 2019, p 54.

¹⁶⁶ Ms Baker, [Transcript of evidence](#), 9 August 2019, p 54.

¹⁶⁷ [Answers to questions on notice](#), Liquor & Gaming NSW, 15 August 2019, p 2.

¹⁶⁸ [Answers to additional questions](#), Liquor & Gaming NSW, 30 August 2019, p 2.

the same cannot be said for Sydney CBD. Therefore the Committee recommends that the 2014 laws and associated restrictions in the Sydney CBD precinct are no longer necessary.

- 4.45 The Committee also considers that having a single time at which the majority of venues are likely to close could cause problems for the dispersal of patrons. By removing the cessation of service this may alleviate the congregation of patrons in the streets and potentially avoid incidents of anti-social behaviour. This will also allow for less competition for available transport options.
- 4.46 The Committee notes that venues have closing times as part of their liquor licence.

The sale of takeaway alcohol

- 4.47 Currently the sale of takeaway alcohol cannot be sold any later than 11pm Monday to Saturday, and 10pm on Sunday. The Committee considers that people should be able to make their own responsible choices with regard to the purchase of alcohol. Therefore, the Committee recommends that hours of sale be extended.

Venues be rewarded for good behaviour

Summary

Incentives should be offered to encourage and reward ongoing compliance. Similarly, punitive measures, such as the reintroduction of the 2014 laws, should be in place to dissuade venues from bad behaviour.

Recommendation 26

That Liquor & Gaming NSW and the Independent Liquor & Gaming Authority, incentivise, recognise and reward licensees for ongoing good behaviour. Conversely, Liquor & Gaming NSW and the Independent Liquor & Gaming Authority be able to impose the 2014 law measures for non-compliant venues, if necessary.

- 4.48 The Committee was impressed by the ongoing work being undertaken by venues to ensure they are compliant with the relevant liquor regulations. It was made clear to the Committee that venue operators and owners are willing to work with government to ensure Sydney's night-time economy is safe, thriving and fun.
- 4.49 There was criticism of the broad application of the 2014 laws during the inquiry, with stakeholders arguing that venues with good compliance records were being unnecessarily punished.¹⁶⁹
- 4.50 The Independent Bars Association provided a case study regarding the liquor restrictions in place at Sydney bar, 'This Must be the Place'. They noted that the 'unduly harsh' conditions imposed on 'good bar operators' stifled their freedom

¹⁶⁹ Mr John Whelan, Chief Executive Office, AHA NSW, [Transcript of evidence](#), 9 August 2019, p 26.

to operate and impacted their overall success, despite an 'excellent compliance record'.¹⁷⁰

- 4.51 It is critical that the good behaviour displayed by licensed venues in recent years continue despite any changes to the 2014 laws or regulatory environment. As an example, the Committee notes the culture of compliance with RSA requirements. Stakeholders made the point that trained bartenders and venue operators are well-placed to determine what kind of drinks can be served in alignment with Responsible Service of Alcohol (RSA) requirements.¹⁷¹ If venues can do more to assist patrons to avoid engaging with emergency services this would be viewed favourably.
- 4.52 To ensure this, the Committee is of the view that it is necessary to have relevant rewards and incentives, or punitive measures, in place in response to levels of compliance.
- 4.53 Having the ability to reintroduce the restrictions in place under the 2014 laws will ensure that venues who consistently do the wrong thing are punished. However, this should not impact those who are working hard to operate in a safe and compliant manner.
- 4.54 The Committee believes that the NSW Government should be able to impose lockout, and additional, restrictions in a nuanced and discretionary way. This will respond to some of the concerns venues expressed about blanket approaches and unfair presumptions of bad behaviour.
- 4.55 This approach will mean that the punitive measures are available when required, while also actively encouraging venues who do comply with the law. Acknowledging the good work of venues is critical in building a positive relationship between stakeholders, which will in turn result in a more collaborative approach where safety can be prioritised.

High impact venues

Recommendation 27

That the Department of Planning, Industry and the Environment develop a tool that can complete the assessment of the cumulative impact of high impact venues in a particular neighbourhood through the liquor licencing system.

Recommendation 28

The Department of Planning, Industry and the Environment should consider amending or expanding the violent venue scheme if alternative measures are required in future.

- 4.56 The Committee notes the regulatory success of the violent venues scheme, which adopts the principle of heavily regulating those venues that are contributing most

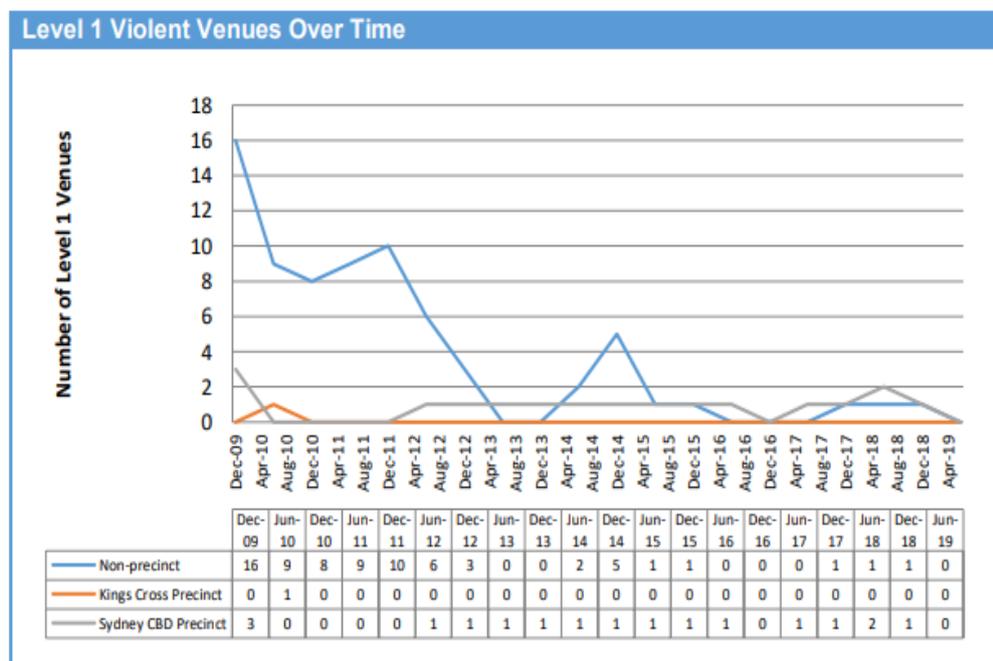
¹⁷⁰ [Submission 754](#), p 10.

¹⁷¹ Mr Jules Norton Selzer, Public Policy and External Relations Manager, Diageo Australia, [Transcript of evidence](#), 9 August 2019, p 20; Mr Alec Wagstaff, Chief Executive Officer, Spirits & Cocktails Australia, [Transcript of evidence](#), 9 August 2019, p 23.

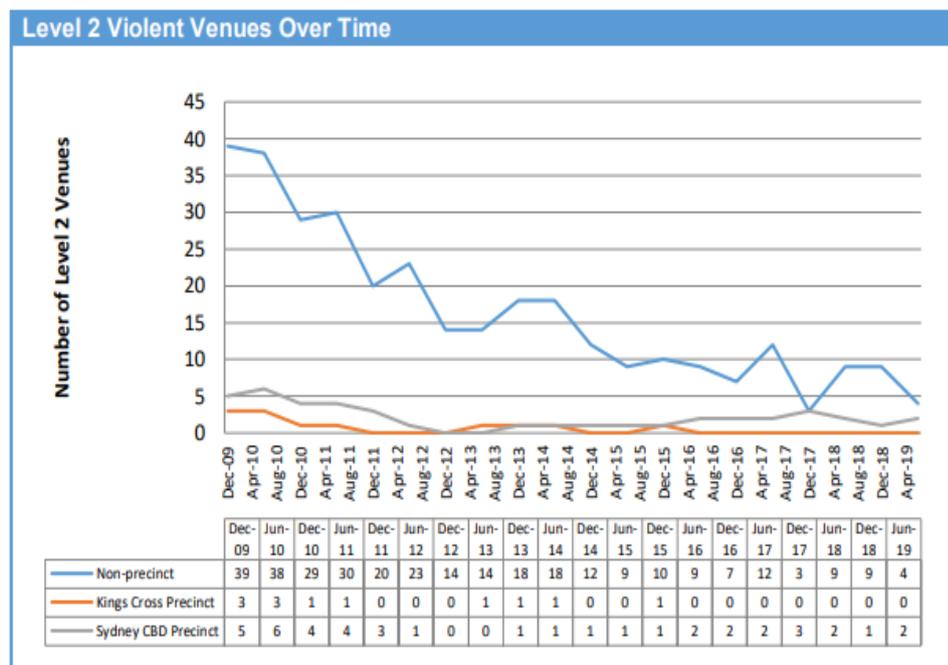
to the number of violent incidents. The Committee believes this is an effective way to concentrate regulatory resources where they might have most effect.

4.57 Liquor & Gaming NSW told the Committee that:

Since the Violent Venues scheme was introduced on 1 December 2008 we have seen a downward trend in assaults on licensed premises in NSW. Between April 20-09 and March 2009, alcohol-related (non-domestic) assaults on licensed premises were down by 7.7 per cent per year. In the ten years prior to this, these assaults had instead been steadily increasing. The clear turning point after the scheme's introduction would indicate that it has had a positive impact on reducing levels of violence, consistent with its policy objective.¹⁷²



¹⁷² [Answers to supplementary questions](#), Liquor & Gaming NSW, 30 August 2019, p 2.



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Amending operation of mandatory ID Scanners in Kings Cross

Summary

ID scanners should only be mandatory after 10pm on Friday and Saturday nights at relevant venues in Kings Cross. Additionally, it should be easier and more affordable for venues to use this technology.

Recommendation 29

That the mandated hours of operation of ID scanners in the Kings Cross precinct be reduced to require operation from 10pm on Friday and Saturday nights only. Venues which voluntarily operate ID scanners outside these hours should be offered recognition and incentives (such as subsidies or licensing incentives) for demonstration of model licensee behaviour.

- 4.58 Venue owners and operators told the Committee that ID scanners are expensive to operate, can dissuade patrons from entering the premises and are particularly onerous for international tourists.¹⁷⁴ Examples were provided to the Committee about circumstances where individuals within a large group did not have the correct kind of identification for the scanner, and were denied entry.¹⁷⁵

¹⁷³ [Answers to supplementary questions](#), Liquor & Gaming NSW, 30 August 2019, p 4 and 5.

¹⁷⁴ Mr Carrington Brigham, Executive Chair, The Potts Point Partnership Incorporated, [Transcript of evidence](#), 9 August 2019, p 45 and 47.

¹⁷⁵ Ms Baker, [Transcript of evidence](#), [Transcript of evidence](#), p 54

- 4.59 Representatives from the City of Sydney told the Committee that mandatory ID scanning often creates an unnecessarily hostile environment, and raises issues about privacy concerns for patrons.¹⁷⁶
- 4.60 Comparisons were made to the requirement to show identification when attending a club in NSW. However, several stakeholders made the point that this process is not met with the same 'angst' as this is related to membership and address, which is not the case in Kings Cross.¹⁷⁷
- 4.61 Under the current laws, it is mandatory for some venues in Kings Cross to have ID scanners. These venues are set out in Schedule 3 of the *Liquor Regulation 2018*. However, venues do have the opportunity to apply for an exemption to the ID scanner requirement.
- 4.62 A review of the use of ID scanners in the Kings Cross precinct was conducted by Liquor & Gaming NSW in 2016. It found that the scanners were an 'appropriate and effective way to reduce alcohol-related crime and violence in Kings Cross'.¹⁷⁸
- 4.63 Currently, 18 venues in the Kings Cross precinct operate the 'Patron Scan' system. As at August 2019, seven venues had applied for exemptions, with two having been granted. Some venues operate ID scanners in the CBD precinct on a voluntary basis.¹⁷⁹
- 4.64 The Committee appreciates the concerns raised by venues, and understands the financial burden of operating ID scanners. The Committee is also persuaded by the argument that mandatory ID scanning can create unnecessary angst amongst patrons, and does not help the image of Sydney's night-time economy being open and accessible.
- 4.65 The Last Drinks Coalition, who represent a range of emergency services workers, including police, paramedics and nurses, told the Committee that ID scanners are a useful investigative tool for a range of offences. Mr Pat Gooley, Secretary of the Police Services Association, said that:
- From a policing point of view the scanners are very effective. Not only do they capture the identity of the person but it captures a photo at the time, so from an investigative point of view they are very important, but also from a deterrence point of view.¹⁸⁰
- 4.66 The Committee appreciates that ID scanners can be a useful tool and wants to ensure that these positive outcomes are retained. For example, the Committee is supportive of the "Banned from One, Banned from All" initiative and encourages its continuation. Mandating the use of scanners only during the busiest operating

¹⁷⁶ Lord Mayor of Sydney, [Transcript of evidence](#), 5 August 2019, p 13.

¹⁷⁷ Lord Mayor of Sydney, [Transcript of evidence](#), 5 August 2019, p 14; Mr Anthony Trimarchi, Manager, Policy and Government, Clubs NSW, [Transcript of evidence](#), [Transcript of evidence](#), p 32.

¹⁷⁸ Liquor & Gaming NSW, [Kings Cross ID Scanner Review: Report – September 2016](#), viewed 9 September 2019, p 5.

¹⁷⁹ [Answers to questions on notice](#), Liquor & Gaming NSW, 15 August 2019, p 5.

¹⁸⁰ Mr Pat Gooley, Secretary of the Police Association NSW, Last Drinks Coalition, [Transcript of evidence](#), 9 August 2019, pp 38-39.

times will ensure this, allowing police to identify persons of interest at high-risk times.

- 4.67 The Committee is of the view that this approach will alleviate some of the concerns about scanners being invasive and unnecessary, particularly on weeknights.
- 4.68 The Committee appreciates the concerns raised by venue owners and operators regarding the cost of ID scanners. Ensuring that that ID scanners can be accessed and available for venues who wish to use them is an important part of creating a culture of safety.
- 4.69 The Committee believes that establishing incentives and developing easier pathways to use this technology will reduce some of the concerns expressed by reluctant licensees.

Policing

- 4.70 The Committee heard evidence that, along with over-regulation, a high presence of police and sniffer dogs may also be impacting on people's nightlife experience of the Sydney CBD and Kings Cross.
- 4.71 Ms Jane Slingo, Director, Electronic Music Conference and Artist Manager, MusicNSW told the Committee that:

We live in a time where a night in at home or a party at home is a lot more attractive than it was 10 years ago. The heavy police presence further disincentivising young people from going out and engaging in that nightlife is a very big problem.¹⁸¹

¹⁸¹ Ms Jane Slingo, Director, Electronic Music Conference and Artist Manager, MusicNSW, [Transcript of evidence](#), 5 August 2019, p 50.

Chapter Five – Responsible Service of Alcohol

- 5.1 This Chapter discusses the importance of having a preventative approach and the responsibilities of venue operators to help create a safe environment.

RSA has contributed to attitude changes and awareness

Finding 9

Understanding and implementation of responsible service of alcohol, cultural and attitude changes and awareness, better surveillance and policing have all improved safety and behaviour in entertainment venues and precincts.

Using innovative methods for patron safety

Summary

Venues should be incentivised to engage in innovative programs like the Three Cheers Training System, which promote Responsible Service of Alcohol (RSA) requirements and patron welfare more broadly.

Recommendation 30

That venues be encouraged, through licence discounts, subsidies or other licensing incentives, to engage in additional RSA programs such as the Three Cheers program.

- 5.2 Venue owners and operators told the Committee that RSA requirements are one of the most useful tools available in ensuring patron safety and responsible consumption, without the requirement of additional liquor restrictions and regulations. They noted that RSA ensures venues have enough flexibility to deal with issues as they arise in an appropriate and balanced way.
- 5.3 The Committee is of the view that venues are best placed to manage these issues, and should be supported to do this in the best possible way. Promoting RSA requirements, and providing subsidies or incentives for additional training or programs, will ensure all staff are conscious of their requirements and able to promote a safe environment.
- 5.4 The Committee heard evidence from Mr Sam Coffey, Director of Specialist Alcohol Management Services (SASH), who trade as Three Cheers Training. Mr Coffey described the method provided by his program, which uses a range of patron management techniques to promote health and safety in licensed venues.
- 5.5 The SASH method is a 'proactive' way of patron management, which involves engaging with patrons as soon as they enter a venue. The program also focuses on hydration, and ensuring that water is readily available.¹⁸²

¹⁸² [Submission 281](#), Specialist Alcohol Management Services Pty Ltd (Three Cheers Training), p. 1.

- 5.6 The Committee heard from Mr Mark Gerber, CEO and Licensee of Oxford Art Factory, about a trial of the program which was undertaken in his venue. Mr Gerber said that:
- The program is based on interaction between the security and the staff and management with patrons, visibly observing them and engaging with them when there are signs of any kind of abnormal behaviour or anything like that. It tries to get people before there is any sign of any kind of intoxication incurring. We have had great success with it.¹⁸³
- 5.7 The Committee is of the view that venues should be incentivised to engage with programs like Three Cheers. Promoting responsible consumption of alcohol, and being proactive in the approach to RSA, will go towards developing a safe night-time economy.
- 5.8 The Committee also considers there is scope for improving food options within and outside venues and encourages venue operators to explore available options.

Diverse options can improve Sydney's night time economy

Summary

A successful night time economy provides options for all members of the community. Providing a range of activities, not all centred around alcohol, can ultimately lead to a variety of people engaging with Sydney, in turn, encouraging a safe and vibrant city.

Recommendation 31

That the 2014 laws be removed in the Sydney CBD and Oxford Street to facilitate increased patronage at a diverse range of venues to enhance Sydney's night time economy.

- 5.9 The Committee considers that removing the 2014 laws will encourage more people to visit the Sydney CBD and Oxford Street. This increased foot traffic will support patronage of more diverse late night entertainment options. The increased number of diverse entertainment options should reduce the reliance on late night offerings based on drinking.
- 5.10 There is a demand and a need for more diverse options in the evening. The Committee for Sydney reported that in a poll conducted by Ipsos for the Committee for Sydney, less than half of the people surveyed were satisfied with Sydney's current night time options and wanted more shopping, dining, sporting and cultural options.¹⁸⁴ The Committee for Sydney further noted that if Sydney wished to live up to its reputation as a global city, there must be options after dark for everyone.¹⁸⁵
- 5.11 The call for more alternative entertainment was also supported by the City of Sydney who told the Committee that visitor feedback showed people wanted to

¹⁸³ Mr Mark Gerber, CEO and Licensee, Oxford Art Factory, [Transcript of evidence](#), 5 August 2019, p 59.

¹⁸⁴ [Submission 657](#), Committee for Sydney, pp 6 -7.

