

**Submission  
No 94**

## **MEASURES TO REDUCE ALCOHOL AND DRUG- RELATED VIOLENCE**

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**Date Received:** 15/08/2014



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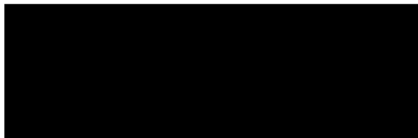
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To The Committee on Law and Safety

Please accept a copy of the Police Association of New South Wales submission regarding the Inquiry into measures to reduce alcohol and drug related violence.

The Police Association of NSW thanks the Committee for the opportunity to submit a response to its inquiry. The Police Association is prepared to appear before the inquiry to give evidence and looks forward to the release of the final copy of the Report.

Yours sincerely



**PAT GOOLEY**  
Vice President



**Submission to the Inquiry into  
Measures to Reduce Alcohol and  
Drug-Related Violence**

# Contents

<b>Trends in alcohol and drug related violence in licensed venues and general street areas .....</b>	<b>4</b>
Anti-social behaviour caused by alcohol and drugs .....	4
.....	5
Assaults on police officers .....	5
Alcohol and drug related violence in general street areas .....	6
Alcohol and drug related violence in licensed venues .....	7
<b>The impact of recent measures to reduce violence on Police, the Courts, hospitals, and the liquor industry .....</b>	<b>8</b>
Reduced Trading Hours and Lockouts .....	9
A new CBD-wide precinct .....	11
Free transport .....	12
Freeze on new licences .....	12
Precinct bans .....	13
<b>Possible further measures to reduce alcohol and drug-related violence .....</b>	<b>13</b>
<b>The effectiveness of measures taken to reduce alcohol and drug related violence in other jurisdictions ....</b>	<b>15</b>
Melbourne, Victoria .....	15
Gold Coast, Queensland .....	16
Norway .....	16
United Kingdom .....	17
<b>Conclusion .....</b>	<b>17</b>
<b>Reference List .....</b>	<b>18</b>

# Measures to reduce alcohol and drug-related violence in Sydney CBD

## *Police Association of NSW submission*

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Alcohol and drug related assaults take a huge toll on local communities in NSW. Too often our members have the task of reporting the devastating consequences of alcohol and drug fuelled violence to families.

However, not only do alcohol and drug related assaults present an enormous problem to local communities, but alcohol and drug fuelled violence also present a constant occupational hazard to emergency service workers such as doctors, nurses, paramedics and police officers.

Due to the effect that alcohol and drug fuelled violence has on the community and also our members, the Police Association of NSW (**the Association**) has for many years been actively involved in campaigning for practical and evidence based solutions to reduce the incidence of alcohol and drug fuelled assaults within New South Wales. The measures to reduce alcohol and drug related violence specifically in the Sydney Central Business District introduced in February 2014 is what the Association and, indeed, the community has been calling for. These measures reflect the restrictions introduced in Newcastle in 2008 which have been responsible for sustained reductions in alcohol related violence of 37%<sup>1</sup>. Accordingly, the Association congratulates the Government for responding to the call for action and firmly putting the issue of alcohol violence on the political map.

The Association welcomes the opportunity to detail our experience of the impact of the recent measures in the Sydney CBD and also what other measures we believe will assist in mitigating alcohol related harm.

However, given the timing of the Inquiry, it is difficult to provide firm data which measures the impact of the initiatives that were introduced since:

1. the measures have not yet been in place for 6 months; and
2. the NSW Bureau of Crime Statistics and Research (**BOCSAR**) has not yet released statistics to cover the relevant period in question.

In any event, while the Association is mindful of not pre-empting the statistics that will soon be released by BOCSAR, based on feedback from our members, we understand that the measures are working – the incidents of assaults in CBD Precinct have rapidly declined.

In addition to providing the following submission, we also wish for it to be noted that we support the submission provided by the *NSW ACT Alcohol Policy Alliance* in response to this Inquiry.

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<sup>1</sup> Kypros Kypri et al., 'Effects of restricting pub closing times on night-time assaults in an Australian City', *Addiction Research Report*, vol 106, p306.

