

## Responses received to additional questions

**Liquor & Gaming NSW**  
Ms Natasha Mann

**1. Is there any further information about the outcomes driven by the Violent Venues scheme?**

The data already provided to the Committee on the Violent Venues Scheme demonstrates the success of the scheme, with significant drops in the numbers of venues included in the list since the scheme's inception.

In addition, since the scheme was introduced on 1 December 2008, we have seen a downward trend in assaults on licensed premises in NSW. Between April 2009 and March 2019, 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.

**2. Have there been proposals to amend the scheme to improve its operation?**

Yes. Stakeholders put forward proposals for amendments as part of a review of the scheme undertaken by Paul Armstrong Consulting in 2012, resulting in improvements to the scheme at that time. As the Committee is aware, Merivale has also made proposals to amend the scheme.

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

Approaches in other jurisdictions to distinguishing rules for different drink types could be considered. For example, restrictions on rapid intoxication drinks between midnight and 5am under Queensland's Liquor Regulation 2002 allow the consumption of neat spirits up to 45ml, while banning alcohol *served in a small glass or container (such as shooters, shots, bombs, test tubes, jelly shots and other similar drinks)*. This approach links the ban on shots more directly to the nature of the drink container they are typically served in.

**4. What other steps or regulatory changes could be taken to encourage small bars in NSW?**

Liquor & Gaming NSW notes that small bar numbers have more than doubled since the Government's December 2016 small bar licence reforms. Building upon their success, further regulatory changes that may help to encourage more small bars could include:

- a. increasing the maximum capacity of small bars from 100 to 120 patrons to further enhance viability;
- b. removing current restrictions on minors entering or remaining in small bars, to assist small businesses in offering more diverse services during the day (e.g. food services) and in running functions minors may attend (e.g. birthday parties). If removed, additional controls may be appropriate to help minimise risks – for example, only permitting minors in small bars until midnight and/or in the company of a responsible adult.

Liquor & Gaming NSW considers that any such changes would need to be examined in light of current evidence available on the risk profile of venues with 120 or less patrons, as compared to larger venues (see response to Q5 below for relevant data). In our 2016 Review of the Small Bars Legislation, we recommended that further consideration be given to the issue of whether minors should be permitted in small bars when sufficient data became available on the impact of the approved increase in the patron limit to 100.

**5. Is there any advice regarding a proposal to increase the maximum number of patrons under the small bar licence to 120?**

Liquor & Gaming NSW is aware that at least two other states offer a small bar/venue licence with a 120 patron limit – including South Australia and Western Australia.

Any increase in capacity in NSW should be considered in light of evidence available. The below table shows the rate of alcohol-related assaults in 'small venues' in the City of Sydney LGA with 120 or less patron capacity. The rate of assault across small venues with 120 or less capacity in the City of Sydney LGA has continued to be low over time.

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

*\*Note: The number of premises was calculated using information provided by the City of Sydney (i.e. venues the Council classifies as 'small'). Only venues that were active during each time period were included in the count (i.e. licences that were cancelled or surrendered have not been included in the counts). Alcohol-related assault data is obtained from the Bureau of Crime Statistics and Research.*

Liquor & Gaming NSW's 2016 Review of the Small Bars Legislation examined rates of alcohol-related assault across larger venues in the City of Sydney LGA. The review found that there was little difference in the rate of alcohol-related violence in smaller bar-like venues until the patron limit exceed 120. At this point an increased trend of alcohol-related violence was more evident (see Tables 5 and 6 from the Small Bar Review Report for comparison purposes). The Report is available at:

<https://www.liquorandgaming.nsw.gov.au/documents/public-consultations/small-bars-review/small-bars-review-report-sept-2016.pdf>

**6. What are the current requirements for security in small bars in Sydney?**

There are currently 137 small bars licensed in NSW. Of these, 14 licences have conditions relating to security guards/crowd control. The majority of these conditions relate to Friday and Saturday night trading (from mid evening until midnight or when the small bar closes) and were imposed at the request of NSW Police.

As part of current licensing practices, conditions requiring security staff are not routinely imposed on new small bar licences. Liquor & Gaming NSW has a small, standard set of conditions that are now suggested to be imposed on small bars – two of which relate to security on the premises, including:

- a. a requirement to preserve crime scenes (only applies in the event of a crime being committed on the premises)
- b. CCTV (a standard approach for many venues trading aftermidnight)

Venues can apply to Liquor & Gaming NSW to have conditions varied or revoked after a period of trading without serious incident.

**a) How are those agreed?**

See response above.

**a) How are those enforced?**

Liquor & Gaming NSW inspectors and NSW Police have responsibility for enforcement of liquor laws. A breach of a licence condition is punishable by a penalty notice of \$1100 or a maximum court penalty of \$11,000.

Liquor & Gaming NSW takes a risk-based approach to its inspection and enforcement activity and focuses its resources on venues at higher risk of alcohol-related harm. Small bars are considered to have a lower risk profile. Liquor & Gaming NSW has not detected any breaches of security conditions at small bars.

**a) Is there a better way to do this?**

Licence conditions are considered on a case by case basis having regard to a range of factors including the risk profile of a venue, compliance history and submissions from police and the licensee. The current process allows for careful consideration of the merits of imposing conditions on a licence. Liquor & Gaming NSW continually reviews its decision-making processes and is open to exploring ways to continually improve its processes.

**7. Who is the lead agency in charge of night time economy policy for the Government?**

The Premier and Cabinet cluster has the lead, and is coordinating with relevant agencies on this policy issue.

**8. Who is the lead agency in charge of noise regulation for the Government?**

Noise is regulated by different bodies in NSW depending on the type of noise source. Liquor & Gaming NSW does not consider itself to be a lead agency for noise regulation. For venues that form part of the NTE, complaints tend to be managed by individual councils under the planning system, reflecting that noise management is not merely an issue relating to licensed venues.

Disturbance complaints relating to noise at licensed venues may be made to Liquor & Gaming NSW by members of the public under the *Liquor Act 2007* in relatively narrow circumstances – including when:

- a. there are three or more local residents behind the complaint;
- b. the person has been authorised to make the complaint by the local consent authority in relation to the licensed premises; or
- c. the person satisfies the Secretary that his or her interests, financial or other, are adversely affected by the undue disturbance to which the complaint relates.