¹⁸⁵ [Submission 657](#), p 6.

have more creative and cultural experiences that were not based on drinking.¹⁸⁶ Community consultation on their late night development control plan revealed strong support for wanting increased hours for late night trading, more venues in their neighbourhood and greater diversity of late night businesses.¹⁸⁷

- 5.12 A greater range of night time options appealing to different demographics will also help strengthen the economy. According to the Night Time Industries Association, 2018 data showed that the contribution by pubs, clubs, bars and liquor retail to Sydney's night time economy is only 3 per cent of the overall night time economy. This figure is small when compared to the 13 per cent spent on food.¹⁸⁸
- 5.13 The Night Time Industries Association further commented that global cities renowned for an excellent night time economy, such as in the United Kingdom, Germany and Sweden, have deliberately promoted night time activities not connected with alcohol. Such economies have benefited from greater spending on non-alcoholic products and experiences at night.¹⁸⁹
- 5.14 The low rates of spending in Sydney's night time economy was also noted by Mr Michael Rose, Chairman, Committee for Sydney. Mr Rose highlighted that compared to other cities, Sydney only spent a small portion of its overall economic activity at night, and that tended to be at the supermarket.¹⁹⁰
- 5.15 One area of Sydney that was regarded as a lively entertainment hub and having a successful night time economy was the inner west suburb of Newtown. Newtown features diversity in both the demographics it attracts and the entertainment it offers, with many witnesses noting its:
- thriving bars and clubs;
 - range of multicultural restaurants;
 - theatres and venues offering music and performances;
 - cinema;
 - bookstores; and
 - shops.
- 5.16 This diverse mix of entertainment, most not based on alcohol consumption, was considered a strong factor in its success as a flourishing night time economy.¹⁹¹

¹⁸⁶ Clr Clover Moore, Lord Mayor, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 11.

¹⁸⁷ Lord Mayor of Sydney, [Transcript of evidence](#), 5 August 2019, p 9.

¹⁸⁸ [Submission 592](#), Night Time Industries Association, p 9.

¹⁸⁹ [Submission 592](#), p 10.

¹⁹⁰ Mr Michael Rose, Chairman, Committee for Sydney, [Transcript of evidence](#), 5 August 2019, p 1.

¹⁹¹ Mr Michael Rodrigues, Chair, Night Time Industries Association, [Transcript of evidence](#), 12 August 2019, p 12; Ms Justine Baker, Chief Executive Officer, Solotel Hospitality Group, [Transcript of evidence](#), 9 August 2019, p 56; Professor Paul Haber, Specialist Addiction and Director RPA Drug Health Services, Royal Australasian College of Physicians, [Transcript of evidence](#), 9 August 2019, p 14 and [Submission 592](#), pp 13-14.

- 5.17 The Committee heard that another element of Newtown's successful night time economy was a shared vision and commitment by business owners to proactively take control of the standard of patron behaviour in Newtown.¹⁹² One example provided was the joint decision to exclude patrons from party buses to enter their venues.¹⁹³ Further information about this coordinated approach is discussed in Chapter Three.
- 5.18 The Committee considers there is community demand for more diverse activities at night, particularly those not based on alcohol. Meeting this demand and promoting diverse options that appeal to all parts of the community, will improve the night time economy.

¹⁹² Clr Craig Chung, Councillor, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 44 and Mr Rose, [Transcript of evidence](#), 5 August 2019, p 4.

¹⁹³ Mr Rodrigues, [Transcript of evidence](#), 12 August 2019, p 12.

Chapter Six – Transport

- 6.1 This Chapter highlights the importance of transport options in the night time economy. Having adequate transport supports the efficient movement of people around the city and back home safely.

Improving transport at night

Summary

Efficient and reliable late night transport can help support a thriving night time economy. Costings should be performed for options to improve Sydney's late night public transport.

Finding 10

Transport for NSW and other agencies have made significant improvements in transport for large events and additional services, however there are still problems and lack of availability in late night transport, which require ongoing monitoring and action.

Recommendation 32

That Transport for NSW perform costings for options, and take appropriate steps to improve late night public transport, including 24-hour services, to help people engage with the night time economy.

Recommendation 33

That Transport for NSW examine ways to incentivise taxis operating between 1.30am and 4.30am when public transport is generally unavailable, allowing taxis to become effectively part of the public transport service during those hours.

- 6.2 A number of stakeholders highlighted the importance of having late night transport options available to enhance Sydney's night time economy. Having reliable late night transport options will encourage people to engage in the night time economy as they will be confident that they can get to and from their location easily and affordably.¹⁹⁴
- 6.3 There are also safety benefits to having a reliable night time transport network. A number of stakeholders noted that one of the reasons for Kings Cross being a hotspot for alcohol-related antisocial behaviour was the lack of transport. The fact that a large number of people congregated with limited options to quickly disperse meant that tempers could flare.¹⁹⁵
- 6.4 This is a common problem for night time economies. Tourism Accommodation Australia advised that:

¹⁹⁴ [Submission 592](#), Night Time Industries Association, p 20.

¹⁹⁵ [Submission 752](#), Kings Cross Licensing Accord Association, pp 17-18.

Research has shown in the absence of sufficient transport, patrons seeking to return home are forced to spend longer in entertainment areas, creating frustration and competition over resources and increasing the potential for conflict.¹⁹⁶

- 6.5 Similarly, having better transport options means that intoxicated people are less likely to engage in risky behaviour such as drink driving.¹⁹⁷
- 6.6 This report has already noted the increase in alternative methods to transport people around Sydney, particularly the rise in ridesharing services. However, the Small Business Commissioner observed that late night passengers on these services are usually penalised with higher fares.¹⁹⁸ This has the potential to make these options less available to people with limited funds. The Live Music Office emphasised the importance of late night transport being accessible to young people and those on fixed lower incomes.¹⁹⁹
- 6.7 The Committee for Sydney argued that currently, Sydney's night time economy is not well supported by public transport. This is particularly the case after midnight and in certain areas such as Western Sydney.²⁰⁰
- 6.8 Similarly, the City of Sydney reported that despite the number of people who visit Sydney 'late at night, particularly on weekends ... public transport is limited and/or ceases early, with trains stopping long before businesses close.'²⁰¹
- 6.9 Currently, the last train to leave Town Hall station is at 1.46 am on Saturday morning. The last train to leave Town Hall on Sunday morning is at 1.49 am but this train only goes to Central. The last train from Central on Sunday morning leaves at 1.32 am.²⁰² These services only run on one line while services on other lines finish earlier.
- 6.10 These train services are supplemented by Nightbus services which run much later. However, the Small Business Commission argued that these buses 'are an inadequate substitute for conventional mass transit.'²⁰³ They are not well regarded by the public due to their limited stops and poor customer experience, including concerns about safety.²⁰⁴

¹⁹⁶ [Submission 779](#), Tourism Accommodation Australia (NSW), p 5.

¹⁹⁷ Mr David Dutton, Executive Director, Clinical Operations, NSW Ambulance, [Transcript of evidence](#), 12 August 2019, p 35.

¹⁹⁸ Ms Robyn Hobbs, NSW Small Business Commissioner, NSW Small Business Commission, [Transcript of evidence](#), 12 August 2019, p 53.

¹⁹⁹ [Submission 656](#), Live Music Office, p 42.

²⁰⁰ [Submission 657](#), Committee for Sydney, p 8.

²⁰¹ [Submission 780](#), City of Sydney, p 27.

²⁰² [Answers to questions on notice](#), Transport for NSW, 12 August 2019, p 2.

²⁰³ [Submission 783](#), Small Business Commission, p 22.

²⁰⁴ [Submission 783](#), p 22.

- 6.11 Several stakeholders also highlighted the introduction of light rail into the Sydney CBD as having the potential to increase people's engagement with a diverse nightlife.²⁰⁵ Clr Darcy Byrne, Mayor, Inner West Council stated that:
- In the immediate future, surely it is in the interests of the Government and of all of us for the opening of the George Street light rail to be a catalyst for the rejuvenation of night-time activity.²⁰⁶
- 6.12 The Small Business Commissioner noted that some transport options are now run by private enterprise, including the Sydney Light Rail. However, she indicated that it would be worthwhile negotiating with these operators to make the most of the opportunity of having additional night time transport options in such a popular area.²⁰⁷
- 6.13 There were some discussions about the demand for further late night transport options. Transport for NSW reported that in December 2013, between the hours of midnight and 2.00 am on Friday and Saturday nights, less than 3% of the available capacity of the relevant train line was used by passengers entering or exiting Kings Cross station.²⁰⁸
- 6.14 The City of Sydney argued that increasing the amount of night-time train services will build confidence and awareness that a reliable and safe service is being provided. This in turn will generate demand.²⁰⁹
- 6.15 Similarly, the Small Business Commission reflected that some of the lack of patronage of public transport was due to the general decline in people engaging with Sydney's night time economy.²¹⁰ They suggested that 'transport should be seen as a means of inducing demand within the night time economy, rather than simply responding to it.'²¹¹
- 6.16 The Committee recognises that there are additional costs associated with running late night transport. Nevertheless, it is of the opinion that expanded transport options will help energise Sydney's night time economy, particularly for people on limited incomes.
- 6.17 The Committee is pleased to see that the Government has already indicated that it will expand public transport services to support the night-time economy.²¹² As part of this, the Committee considers that Transport for NSW should provide a costing for improved late night transport options in Sydney, including offering 24-hour services. The Committee notes the preference for passengers to travel on trains and recommends that these services are included in the costing. This could

²⁰⁵ [Submission 639](#), Accommodation Association of Australia, p 2, [Submission 746](#), Councillors Christine Forster and Craig Chung, p 2, [Submission 783](#), p 22.

²⁰⁶ Clr Darcy Byrne, Mayor, Inner West Council, [Transcript of evidence](#), 5 August 2019, p 43.

²⁰⁷ Small Business Commissioner, [Transcript of evidence](#), 12 August 2019, p 52.

²⁰⁸ [Answers to questions on notice](#), Transport for NSW, 12 August 2019, p 3.

²⁰⁹ [Submission 780](#), p 27.

²¹⁰ [Submission 783](#), pp 21-22.

²¹¹ [Submission 783](#), p 22.

²¹² Transport for NSW, [Future Transport Strategy 2056, Tourism and Transport Plan](#), March 2018, p 6 & 66.

be partnered with a trial period to gauge demand and determine whether it is financially viable.

- 6.18 Similarly, the Committee notes the arrival of light rail in the Sydney CBD, particularly in areas where there should be a thriving nightlife. However, the light rail is currently due to cease running at 1.00 am.²¹³ The Government should also consider the viability of extending the services of the light rail during Friday and Saturday nights to fully unlock its potential in assisting the night time economy.

Secure taxi ranks

Summary

Providing safe and secure spaces for people to travel home is a critical part of a safe night-time economy. The provision of security measures at taxi ranks is an effective way of doing this.

Recommendation 34

That Transport for NSW provide secure taxi ranks in Kings Cross and the Sydney CBD.

- 6.19 The Committee consistently heard that a lack of transport options was a major contributor to alcohol-fuelled violence and over-crowding in the streets.²¹⁴ Having designated areas where transport can be accessed efficiently is critical to ensuring people can get home safely at night.
- 6.20 The Committee recommends that Transport for NSW investigate the cost of providing secure taxi ranks in Kings Cross and the Sydney CBD, with Kings Cross being a priority area. This investigation should consider what opportunities exist for public-private partnership with venues in the area.
- 6.21 Venue owners and operators share the Committee's commitment to safety within their venues and in the relevant precincts. Representatives from the Oxford Art Factory, Merivale and Solotel Hospitality Group all indicated that they are eager to be part of collaborative and innovative solutions to get the balance right in the night-time economy.²¹⁵
- 6.22 Establishing secure taxi ranks may alleviate some of the concerns around intoxicated people being unable to find transport and subsequently becoming involved in anti-social or dangerous behaviour. This proposition was put to a number of stakeholders, including venues, who were broadly supportive of contributing to such a venture.

²¹³ [Answers to questions on notice](#), Transport for NSW, 12 August 2019, p 4.

²¹⁴ [Submission 657](#), p 3; Mr Michael Rose, Chairman, Committee for Sydney, [Transcript of evidence](#), 5 August 2019, p 6; [Submission 780](#), p 27; Clr Clover Moore, Lord Mayor, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 8.

²¹⁵ Mr Mark Gerber, CEO and Licensee, Oxford Art Factory, [Transcript of evidence](#), 5 August 2019, p 60; Mr Justin Hemmes, CEO, Merivale, [Transcript of evidence](#), 9 August 2019, p 57; Ms Justine Baker, CEO, Solotel Hospitality Group, [Transcript of evidence](#), 9 August 2019, p 57.

Chapter Seven – Reviews

- 7.1 This Chapter identifies a number of reviews to be undertaken to support the recommendations in this Report.

Liquor licence freeze

Summary

The freeze on liquor licences is an important part of ensuring community safety in the relevant precincts. However, it is important that diverse venues, and any emerging innovative business models, remain exempt from the freeze.

Recommendation 35

That the freeze on new liquor licences be retained until its 12 month review in June 2020. It is emphasised that the freeze is not for small bars or other types of diverse licences such as pop-ups, but rather for larger licensed venues. The review should pay particular attention to the impact of the freeze on smaller music venues in the Sydney CBD.

- 7.2 A liquor licence freeze is currently in operation in the Kings Cross and Sydney CBD precincts. This is in place until 1 June 2020. The freeze was instituted to address the issue of venue density in the affected areas, given the frequency of alcohol-related violent incidents.
- 7.3 The Committee is of the view that the freeze has been effective in ensuring a balanced number of venues in the precincts, and that it should be sustained until its review in 2020.
- 7.4 The Lord Mayor of the City of Sydney identified venue density and 'excessive clustering of high-impact venues'²¹⁶ as one of the most significant contributing factors to the culture of violence in the precincts. Retaining the liquor freeze appears to be the most appropriate way of monitoring and controlling this issue, and ensuring there is not a return to the previous levels of violence.
- 7.5 However, the Committee does appreciate the concerns raised by various stakeholders who said that the freeze limits business opportunity and damages Sydney's night-time reputation. Owners and operators said that the freeze limits their capacity to open new and innovative venues, and sends the message that Sydney is not willing to invest in an exciting night-time economy.²¹⁷
- 7.6 The Committee is of the view that the existing exceptions to the liquor freeze sufficiently address these concerns, and provide pathways for different types of businesses that do not have a primary focus on alcohol consumption. The need to provide a range of activities at night-time was stressed throughout the inquiry,

²¹⁶ Clr Clover Moore, Lord Mayor, City of Sydney, [Transcript of evidence](#), 5 August 2019, p 8.

²¹⁷ Ms Emily Collins, Managing Director, MusicNSW, [Transcript of evidence](#), 5 August 2019, p 50; Mr Justin Hemmes, CEO, Merivale, [Transcript of evidence](#), 9 August 2019, p 52.

and the Committee believes that it is important that exemptions for these kinds of venues and initiatives be retained.²¹⁸

7.7 The following types of licences are not affected by the freeze:

- Small bar licences
- Producer/wholesaler licences
- On premises licences for:
 - Public entertainment venues that regularly provide live music entertainment (not pre-recorded music), and multi-functional venues (regularly combine live music with visual or performance arts, or other cultural events)
 - Public entertainment venues that are cinemas and theatres
 - Restaurants, cafes and caterers.

7.8 The need to ensure that the existing regulatory environment is flexible and adaptive was supported by Liquor & Gaming NSW, who acknowledged that 'you always have these emerging business models, and when you look at the actual regulatory framework they do not always fit neatly into them'.²¹⁹

7.9 The Committee heard two examples where Liquor & Gaming were able to effectively respond to new business types, being a microbreweries licence trial in Sydney's inner west and Newcastle, and a trial of pop-up licences.²²⁰

7.10 The Committee supports this approach which encourages businesses that diversify Sydney's night-time economy. Providing benefits for venues that are not solely focused on alcohol consumption assists in creating a safe environment that a range of people and communities can partake in.

The importance of further reviews

Removal of 2014 laws subject to review

Summary

It is critical that the removal of any aspects of the 2014 laws be subject to review and ongoing monitoring. This includes reviewing the Kings Cross precinct within 12 months to determine if the remaining liquor restrictions continue to be necessary and useful.

Recommendation 36

That any removal of the 2014 laws be reviewed within twelve months, with particular focus on alcohol-related violence, alcohol-related accidents, and the

²¹⁸ [Submission 657](#), Committee for Sydney, p 3; [Submission 780](#), City of Sydney, p 5.

²¹⁹ Ms Natasha Mann, Executive Director, Liquor & Gaming NSW, [Transcript of evidence](#), 12 August, p 24.

²²⁰ Liquor & Gaming NSW, [New Licence for pop-up bars and events](#), 28 February 2019, viewed 9 September 2019.

night time economy. This, and any subsequent reviews, should be reported publicly.

Recommendation 37

Should the NSW Government retain the 2014 law conditions in the Kings Cross precinct, a review of these conditions should be completed within 12 months taking into account diversity of venues and saturation of high impact venues.

- 7.11 Some stakeholders believed that any change to the existing laws would result in a return to pre-2014 levels of violence. While the Committee is satisfied that removing the restrictions in the Sydney CBD is of low-risk due to the particular characteristics of the area, it is important that this be monitored and reviewed.
- 7.12 Given the tragic and long-lasting impacts of alcohol-related violence, it is crucial that the impact of any changes made to the existing regulatory framework be assessed. The Committee shares the view of stakeholders who do not want to see a return to the high levels of violence and excessive alcohol consumption that occurred prior to the introduction of the 2014 laws.
- 7.13 The Committee believes that any removal of the 2014 laws in the CBD must be accompanied by a thorough review within 12 months of changes being made. This view was supported by stakeholders, who indicated that any policy shifts in this area had to be monitored extremely closely to avoid any adverse impacts.
- 7.14 NSW Police stressed that if any changes were made, they would have to be 'incremental and need to be with some built in review'.²²¹
- 7.15 All stakeholders recognised the importance of maintaining community safety, and it is of paramount importance that any changes to the current regulatory environment do not result in additional harm. The Committee is of the view that the best way of ensuring this is including a review mechanism which examines best available data and statistics, as well as the views and experiences of impacted groups.
- 7.16 This review should include looking at any changes to the rate of violence in the Sydney CBD, the experience of venue owners and operators, and any overall changes to the night-time economy. This review will provide an opportunity to collect further information about issues the Committee identified as needing more research. This includes the impact of changes to specific restrictions on beverage types, and if there is any subsequent increase in consumption of shots or other rapid intoxication drinks.
- 7.17 The review should include an examination of the impact of any other changes to the regulatory or licensing environment, including the effectiveness of incentives, and the need for reviewable licence conditions or trial periods.
- 7.18 Additionally, the review should include an analysis of any behavioural changes regarding alcohol consumption.

²²¹ Mr Michael Willing, Assistant Commissioner, NSW Police Force, [Transcript of evidence](#), 12 August 2019, p 34.

- 7.19 The regulatory environment in Kings Cross should be subject to specific review within 12 months of any changes in the Sydney CBD precinct. Undertaking such a review will ensure that any liquor restrictions and regulations remain relevant and necessary.
- 7.20 The Committee heard evidence that there has been significant cultural change in the Kings Cross precinct. While the Committee does not believe that the existing restrictions can be lifted due to issues like venue density, it is important to acknowledge the progress of venue owners and operators. Undertaking a review in 12 months will allow the government to observe any further change, and determine what kind of restrictions should be in place.
- 7.21 The Committee is of the view that an increase in diverse venues in the Kings Cross precinct will assist in developing a safe night-time economy. As identified by Liquor & Gaming, only one small bar is currently in operation in Kings Cross. If more venues with diverse offerings open in the area, it is more likely that the precinct as a whole will continue to shift culturally and move away from excessive alcohol consumption and related violence.
- 7.22 The review should look at levels of violence, venue diversity and compliance, and the views of stakeholders. This will mean that if any changes are required to the regulatory framework applied in the Kings Cross precinct after 12 months, this can be addressed as appropriate.

Transparent reporting

Recommendation 38

That the Independent Liquor & Gaming Authority include in its annual report a review into the operation of the 2014 laws, including statistics on complaints, and recommendations for further change.

