

## Agreement in Principle

**Mr KEVIN GREENE** (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [6.07 p.m.]: I move:

That this bill be now agreed to in principle.

The Liquor Amendment (Special Licence Conditions) Bill 2008 will transfer new liquor licence conditions applying to a list of 48 venues from the Liquor Regulation 2008 to the Liquor Act 2007. The Government is committed to reducing alcohol-related violence. In October the Premier announced a package of measures to tackle this growing problem. Alcohol-related assaults make up a large proportion of violent crimes in New South Wales. Statistics from the New South Wales Bureau of Crime Statistics and Research [BOCSAR] show that alcohol-related assaults, excluding domestic violence, increased by 4.7 per cent per annum over the past two years, while non-alcohol related assaults are declining. The community is simply fed up with alcohol-related violence.

The Government has made clear its determination to tackle this growing problem. The Government is using a number of different ways to tackle the problem; the Liquor Legislation Amendment Bill 2008 is one element of the Government's strategy. That bill was passed last week. It introduced provisions to require a six-hour closure each day for all new liquor licences, effectively putting a freeze on new 24-hour liquor licences; to give police and local council enforcement officers more power to enforce alcohol-free zones, for example by allowing them to confiscate and tip it out; and to deter young people from using false IDs to purchase alcohol and enter licensed premises.

When that bill was introduced, the Government also flagged its intention to use regulations to impose new licence conditions on specific high-risk venues. The Liquor Act 2007 includes several different ways to apply new conditions to a liquor licence, including by way of regulation. The Liquor Amendment (Special Licence Conditions) Regulation 2008 commenced operation on 1 December 2008. It amends the Liquor Regulation 2008 to apply a number of new liquor licence conditions to a list of 48 specified venues. Nine of those 48 licensees have brought proceedings in the Supreme Court in relation to the decision to include those venues on the list and the validity of the Liquor Amendment (Special Licence Conditions) Regulation 2008. The Government is vigorously defending the proceedings and it stands by these provisions.

However, the Government wants to put the matter beyond doubt so that the scheme is effective over the coming summer months. Both the community and the industry need certainty. This bill will ensure that the Government's reforms will apply. The new licence conditions are designed to reduce alcohol-related violence in or around the listed high-risk venues. The list of 48 venues was prepared on advice provided by the New South Wales Commissioner of Police and based on data provided by the Bureau of Crime Statistics and Research. The data identifies assault incidents that were reported to or detected by police between July 2007 and June 2008 at licensed premises. Bureau of Crime Statistics and Research data is used to inform a range of Government policy decisions. The Bureau of Crime Statistics and Research is the Government's statistics and research agency within the Attorney General's Department. It has a reputation for independence and reliability.

It is entirely appropriate that the Government has sought to identify the high-risk venues to be subject to these measures using statistics provided by the Bureau of Crime Statistics and Research. Selected high-risk venues in Newcastle were excluded from the list in the regulation as they are already subject to a set of conditions that have been in place since March 2008 that are designed to have a similar effect. Star City Casino was also excluded from the list in the regulation as an alternative regime is in place, including the presence of the Police Casino Investigations Unit and casino inspectors. The new licence conditions introduced by the regulation are a vital element of the Government's strategy to reduce alcohol-related violence and antisocial behaviour.

The licence conditions are designed to address problems, such as assaults, glassing, intoxication and disturbance of nearby areas. The new licence conditions include a mandatory lockout preventing patrons from entering a listed venue between 2.00 a.m. and 5.00 a.m.; prohibiting the use of glass or breakable plastic containers after midnight; restrictions on the number of drinks that can be sold to the same person at any one time; prohibiting the supply of certain alcoholic drinks after midnight, including shots and drinks containing more than 50 per cent spirits or liqueur; 10-minute time-outs each hour, when alcohol cannot be supplied; and liquor sales ceasing 30 minutes before closing.

Exemptions from these conditions can be given by the Director of Liquor and Gaming if other conditions are imposed that will be more effective than the conditions contained in the regulation in reducing the risk of alcohol-related violence in or about the premises. This is a reserve power that will be exercised on a case-by-case basis when the appropriate statutory tests are met. New clause 2 (2) provides that the new licence conditions are in addition to any other conditions to which a licence is subject. If a licence already requires a venue to have a lockout from 1.30 a.m., then this will continue to apply, alongside the new requirement for a lockout from 2.00 a.m.

The regulation provides that, in the event of any inconsistency between a provision of an existing licence condition or the proposed new special conditions, the condition that is in the opinion of the authority more onerous will apply. This provision is not being re-enacted in the bill as a review of licence conditions has shown that there is unlikely to be inconsistency between existing licence conditions and the proposed new licence conditions. As I have noted, while some premises are already subject to lockout conditions that commence at different times from the proposed new statutory conditions, it is possible for venues to comply with both sets of lockout conditions, as required by clause 2 (2).

I also note that venues affected in this way have the option of seeking exemption under the proposed amendments or of applying to have existing licence conditions varied. In Wollongong and Newcastle similar licence conditions have been shown to be effective. In Newcastle the new conditions on some venues included lockouts after 1.30 a.m. and restrictions on alcohol strength after 10.00 p.m. and drink purchase limits. In Wollongong new conditions included lockouts and drinks service ceasing 30 minutes before closing. They have been very effective in reducing alcohol-related violence and antisocial behaviour in Wollongong and Newcastle. Very significant drops in alcohol-related assaults have been identified for 2008 in those areas.

The Liquor Amendment (Special Licence Conditions) Bill 2008 will transfer the new licence conditions relating to the 48 identified venues from the Liquor Regulation 2008 to the Liquor Act 2007. The new arrangements are being overseen by a high-level implementation team. If new problems emerge, they will be considered by the Government. The bill will confirm that these important measures will remain in place over summer, when alcohol-related assaults tend to increase. The measures in the bill will ensure that a vital part of the Government's strategy can be implemented, bringing with it significant benefits for the community in terms of improved safety and lower rates of alcohol-related violence as well as antisocial behaviour. As I have already said, the public is fed up with alcohol-related violence. This bill will ensure that the Government's strategy to control alcohol-related violence is effective. I commend the bill to the House.