

Responses received to additional questions

Australian Hotels Association

Mr John Whelan

1. Is there a way to distinguish between rules governing the rapid consumption of shots and the consumption of neat, often high end, spirits?

There are currently a number of strict guidelines and legislative provisions that govern the manner in which liquor is sold – specifically having regard to drinks that may be rapidly consumed. These include Responsible Service of Alcohol and Licensee Permit Intoxication (for which a Strike may be incurred) laws as well as Guidelines issued by the Secretary, Better Regulation for the *Prevention of Intoxication on Licensed Premises* and the *Liquor Promotion Guidelines*. For example the guidelines set out that any licensee who chooses to serve drinks designed for rapid intoxication after midnight loses their defence to a prosecution for permitting intoxication on the premises.

If there is to be any restriction on the sale or supply of drinks late into the trading period, this should clearly be targeted at those drinks that are designed for rapid consumption. It is clear that it is the style of drinking vessel, rather than the alcohol type that contributes to this. For example, drinks served in a shot glasses, test tubes, yard glasses etc are all designed for rapid consumption, whilst whiskey tumblers, martini glasses and even a port glass containing single nips or liquor without mixers are designed to be savoured.

2. What is your view of having the Small Business Commissioner co-ordinate night time economy policy?

a) Would this be best done stand alone, or in company with the Department of Premier and Cabinet?

AHA NSW supports the organisational structure of the Office of Small Business Commissioner (OSBC) as the model for coordination/responsibility for any Night Time Economy Commission, but does not support the Office of Small Business assuming responsibility for the coordination of the night time economy policy.

The Commissioner is a strong and effective advocate in relation to small business in NSW, however small businesses are only one facet of the complex coordination task. We are concerned that the existing Office of Small Business Commissioner does not contain the necessary skill set or remit to appropriately represent, and advocate on behalf of not only the diverse business types and sizes contributing to the night time economy, nor expertise in working with the specific Government agencies involved including NSW Police, Health and Liquor and Gaming.

a) The AHA NSW believes the office should have a link to a senior representative within the Department of Premier and Cabinet – at a minimum of Deputy Secretary level.