- 7.23 Due to the significance of these recommendations and to ensure transparency, the Committee recommends that the Independent Liquor & Gaming Authority (ILGA) develop a reporting framework. Some of the aspects that ILGA may collect and collate data to report on include, but are not limited to:
- statistics on complaints
 - data from BOCSAR, and
 - stakeholder views.
- 7.24 This will allow the situation to be monitored and ensure that it is having the desired effect of enhancing Sydney's night time economy while also maintaining safety standards.

Analysis of statistics

Recommendation 39

That the Bureau of Crime Statistics and Research and the Centre for Translational Data Science align their statistical analysis and provide ongoing statistical data to the coordinator to inform and assist decision making.

- 7.25 The Committee notes that during the inquiry it received varying statistics regarding the impacts of the 2014 laws, particularly in the Sydney CBD. This may present some difficulties for the coordinator to make informed decisions.
- 7.26 The Committee therefore recommends that the Bureau of Crime Statistics and Research and the Centre for Translational Data Science continue to share data and support the work of the coordinator and the working group.

Liquor licence conditions in areas outside Sydney

Summary

Consideration could be given to conducting a follow-up review of liquor licence conditions currently operating in the Newcastle CBD and surrounding areas.

Recommendation 40

If the Sydney Lock-out reforms are successful, the NSW Government should give consideration to a review of Newcastle liquor licensing conditions and working with Newcastle City Council to rejuvenate the night-time economy and its economic importance for the Hunter Valley.

- 7.27 The Committee spent a day of meetings and consultations in Newcastle, noting that the Sydney Lock-Out Laws were initially known as 'The Newcastle Solution'. The Committee heard about the violent drinking culture in the city that made The Newcastle Solution necessary, and also the extensive Newcastle City Council Strategy for revitalising the night-time economy and creating much needed jobs in a region under economic stress.
- 7.28 The Committee was concerned that the multi-billion dollar Federal/State investment in Newcastle through outstanding projects like Honeysuckle and the city light-rail has not yet realised the anticipated tourism and hospitality jobs in the night-time economy.
- 7.29 In March 2008, a range of restrictions and conditions were imposed on 14 licensed venues in Newcastle CBD.²²² These conditions were a result of a decision made by the Liquor Administration Board, following a series of complaints by NSW Police in July 2007. These complaints outlined violence and other anti-social behaviour, particularly during the late night trading period, exacerbated by patrons moving between venues and remaining outside in the streets. In 2010, these conditions were extended to six licensed premises in Hamilton (a suburb approximately 4km from the CBD).
- 7.30 In 2018, a *Review of Liquor License Conditions in the Newcastle Central Business District And Surrounding Areas* was undertaken. Dr Jonathan Horton QC

²²² Conditions included: venues subject to lockout times of 1am or 1:30am; venues subject to closing times of 3am or 3:30am; certain drinks not to be served after 10pm; and cessation of service 30 minutes prior to closing time.

undertook an independent review of the conditions and prepared an extensive report.²²³

7.31 Dr Horton ultimately formed the opinion that 'the material available to me does not support the case for either the extension or reduction of trading hours, or for a change to the time at which the lockout comes into operation'.²²⁴ This advice was accepted by the Independent Liquor & Gaming Authority (the Authority), who announced that there would be no changes to:

- the existing lockout and closing hours,
- the conditions in respect of:
 - the cessation of liquor supply 30 minutes before closing, and
 - the prohibition on the stockpiling of drinks.²²⁵

7.32 Dr Horton suggested a number of other changes to the conditions, regarding discontinuing the use of a shared radio network, and varying the conditions of premises' Plan of Management and supervision of alcohol service and consumption after 11pm, amongst others. These were primarily accepted by the Authority.

7.33 The Committee considers that in light of evidence it has received about the impact of liquor licence restrictions on Sydney's night time economy, there may be merit in the NSW Government conducting a follow up review of the current conditions in Newcastle.

7.34 The Committee notes that during its visit to Newcastle, members of the Committee met informally with some stakeholders on this issue, including representatives from Newcastle City Council, NSW Police, and the Hunter and Central Coast Development Corporation. The Committee did not take any formal evidence or meet with other relevant stakeholders such as community groups and residents. The Committee considers that any follow-up review should take into consideration a full range of views.

²²³ Dr Jonathan Horton QC, [Review of Liquor License Conditions in the Newcastle Central Business District And Surrounding Areas](#), 16 March 2018.

²²⁴ Dr Jonathan Horton QC, [Review of Liquor License Conditions in the Newcastle Central Business District and Surrounding Areas](#), 16 March 2018, p.2.

²²⁵ Independent Liquor & Gaming Authority, [Review of licence conditions](#), 30 August 2018.

Appendix One – Terms of reference

That the Committee inquire and report into Sydney's night time economy, including any measures required to:

- (a) maintain and enhance community safety;
- (b) maintain and enhance individual and community health outcomes;
- (c) ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's lockout laws, remain appropriately balanced;
- (d) enhance Sydney's night time economy; and

any other directly relevant matters.

Appendix Two – Extract of Legislation

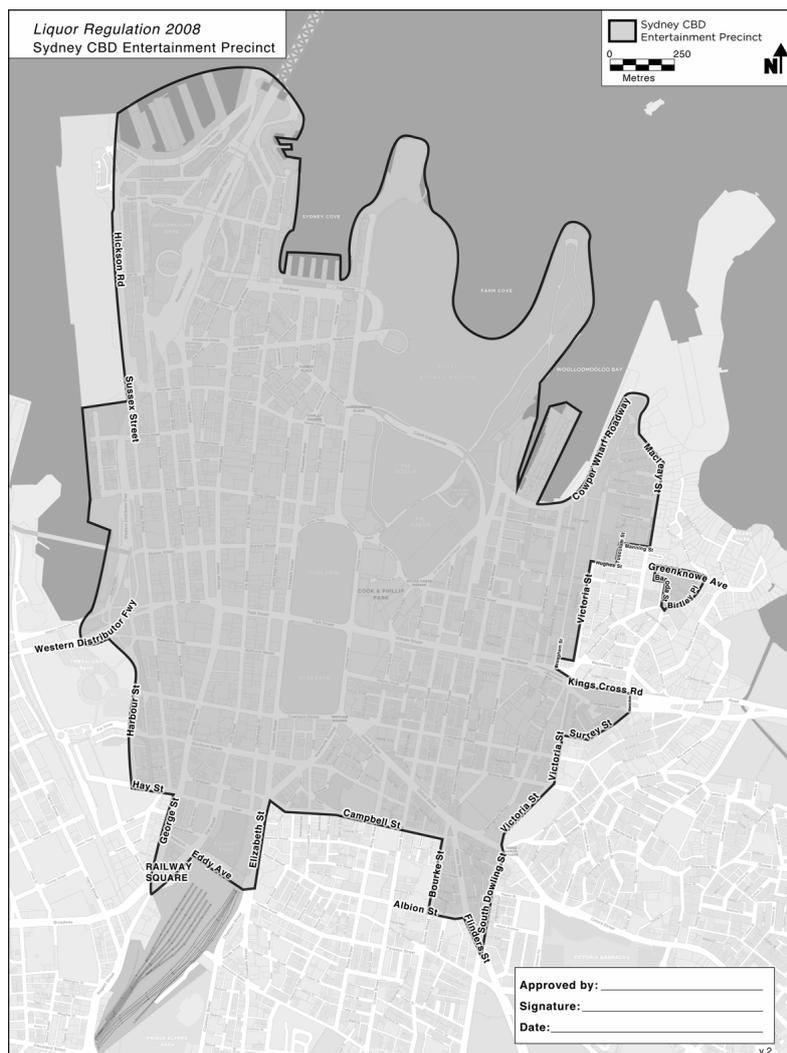
A summary of the legislation relevant to the 2014 laws and other liquor restrictions is set out below.

The Sydney CBD entertainment precinct ('Sydney CBD') and the Kings Cross precinct have been designated by the NSW Government as 'prescribed precincts', as per Schedule 2 of the [Liquor Regulation 2018](#) ('the Regulation'). Section 116C(1) of the [Liquor Act 2007](#) ('the Act') provides the authority to make these regulations, stating that 'the regulations may declare an area described in the regulations to be a **prescribed precinct** for the purposes of this Act'.

The prescribed precincts are defined in Schedule 2 of the Regulation, and are as follows:

Sydney CBD Precinct

Schedule 2 of the Regulation defines the geographical boundaries of the Sydney CBD precinct (map below):



Kings Cross Precinct

Schedule 2 of the Act defines the Kings Cross precinct as follows:

- Ward Avenue, from its intersection with Kings Cross Road, north to its intersection with Elizabeth Bay Road and Baroda Street.
- Baroda Street, from its intersection with Elizabeth Bay Road and Ward Avenue, north and west to its intersection with Greenknowe Avenue.
- Greenknowe Avenue, from its intersection with Baroda Street, west to its intersection with Macleay Street.
- Macleay Street, from its intersection with Greenknowe Avenue, north to its intersection with Manning Street.
- Manning Street, from its intersection with Macleay Street, west to its intersection with Tusculum Street.
- Tusculum Street, from its intersection with Manning Street, south to its intersection with Hughes Street.
- Hughes Street, from its intersection with Tusculum Street, west to its intersection with Victoria Street.
- Victoria Street, from its intersection with Hughes Street, south to its intersection with Brougham Lane.
- Brougham Lane, from its intersection with Victoria Street, west to its intersection with Brougham Street.
- Brougham Street, from its intersection with Brougham Lane, south to its intersection with William Street.
- William Street, from its intersection with Brougham Street, east to its intersection with Kings Cross Road.
- Kings Cross Road, from its intersection with William Street, east to its intersection with Ward Avenue

Special Licence Conditions - Prescribed Precincts

Part 7 of the Regulation sets out a range of 'special licence conditions' for premises situated in prescribed precincts. These conditions include the following:

Clause	Special licence condition	Subject premises
89	<p>"Lock outs" for subject premises</p> <ul style="list-style-type: none"> • The licensee of subject premises must not permit patrons to enter the premises during the lock out period. • Lock out period means after 1.30 am any day of the week 	All venues
90	<p>Liquor sales cessation period</p> <ul style="list-style-type: none"> • Liquor must not be sold or supplied on subject premises during the liquor sales cessation period. • Liquor sales cessation period means after 3 am any day of the week 	All venues

Clause	Special licence condition	Subject premises
91	<p>Glasses prohibited during general late trading period</p> <ul style="list-style-type: none"> • During the general late trading period, any drink sold or supplied for consumption on subject premises must not be served or supplied in a glass. • General late trading period means: <ul style="list-style-type: none"> (a) the period between midnight on any day of the week and when the premises are required to cease trading, or (b) in the case of premises that are not required to cease trading at any time after midnight on any day of the week—the period between midnight and 7 am. 	All venues
92	<p>Certain drinks and other types of liquor sales prohibited during general late trading period</p> <ul style="list-style-type: none"> • The following drinks must not be sold or supplied on subject premises during the general late trading period: <ul style="list-style-type: none"> (a) any drink (commonly referred to as a “shot”, a “shooter” or a “bomb”) that is designed to be consumed rapidly, (b) any drink containing more than 50% spirits or liqueur, (c) any ready to drink beverage with an alcohol by volume content of more than 5%, (d) any drink prepared on the premises that contains more than 30 ml of spirits or liqueur. • During the general late trading period, no more than: <ul style="list-style-type: none"> (a) 4 alcoholic drinks (whether or not of the same kind), or (b) the contents of one bottle of wine, <p>may be sold or supplied on subject premises to the same person at any one time</p> • No more than 2 alcoholic drinks may be sold or supplied on subject premises to the same person at any one time between 2 am and 7 am 	All venues except small bars ²²⁶
93	<p>Promotion of rapid consumption drinks</p> <ul style="list-style-type: none"> • The licensee of subject premises must not promote or publicise or cause to be promoted or publicised by any means (on the subject premises or elsewhere): <ul style="list-style-type: none"> (a) the supply of any free or discounted drinks (including, but not limited to, a “shot”, a “shooter” or a “bomb”) that 	All venues

²²⁶ The Regulation has prescribed the maximum number of patrons for a small bar to be 100 people (s.39). The Act prescribes that small bars must be open to the general public (s.20C(2)), and that food must also be available (s.20C(4)).

Clause	Special licence condition	Subject premises
	<p>are designed to be consumed rapidly on the subject premises, or</p> <p>(b) any inducement (such as a prize or free give-away or similar incentive) to purchase any drink designed to be consumed rapidly on the subject premises.</p>	

In addition to the special conditions set out in the Regulation, the Act itself sets out a number of requirements for premises within the prescribed precincts. These include:

Section	Special license condition	Subject premises
116E	<p>High risk venues—licence conditions relating to ID scanning</p> <ul style="list-style-type: none"> • The licence for a high risk venue is subject to the following conditions: <ul style="list-style-type: none"> (a) a person must not be permitted to enter the venue as a patron unless: <ul style="list-style-type: none"> (i) the person produces to a staff member a form of identification containing a photograph of the person and the person's identification details (photo ID), and (ii) the photo ID is scanned by a staff member using a patron ID scanner, • High risk venues are listed in Schedule 3 of the Regulation. 	High risk venues
116F	<p>Temporary banning orders—licensed premises in prescribed precinct and adjacent precincts</p> <ul style="list-style-type: none"> • A police officer may prohibit the person from entering or remaining on any licensed premises in the prescribed precinct and in any other adjacent precinct specified in the order, for a period not exceeding 48 hours 	All venues

Special License Conditions – Kings Cross

The Regulation includes additional conditions that apply to venues in Kings Cross. These include the following:

Section	Special license condition	Subject premises
94	Requirement for RSA marshals during supervised trading period	Hotels, club premises, a licensed public

Section	Special license condition	Subject premises
	<ul style="list-style-type: none"> • The licensee must ensure that at least one RSA marshal is carrying out RSA supervisory duties on the subject premises to which this clause applies at all times after midnight during the supervised trading period. • Supervised trading period means the period between midnight on any Friday or Saturday, or midnight on any public holiday night or night before a public holiday, and 3.30 am 	entertainment venue and some restaurants in the Kings Cross precinct.
95	<p>CCTV systems to be maintained on subject premises in Kings Cross precinct</p> <ul style="list-style-type: none"> • The licensee of subject premises to which this clause applies must maintain a closed-circuit television system on the premise 	Hotels, club premises, a licensed public entertainment venue and some restaurants in the Kings Cross precinct

Appendix Three – Conduct of inquiry

Terms of reference

On 29 May 2019, both houses of the NSW Parliament resolved to appoint the Joint Select Committee on Sydney's Night Time Economy.

The resolution stated that the Committee inquire and report into Sydney's night time economy, including any measures to:

- (a) maintain and enhance community safety;
 - (b) maintain and enhance individual and community health outcomes;
 - (c) ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's lockout laws, remain appropriately balanced;
 - (d) enhance Sydney's night time economy; and
- any other directly relevant matters.

Call for submissions

The Committee called for submissions through a media release and wrote to key stakeholders inviting them to make a submission. Information about the inquiry was posted on the Legislative Assembly's Facebook page and Twitter feed.

Submissions closed on 2 July 2019. 792 submissions were received from the community, industry groups representing the hospitality industry, liquor accords, professional groups representing health workers, doctors and surgeons, local government, artists, advocacy groups and research bodies.

A list of submissions is at Appendix Four. [Submissions](#) are available on the Committee's website.

Site visits

On the evening of 13 June 2019, the Committee attended a site visit of the Sydney CBD, King's Cross and Oxford Street. The Committee met with a number of venue operators and members of the local liquor accord.

On 26 June 2019, the Committee attended a site visit at Kings Cross Police Station and St Vincent's Hospital.

On 18 July 2019, the Committee attended a site visit in Newcastle. The Committee met with representatives from Newcastle City Council, the Hunter and Central Coast Development Corporation, and the local police force.

Hearings

The Committee held three public hearings at Parliament House in Sydney. The Committee heard from 79 witnesses, including representatives from local government, industry groups,

venue operators, health professionals, musicians, tourism operators, and government agencies.

Appendix Five is a list of witnesses who appeared at the hearings. [Transcripts of evidence](#) taken at the hearings are on the Committee's website.

Appendix Four – Submissions

No.	Author
1	Mr George Tulloch
2	Mr Patrick Macalister
3	Mr Brendan Denning
4	Mr Mark Mason
5	Miss Teriece McCully
6	Confidential
7	Mr James Collingridge
8	Mr Lachlan Brookman
9	Mr Warren Hook
10	Mr Dominic Simpson
11	Mr James Sherley
12	Mr Peter Cutler
13	Ms Stacey Sharkey
14	Mr Marley Sherman
15	Mr Dylan Ross
16	Ms Rachel Williams
17	Mr Luke Massey
18	Mr Dale Shepherd
19	Miss Sylvie Woods
20	Confidential
21	Confidential
22	Mr Jiri Hylak
23	Mr David Sattout
24	Mr Finn Miles
25	Mr Ryan Diefenbach
26	Aisling Walsh
27	Mr Alec Diefenbach
28	Confidential
29	Mr Matthew Strachan
30	Confidential
31	Confidential
32	Mr Nicholas Lee
33	Miss Ashleigh P
34	Mr James Green
35	Mr Steve Coates
36	Adam Richards
37	Confidential
38	Mr Adam Ozana

39	Mr Matt Barrie
40	Mr Daniel Moller
41	Mr Allan Manuel
42	Mr Michael Falkner
43	Mr Karl Uhrich
44	Mr Andrew Wortham
45	Mr Rowan Henderson
46	Miss Tanisha Jenkins-Ayres
47	Mr James Mavety
48	Mr Luke Coghlan
49	Mr Ryan Sylvester
50	Mr Mark Stevenson
51	Ms Stephanie Galvan
52	Mr Shimal Nath
53	Mr Taron Haddow
54	Olga Svyatova
55	Mr John Baxter
56	Mr Anthony Nesci
57	Name suppressed
58	Name suppressed
59	Confidential
60	Miss Danielle Mazza
61	Mr Craig Hansen
62	Mr Dean Fletcher
63	Miss Jasmine Biala
64	Name suppressed
65	Mr Ruben Espejel
66	Mr Daniel Castro
67	Mr Ariel Saenz
68	Miss Lakshmi Mayhew
69	Mr Trevor Rogers
70	Mr Peter Mcglashan
71	Miss Jiordan Hollingsworth
72	Ms Colette Anderson
73	Name suppressed
74	Mr Bruno Antonioli
75	Mr Nathan Chappell
76	Mr Ed Spiller
77	Confidential

78	Confidential
79	Mr Simon Abbott
80	Mr Michael Ruiz
81	Confidential
82	Mr Medehat Magdy
83	Confidential
84	Name suppressed
85	Tim Smart
86	Miss Maddison Kingston
87	Jade Mills
88	Confidential
89	Confidential
90	Name suppressed
91	Mr Zeb McInnes
92	Mr Jack Faulkner
93	Miss Sophie van Leeuwen
94	Name suppressed
95	Miss Peta Kerlin
96	Mr Sam Johnston
97	Mr James Greenwood
98	Mr Omi Sia
99	Mr Ellis Birkby
100	Mr Joshua Taylor
101	Confidential
102	Confidential
103	Confidential
104	Mr Rodney McShanag
105	Confidential
106	Dr Patrick Shearer
107	Name suppressed
108	Miss Gaynor Robinson
109	Miss Stefanie Lawson
110	Stella and Nick Doumanis
111	Mrs Luciana Paroli
112	Mr Laurence Mclachlan
113	Name suppressed
114	Confidential
115	Ms Amelia Jenner
116	Aidan Millar-Powell
117	Miss Lara Cucinella
118	Mr Michael Cusumano
119	Mr Reece Murphy