## Trends in alcohol and drug related violence in licensed venues and general street areas

### Anti-social behaviour caused by alcohol and drugs

It is well documented that there is a strong causal link between alcohol consumption and anti-social behaviour. According to the World Health Organisation (WHO):

*“studies on violence have repeatedly shown that alcohol consumption precede violent events, and that the amount of drinking is related to severity of subsequent violence”<sup>2</sup>*

In fact, according to Professor Kypros Kipri, who undertook a review of the measures to reduce alcohol related violence introduced in Newcastle in 2008, there is a direct correlation between assaults and trading hours in licensed premises. In fact, according to Professor Kipri:

*“in eight cities where trading hours were extended, there was an average 20% increase in assaults per additional hour of trading. Conversely, in 15 cities where hours were restricted, there was an average 20% decrease in assaults per hour of restriction.”<sup>3</sup>*

Alcohol plays such a presence in street violence as it diminishes an individual’s ability to control emotions like aggression<sup>4</sup>.

A review of the crime statistics in 2013 for Kings Cross, Cockle Bay, the Rocks, Haymarket and Darlinghurst reveals that more than half of all non-domestic assaults were alcohol related (see table below). The figures in Kings Cross are even more alarming with 70% of non-domestic assaults occurred being alcohol related (see table below).

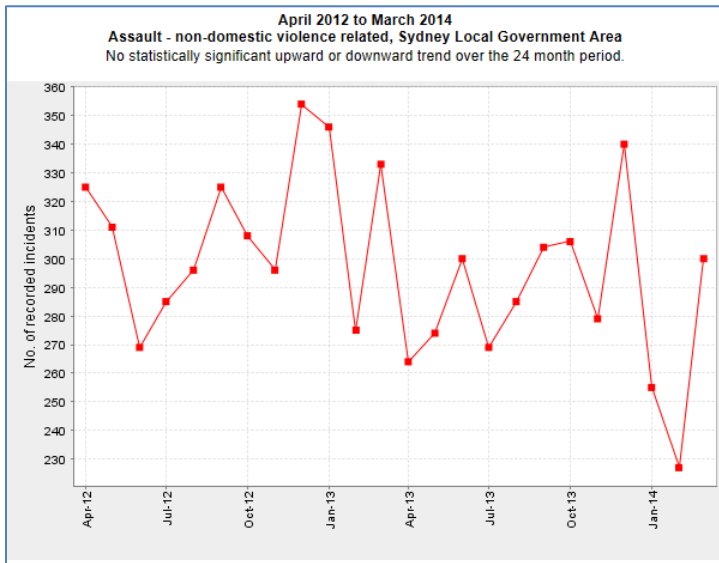
Incidents of Non-domestic assault January 2013 to December 2013				
Area	Time of week	Time of day	Alcohol related	Most often occurring
Darlinghurst	52.5% on weekends	68.6% at night	55%	Road/street/footpath
Kings Cross (2011)	59.9% on weekends	78.3% at night	70%	Road/street/footpath
Sydney LGA	52.7% on weekends	67.6% at night	53.9%	Road/street/footpath
Cockle Bay, the Rocks, Haymarket	56.3% on weekends	71% at night	56%	Road/street/footpath

*Source: NSW Bureau of Crime and Statistics*

<sup>2</sup> World Health Organisation, Department of Mental Health and Substance Abuse, Geneva, “Global Status Report on Alcohol 2004”, *World Health Organisation*, available at [http://whqlibdoc.who.int/publications/2004/9241562722\\_425KB.pdf](http://whqlibdoc.who.int/publications/2004/9241562722_425KB.pdf) [accessed 13 August 2014]

<sup>3</sup> Kypros Kypri, “Earlier pub closing times key to reducing alcohol-fuelled assaults”, 3 March 2014, *The Conversation* available at <http://theconversation.com/earlier-pub-closing-times-key-to-reducing-alcohol-fuelled-assaults-23829> [accessed 13 August 2014]

<sup>4</sup> Shane Darke, “Substance use and violent death: a case for the ‘too hard’ basket?” *Addiction* 104 (2009), 1063–1064.