120	Miss Julia Aebi
121	Mrs Suzanne Gavrilovic
122	Name suppressed
123	Confidential
124	Mr James Tsolakis
125	Surry Hills Business Alliance
126	Ms Nahji Chu
127	Confidential
128	Alex Yee
129	Simon Dobie
130	Mr Toby Jacques
131	The Sydney Harbour Charter Vessel Liquor Accord
132	Confidential
133	Mr Paul Buller
134	Confidential
135	Angus Paterson
136	Mr Nicholas Berry
137	Name suppressed
138	Odyssey Music Events
139	Mr Dimitri Tricolas
140	Confidential
141	Mr Filippo Cascioli
142	Confidential
143	Mr Christopher Hawkins
144	Mr Adam Beckers
145	Name suppressed
146	Mr David Yacoub
147	Mr Jamie Kabbout
148	Mr Simon Bowles
149	Confidential
150	Mr Aaron O'Driscoll
151	Mr Benjamin Mulhall
152	Miss Aiyana Forrest
153	Sam Lloyd
154	Mr Bruce Millar
155	Mr Michael Cai
156	Confidential
157	Name suppressed
158	Mr Joshua Labrie
159	Mr Gianluca Cotza
160	Mr Jarryd Evans

161	Confidential
162	Mr Adam Barnes
163	Mrs Heather Colcott
164	Confidential
165	Mr Dom Ruggeri
166	Mr Quills Quills
167	Nathaniel Holdsworth
168	Mr Jimmy Dee
169	Miss Kelly Zappa
170	Mr Tyson Hardy
171	Confidential
172	Miss Elisabeth Ladd
173	Mr Flinn Leopuscek
174	Heather Dugdale
175	Ms Nicola Huber-Smith
176	Mr Bernhard Huber
177	Confidential
178	Mr Trent Tame
179	Mr Nathan Banicevic
180	Mr Malik Akl
181	Mr Piers Bird
182	Mr Max Farrington
183	Mr Robert Swan
184	Mr Mitchell Fallon
185	Mr Dane Murray
186	Confidential
187	Liam Jones
188	Confidential
189	Mr Alexander Palmer
190	Name suppressed
191	Confidential
192	Mr Kieren Dwyer
193	Mr Don Fuggle
194	Ms Kate O'Brien
195	Confidential
196	Confidential
197	Mr Michael Bourke
198	Mr Peter Pavisic
199	Mr Warren Barnes
200	Mr Gregory Haynes
201	Mr Tom Sanders
202	Mr Akuila Kaumaitotoya

203	Mr Oliver Charlton
204	Confidential
205	Mr Zia Zanjani
206	Mr James Katsoudas
207	Confidential
208	Name suppressed
209	Miss Vanessa Mc Guire
210	Mr Addison Grundy
211	Mrs Colette Hughes
212	Andrew Khouri
213	Ms Kerry Sebio
214	Big Ting Recordings
215	Ms Judy Holmes
216	Name suppressed
217	Mr Tony Mandic
218	Ms Paulina Hopkins
219	Mr Jeffrey Muir
220	Miss Holly O'Neill
221	Mrs Carolyn Bailey
222	Mr Alexander Cooper
223	Ms Patti Skenridge
224	Chiliblue Backpackers
225	Mr Julian Robertson
226	Mr Benjamin Farr
227	Mr Christopher Green
228	Chris Morris
229	Mr Jake Suriano
230	Confidential
231	Mr Seppy Pour
232	Thai Rock - Potts Point
233	Miss Rhiannon Pavlovski
234	Miss Sarah Stuart
235	Name suppressed
236	Allana Bedford
237	The Beauchamp Hotel
238	Mr Salvatore Grimaudo
239	Australian Medical Association (NSW) Ltd
240	WayAhead Mental Health Association
241	Mr Joseph Milne
242	Mr Daniel Hampson
243	Mr David Graham

244	Name suppressed
245	Ms Hellen Swain
246	Confidential
247	Confidential
248	Mr Adam Krslovic
249	Mr Declan Kelly
250	Mr Chris Hole
251	Mr Ross Gersbach
252	Mr Nicholas Tokic
253	Mr James Weaver
254	Mr Jeremy Thomas
255	Mr Andy Stevens
256	Mr Nicholas McClure
257	Mr Sean Hodgson
258	Mr Andrew Scott
259	Mr Daniel Arena
260	Yvonne Poon
261	Mr Lachlan Hamilton
262	Mr Caelan Smith
263	Mr Hugo Hayes
264	Mr Russell White
265	New South Wales Nurses and Midwives' Association
266	Mr Joshua Jones
267	Mr John Ferris
268	Mr Nick Tapscott
269	Mr Marco Delpopolo
270	Miss Michelle Brajkovic
271	Mr Michael Whittaker
272	Mr Connor Hammond
273	Dr Justin Clancy MP
274	Mr Will Gilbert
275	Mr Benjamin Parker
276	James Tran
277	Confidential
278	Miss Astrid Milne
279	Dr Maggie Brady
280	Name suppressed
281	Specialist Alcohol Management Services Pty Ltd - trading as Three Cheers Training
282	Nomad
283	Mr Paul McNamara

284	Mr Rory Chenoweth
285	Confidential
286	Confidential
287	Tomas McKeever Ford
288	Mr Tom Kongats
289	Mr Marc Stettner
290	Mr Eamonn Snow
291	Name suppressed
292	Name suppressed
293	Mr Ross Harrington
294	Confidential
295	Mr Craig Donarski
296	Mr Omar Najjar
297	Ms Olivia Burton
298	Ms Anne-Marie Elias
299	Mr Marcus Hoi
300	Confidential
301	Hollywood Hotel
302	Ms Cindy Kerr
303	Name suppressed
304	Name suppressed
305	Mr Jesse Squire
306	Mr Sean Maroney
307	Name suppressed
308	Mr Nicholas Fatouris
309	Mr Richard McGrath
310	Ms Patricia Spaul
311	Mr Stephen Pate
312	Mr Eoin Maher
313	Mr Mark Pigott
314	Mr Christopher Lasek
315	Confidential
316	Ms Joanne Spiteri
317	Harbourside Liquor Accord Inc
318	Eastern Beaches Liquor Consultative Accord Inc
319	Ms Hayley Wilson
320	Jessie Warren
321	Mr Ben Richards
322	Local Government NSW
323	Mr Geoffrey Minards
324	Mr Joshua Cassidy

325	Australian Health Promotion Association
326	Move Music PTY LTD
327	Ms Susan Heath
328	Newtown Vibe Roundtable
329	Mr Andrew Lowe
330	Retail Drinks Australia
331	City Central Liquor Accord Inc.
332	National Drug Research Institute
333	Music Australia
334	Mr Alex Foggitt
335	Name suppressed
336	Name suppressed
337	Tamara Turnbull
338	Confidential
339	Name suppressed
340	Dallas Deebee
341	Mr Jordan Ozana
342	Confidential
343	Mr Michael Roset
344	2011 Residents Association Incorporated
345	Confidential
346	Mr Robert Watts
347	Mr Stephen Hicks
348	Ms Naomi Palmer
349	Mr Michael Trkulja
350	Confidential
351	Ms Rachel Jayne Mackay
352	Miss Gemma Still
353	Mr Ethan Wright
354	Mr Hayden Brien
355	Confidential
356	Universal Hotels
357	Mr Dylan Hall
358	Candy's Apartment
359	Ms Meg Benson
360	Mr Michel Salvia
361	Mr Seth Beattie
362	Name suppressed
363	Mr Cameron Black
364	Magic Mic Comedy
365	Mr Noah Canderle

366	Mr Cameron Arnold
367	Mr Frankie Symes
368	Mr Tim Goldsmith
369	Mr Kyro Herbert
370	Alcohol Programs Team, Public Health Advocacy Institute of Western Australia, Curtin University
371	Name suppressed
372	Confidential
373	Neil Lessem
374	Art Pharmacy Consulting
375	Name suppressed
376	Confidential
377	Mr Christopher Ryan
378	Confidential
379	Mr Scott Mckenna
380	Mr Dani Van Dresden
381	ClubsNSW
382	Backpacker Operators Association NSW Inc.
383	The Potts Point Partnership Incorporated
384	Liverpool City Council
385	Oxford Art Factory
386	Drug Policy Modelling Program, UNSW and The Centre for Alcohol Policy Research, La Trobe University
387	Club Music Advisory Group
388	Health Services Union
389	Confidential
390	Pymont Action Inc.
391	Professor Kypros Kypri
392	Soapbox Agency
393	Community Broadcasting Association of Australia
394	Mr Chris Morris
395	Cheers Bar and Grill
396	Mr Mike Rapajic
397	Mr Zac Sinclair
398	The Sydney Fringe Festival
399	Clr Linda Scott
400	Ms Olympia Hollink

401	Mr Patrick Bourke
402	Carol Cornish
403	Mr Conor Crawford
404	Mr Hudson Musty
405	Mrs Sara Wilde
406	Mr Gary Nunn
407	Mr Stefano Canturi
408	Nicholas Molnar
409	Name suppressed
410	Dax Love
411	Miss Nicola Light
412	Georgina Bathurst
413	Confidential
414	Mr Ben Harradine
415	Mr William Downes
416	Miss Brittany White
417	Ms Andrea Makris
418	Confidential
419	Ms Norelle Feehan
420	Confidential
421	Mr Ben Ferguson
422	Nicholas Smith
423	Confidential
424	Mr Justin Gill
425	Name suppressed
426	Name suppressed
427	Name suppressed
428	Mr Kishan Hickman
429	Confidential
430	Name suppressed
431	Mr Leonardo Silvestrini
432	Confidential
433	Mr Riley Munro
434	Confidential
435	Dr Gavin Tulloch
436	Dr Christopher Morrison
437	Mr Mark Zalenski
438	Mr Paul Hopper
439	Confidential
440	Mr Brendon Xuereb
441	Mr Alex Taberner
442	Name suppressed

443	Lachlan Taylor
444	Confidential
445	Mr Mark Lovett
446	Mr Adam Glover
447	Mr Dean Mcleod
448	Mr Jasper Richards
449	Mr Nicholas Giannakaros
450	Confidential
451	Ms Jo Holder
452	Charlie Chan's Bar and Bottle Shop
453	NSW Taxi Council Ltd
454	Great Southern Bar
455	Willoughby City Council
456	PJ Ryan's Hotels Pty Ltd
457	Waverley Council
458	Diageo Australia
459	Perrott Family
460	JD's Bar & Grill Cronulla
461	Faculty of Arts and Social Sciences and the National Drug and Alcohol Research Centre, Faculty of Medicine, University of NSW
462	Australian Taxpayers' Alliance
463	Ms Jacqui Munro
464	William Grant & Sons Australia
465	Victoria Rose
466	Mr Jordan Fusca
467	Roisin Kelly
468	Bastien Wallace
469	Ms Sarah Pranic
470	Mr Tim Burnett
471	Maja Stojiljkovic
472	Miss Rachel Jelic
473	Mr Deane Hornsby
474	Mr Robert Wiggins
475	Zac Avramides
476	Mr Troy Beman
477	Mr Shiva Chandra
478	Ms Madeline Young
479	Mr Luke Brand
480	Mr Damien Templeton
481	Confidential
482	Mr Andrew Greer

483	Darlinghurst Business Partnership
484	Mr Roan Sajko
485	Nick Clapham
486	Name suppressed
487	Mr Oliver Lardner
488	Mr Daniel Crocetti
489	Mr Adam Coutts
490	Confidential
491	Mr Aiden Krenich
492	Confidential
493	Mr Andrew Chuter
494	Mr William Lidden
495	Mr Alvaro Ceppi
496	Mr Ross Nicholas
497	Mr Andrew Robertson
498	Mr Eduardo Moratto
499	Mr Adam Luangkhot
500	Ms Sabrina Santi-Hunt
501	Ms Clare Mansbridge
502	Confidential
503	Mr Tom Taylor
504	Mr Tom Metzner
505	Mr Adam Niewand
506	Mr Hunter Clarke
507	Mr Max Fidler
508	Mr Tony Edwards
509	Mr Gregor Chalberg
510	Confidential
511	Confidential
512	Confidential
513	Mr Gavin Upton
514	Ms Kathryn Lascelles
515	Ms Anna Shepherd
516	Mr John Whitling
517	Mr Christian McDonogh
518	Miss Emma McGarry
519	Taylor Vernon
520	Mr Dan Murphy
521	Mr Michael Avgenicos
522	Miss Kylie Legge
523	Ms Philippa Martens
524	Miss Lucy Jordan

525	Mr Rhys Bobridge
526	Ms Amanda Syrowatka
527	Mr Roy Nicolson
528	Miss Natalie Barnes
529	Mr Oscar Brown
530	Confidential
531	Ms Joanna North
532	Ms Polly Seidler
533	Mr Andrew Wentzel
534	John Merideth
535	Dr Glen Swinburne
536	Name suppressed
537	Mr Jacob Ohlson
538	Mrs Laetitia Desmons
539	Ms Laura Daniel
540	Mr Tim Curtis
541	Ms Emily Andrews
542	Mrs Claire Evans
543	Dr Anna Pedersen
544	Mr Nathan Kriis
545	Mr Anton Vos
546	Mr Thomas Buchan
547	Confidential
548	The Shuffle
549	Confidential
550	Mr Alan Alderson
551	Mr Paul Christian
552	Mr Simon Wilson
553	Mr Charles Alexander
554	Adam Parker
555	Mr Xavier Wood
556	Mr Glen Alcock
557	Baljeet Degun
558	Name suppressed
559	Ms Brooke-Star Elliott
560	Mr Jonathan Walmsley
561	Confidential
562	Dr Gillian Carter
563	Randwick City Council
564	Mr Owen Kane
565	Name suppressed
566	Mr David Lorenz

567	Miss Jodie Salmon
568	Confidential
569	Petra Bergman
570	Mr Chris Theodoridis
571	Mr Wayne Box
572	Mr Anton Kouzmin
573	Eva Rodriguez Riestra
574	Ms Mel Fitzpatrick
575	Mr Gregory Boladian
576	Mr Allen Richards
577	Mr Stephen Harvey
578	Name suppressed
579	Confidential
580	Mr Peter Harris
581	Ms Erika Whillas
582	Mr Jim Morris
583	Greens NSW
584	Ms Daniela Milanese
585	Limelight Arts Media
586	Name suppressed
587	Ms Yvette Nutt
588	Confidential
589	Mr Galen Sultmann
590	Mr Erik de Jong
591	Mr Marcus Liu
592	Night Time Industries Association
593	Mr Matthew Guc
594	Ms Kate Reuvers
595	Ms Rita Mallia
596	Mr Rich Sanford
597	Cancer Council NSW
598	Ms Sarah Sheret
599	Ms Hannah Bowman
600	Mr Alex Blokh
601	Mr Jake Edwards
602	Name suppressed
603	Mr Lee Marsh
604	Ms Donna Bolton
605	Mr Jack Edwards
606	Mr Oliver Fitch
607	People's Alcohol Action Coalition
608	Mr Roger Barker

609	Confidential
610	Name suppressed
611	Confidential
612	Last Drinks Coalition
613	Confidential
614	Miss Claire Hughes
615	Confidential
616	Ms Nermina Bird
617	Mr Robert Hughes
618	Mr David Walker
619	Mr Peter Murray
620	Mr Michael Kennedy
621	Mr Adrian Letilovic
622	Mr Paul Elliott
623	Mr Alexander Payne
624	Police Association of NSW
625	Mr Nicholas Ward
626	Mr Oliver Stulajter
627	Confidential
628	Redfern Legal Centre
629	Mr Dane Gorrel
630	Mr Mitchell Harcourt
631	Mr Mark Haydon
632	The World Bar
633	Mr Carl Solomon
634	Mr David Hamilton-Smith
635	Mr Ty Clifford
636	Ms Majella Morello
637	Mr Tom Doyle
638	Mr Samuel Harper
639	Accommodation Association of Australia
640	Confidential
641	Ms Gloria Muir
642	Mr Ilan Aarons
643	Miss Joanna Lothian
644	Miss Giselle Capacchione
645	Ms Gemma Smith
646	Mr Adam Worling
647	Ms Svetlana Gilerman
648	Mr Mark Butler
649	Mr Matt Carey

650	Brown Forman
651	JM Ryan's Hotels Pty Ltd
652	Mr Michael Trowbridge
653	Confidential
654	Confidential
655	APRA AMCOS
656	Live Music Office
657	Committee for Sydney
658	Lion Beer Australia
659	Mary's Group
660	Confidential
661	Mr Brett Collins
662	Alcohol and Drug Foundation
663	Mr Michael Frommer
664	Confidential
665	Miss Josephine Farriss
666	Mr Matt Newey
667	Miss Emily Ferrier
668	Mr Michael Brady
669	Mr Mick Comerford
670	Confidential
671	Mr Jamie Powell
672	Tourism & Transport Forum
673	Students for Sensible Drug Policy Australia
674	Confidential
675	Miss Nicola Vircoe
676	Name suppressed
677	Ryan's Bar
678	Mr James Heydon
679	Confidential
680	AusComply Pty Ltd
681	Mr Andy Macdonald
682	Confidential
683	Mr Christopher Tobin
684	Mrs Laura Elliott
685	Mr Thomas McSweeney
686	Ms Hellen Swain
687	Dr Declan Peake
688	Confidential
689	Uber
690	Confidential

691	Miss Jess Stocker
692	Confidential
693	Mr Matthew McMahon
694	Name suppressed
695	Mrs Hannah Mitchell
696	Spirits & Cocktails Australia
697	Mr Chris Horder
698	Name suppressed
699	Mrs Denise Rothwell
700	Mr Chris Rodd
701	Ms Jenny Green
702	Mr Benjamin Bailey
703	Name suppressed
704	Mr Thomas Rausch
705	Australian Salaried Medical Officer's Federation NSW
706	Miss Madeline Smith
707	Ms Julia Lenton
708	Mr Alessio De Nicola
709	Name suppressed
710	Mr Joshua Coulson
711	Miss Wendy Cadelago
712	Mr Michael Back
713	Association For Electronic Music
714	Mr Marx Kery
715	Mr Allen Edwards
716	Mrs Kathy Barlow
717	Mr Daniel Foley
718	Phillip's Foote Restaurant
719	Dr Michaela Davies
720	Name suppressed
721	Confidential
722	Mr Grant Mistler
723	Professor Stephen Tomsen
724	Mr William Montgomery
725	Mr Philip Gannon
726	Confidential
727	Mr Nicholas Meredith
728	Xanthe Crittenden
729	Confidential
730	Mr James Karr
731	Ms Margaret Teague

732	Ms Iz Connell
733	Aaron B Lingwood
734	Centre for Translational Data Science, University of Sydney
735	James Harrison
736	Mr Daniel O'Toole
737	Confidential
738	NSW Young Liberals
739	Miss Jessica Fitzgibbon
740	Miss Christine Dundas
741	Miss Bianca Woodhouse
742	Mr Craig Wesker
743	Ms Liana Brady
744	Martin Kincade
745	Ms Rebecca Westmeyer Wright
746	Councillors Christine Forster and Craig Chung
747	Chill Out Zone
748	Confidential
749	Name suppressed
750	Mr William Mansfield
751	Mr Tom Hogan
752	Kings Cross Licensing Accord Association
753	Alcohol Beverages Australia
754	Independent Bars Association of NSW
755	Solotel Hospitality Group
756	Kings Cross Hotel
757	Live Performance Australia
758	Australasian Music Publishers' Association Limited
759	The Phonographic Performance Company of Australia Ltd
760	Australian Recording Industry Association Ltd
761	Woollahra Municipal Council
762	FBI Radio
763	Sydney Business Chamber

764	Australian Retailers Association
765	Confidential
766	Professor Peter Miller
767	Coca-Cola Amatil
768	Royal Australasian College of Surgeons
769	Public Health Association of Australia
770	Inner West Council
771	St Vincent's Health Network Sydney
772	NSW / ACT Alcohol Policy Alliance
773	Foundation for Alcohol Research and Education
774	Australian Venue Co
775	The Star Entertainment Group Ltd
776	City North Liquor Accord
777	Australian Hotels Association NSW
778	Romeo's Retail Group
779	Tourism Accommodation Australia
780	City of Sydney
781	The Royal Australasian College of Physicians
782	MusciNSW
783	NSW Small Business Commission
783a	NSW Small Business Commission
784	Merivale
785	Potts Point and Kings Cross Heritage and Residents' Society
786	Dr Joe McGirr MP
787	Live Nation Australasia
788	City of Parramatta
789	Mr John Quinlan
790	Keep Sydney Open
791	City of Melbourne
792	Ms Jo Haylen MP
793	Australasian College for Emergency Medicine

Appendix Five – Witnesses

5 August 2019

Parliament House, Macquarie Room, Sydney, NSW

Witness	Position and Organisation
Mr Michael Rose	Chairman, The Committee for Sydney
Ms Clover Moore	Lord Mayor, City of Sydney Council
Ms Katherine O'Regan	Executive Director, Sydney Business Chamber
Mr Russell Zimmerman	Executive Director, Australian Retailers Association
Dr Rohan Miller	The University of Sydney Business School
Dr Phillip Wadds	Senior Lecturer in Criminology, University of NSW
Professor Sally Cripps	Director, Centre for Translational Data Science, University of Sydney
Mr Darcy Byrne	Mayor, Inner West Council
Clr Craig Chung	Councillor, City of Sydney Council
Ms Emily Collins	Managing Director, MusicNSW
Mr Mark Gerber	CEO and Licensee, Oxford Art Factory
Mr Claude Bereny	Director, Business Owner & Property Owner, The Beauchamp Hotel
Ms Libby Harris	Night Time City Manager, City of Sydney Council
Mr Ben Pechey	Executive Manager, Strategic Planning & Urban Design, City of Sydney Council
Mr Andrew Thomas	Executive Manager Strategic Planning and Urban Design, City of Sydney Council
Ms Lisa Colley	Manager Cultural Strategy, City of Sydney Council
Ms Stella Agagiotis	Co-ordinator Strategic Planning, Randwick City Council
Ms Christine Forster	Councillor, City of Sydney Council
Mr Nicholas Pickard	Executive Director Public Affairs & Communications, APRA AMCOS
Mr Yale Stephens	Head of Public Affairs and Brand, Australian Retailers Association
Mr Sam Coffey	Owner, Three Cheers Training

Mr Paul Waterson	Chief Executive Officer, Australian Venue Company
Mr Peter Xuereb	General Manager, ARQ Sydney
Mr Karl Schlothauer	President, Independent Bars Association of NSW
Mr Nathan Farrell	Director, Nathan Farrell Entertainment
Mr Dean Ormston	Chief Executive Officer, APRA AMCOS
Mr Tim Levinson	Artist, APRA AMCOS
Ms Chloe Papandrea	Artist, APRA AMCOS
Mr Jonathan Zwartz	Artist, APRA AMCOS
Ms Jane Slingo	Director, Electronic Music Conference & Artist Manager, MusicNSW
Ms Jenny Morris MNZM OAM	Chair, APRA AMCOS

9 August 2019**Parliament House, Macquarie Room, Sydney, NSW**

Witness	Position and Organisation
Mr Patrick McGrath	Member, 2011 Residents Association Incorporated
Mr Justin Hemmes	Chief Executive Officer, Merivale
Ms Justine Baker	Chief Executive Officer, Solotel Hospitality Group
Mr John Green	Director, Liquor and Policing, AHA NSW
Mr John Whelan	Chief Executive Officer, AHA NSW
Ms Carole Ferrier	Committee Member, 2011 Residents Association Incorporated
Dr Priya Nair	Director of Intensive Care Unit, St Vincent's Health Network Sydney
A/Professor Anthony Grabs	Director of Surgery and Trauma, St Vincent's Health Network Sydney
Dr Steven Faux	Director of Rehabilitation, St Vincent's Health Network Sydney

A/Professor Nadine Ezard	Director of Drug & Alcohol, St Vincent's Health Network Sydney
Dr Paul Preisz	Director of Emergency Department, St Vincent's Health Network Sydney
Dr Ken Loi	NSW State Committee Chair, Royal Australasian College of Surgeons
Dr John Crozier	RACS Councillor and RACS Binational Trauma Chair, Royal Australasian College of Surgeons
Mr Carrington Bringham	Executive Chair, The Potts Point Partnership Incorporated
Mr Michael Johnson	Chief Executive Officer, Tourism Accommodation Australia NSW
Mr Paul Devine	Member, Executive Committee, Kings Cross Licensing Accord Association
Mr Doug Grand	Coordinator, Kings Cross Licensing Accord Association
Ms Jackie Fitzgerald	Acting Executive Director, BOCSAR (Bureau of Crime Statistics & Research)
Dr Tony Sara	President of the Australian Salaried Medical Officers Association NSW, Last Drinks Coalition
Mr Brett Holmes	Secretary of the NSW Nurses and Midwives Association, Last Drinks Coalition
Mr Pat Gooley	Secretary of the Police Association NSW, Last Drinks Coalition
Mr Gerard Hayes	Secretary of the Health Services Union NSW, Last Drinks Coalition
Dr Peter Aquilina	AMA NSW Councillor, Australian Medical Association (NSW) Ltd
Ms Margy Osmond	Chief Executive Officer, Tourism and Transport Forum Australia
Mr Alec Wagstaff	Chief Executive Officer, Spirits & Cocktails Australia
Mr Jules Norton Selzer	Public Policy and External Relations Manager, Diageo Australia
Ms Gohar Yazdabadi	Research and Policy Manager, Alcohol Beverages Australia
Mr Wes Lambert	CEO, Restaurant and Catering Industry Association of Australia
Mr Simon Sawday	Senior Policy Officer, ClubsNSW
Mr Anthony Trimarchi	Manager - Policy and Government, Clubs NSW

Mr Michael Thorn	Chief Executive Foundation for Alcohol Research and Education (FARE), NSW ACT Alcohol Policy Alliance
Professor Paul Haber	Specialist Addiction and Director RPA Drug Health Services, Royal Australasian College of Physicians

12 August 2019

Parliament House, Macquarie Room, Sydney, NSW

Witness	Position and Organisation
Ms Kerri Glasscock	Director & CEO, The Sydney Fringe Festival
Ms Natasha Mann	Executive Director, Liquor & Gaming NSW
Ms Rose Webb	Deputy Secretary - Better Regulation Division, Department of Customer Service, Liquor & Gaming NSW
Mr Michael Willing	Assistant Commissioner, NSW Police Force
Mr Thomas Mortimer	Senior Advisor (Advocacy & Strategic Projects), NSW Small Business Commission
Ms Claire Curtin	Director Advocacy, NSW Small Business Commission
Ms Robyn Hobbs OAM	Small Business Commissioner, NSW Small Business Commission
Ms Natalie Zelinsky	Chief Operating Officer, Stay Kind
Mr Michael Rodrigues	Night Time Industries Association
Mr Tyson Koh	Keep Sydney Open
Dr Lee Taylor	Director, Epidemiology and Biostatistics, Ministry of Health
Ms Kate Foy	Deputy Secretary, Community Engagement, Department of Premier and Cabinet, Create NSW
Mr David Dutton	Executive Director, Clinical Operations, NSW Ambulance
Mr Roger Field	Chief Executive Officer, Live Nation
Ms Bridget Barrett	Executive Director - Service NSW for Business, Service NSW
Ms Carmel Meznaric	Director, Council Engagement, Service NSW

Appendix Six – Extracts from minutes

MINUTES OF MEETING No 1

9.01 am, Tuesday 4 June 2019

Room 1043

Members present

The Hon. Natalie Ward MLC, Mr Alex Greenwich MP, Ms Felicity Wilson MP, Mr Geoff Provest MP, Mr Kevin Conolly MP, Mr Guy Zangari MP, The Hon. Ben Franklin MLC, The Hon. John Graham MLC, Ms Cate Faehrmann MLC, Mr Mark Latham MLC

Officers in attendance

Ms Catherine Watson, Ms Clara Hawker, Ms Emma Wood, Mr Leon Last, Ms Madeleine Dowd, Ms Jennifer Gallagher, Ms Mohini Mehta

1. Appointment of committee

The Chair opened the meeting and referred to the following extracts from the Legislative Assembly

Votes and Proceedings and the Legislative Council Minutes:

Legislative Assembly Votes and Proceedings no 5, 29 May 2019, entry no 5:

JOINT SELECT COMMITTEE ON SYDNEY'S NIGHT TIME ECONOMY

Mr Andrew Constance moved by leave, That:

- (1) A Joint Select Committee, to be known as the Joint Select Committee on Sydney's Night Time Economy, be appointed.*
- (2) That the Committee inquire and report into Sydney's night time economy, including any measures required to:
 - (a) maintain and enhance community safety;*
 - (b) maintain and enhance individual and community health outcomes;*
 - (c) ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's lockout laws, remain appropriately balanced;*
 - (d) enhance Sydney's night time economy, and any other directly relevant matters.**
- (3) The Committee will consult with key stakeholders as required.*
- (4) The Committee to consist of five members of the Legislative Assembly, including three Government members and at least one cross bench member, and five members of the Legislative Council, including two Government members (one of whom shall be Chair) and at least two cross bench members.*
- (5) The Honourable Natalie Ward MLC be appointed to serve as Chair of the Committee.*

(6) *All Legislative Assembly Committee members be nominated in writing, by the Government and Opposition Whips, to the Clerk of the Legislative Assembly by 4.00 pm on 29 May 2019.*

(7) *That at any meeting of the Committee, six members shall constitute a quorum, provided that the Committee meets as a joint Committee at all times.*

(8) *The Committee have leave to make visits of inspection within the State of New South Wales.*

(9) *The Committee report by 30 September 2019.*

(10) *A message be sent to the Legislative Council requesting the Legislative Council agree to the resolution, nominate five of its members to the proposed Committee, and to fix a time and place for the first meeting.*

Legislative Council Minutes no.4, 29 May 2019, item no 22:

JOINT SELECT COMMITTEE ON SYDNEY'S NIGHT TIME ECONOMY

Order of the day read for the resumption of the adjourned debate on the motion of Mrs Maclaren-Jones:

1. *That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 26 May 2019 relating to the appointment of a Joint Select Committee on Sydney's Night Time Economy.*
2. *That the representatives of the Legislative Council on the Joint Select Committee on Sydney's Night Time Economy be Mrs Natalie Ward, Mr Ben Franklin, Mr John Graham, Ms Cate Faehrmann and Mr Mark Latham.*
3. *That the time and place for the meeting by 4 June 2019 at 9.00am at Parliament House.*

2. Election by Deputy Chair

...

3. Staffing and administrative arrangements

...

4. Standard procedural motions

Resolved, on the motion of Mr Provest, seconded by Ms Wilson:

1. That if a committee is meeting and a division or quorum is called in the Legislative Assembly, or either House in the case of joint committees, the meeting will be suspended until the committee regains its quorum.

2. That draft reports, evidence, transcripts, submissions and other committee documents are not to be disclosed or published by a committee member or any other person unless authorised by the committee or the House.
3. That media statements on behalf of the committee can only be made by the Chair.
4. That the Chair and Committee Director seek the Speaker's approval, through the Clerk of the Legislative Assembly, for funding of visits of inspection, consultancies and other committee expenses. That all committee expenditure comply with Legislative Assembly policies.
5. That the Chair and committee staff arrange advertising for inquiries, writing to interested parties requesting submissions, calling witnesses, and visits of inspection.
6. That witnesses appearing before the committee will not be represented by a legal professional or other advocate unless authorised by the committee.

5. Conduct of the Inquiry

a) Call for submissions

A list of potential stakeholders was circulated and the Committee agreed that members will provide any additional stakeholder to the Committee secretariat.

Resolved, on the motion of Mr Greenwich, seconded Mr Zangari: That the Committee call for submissions to be received by Tuesday 2 July and write to suggested stakeholders.

b) Site visits

The Committee discussed possible site visits to areas relevant to the inquiry.

Resolved, on the motion of Mr Zangari, seconded Mr Conolly: That the Committee conduct site visits to the Sydney CBD on Thursday 13 June and Friday 14 June; and site visits to Newcastle and Wollongong on dates to be determined.

c) Public hearings

The Committee discussed potential dates for public hearings.

Resolved, on the motion of Mr Conolly: That the Committee hold public hearings on Monday 5 August and Monday 12 August 2019 and use Friday 9 August as an additional date if required.

d) Media statements

Resolved, on the motion of Mr Provest: That the Chair issue a media release announcing the inquiry and confirming the deadline for submissions.

6. Next meeting

...

MINUTES OF MEETING No 2

5.01pm, Wednesday 19 June 2019

Room 1254

Members present

The Hon. Natalie Ward MLC, Mr Alex Greenwich MP, Mr Kevin Conolly MP, Mr Geoff Provest MP, Ms Felicity Wilson MP, Mr Guy Zangari MP, Ms Cate Faehrmann MLC, The Hon. Ben Franklin MLC, The Hon. John Graham MLC, Mr Mark Latham MLC

Officers in attendance

Ms Clara Hawker, Ms Emma Wood, Ms Jennifer Gallagher

1. Confirmation of minutes

...

2. Submissions

Chair provided an update on the number of submissions received to date and the process for providing them to Committee members via USB.

The Committee agreed to hold a meeting on Thursday 4 July to consider the publication of submissions received and witnesses for the public hearing.

3. Date for further site visits

The Committee requested the secretariat canvas the dates of Wednesday 26 June for a site visit to St Vincent's Hospital and Kings Cross Police Station and Thursday 18 July for a site visit to Newcastle.

The Committee adjourned at 5.23pm until 3pm on Thursday 4 July 2019.

MINUTES OF MEETING No 3

3.05pm, Thursday 4 July 2019

Room 1043

Members present

Mr Alex Greenwich MP, Ms Cate Faehrmann MLC, the Hon. John Graham MLC

Members participating via teleconference

The Hon. Natalie Ward MLC, Mr Kevin Conolly MP, Mr Geoff Provest MP, Mr Guy Zangari MP, the Hon. Ben Franklin MLC, the Hon. Mark Latham MLC

Apologies

Ms Felicity Wilson MP

Officers in attendance

Ms Clara Hawker, Ms Emma Wood, Mr Leon Last, Ms Madeleine Dowd, Ms Jennifer Gallagher, Ms Mohini Mehta

1. Confirmation of minutes

...

2. Members staff member present at Committee meeting

...

3. Correspondence

That Committee noted the following correspondence:

- Letter dated 25 June 2019, from the Hon Ian Callinan AC regarding the Committee's invitation to make a submission.

4. Publication of submissions

The Committee considered the publication of the first 275 submissions of the 400 submissions circulated to date.

The Chair spoke to the large number of submissions that have been received to the inquiry and their publication on the Committee website. Discussion ensued.

Resolved, on the motion of Mr Provest: That submissions from individuals less than 250 words be considered by the Committee but not published; and that the remaining submissions be published in accordance with the circulated publication table as follows:

- That the following submissions be published: 1-2, 8, 12, 17, 22, 25, 32, 38-39, 46, 68-69, 75, 86, 97, 106, 109-110, 116, 119-120, 124-125, 131, 136, 138, 169, 214-215, 219, 221, 224, 231-232, 237, 239-240, 250, 254, 257, 259, 263-265, 267, 273
- That the following submissions be published with name suppressed: 137, 216
- That the following submissions be kept confidential to the Committee and not be published: 6, 20-21, 28, 30-31, 57, 59, 77-78, 81, 88-89, 101-103, 105, 114, 127, 132, 134, 140, 149, 156, 164, 171, 177, 183, 185-186, 188, 191, 195-196, 204, 207, 230, 246,

The Committee agreed that all individual submissions will be considered by the Committee and a list of all submissions, that are not confidential or name suppressed, will be included in the Committee's report. A summary of the issues raised in all individual submissions will also be prepared.

5. Witnesses at public hearings

The Committee discussed the draft witness schedules previously circulated.

The Committee agreed to provide feedback on the draft schedules and meet at a later date to confirm the schedules.

The Committee adjourned at 3.28pm until a date to be confirmed.

MINUTES OF MEETING No 4

12.07pm, Tuesday 23 July 2019

Room 1254

Members present

The Hon. Natalie Ward MLC, Mr Alex Greenwich MP, the Hon. Ben Franklin MLC, the Hon. Mark Latham MLC

Members participating via teleconference

Ms Felicity Wilson MP, Mr Guy Zangari MP

Apologies

Mr Kevin Conolly MP, Ms Cate Faehrmann MLC, the Hon. John Graham MLC, Mr Geoff Provest MP

Officers in attendance

Ms Clara Hawker, Ms Emma Wood, Mr Leon Last, Ms Madeleine Dowd, Ms Jennifer Gallagher, Ms Mohini Mehta

1. Confirmation of minutes

...

3. Correspondence

The Committee noted the following correspondence:

- Email from A/Commander Gerard Lawson regarding visit to Waratah Police Station, 18 July 2019
- Email from Sydney Spectaculars providing links to articles, 2 July 2019

4. Publication of submissions

3.1 Publication of submissions

The Committee considered the publication of submissions numbered 401 to 784 circulated to date.

Resolved, on the motion of Mr Greenwich, seconded by Mr Zangari: That submissions from individuals less than 250 words be considered by the Committee but not published; and that the remaining submissions be published in accordance with the circulated publication table as follows:

- That the following submissions be published: 166, 183, 279, 281, 283, 301, 305, 309, 311, 313, 316, 317, 318, 319, 322, 325, 326, 327, 328, 330, 331, 332, 333, 346 – 349, 351, 353, 356, 358-359, 363, 370, 374, 381-388, 390-393, 395-399, 406-408, 411-412, 417, 428, 435-436, 438, 441, 446, 449, 451, 452-458, 461-464, 473-474, 476, 478, 487-488, 504-505, 516, 518-519, 525, 528-529, 540, 542, 546, 551, 553-554, 556, 572, 574, 577, 582-583, 585, 592, 594-598, 600, 607, 612, 614, 621-622, 624, 628, 631-633, 635, 639, 647, 650-651, 655-659, 662-663, 666, 668-669, 672-673, 677-678, 680-681, 684, 687, 689, 693, 696, 705, 712-713, 715-716, 718-719, 722, 725, 727, 732, 734, 738, 742, 745-747, 750-764, 766-783,
- That the following submissions be published with name suppressed: 280, 291, 336, 371, 375, 409, 425-427, 442, 536, 558, 565, 578, 694, 720, 749
- That the following submissions be published with certain information suppressed: 39, 430, 483, 486,

- That the following submissions be kept confidential to the Committee and not be published: 277, 342, 345, 389, 413, 423, 450, 588, 609, 611, 640, 653, 670, 682, 692, 765, 784

3.2 Multiple submissions received from the Summer Hill Electorate Office

The Chair advised the Committee of multiple submissions received from the Summer Hill Electorate Office requesting that they be processed as individual submissions.

Resolved, on the motion of Mr Greenwich: That the Committee not accept the material received from the Summer Hill Electorate Office as individual submissions and that the Summer Hill Electorate be informed they make a revised submission.