Source: NSW Bureau of Crime and Statistics

Unfortunately, between April 2012 and March 2014, there was no statistically significant upward or downward trend in non-domestic assaults. Non-domestic violence related assaults remained stable during this time.

Consequently, based on the trend during the 2 years period from April 2012, clearly, something needed to be done to put an end to the violence that our communities were being subjected to.

## Assaults on police officers

Alcohol also plays a major part in the incidents of police being assaulted.

In 2012, the Police Association conducted research (funded by WorkCover NSW) into assaults against police over a 5 year period (2005-2010). Alarming, the results of this research revealed that:

1. between 2005 and 2010, a total of 16,423 assault officer incidents were recorded in NSW (an average of 2,737 assault officer incidents reported per year)<sup>5</sup>;
2. across the state, on average, 1 in every 4 operational police officers were assaulted each year<sup>6</sup>;
3. alcohol related incidents represent 70% of all assaults on police and have a huge bearing on explaining assaults on police<sup>7</sup>; and
4. 80% of weekend assaults on police were recorded as alcohol related. In terms of at risk periods, the 3-hour periods before and after midnight on Fridays and Saturdays were the peak periods for police being assaulted<sup>8</sup>.

In 2013, of all incidents of police being assaulted:

- 76.6% were alcohol related in Cockle Bay, the Rocks and Haymarket; and
- over 60% were alcohol related in Kings Cross and Darlinghurst (see table).

<sup>5</sup> Natalie French, *Assessing the hazards: assaults on NSW Police Officers 2005-2010*, 2012, p41.

<sup>6</sup> *Ibid*, p83.

<sup>7</sup> *Ibid*, p61.

<sup>8</sup> *Ibid*, p84.

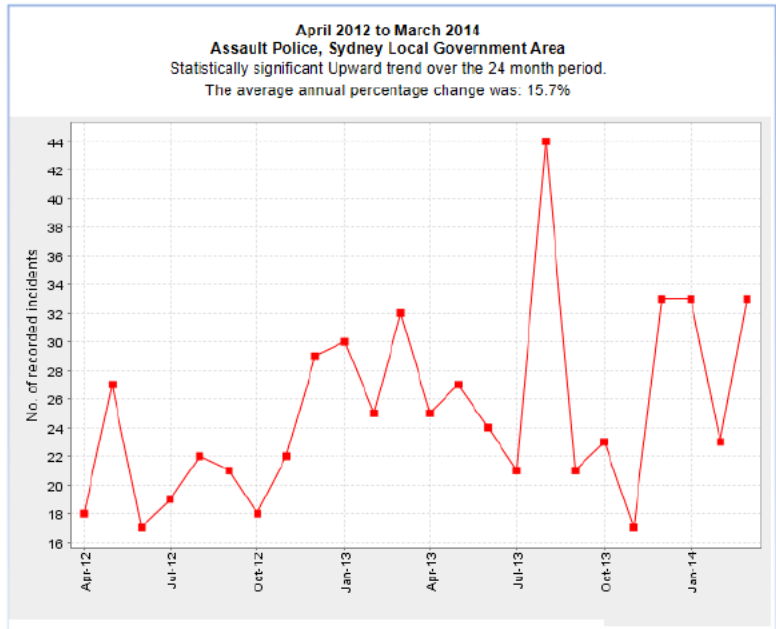
Incidents of assaults on police officers January 2013 to December 2013				
Area	Time of week	Time of day	Alcohol related	Most often occurring
Darlinghurst	63.5% on weekends	81% at night	61.9%	Road/street/footpath
Kings Cross (2011)	40.3% on weekends	73.1% at night	67.2%	Road/street/footpath
Sydney LGA	50.9% on weekends	69.1% at night	65.9%	Road/street/footpath
Cockle Bay, the Rocks, Haymarket	58.5% on weekends	68.1% at night	76.6%	Road/street/footpath

*Source: NSW Bureau of Crime and Statistics*

Unfortunately, the trend in violence against police officers is only going up.