5. Public hearings

The Committee considered the circulated witness schedules

Resolved, on the motion of Mr Latham: That the Committee invite the following stakeholders to give evidence at the public hearings to be held in August:

Committee for Sydney	Music NSW
City of Sydney	APRA AMCOS
Professor Peter Miller	Night Time Industries
Dr Phillip Wadds	Merivale Group
Professor Steve Allsop	Solotel Group
Professor Sally Cripps	Restaurant and Catering Industry Association
Dr Rohan Miller	Australian Hotels Association
Randwick City Council	Kings Cross Liquor Accord
Waverley Council	Potts Point Partnership
Inner West Council	Sydney Fringe Festival
Cr Christine Forster, City of Sydney	Keep Sydney Open
Cr Craig Chung, City of Sydney	Liquor & Gaming NSW
Time Out Australia	NSW Treasury – Centre for Program Evaluation
Tourism Accommodation Australia	NSW Police
Sydney Business Chamber	NSW Ambulance Service
Australian Retailers Association	Department of Justice
Stonewall Hotel	BOCSAR
Beauchamp Hotel	Transport for NSW
ARQ	NSW Health
Oxford Art Factory	NSW Small Business Commissioner
St Vincent's Hospital	Destination NSW
Australian Medical Association	Create NSW
Royal Australasian College of Surgeons	Thomas Kelly Foundation
2011 Residents Association	
Last Drinks Coalition	

6. Questions on Notice

The Committee considered the draft questions on notice circulated.

Resolved, on the motion of Ben Franklin: That questions on notice be sent to the following NSW Government departments and agencies and a response requested by Wednesday 7 August:

Liquor & Gaming NSW
NSW Treasury – Centre for Program Evaluation
NSW Police
NSW Ambulance Service
Department of Justice
BOCSAR
Transport for NSW
NSW Health
NSW Small Business Commissioner
Destination NSW
Create NSW

7. Site Visits

The Chair indicated that due to difficulties in member availability, the proposed tour of The Star be cancelled.

The Committee adjourned at 12.31pm until Monday 5 August at 9.00am.

MINUTES OF MEETING No 5

9.05am, Monday, 5 August 2019

Macquarie Room, Parliament House

Members present

The Hon. Natalie Ward MLC, Mr Alex Greenwich MP, Mr Kevin Conolly MP, Ms Cate Faehrmann MLC, the Hon. Ben Franklin MLC, the Hon. John Graham MLC, the Hon. Mark Latham MLC, Mr Geoff Provest MP, Ms Felicity Wilson MP, Mr Guy Zangari MP

Officers in attendance

Ms Clara Hawker, Ms Emma Wood, Mr Leon Last, Ms Madeleine Dowd, Ms Jennifer Gallagher, Ms Mohini Mehta

1. Confirmation of minutes

...

2. Pre-hearing deliberative meeting

2.1 Consideration of submissions

The Committee noted correspondence from Merivale advising that their submission could be published, subject to certain redactions.

Resolved, on the motion of Mr Greenwich: That Submission 784 from Merivale be published, with the requested material redacted.

The Committee considered the publication of late submissions:

Resolved, on the motion of Ms Faehrmann: That the following submissions be published on the website in full:

- Submission 785 – Potts Point and Kings Cross Heritage and Residents Society
- Submission 786 – Dr Joe McGirr MP
- Submission 787 – Live Nation Australia
- Submission 788 – City of Parramatta
- Submission 789 – John Quinlan
- Submission 790 – Keep Sydney Open

The Committee considered correspondence from the Transport and Tourism Forum.

Resolved, on the motion of Mr Conolly: That the correspondence from the Transport and Tourism Forum be accepted as a submission and published on the website in full.

The Committee considered a supplementary submission from the NSW Small Business Commissioner.

Resolved, on the motion of Mr Latham: That the supplementary submission from the NSW Small Business Commissioner be accepted as a submission and published on the website in full.

2.2 Media orders

Resolved, on the motion of Mr Provest: That the Committee authorises the audio-visual recording, photography and broadcasting of the public hearings on 5 August, 9 August and 12 August 2019, in accordance with the Legislative Assembly's guidelines for the coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

2.3 Answers to questions taken on notice and additional questions

Resolved, on the motion of Mr Franklin: That witnesses be requested to return answers to questions taken on notice and additional questions within 1 week of the date on which the questions are forwarded to the witnesses.

2.4 General business

...

The deliberative meeting concluded at 9.13am.

3. Public hearing

Witnesses and the public were admitted. The Chair opened the public hearing at 9.30am.

Mr Michael Rose, Chairman of the **Committee for Sydney** was affirmed and examined.

Mr Rose made an opening statement.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

The following witnesses from the **City of Sydney Council** were called:

- Clr Clover Moore, Lord Mayor was affirmed and examined.
- Ms Libby Harris, Night Time City Manager was affirmed and examined.
- Mr Ben Pechey, Executive Manager, Strategic Planning and Urban Design was affirmed and examined.
- Mr Andrew Thomas, Executive Manager, Development was affirmed and examined.
- Ms Lisa Colley, Manager, Cultural Strategy was affirmed and examined.

Lord Mayor Clr Moore made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 11.10am and resumed the public hearing at 11.33am.

The following witnesses were called:

- Ms Katherine O'Regan, Executive Director, **Sydney Business Chamber** was sworn and examined.
- Mr Russell Zimmerman, Executive Director, **Australian Retailers Association** was sworn and examined.
- Mr Yale Stephens, Head of Public Affairs and Brand, **Australian Retailers Association** was sworn and examined.

Ms O'Regan and Mr Zimmerman made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses were called:

- Professor Sally Cripps, Director, Centre for Translational Data Science, **University of Sydney** was affirmed and examined.
- Dr Rohan Miller, Senior Lecturer in Marketing, **University of Sydney Business School** was sworn and examined.
- Dr Phillip Wadds, Senior Lecturer in Criminology, **University of NSW** was affirmed and examined.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 1.05pm and resumed the public hearing at 2.00pm.

The following witnesses were called:

- Clr Darcy Byrne, Mayor, **Inner West Council** was affirmed and examined.
- Ms Stella Agagiotis, Co-ordinator, Strategic Planning, **Randwick City Council** was sworn and examined.
- Clr Craig Chung, Councillor, **City of Sydney** was affirmed and examined.
- Clr Christine Forster, Councillor, **City of Sydney** was sworn and examined.

Clr Byrne, Ms Agagiotis, Clr Chung and Clr Forster made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses representing **MusicNSW** were called:

- Ms Emily Collins, Managing Director was affirmed and examined.
- Mr Nathan Farrell, Director, Nathan Farrell Entertainment was affirmed and examined.
- Ms Jane Slingo, Director, Electronic Music Conference and Artist Manager was affirmed and examined.

Ms Collins, Ms Slingo, and Mr Farrell made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses representing **APRA AMCOS** were called:

- Mr Dean Ormston, Chief Executive Officer was affirmed and examined.
- Mr Tim Levison, Artist was affirmed and examined.
- Ms Chloe Papandrea, Artist was affirmed and examined.
- Mr Jonathan Zwartz, Artist was affirmed and examined.
- Ms Jenny Morris, Artist was affirmed and examined.

Mr Ormston made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 3.48pm and resumed the public hearing at 4.03pm.

The following witnesses were called:

- Mr Claude Bereny, Director, Business Owner and Property Owner, **the Beauchamp Hotel** was affirmed and examined.
- Mr Mark Gerber, Chief Executive Officer and Licensee, **the Oxford Art Factory** was affirmed and examined.
- Mr Sam Coffey, Owner, **Three Cheers Training** was sworn and examined.
- Mr Peter Xuereb, General Manager, **ARQ Sydney** was affirmed and examined.

Mr Gerber, and Mr Coffey made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses were called:

- Mr Paul Waterson, Chief Executive Officer, **Australian Venue Company** was affirmed and examined.
- Mr Karl Schlothauer, President, **Independent Bars Association of NSW** was affirmed and examined.

Mr Schlothauer made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.30pm.

4. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 5.32pm.

4.1 Publication of transcripts

Resolved, on the motion of Mr Conolly: That the corrected transcripts of public evidence given on 5 August, 9 August, and 12 August 2019 be authorised for publication and uploaded to the Committee's website.

4.2 Acceptance of documents

Resolved, on the motion of Mr Zangari: That the Committee accept the documents provided via email by Mr Karl Schlothauer.

4.3 Comments relating to BOCSAR

Resolved, on the motion of Mr Provest: That the Committee send the uncorrected transcript of evidence presented by Professor Sally Cripps, Dr Rohan Miller, and Dr Phillip Wadds to BOCSAR.

4.4 Correspondence from Summer Hill Electorate Office

The Committee considered the multiple submissions from the Summer Hill Electorate Office.

The Committee received a briefing from the Clerk-Assistant Committees and Corporate.

Discussion ensued.

Resolved, on the motion of Mr Graham: That the Committee invite Ms Jo Haylen MP to attend the meeting to speak to the matter.

Ms Jo Haylen MP joined the meeting.

Discussion ensued.

Ms Jo Haylen MP left the meeting.

Resolved, on the motion of Mr Conolly, that the Committee is unable to accept the correspondence from Jo Haylen MP as submissions to the inquiry.

Resolved, on the motion of Mr Conolly, that the Committee inform Jo Haylen MP of this, and invite her to make a submission to the inquiry which outlines the issues raised by her constituents and the number of people that have corresponded with her.

5. Next meeting

The Committee adjourned at 6.06pm until Friday, 9 August at 9.00am.

MINUTES OF MEETING No 6

9.12am, Friday 9 August 2019

Macquarie Room, Parliament House

Members present

The Hon. Natalie Ward MLC, Mr Alex Greenwich MP, Mr Kevin Conolly MP, Ms Cate Faehrmann MLC, the Hon. Ben Franklin MLC, the Hon. John Graham MLC, Mr Geoff Provest MP, Mr Guy Zangari MP

Officers in attendance

Ms Clara Hawker, Ms Emma Wood, Mr Leon Last, Ms Madeleine Dowd, Ms Jennifer Gallagher, Ms Mohini Mehta

1. Apologies

Ms Felicity Wilson MP, the Hon. Mark Latham MLC

2. Pre-hearing deliberative meeting

2.1 Confirmation of minutes

Resolved, on the motion of Mr Conolly: That the minutes of the meeting of 5 August 2019 be confirmed.

2.2 Correspondence

...

2.3 Consideration of submissions

- **Submission 784 – Merivale**

The Committee noted that in their submission, Merivale refer to a petition they have initiated. A copy of this petition was provided to the Committee for information.

- **Submission from the City of Melbourne, with associated attachments**

The Committee discussed an email received from the City of Melbourne, with attachments, dated 22 July 2019

Resolved, on the motion of Mr Provest: That the Committee accept and publish the submission from the City of Melbourne.

- **Submission from Ms Jo Haylen, Member for Summer Hill**

The Committee discussed the submission received from Ms Jo Haylen MP, Member for Summer Hill.

Resolved, on the motion of Mr Greenwich: That the Committee accept and publish the submission from Ms Jo Haylen MP but keep the attachments confidential to the Committee.

The Committee discussed the attachments to Ms Haylen's submission and agreed that these will be available to members to read and be considered by the Committee.

2.4 Transcript corrections

Resolved, on the motion of Mr Franklin: That the Committee allow the redaction requested by APRA AMCOS to Ms Papandrea's evidence.

2.5 Answers to questions taken on notice and additional questions

Resolved, on the motion of Mr Provest: That witnesses will be required to answer any questions taken on notice during the hearings on 9 August and 12 August, and any additional questions, within 7 days of the hearing.

2.6 Additional questions from members

Resolved, on the motion of Mr Greenwich: That members provide any additional questions for witnesses to the secretariat by 14 August 2019.

2.7 Responses received to questions on notice (attached)

Resolved, on the motion of Mr Zangari: That the following response to questions on notice be published on the website in full.

- Response received from Destination NSW, dated 6 August 2019
- Response received from Department of Justice, dated 6 August 2019
- Response received from NSW Treasury, dated 7 August 2019
- Response received from Create NSW, dated 7 August 2019
- Response received from BOCSAR, dated 8 August 2019
- Response received from Liquor & Gaming NSW, dated 8 August 2019

Resolved, on the motion of Mr Zangari: That the responses to questions on notice received from the NSW Police Force, dated 7 August 2019, remain confidential to the Committee and not be published.

The deliberative meeting concluded at 9.22am.

3. Public hearing

Witnesses and the public were admitted. The Chair opened the public hearing at 9.30am.

The following witnesses from **St Vincent's Health Network Sydney** were called:

- Dr Priya Nair, Director of Intensive Care Unit, affirmed and examined.
- A/Professor Anthony Grabs, Director of Surgery and Trauma, sworn and examined.
- Dr Steven Faux, Director of Rehabilitation, sworn and examined.
- A/Professor Nadine Ezard, Director of Drug & Alcohol, affirmed and examined.
- Dr Paul Preisz, Director of Emergency Department, sworn and examined.

Dr Preisz made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses were called:

- Dr Peter Aquilina, AMA NSW Councillor, **Australian Medical Association (NSW) Ltd**, affirmed and examined.
- Dr Ken Loi, NSW State Committee Chair, **Royal Australasian College of Surgeons**, affirmed and examined.
- Dr John Crozier, RACS Councillor and RACS Binational Trauma Chair, **Royal Australasian College of Surgeons**, sworn and examined.
- Professor Paul Haber, Specialist Addiction and Director RPA Drug Health Services, **Royal Australasian College of Physicians**, affirmed and examined.
- Mr Michael Thorn, Chief Executive, **Foundation for Alcohol Research and Education (FARE), NSW ACT Alcohol Policy Alliance**, affirmed and examined.

Dr Aquilina made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 11.00am and resumed the public hearing at 11.15am.

The following witnesses were called:

- Mr Alec Wagstaff, Chief Executive Officer, **Spirits & Cocktails Australia**, sworn and examined.
- Mr Jules Norton Selzer, Public Policy and External Relations Manager, **Diageo Australia**, affirmed and examined.
- Ms Gohar Yazdabadi, Research and Policy Manager, **Alcohol Beverages Australia**, affirmed and examined.

Mr Wagstaff, Mr Norton Selzer and Ms Yazdabadi made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses were called:

- Mr John Whelan, Chief Executive Officer, **AHA NSW**, affirmed and examined.
- Mr John Green, Director, Liquor and Policing, **AHA NSW**, affirmed and examined.
- Mr Wes Lambert, CEO, **Restaurant and Catering and Industry Association of Australia**, affirmed and examined.
- Mr Anthony Trimarchi, Manager – Policy and Government, **Clubs NSW**, affirmed and examined.
- Mr Simon Sawday, Senior Policy Officer, **Clubs NSW**, affirmed and examined.

Mr Whelan, Mr Lambert and Mr Trimarchi made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 12.46pm and resumed the public hearing at 1.32pm.

The following witnesses were called:

- Mr Patrick McGrath, Member, **2011 Residents Association Incorporated**, affirmed and examined.
- Ms Carole Ferrier, Committee Member, **2011 Residents Association Incorporated**, affirmed and examined.
- Mr Brett Holmes, Secretary of the NSW Nurses and Midwives Association, **Last Drinks Coalition**, affirmed and examined.
- Mr Pat Gooley, Secretary of the Police Association of NSW, **Last Drinks Coalition**, sworn and examined.
- Mr Gerard Hayes, Secretary of the Health Services Union, **Last Drinks Coalition**, sworn and examined.
- Dr Tony Sara, President of the Australian Salaried Medical Officers Association NSW, **Last Drinks Coalition**, sworn and examined.

Mr McGrath and Mr Gooley made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses were called:

- Mr Carrington Brigham, Executive Chair, **The Potts Point Partnership Incorporated**, sworn and examined.
- Mr Paul Devine, Member, Executive Committee, **Kings Cross Licensing Accord Association**, sworn and examined.
- Mr Doug Grand, Coordinator, **Kings Cross Licensing Accord Association**, affirmed and examined.

Mr Brigham made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witnesses representing were called:

- Mr Justin Hemmes, Chief Executive Officer, **Merivale**, affirmed and examined.
- Ms Justine Baker, Chief Executive Officer, **Solotel Hospitality Group**, affirmed and examined.

Mr Hemmes and Ms Baker made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 3.45pm and resumed the public hearing at 4.00pm.

The following witnesses were called:

- Mr Michael Johnson, Chief Executive Officer, **Tourism Accommodation Australia NSW**, sworn and examined.
- Ms Margy Osmond, **Tourism and Transport Forum Australia**, affirmed and examined.
- Mr Dean Long, Chief Executive Officer, **Accommodation Association of Australia**, affirmed and examined.

Mr Johnson, Ms Osmond and Mr Long made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The following witness from the **Bureau of Crime Statistics and Research (BOCSAR)** was called:

- Ms Jackie Fitzgerald, Acting Executive Director, affirmed and examined.

The Committee began questioning the witness. Evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.14pm.

4. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 5.15pm.

4.1 Acceptance and publication of tendered documents

Resolved, on the motion of Ms Faehrmann: That the Committee accept the following documents provided during the hearing:

- Merivale, Petition.
- Foundation for Alcohol Research and Education (FARE), 2019 Annual Alcohol Poll: Attitudes and Behaviours.

5. Next meeting

The Committee adjourned at 5.17pm until 9:00am on Monday 12 August.

MINUTES OF MEETING No 7

9.14am, Monday, 12 August 2019

Macquarie Room, Parliament House

Members present

The Hon. Natalie Ward MLC, Mr Kevin Conolly MP, Ms Cate Faehrmann MLC, the Hon. Ben Franklin MLC, the Hon. John Graham MLC, Ms Felicity Wilson MP, Mr Guy Zangari MP

Apologies

Mr Alex Greenwich MP, Mr Geoff Provest MP

Officers in attendance

Ms Clara Hawker, Ms Emma Wood, Mr Leon Last, Ms Madeleine Dowd, Ms Jennifer Gallagher, Ms Mohini Mehta

1. Pre-hearing deliberative meeting

1.1 Responses received to Questions on Notice

Resolved, on the motion of Mr Connolly, seconded by Ms Wilson: That the responses received from NSW Health and NSW Ambulance Service, dated 9 August 2019 be accepted and published on the website.

The deliberative meeting concluded at 9.15 am.

The Hon. Mark Latham MLC joined the meeting.

2. Public hearing

Witnesses and the public were admitted. The Chair opened the public hearing at 9.31am.

Ms Kerri Glasscock, Director and CEO of **The Sydney Fringe Festival** was affirmed and examined.

Ms Glasscock made an opening statement.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

Mr Michael Rodrigues, representing **Night Time Industries Association** and **Time Out Australia** was sworn and examined.

Mr Rodrigues made an opening statement.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

Mr Tyson Koh, Director of **Keep Sydney Open** was affirmed and examined.

Mr Koh made an opening statement.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

The following witnesses from **Liquor & Gaming NSW** were called:

- Ms Natasha Man, Executive Director was affirmed and examined.
- Ms Rose Webb, Deputy Secretary – Better Regulation Division, Department of Customer Service was affirmed and examined.

The following witnesses from **Service NSW** were called:

- Ms Bridget Barrett, Executive Director – Service NSW for Business was affirmed and examined.
- Ms Carmel Meznaric, Director, Council Engagement was affirmed and examined.

Ms Webb made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 11.00am and resumed the public hearing at 11.15am.

The following witnesses were called:

- Assistant Commissioner Michael Willing from **NSW Police** was sworn and examined.
- Mr David Dutton, Executive Director, Clinical Operations from **NSW Ambulance** was affirmed and examined.

Assistant Commissioner Willing and Mr Dutton made opening statements.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee adjourned for lunch at 12.45pm and resumed the public hearing at 1.34pm.

Ms Natalie Zelinsky, Chief Operating Officer, **Stay Kind** was affirmed and examined.

Ms Zelinsky made an opening statement which included a video showing the work of Stay Kind.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

Dr Lee Taylor, Director, Epidemiology and Biostatistics, **Ministry of Health** was sworn and examined.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

The following witnesses from the **NSW Small Business Commission** were called:

- Ms Robyn Hobbs, Small Business Commissioner was sworn and examined.
- Mr Thomas Mortimer, Senior Advisor (Advocacy and Strategy Projects) was affirmed and examined.
- Ms Claire Curtin, Director Advocacy was affirmed and examined.

Ms Hobbs made an opening statement.

The Committee began questioning the witnesses. Evidence concluded and the witnesses withdrew.

The Committee took a short adjournment at 3.30pm and resumed the public hearing at 3.47pm.

Ms Kate Foy, Deputy Secretary, Community Engagement, Department of Premier and Cabinet, **Create NSW** was affirmed and examined.

Ms Foy made an opening statement.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

Mr Roger Field, Chief Executive Officer, **Live Nation** was sworn and examined.

Mr Field made an opening statement.

The Committee began questioning the witness. Evidence concluded and the witness withdrew.

The public hearing concluded at 5.08pm.

3. Post-hearing deliberative meeting

The Committee commenced a deliberative meeting at 5.10pm.

Apologies

The Hon. Mark Latham MLC

3.1 Acceptance and publication of tendered documents

Resolved, on the motion of Mr Franklin, seconded by Ms Wilson: That the Committee accept the documents provided by Ms Zelinsky and publish them subject to her approval.

4. General Business

4.1 Licensing Forum in Victoria

The Committee discussed the upcoming delegation visiting the Melbourne licensing forum raised by witnesses at the hearing.

The Secretariat will investigate arranging a briefing for members on the visit.

4.2 Further dates for the Inquiry

The Committee discussed the dates for receiving the draft report and further discussions on it.

5. Next meeting

The Committee adjourned at 5.24pm until Monday 23 September 2019 at 1.00pm

UNCONFIRMED MINUTES OF MEETING No 8

1.33pm, Thursday 26 September 2019

McKell Room

Members present

The Hon. Natalie Ward MLC, Mr Alex Greenwich MP, Mr Kevin Conolly MP, Ms Cate Faehrmann MLC, the Hon. Ben Franklin MLC, the Hon. John Graham MLC, the Hon. Mark Latham MLC, Mr Geoff Provest MP, Ms Felicity Wilson MP, Mr Guy Zangari MP

Officers in attendance

Ms Catherine Watson, Ms Clara Hawker, Ms Emma Wood, Mr Leon Last, Ms Madeleine Dowd, Ms Jennifer Gallagher, Ms Mohini Mehta

1. Apologies

Nil

2. Confirmation of minutes

Resolved, on the motion of Mr Franklin: That the minutes of the meetings no. 6 and 7 be confirmed.

3. Correspondence

The Committee noted the following correspondence:

- Email from Mark Gerber, Oxford Art factory, dated 12 August 2019
- Letter received from Dr Tony Brown on behalf of Newcastle residents, dated 15 August 2019
- Letter from Coles, addressed to the Hon Victor Dominello MP and cc'd to the Committee, dated 28 August 2019
- Supplementary information provided by Dr Wadds, dated 14 August 2019

Resolved, on the motion of Mr Zangari: That the supplementary information provided by Dr Wadds be published on the Committee's website.

4. Consideration of submissions and supplementary submissions

Resolved, on the motion of Mr Graham: That the Committee consider accepting and publishing the following late submissions and supplementary submissions:

- Late submission received from Australian College for Emergency Medicine
- Supplementary submissions received from the Live Music Office dated 30 August and 19 September

5. Responses to questions taken to notice at the public hearings

Resolved, on the motion of Mr Greenwich: That the following responses to question on notice be published on the Committee's website:

- Three Cheers Training
- City of Sydney
- St Vincent's Health Network
- Australian Retailers Association
- Service NSW regarding Easy to do Business program
- Sydney Business Chamber
- Police Association of NSW/Last Drinks Coalition
- Night Time Industries Association
- University of New South Wales
- Randwick City Council
- Oxford Art Factory
- Royal Australasian College of Surgeons, Trauma Committee
- Potts Point Partnership
- Accommodation Association of Australia
- NSW Bureau of Crime Statistics and Research (BOCSAR)
- Sydney Fringe Festival
- NSW Ministry for Health
- Liquor and Gaming NSW
- NSW Police
- Stay Kind
- Ambulance NSW
- Create NSW

6. Responses received to additional questions on notice

Resolved on the motion of Ms Faehrmann: That the following responses to additional questions on notice be published on the Committee's website.

- Australian Hotels Association, dated 27 August 2019
- Centre for Translational Data Science, dated 3 September 2019
- City of Sydney Council, dated 2 September 2019
- Clr Christine Forster and Clr Craig Chung, dated 29 August 2019
- Committee for Sydney, dated 28 August 2019
- Create NSW, dated 29 August 2019
- Diageo, dated 29 August 2019

- Independent Bars Association, dated 30 August 2019
- Liquor and Gaming NSW, dated 30 August 2019
- Night Time Industries Association, dated 2 September 2019
- Potts Point Partnership, dated 22 August 2019
- Randwick City Council, dated 29 August 2019
- Spirit & Cocktails Australia, dated 29 August 2019
- Sydney Fringe Festival, dated 27 August 2019

7. Consideration of Chair's draft report

Resolved, on the motion of Ms Ward: That the draft report be considered chapter by chapter.

Chapter One

Resolved, on the motion of Mr Graham: That throughout the report the phrase 'suite of measures known as the 'lockout laws' be referred to as 'the 2014 laws.'

Resolved, on the motion of Mr Graham: That Finding 1 be amended by omitting 'venues and' after entertainment.

Resolved, on the motion of Mr Zangari: That the following new finding be inserted after Finding 1:

'Finding 2

The Committee accepts that alcohol causes harm. The Committee supports additional research in its impact on NSW citizens.'

Resolved, on the motion of Mr Graham: That the following paragraphs be inserted after paragraph 1.6:

'The Committee notes research concerning the reduction in consumption of alcohol per capita. The National Drug Strategy Household Survey conducted by the Australian Institute of Health and Welfare has found that over the last 10 to 15 years, there have been significant declines in people drinking at risky levels:

- per capita alcohol consumption is at a 50-year low
- the sharpest declines are among 18-24 years olds
- most Australians are drinking less frequently on a daily and weekly basis, and more people are deciding not to drink at all.'

'Key findings of the Chief Health Officer's 2016 report examining "Trends in Alcohol Use and Health-Related Harms in NSW" include:

- A quarter of all adults drink alcohol at levels that place their long-term health at risk. Although rates have declined over the last 10 years, the overall impact on health is still high.
- Just under one quarter of all adults drank more than 4 standard drinks on a single occasion in the last 4 weeks, which placed them at a higher immediate risk of harm.
- Harmful drinking is highest for people aged 16-24 years and lowest for people over 65 years.

- People living in regional and remote areas are more likely than people in Sydney to drink alcohol at harmful levels.
- Young people are initiating drinking later and drinking at less harmful levels than they used to.
- Alcohol-attributable hospitalisations for 15-24 year olds have decreased over the last 9 years.'

Resolved, on the motion of Mr Zangari: That the following paragraph be inserted after paragraph 1.8:

'Greater collaboration between state government agencies, councils and private operators can create safer and more vibrant night time economies.'
[FOOTNOTE: Submission 592, Night Time Industries Association, pp 28-29 .]

Resolved, on the motion of Mr Graham: That Recommendation 4 be amended by deleting 'the Small Business Commissioner' and inserting 'Liquor & Gaming NSW and other relevant agencies'.

Resolved, on the motion of Ms Wilson: That Chapter One, as amended, stand part of the Report.

The Committee adjourned at 2:12pm.

The Committee resumed at 5.13pm.

Chapter Two

Resolved, on the motion of Mr Graham: That Finding 2 be amended by deleting the word 'partying' and deleting 'on occasion violence' and inserting 'and/or violence'.

Resolved, on the motion of Mr Zangari: That the following new paragraph be inserted after paragraph 2.9:

'While the focus was on Kings Cross, these issues are apparent in other areas.'

Mr Latham left the room.

Resolved, on the motion of Ms Wilson: That Finding 3 be amended by deleting:

'The suite of measures known as the 'lockout laws' were both necessary and effective at the time they were implemented. Kings Cross is not yet sufficiently changed to warrant a complete reversal'.

And inserting:

'The 2014 laws were both necessary and effective at the time they were implemented. They were effective in reducing alcohol-fuelled violence, but also reduced foot traffic in the Kings Cross area.'

Ms Wilson moved: That the following sentence be inserted at the end of amended Finding 3:

'However, Kings Cross is not yet sufficiently changed to warrant a complete reversal.'

Question put.

The committee divided.

Ayes: Ms Wilson, Ms Ward, Mr Conolly, Mr Graham, Mr Greenwich, Mr Franklin, Mr Provest, Mr Zangari

Noes: Ms Faerhmann

Question resolved in the affirmative.

Ms Faerhmann moved: That the following new recommendation be inserted after Finding 3:

'Recommendation #
That the Kings Cross lockout laws be repealed.'

Question put.

The Committee divided.

Ayes: Ms Faerhmann, Mr Graham

Noes: Ms Ward, Mr Conolly, Mr Franklin, Mr Provest, Ms Wilson, Mr Zangari

Resolved, on the motion of Mr Conolly: That the following recommendation be inserted:

'Recommendation #
That further analysis and research be undertaken to ascertain which of the suite of public safety measures introduced in the last decade has/have contributed most to the decline in non-domestic assaults both in Sydney and across the state.'

Resolved, on the motion of Mr Graham: That paragraph 2.10 be amended by deleting the word 'undeniably'.

Resolved, on the motion of Mr Conolly: That the following paragraph be inserted after paragraph 2.18

'The Committee noted the broad downward trend in non-domestic assaults in both Sydney and across NSW. To further inform policy decisions in the future affecting Sydney's night time economy it would be helpful to know which of the various measures introduced to promote safety have contributed most to this observed trend.'

Resolved, on the motion of Mr Graham: That additional material on BOCSAR research conclusions be inserted after 2.11.

Resolved, on the motion of Mr Greenwich: That paragraph 2.22 be amended to insert the word 'Some' before 'Residents have different views'.

Resolved, on the motion of Mr Greenwich: That the following new recommendation be inserted:

'Recommendation #

That giving the density of venues in the Kings Cross precinct a pathway be created for licences to be transferred to outside the area to reduce density of venues.'

Resolved, on the motion of Mr Greenwich that Recommendation 5 be amended by:

- inserting 'and other relevant agencies' after City of Sydney
- deleting 'prepare and' after requested to and inserting 'continue to', and
- inserting the following sentence at the end: 'Other relevant government agencies should also consider such a plan.'

Resolved, on the motion of Ms Faehrmann: That paragraph 2.30 be amended by deleting the word 'surprised' and replace with 'concerned'.

Resolved, on the motion of Mr Graham: That the following paragraph be inserted after paragraph 2.35:

'While the focus was on Kings Cross, that this solution will be beneficial across Sydney.'

Resolved, on the motion of Mr Zangari: That the following new recommendation be inserted:

'Recommendation #

That the Department of Planning, Industry and Environment investigate:

- adopting an agent of change principle into planning law to protect existing venues.
- Adopting provisions to allow the designation of entertainment precincts that may encourage new venues.'

Resolved, on the motion of Mr Graham: That paragraphs 2.37 and 2.38 be deleted:

'2.37 However, the Committee notes the evidence of Ms Kerri Glasscock, Director and CEO, Sydney Fringe Festival who observed that this principle may not support smaller operators. She argued that the preferential treatment given to existing occupiers may harm creative businesses because, recently, many of them have left Sydney. Therefore, they are likely to be the more recent arrival and will be responsible for ensuring that their neighbours are not adversely affected by noise.'

2.38 The agent of change principal may be useful to consider by council staff or other independent parties during a mediation. However, the Committee would not like to see further barriers to creative artists being erected because they do not currently occupy sufficient real estate.'

Resolved, on the motion of Mr Conolly: That the following paragraph be inserted after paragraph 2.36:

'Other options to facilitate and/or protect night time entertainment from the impacts of noise complaints included investigating the creation via planning instruments of a specific zone for night time entertainment; and the City of Sydney Council policy known as agent of change.'

Resolved, on the motion of Ms Wilson: That Chapter Two, as amended, stand part of the report.

Chapter Three

Resolved, on the motion of Ms Faehrmann: That Finding 4 be amended by inserting the words 'within some sections of the community' after 'support'.

Resolved, on the motion of Ms Wilson: That Finding 4 be amended by deleting:

'That Sydney is foregoing \$16 billion a year as a result of an underperforming night time economy.

And replacing with:

'As a result of the 2014 laws, Sydney has an underperforming night time economy.'

Ms Wilson moved: That the following sentence be added to the amended Finding 4:

'It has been estimated by Deloitte, that Sydney is foregoing \$16 billion per year.'

Question put.

The Committee divided.

Ayes: Ms Wilson, Ms Ward, Mr Franklin, Ms Faehrmann, Mr Graham, Mr Greenwich, , Mr Provest, Mr Zangari

Noes: Mr Conolly

Resolved, on the motion of Mr Graham: That the following paragraphs be inserted after paragraph 3.3:

'The Small Business Commission reported that:
When asked directly, business owners and managers in the lockout zone confirm what can reasonably be inferred that patronage, too, has fallen sharply. In their survey of

211 licenced premises in the CBD precinct, NSW Treasury found that 82.9% of businesses open after midnight reported declines in patronage from 2013 to 2015.

This trend is further evinced by the decline in live performance revenue at central Sydney venues. Music copyright fee collector APRA AMCOS recorded a 40% decline in door charge receipts at CBD venues with a live artist performance licence, and a 19% fall in attendance across nightclubs and dance venues, from February 2013 to January 2015.

[FOOTNOTE: Submission 783, Small Business Commissioner, p 6]'

'The Small Business Commission also highlighted that:

Lower turnover for businesses in the lockout zone has led to lower staffing levels. NSW Treasury's survey of CBD licenced premises found that the average reduction in full-time equivalent staff, for operator trading after midnight, was 17.7% from 2013 to 2015. Moreover, 44% of respondents suggested the lockouts had led to the decrease in staffing levels.²⁷ The Darlinghurst Business Partnership survey found that the number of respondents employing over ten full-time staff fell from 7% in July 2013 to just 11.8% in July 2015.²⁸ Moreover, from 2016 to 2018, Darlinghurst businesses indicated their fulltime staff levels decreased a full 39% - and that part-time staffing had fallen by 22.5%.

[FOOTNOTE: Submission 783, Small Business Commissioner, p 7]'

'They continued to note that:

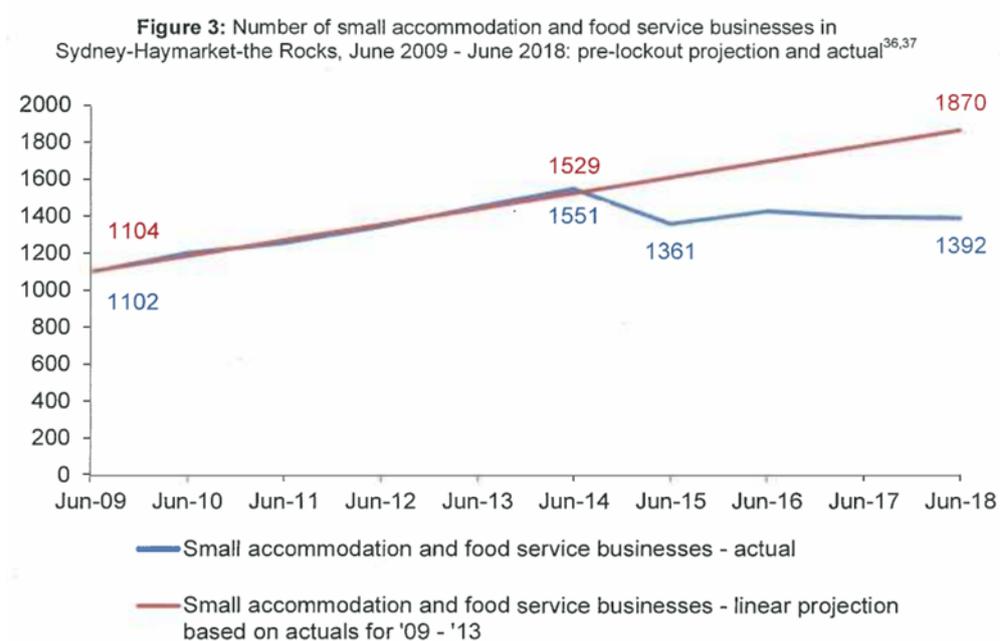
While we acknowledge there is some professional conjecture around the optimum means by which to measure foot traffic, studies of this metric inside the lockout zone uniformly show a downturn since 2014. This decline has been quantified through a number of surveys measuring both pedestrian activity and business patronage. City of Sydney surveyed pedestrian activity in the following areas in 2012 and 2015: CBD Central, South and North; Kings Cross; Oxford Street; Newtown; Pyrmont; Glebe; Redfern and Surry Hills. These provide that pedestrian numbers decreased from 2012 to 2015 in all but one area affected by the lockouts. Using the data provided by these surveys, stakeholders estimated the following reductions in foot traffic from 2012 to 2015:

- *The City North Liquor Accord estimated foot traffic declined by 26% in the CBD;*
- *The Kings Cross Liquor Accord suggested foot traffic fell by 70 to 80% in Kings Cross - from 22,000 on Friday and Saturday nights to just 5,000 to 6,000. Keep Sydney Open estimated that foot traffic in Kings Cross fell by 40%. In addition, the NSW Department of Justice conducted pedestrian surveys of several areas of the CBD in 2014 and 2015. Using this data, NSW Treasury concluded there was a 20% decline in pedestrian activity after midnight across the areas surveyed. In George Street North, it estimated a 33% decline in pedestrian activity between midnight and 4:00am.*

[FOOTNOTE: Submission 783, Small Business Commissioner, pp 5-6]'

'The Small Business Commissioner also observed that:

As noted, though the number of small accommodation and food services businesses in the central Sydney area grew steadily from June 2009 to 2014, this trend shifted into reverse from 2015. If the small accommodation and food services business count had continued to grow at the same rate as from June 2009 to June 2014, a linear projection provides that the count would have increased to 1,870 to 2018 - rather than shrinking to 1,392 as transpired. This represents a difference of -478 small businesses between the pre-lockout projection and the real decline since (see Figure 3). That is, if central Sydney's small businesses had continued on the pre-lockout growth path, an additional 478 small accommodation and food service businesses would have been operating in June 2018.



[FOOTNOTE: Submission 783, Small Business Commissioner, p 9.]'

Mr Latham re-joined the meeting.

Resolved, on the motion of Ms Ward: That recommendation 7 be amended by deleting 'a commission or body to be known as the "Sydney Forum" to be chaired by the Small Business Commissioner' and inserting ' a central agency of government under the direction of a Minister.'

Moved by Mr Graham: That Recommendation 8 be amended by deleting 'Small Business Commissioner' and inserting 'Night Time Economy Commissioner with the support of the Department of Premier and Cabinet.'

Question put.

The Committee divided.