In June 2014, the BOCSAR released their Quarterly Update which showed that since 2012, there has been an upward trend of 12.9% in the number of incidents of police officers being assaulted<sup>9</sup>.

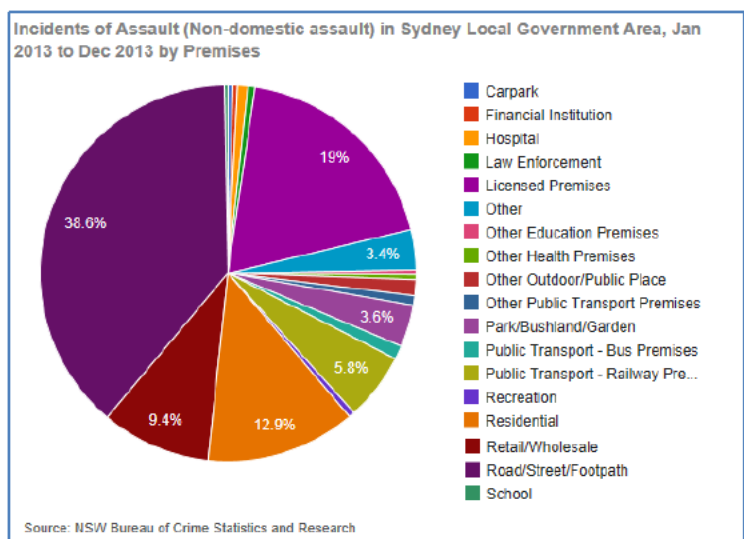
No one should have to go to work not knowing whether they may be punched in the face, kicked, spat on and bitten throughout the shift. Police should not be assaulted when they are undertaking duties to reduce crime and, ultimately, protect the community.



*Source: NSW Bureau of Crime and Statistics*

### Alcohol and drug related violence in general street areas

In the Sydney Local Government Area, in 2013, over 50% of non-domestic assaults were alcohol related<sup>10</sup> occurring mostly on roads, streets and footpaths<sup>11</sup>.



<sup>9</sup> NSW Bureau of Crime Statistics and Research, "Quarterly Update March 2014 NSW Statistic Areas and Local Government Areas", *NSW Bureau of Crime Statistics and Research Statistical Report Series*, p5.

<sup>10</sup> *Incidents of Assault (Non-domestic assault) in Sydney Local Government Area, Jan 2013 to Dec 2013 by Alcohol Related*, NSW Bureau of Crime Statistics and Research, available at <http://www.bocsar.nsw.gov.au/> [accessed 13 August 2014]

<sup>11</sup> *Incidents of Assault (Non-domestic assault) in Sydney Local Government Area, Jan 2013 to Dec 2013 by Premises*, NSW Bureau of Crime Statistics and Research, available at <http://www.bocsar.nsw.gov.au/> [accessed 13 August 2014]



The trend in non-domestic assaults being most prevalent on our streets is also apparent in Kings Cross, Darlinghurst Cockle Bay, the Rocks and Haymarket (see below).

<b>Incidents of assaults in general street areas January 2013 to December 2013</b>		
<b>Area</b>	<b>Type of assault</b>	<b>% which occurred on roads, streets or footpaths</b>
Sydney LGA	non-domestic assaults	38.6%
Sydney LGA	assaulting police	50%
Kings Cross	non-domestic assaults	46.2%
Kings Cross	assaulting police	61.2%
Cockle Bay, the Rocks and Haymarket	non-domestic assaults	37.6%
Cockle Bay, the Rocks and Haymarket	assaulting police	40.4%
Darlinghurst	non-domestic assaults	44.5%
Darlinghurst	assaulting police	50.8%

*Source: NSW Bureau of Crime and Statistics*

While the evidence shows that most non-domestic assaults in 2013 in the Sydney Local Government Area occurred on roads, streets and footpaths, what also must be noted is the role that alcohol still plays in these assaults. For example, more non-domestic assaults occur in close proximity to licensed premises in the Sydney LGA than anywhere else.<sup>12</sup> In fact, a study conducted by BOCSAR in 2011 showed that more than half of assaults occurred on general street areas within 50 metres of a liquor outlet.<sup>13</sup> Licensees and owners must be accountable and take responsibility for the violence that ensues if there has been a failure to adhere to the responsible service of alcohol.