Ayes: Mr Graham, Mr Zangari, Ms Faehrmann

Noes: Ms Ward, Mr Conolly, Mr Franklin, Mr Greenwich, Mr Latham, Mr Provest, Ms Wilson

Question resolved in the negative.

Moved by Mr Graham: That the following new recommendation be inserted:

'Recommendation #

That the NSW Government should support the creation of an Office of the Night Time Economy Commissioner, modelled on the organisational structure of the Office of Small Business Commissioner (OSBC) as the model for coordination/responsibility for any Night Time Economy Commission.'

Question put.

The Committee divided.

Ayes: Mr Graham, Mr Zangari, Ms Faehrmann

Noes: Ms Ward, Mr Conolly, Mr Franklin, Mr Greenwich, Mr Latham, Mr Provest, Ms Wilson

Resolved, on the motion of Ms Ward: That Recommendation 8 be deleted:

'Recommendation 8

That the Small Business Commissioner, along with the Independent Liquor & Gaming Authority, convene a working group of stakeholders including, but not limited to:

- community representatives
- business an license representatives
- health
- safety and police
- Destination NSW
- Create NSW
- music representatives
- youth representatives;
- the arts.'

And replaced with:

'Recommendation 8

That the coordinator from Recommendation 7 is to convene a working group of stakeholders including, but not limited to:

- a community representative
- a licensee representative
- a youth representative
- a music representative
- NSW Health
- NSW Police
- the Small Business Commissioner
- Liquor & Gaming NSW
- the Independent Liquor & Gaming Authority
- the City of Sydney
- Destination NSW

- Create NSW
- the Department of Planning, Industry and Environment'

Resolved, on the motion of Ms Ward: That throughout the report replace 'Small Business Commissioner' with 'coordinator' where relevant.

Resolved, on the motion of Ms Ward: that paragraph 3.28 be deleted:

'The Committee considers that it would assist the newly appointed night time coordinator to call for expressions of interest for young people to be involved in any ongoing committees or forums. This would allow for first-hand experience and input on how potential issues might affect young people.'

Resolved, on the motion of Mr Franklin: That Recommendation 9 be amended by inserting 'Promotion of the Easy to do Business Program' as an additional dot point.

Resolved, on the motion of Mr Zangari: That the last dot point in Recommendation 10 be amended by deleting 'medium sized music venues (400 people)' and replacing with 'small (120-250 people) and medium (400-500 people) size venues.'

Resolved, on the motion of Mr Graham: That Recommendation 11 be amended by deleting 'including bars'.

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted before paragraph 3.40:

'Some important sectors for this work should include:

- small and medium music venues, working with APRA AMCOS
- small bars, regardless of licence class, working with the Independent Bar Association
- the broader restaurant sector.'

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted:

'Recommendation #

That the Department of Planning, Industry and the Environment develop an integrated application process for liquor licencing and development applications that removes duplication in processes.'

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted:

'Recommendation #

That the NSW Government amend liquor legislation to remove outdated conditions for liquor licences and development applications that place unnecessary restrictions on live music, such as banning certain genres of music or certain musical instruments.'

Resolved, on the motion of Mr Graham: That the following paragraphs be inserted after paragraph 3.55:

'Similarly, the Committee received evidence from the Independent Bars Association of NSW concerning onerous restrictions. :

The current process sees security conditions imposed by local councils during the process of applying for development consent to operate a small bar. The general practice is a 1:100 ratio, meaning that one security guard is required for venues with a capacity of 100 patrons. Many small bar operators accept this condition to expedite the process of attaining a liquor licence, believing it can be easily removed once they have commenced operating. This condition is also often applied to venue with a capacity less the 100.

However, once a security condition is applied to a small bar's development consent, it is often applied to the liquor licence. If a licensee then seeks to be exempted from this condition, they must apply separately to the local council and Liquor & Gaming NSW. This is just one example of the administrative burden placed on small bar operators due to the disjointed nature of the liquor licence process.'

[FOOTNOTE: Independent Bars Association, [Answers to supplementary questions](#), 30 August 2019, p 2.

They further highlighted examples of strict conditions applied:

Within local council, there are often lists of standard conditions; however, these are selectively applied. Some examples of conditions include:

- The premise must not operate any pin ball or arcade machines
- All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times, with the word "SECURITY" clearly identifiable in bold print at least 100mm high, on the front and back
- When more than one security guard is on duty, security officers and management shall communicate by hand held radios at all times
- Security guards are to be provided at the premises on Fridays and Saturdays from 9.00pm at a minimum ratio of 1 security staff member to 100 patrons or part thereof.²²⁷

[FOOTNOTE: Independent Bars Association, [Answers to supplementary questions](#), 30 August 2019, pp 5 - 6.]'

Resolved, on the motion of Ms Wilson: That Chapter Three, as amended, stand part of the report.

Chapter Four

Resolved, on the motion of Mr Graham: That recommendation 12 be amended to read:

'Recommendation #

That the NSW Government investigate ways to support venues to provide entertainment. This should include making it easier for existing venues to do so,

²²⁷ Independent Bars Association, [Answers to supplementary questions](#), 30 August 2019, pp 5 - 6.

by encouraging new small and medium size music and entertainment venues, and the use of empty or under-utilised government spaces as temporary or opt-up arts and entertainment venues.'

Resolved, on the motion of Mr Zangari: That paragraph 4.2 be amended by inserting 'particularly' in front of 'negatively'.

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted after paragraph 4.3:

'In 2014 there were 22 venues in the LGA reporting annual receipts of more than \$10 000 to ticketed music concerts. In 2018, this has declined to just 11 venues.'

Resolved, on the motion of Mr Zangari: That paragraph 4.7 be amended by inserting 'small and' in front of medium.

Resolved, on the motion of Mr Graham: That the following paragraphs be inserted after paragraph 4.8:

'The Committee received evidence that:

The City of Sydney's Late Night Trading Development Control Plan (the DCP) provisions incentivise performance, cultural and creative uses in licensed premises, such as small bars, bars and pubs, and dedicated performance venues such as theatres, halls and cinemas which are located in night trading areas.

[FOOTNOTE: City of Sydney Council, Answers to supplementary questions, 2 September 2019, p 2.]

The City of Sydney explained that this is done by providing additional trading hours

and patron numbers, including allowing venues that have the capacity to put on performance and are located in late night trading areas, one additional trading hour at closing time on the night they provide at least 45 minutes of performance after 6pm.

[FOOTNOTE: City of Sydney Council, Answers to supplementary questions, 2 September 2019, pp 2-3.]'

Resolved, on the motion of Mr Franklin: That Recommendation 15 be amended by deleting the words 'consider amending' and replace with 'amend' and delete '120' and replace with '130'.

Mr Graham moved: That Recommendation 15 be amended by inserting after 130 'and standard hours of operation under the licence to 2am.'

Question put.

The Committee divided.

Ayes: Mr Graham, Ms Ward, Ms Wilson, Mr Franklin, Ms Faehrmann, Mr Provest, Mr Latham, Mr Greenwich

Noes: Mr Conolly, Mr Zangari

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted:

'Recommendation #

Removing any rule of thumb requirement for small bar licences, for example for one security guard per 100 patrons, where a written security plan is in place and the venue is well performed. Should these provisions be required, they should be in the written plan of management for the venue, which is negotiated with NSW Police, rather than the licence or Development Application approval.'

Resolved, on the motion of Mr Zangari: That the following new recommendation be inserted:

'Recommendation #

For small bar licences, remove high risk licence fees for later trading from these low risk venues.'

Mr Conolly moved: That Recommendation 16 be amended by deleting the following dot points:

- 1.30am lockout
- restriction of glass in the late trading period, and
- the 3.00am cessation of service.'

Question put.

The Committee divided.

Ayes: Mr Conolly

Noes: Mr Graham, Ms Ward, Ms Wilson, Mr Franklin, Ms Faehrmann, Mr Provest, Mr Latham, Mr Greenwich, Mr Zangari

Question resolved in the negative.

Mr Greenwich moved: That Recommendation 16 be amended by inserting after Oxford Street 'with appropriate urgency'.

Question put.

The Committee divided.

Ayes: Mr Graham, Ms Ward, Ms Wilson, Mr Franklin, Ms Faehrmann, Mr Provest, Mr Latham, Mr Greenwich, Mr Zangari

Noes: Mr Conolly

Question resolved in the affirmative.

Mr Conolly moved: That Recommendation 17 be deleted.

Question put.

The Committee divided.

Ayes: Mr Conolly

Noes: Mr Graham, Ms Ward, Ms Wilson, Mr Franklin, Ms Faehrmann, Mr Provest, Mr Latham, Mr Greenwich, Mr Zangari

Question resolved in the negative.

Resolved, on the motion of Mr Greenwich: That paragraph 4.41 be amended by inserting 'At this stage' before 'while'.

Resolved on the motion of Ms Wilson: That the following paragraph be inserted after 4.42:

'The Committee notes that venues have closing times as part of their liquor licence.'

Resolved, on the motion of Ms Faehrmann: That the following paragraphs be inserted after paragraph 4.55:

'Policing

The Committee heard evidence that, along with over-regulation, a high presence of police and sniffer dogs may also be impacting on people's nightlife experience of the Sydney CBD and Kings Cross.

Ms Jane Slingo, Director, Electronic Music Conference and Artist Manager, MusicNSW told the Committee that:

We live in a time where a night in at home or a party at home is a lot more attractive than it was 10 years ago. The heavy police presence further disincentivising young people from going out and engaging in that nightlife is a very big problem.²²⁸

[FOOTNOTE: Ms Jane Slingo, Director, Electronic Music Conference and Artist Manager, MusicNSW, Transcript of evidence, 5 August 2019, p 50.]

Ms Faehrmann moved: That the following new recommendation be inserted:

'Recommendation #

That the NSW Government should consider the issue of police presence in the Sydney CBD, Oxford St, and Kings Cross precincts, including the use of sniffer dogs and police inside venues and on the streets.'

Question put.

²²⁸ Ms Jane Slingo, Director, Electronic Music Conference and Artist Manager, MusicNSW, [Transcript of evidence](#), 5 August 2019, p 50.

The Committee divided.

Ayes: Ms Faehrmann, Mr Greenwich

Noes: Ms Ward, Ms Wilson, Mr Franklin, Mr Latham, Mr Provest, Mr Graham, Mr Conolly, Mr Zangari

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted:

'Recommendation #

That the Department of Planning, Industry and the Environment develop a tool that can complete the assessment of the cumulative impact of high impact venues in a particular neighbourhood through the liquor licencing system.'

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted:

'Recommendation #

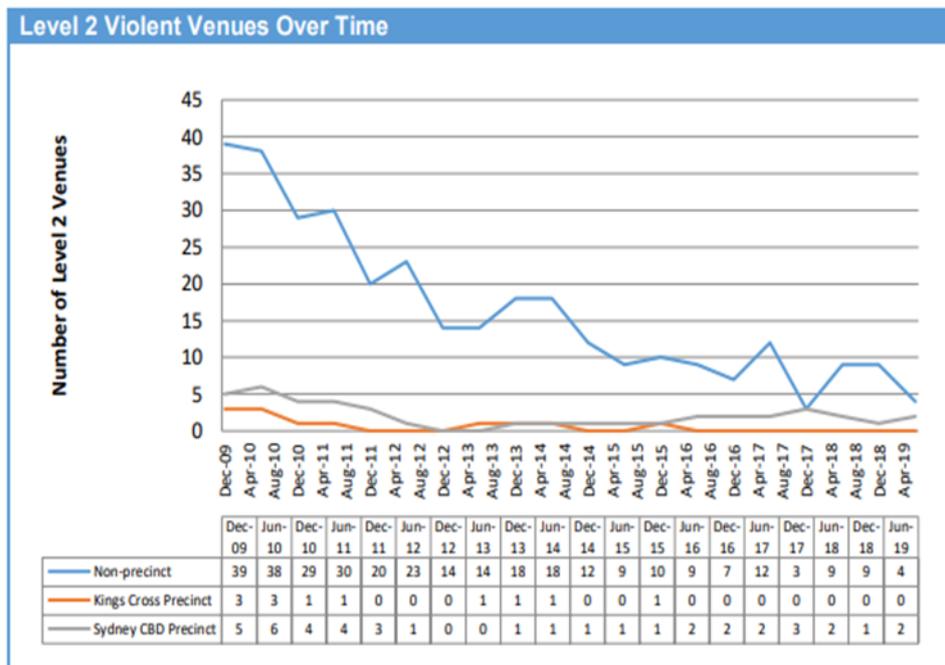
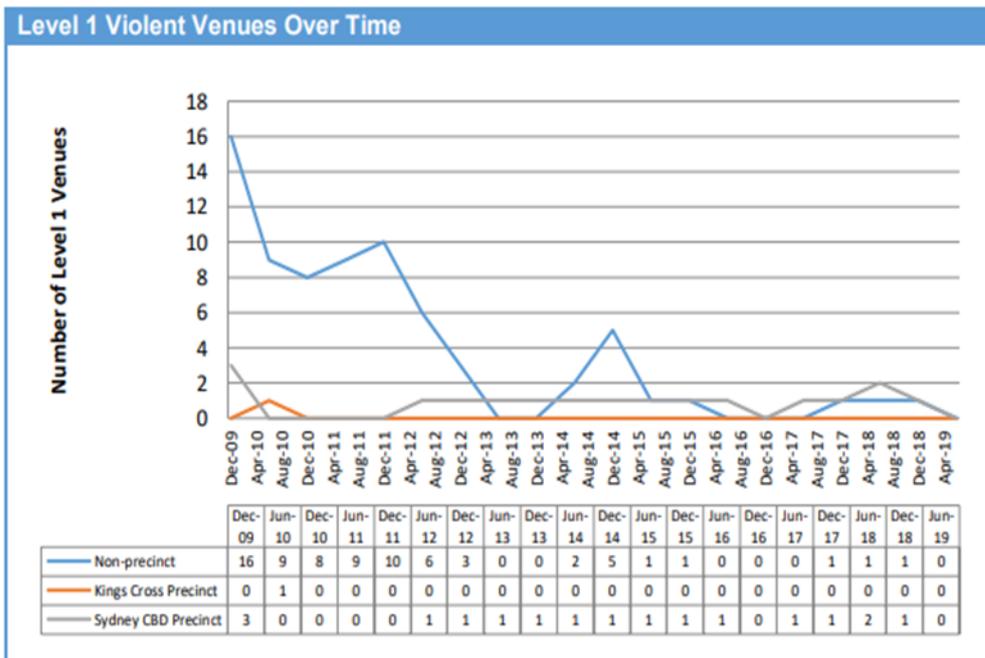
The Department of Planning, Industry and the Environment should consider amending or expanding the violent venue scheme if alternative measures are required in future.'

Resolved, on the motion of Mr Graham: That the following paragraphs be inserted:

'The Committee notes the regulatory success of the violent venues scheme, which adopts the principle of heavily regulating those venues that are contributing most to the number of violent incidents. The Committee believes this is an effective way to concentrate regulatory resources where they might have most effect.'

'Liquor & Gaming NSW told the Committee that:

Since the Violent Venues scheme was introduced on 1 December 2008 we have seen a downward trend in assaults on licensed premises in NSW. Between April 20-09 and March 2009, alcohol-related (non-domestic) assaults on licensed premises were down by 7.7 per cent per year. In the ten years prior to this, these assaults had instead been steadily increasing. The clear turning point after the scheme's introduction would indicate that it has had a positive impact on reducing levels of violence, consistent with its policy objective.'



[FOOTNOTE: Liquor & Gaming NSW, Answers to questions on notice, 15 August 2019, p 4 and 5.]

Resolved, on the motion of Ms Wilson: That the Chapter Four, as amended, stand part of the report.

Chapter Five

Moved, on the motion of Mr Connolly: That Recommendation 20 be deleted

Question put.

The committee divided.

Ayes: Mr Conolly.

Noes: Ms Faehrmann, Ms Wilson, Ms Ward, Mr Graham, Mr Greenwich, Mr Franklin, Mr Provest, Mr Zangari

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That Recommendation 21 and paragraphs 5.18-5.25 be moved to Chapter 4, after paragraph 4.43.

Resolved, on the motion of Ms Wilson: That Chapter Five, as amended, stand part of the report.

Chapter Six

Resolved, on the motion of Mr Greenwich: That Recommendation 22 be amended by inserting the words 'and takes appropriate steps' after 'options'.

Resolved, on the motion of Mr Conolly: That the following new recommendation be inserted:

'Recommendation #
That Transport for NSW examine ways to incentivise taxis operating between 1.30am and 4.30am when public transport is generally unavailable, allowing taxis to become effectively part of the public transport service during those hours.'

Resolved, on the motion of Mr Franklin: That the Summary box below 'Secure taxi ranks' be amended by deleting the word 'guards' and replacing with 'measures.

Resolved, on the motion of Ms Faehrmann: That Recommendation 23 be amended by deleting the words 'investigate providing' and inserting the word 'provide'.

Chapter Seven

Resolved, on the motion of Mr Zangari: That Recommendation 25 be amended by inserting the following sentence at the end of the recommendation:

'This, and any subsequent reviews, should be reported publicly.'

Resolved, on the motion of Mr Graham: That paragraph 7.22 be deleted:

'Witnesses told the Committee about a particular venue in Kings Cross, Holy Moly, where patrons can play putt-putt golf, as well as enjoy available food and

beverage offerings. This is one example of diversifying the type of venues and experiences that are available in the precinct. The review into Kings Cross should consider what venues have opened, and how they contribute to a night-life that is innovative, inclusive and safe.'

Moved by Mr Graham: That the following new recommendation be inserted:

'That the recommended reforms be staged, with the Committee consolidating the main recommendations with timelines into a proposed order.'

Question put.

The Committee divided.

Ayes: Mr Graham, Mr Zangari, Ms Faehrmann

Noes: Ms Ward, Mr Conolly, Mr Franklin, Mr Greenwich, Mr Latham, Mr Provest, Ms Wilson

Resolved, on the motion of Mr Latham: That Recommendation 29 be deleted:

'Recommendation 29

That the NSW Government consider conducting a follow up review of the liquor license conditions in the Newcastle Central Business District and surrounding areas.'

And replaced with:

'Recommendation 29

If the Sydney Lock-out reforms are successful, the NSW Government should give consideration to a review of Newcastle liquor licensing conditions and working with the City Council to rejuvenate the night-time economy and its economic importance for the Hunter Valley.'

Resolved, on the motion of Mr Latham: That paragraph 7.28 be deleted:

'During the course of the inquiry the Committee undertook a site visit to Newcastle to discuss Newcastle's experience with liquor license laws, their night time economy and other relevant issues.'

And be replaced with the following paragraphs:

'The Committee spent a day of meetings and consultations in Newcastle, noting that the Sydney Lock-Out Laws were initially known as 'The Newcastle Solution'. The Committee heard about the violent drinking culture in the city that made The Newcastle Solution necessary, but also the extensive Newcastle City Council Strategy for revitalising the night-time economy and creating much needed jobs in a region under economic stress.'

'The Committee was concerned that the multi-billion dollar Federal/State investment in Newcastle through outstanding projects like Honeysuckle and the city light-rail, has not yet realised the anticipated tourism and hospitality jobs in the night-time economy.'

Resolved, on the motion of Ms Wilson: That Chapter Seven, as amended, stand part of the report.

Resolved, on the motion of Ms Wilson:

1. That the draft report, as amended, be the report of the Committee, and that it be signed by the Chair and presented to the House.
2. That the Chair and committee staff be permitted to correct stylistic, typographical and grammatical errors.
3. That, once tabled, the report be posted on the Committee's website.

The Committee adjourned at 9.02pm.