### **Alcohol and drug related violence in licensed venues**

In June 2014, the BOCSAR Quarterly Review revealed that, since 2009, there has been a downward trend in non-domestic assaults occurring in licensed premises<sup>14</sup>.

<b>Trends in non-domestic assaults in licensed premises</b>		
	<b>Assaults since April 2012</b>	<b>Assaults since April 2009 (average annual % change)</b>
<b>NSW</b>	Down 5.6%	Down 6.8%
<b>SYDNEY LGA</b>	Down 15.1%	Down 5.2%
<b>POSTCODE 2011</b>	Down 30.7%	Down 11.2%
<b>KINGS CROSS LAC</b>	Down 30.5%	Down 10.7%

*Source: NSW Bureau of Crime and Statistics*

While it is promising that the incidents of non-domestic assaults occurring in licensed premises is trending down, what must be remembered is the fact that:

1. almost 80% of king hit incidents involved an altercation at a hotel/pub between young males under the influence of alcohol or drugs<sup>15</sup>;

<sup>12</sup> Melissa Burgess and Steve Moffatt, "The association between alcohol outlet density and assaults on and around licensed premises", *NSW Bureau of Crime Statistics and Research Bulletin 147* (2011), p7.

<sup>13</sup> *Ibid*, p8.

<sup>14</sup> NSW Bureau of Crime Statistics and Research, "Quarterly Update March 2014 NSW Statistic Areas and Local Government Areas", *NSW Bureau of Crime Statistics and Research Statistical Report Series*, p4.

<sup>15</sup> Jennifer Lucinda Pilgrim, Dimitri Gerostamoulos and Olaf Heino Drummer, "King hit" fatalities in Australia, 2000-2012: The role of alcohol and other drugs" *Drug and Alcohol Dependence*, Vol 135 (2014), 119-132 at 130

2. in 2013, licensed venues were generally still the second most likely place for non-domestic assaults and assaults on police officers to occur in:
  - a) the Sydney LGA;
  - b) Kings Cross;
  - c) Darlinghurst; and
  - d) Cockle Bay, the Rocks and Haymarket (see table below); and
3. research shows that for each additional hour of trading past midnight, there is a 16% increase in violent crime.<sup>16</sup>

<b>Incidents of assaults in licensed venues January 2013 to December 2013</b>			
<b>Area</b>	<b>Type of assault</b>	<b>% which occurred in licensed venues</b>	<b>Ranking out of all premises</b>
Sydney LGA	non-domestic assaults	19%	2 <sup>nd</sup>
Sydney LGA	assaulting police	13.8%	2 <sup>nd</sup>
Kings Cross	non-domestic assaults	25.2%	2 <sup>nd</sup>
Kings Cross	assaulting police	9%	3 <sup>rd</sup>
Cockle Bay, the Rocks and Haymarket	non-domestic assaults	21.6%	2 <sup>nd</sup>
Cockle Bay, the Rocks and Haymarket	assaulting police	17%	2 <sup>nd</sup> (equal)
Darlinghurst	non-domestic assaults	17.9%	2 <sup>nd</sup>
Darlinghurst	assaulting police	27%	2 <sup>nd</sup>

*Source: NSW Bureau of Crime and Statistics*

Clearly something needed to be done to address the violence which occurs in licensed venues.

### **The impact of recent measures to reduce violence on Police, the Courts, hospitals, and the liquor industry**

We acknowledge that the Government has introduced 16 necessary alcohol and drug fuelled violence initiatives to send the message to the community that alcohol and drug fuelled violence will not be tolerated. The Government’s comprehensive plan embodies evidence based solutions which will make significant inroads into addressing a problem that has destroyed too many lives.

However, we are mindful that the scope of this Inquiry is limited to considering the effectiveness of the measures to reduce alcohol and drug related violence in the Sydney Central Business District. Therefore, our submission will only focus on the measures introduced to specifically combat the alcohol fuelled violence in the new CBD Entertainment Precinct, stretching from Kings Cross to Cockle Bay, and The Rocks to Haymarket and Darlinghurst (**the CBD Precinct**).

As you may appreciate, it is difficult to provide comprehensive data reflecting the impact of the measures introduced in the CBD Precinct in February 2014 due to:

1. the limited passage of time since the measures were introduced; and
2. the fact that BOCSAR are yet to release their statistics on crime for the period since February 2014. We are conscious of not preempting the data that BOCSAR are soon to release.

<sup>16</sup> Ingeborg Rossow and Thor Norstrom “The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities”, *Addiction*, 107(3) (2012), 530-537 at 534

In saying that, as we will detail below, anecdotally, we understand that the measures have been effective in:

1. restoring the amenity within the CBD Precinct;
2. reducing the number of assaults in the area; and
3. ensuring that patrons are able to feel safe while they enjoy this global city.

### Reduced Trading Hours and Lockouts

Overwhelmingly, as outlined above, the evidence shows that non-domestic assaults are more likely to occur at night, on the weekend and be alcohol related. Naturally, longer trading hours in licensed premises means that patrons are able to consume more alcohol which in turn increases the risk of anti-social behaviour and alcohol related crime.

Consequently, we consider that the greatest single harm prevention measure is the introduction of a modest reduction in last drinks by 2 hours to 3am.

The following table outlines the impact of the earlier closing times and lockouts and their correlation with a drastic improvement to safety in the CBD Precinct.

<b>Impact of 1:30am “Lockout” and 3am “Last Drinks”</b>	
Reduction in assaults	<p>While we are conscious of not pre-empting the statistics that BOCSAR are to release in September 2014, anecdotally, we are aware that non-domestic assaults between 24 February 2014 and 3 August 2014 within:</p> <ol style="list-style-type: none"> <li>1. Kings Cross are down by at least by 36% compared to the same period last year; and</li> <li>2. in the Sydney City area are down by 5.5% compared to the same period last year.</li> </ol> <p>Therefore, the Government’s measures within the CBD Precinct have resulted in Sydney’s streets becoming safer. As a result, residents and visitors can enjoy our global city without fear of encountering alcohol-related violence and disorder.</p>
Less people being charged	<p>As the incidents of assaults have reduced, police are having to charge less people. Therefore, less people have to attend Court.</p> <p>Therefore, the Government’s measures in the CBD Precinct are making inroads into freeing up the Courts.</p>
Reduced waiting period at St Vincent’s Hospital	<p>Research shows that, prior to the measures being introduced, that there had been a 37% increase in alcohol attributable hospitalisations<sup>17</sup>.</p> <p>However, the 3am closing times and 1:30am lockout have resulted in a reduction in the waiting period at St Vincent’s Hospital (the closest hospital to the CBD Precinct) since less people are presenting at the hospital with preventable injuries as a result of alcohol-fuelled attacks or from accidents while drunk.</p> <p>Our Last Drinks Coalition partner, the Australian Salaried Medical Officers’ Federation NSW (‘ASMOF’), has been in discussions with St Vincent’s Hospital about the impact of the new laws. David Faktor Director, Media &amp; Communications at St Vincents Hospital has stated that:</p>

<sup>17</sup> “10 years on: An analysis of the progress made in preventing alcohol-related harms since the 2003 NSW Summit on Alcohol Abuse”, *Foundation for Alcohol Research & Education*, 2013, p19

	<p><i>“Since the NSW Government Legislation came into being St Vincent’s has witnessed a decline in overall alcohol related presentations to its Emergency Department including a significant decline in the amount of serious assault patients treated at the Hospital.”</i></p> <p>With first-hand accounts reporting that there have been less admissions to St Vincent’s Hospital, the Government’s initiatives in the CBD Precinct are clearly reducing the burden that alcohol fuelled violence takes on hospital resources.</p>
Less admissions to Sydney City Sobering Up Centre	<p>The 3am last drinks and 1:30am lockout have resulted in there being less admissions to the Sydney City Sobering Up Centre as police simply have not had to divert as many intoxicated people off the streets. A larger proportion of admissions are now for the protection of the detainee rather than to prevent anti-social behavior. This has resulted in the removal of the enforcement fee for admission.</p>
Less Police being required in the CBD Precinct	<p>It is an undeniable fact that alcohol plays a huge part in the work that police officers carry out. In fact, according to the Australian National Council on Drugs report (ANCD), 60% of all police call outs - up to 90 per cent at night - are alcohol-related<sup>18</sup>. Furthermore, alcohol is a factor in:</p> <ul style="list-style-type: none"> <li>a) almost 90% of calls for police intervention between the hours of 10pm and 2am; and</li> <li>b) a quarter of police resources nationally are spent responding to alcohol-related incidents<sup>19</sup>.</li> </ul> <p>The 3am last drinks and 1:30am lockout have made serious inroads into addressing the burden that alcohol places on police resources. For example, prior to February 2014, each weekend, 40 police officers would be taken from suburban Local Area Commands and brought into the area which is now the CBD Precinct to deal with the alcohol and drug fuelled violence on the streets.</p> <p>However, as a result of the new measures, police resources no longer have to be reallocated. On a weekend, police officers are now able to stay in their own communities and providing the protection that is needed there.</p> <p>The fact that 40 additional police no longer need to patrol the CBD Precinct is also a huge cost saving for the Government and, ultimately, the Australian people.</p>
Displacement effects	<p>According to our members, there has been an increase in patronage of licensed venues outside the CBD Precinct.</p> <p>However, while there may be bigger crowds in other areas now (like Newtown), these increased crowds have <u>not</u> translated to more crime occurring in those areas.</p>
Increased amenity in the area	<p>Prior to the measures being introduced in February 2014, our members report that the streets would be filled with intoxicated patrons well into the early hours of the morning.</p> <p>However, due to the “lockouts” and 3am last drinks, residents of Potts Point are able to go to work and not have to deal with intoxicated people who are still out from the night before. The Plan “B” buses also assist in transporting patrons out of the area and on their way home.</p>

<sup>18</sup> Australian National Council on Drugs, ‘Alcohol Action Plan’ *Issues Paper*, 2013, p4

<sup>19</sup> Auditor General Western Australia. *Raising the Bar: Implementing key provisions of the Liquor Control Act in licensed premises*. Perth: Government of Western Australia; 2011

Less people wandering the streets	<p>Prior to the measures being introduced, we understand that 20,000 people would embark on Kings Cross. However, if every licensed premise in the vicinity was at maximum capacity, only 8,000 people would be able to gain entry. This resulted in 12,000 wandering the streets.</p> <p>As a result of the 1:30am lockout and 3am last drinks, less people are embarking on Kings Cross hoping to be let into a venue because they know that they simply will be denied entry at a certain time. Therefore, now less people are wandering the streets in Kings Cross – the very place where in 2013 46.2% of non-domestic assaults occurred.</p> <p>Our Members have reported that, since the measures were introduced in the CBD Precinct, they <i>“no longer have to dodge the people who have come out of licensed premises/taxi’s pulling up to collect fares/pedestrians wandering aimlessly across the road etc.”</i></p>
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The measures in the CBD Precinct reflect the restrictions introduced in Newcastle in 2008 which have been responsible for a 37% sustained reductions in alcohol related violence.<sup>20</sup> As outlined in the table above, the reduction in trading hours as a measure to reduce alcohol related violence in the CBD Precinct is working. We believe that the experience in Newcastle (and now the Sydney CBD) shows that a modest reduction in access to and availability of alcohol provides irrefutable evidence of what measures work to improve the safety of the community and emergency services workers.

### A new CBD-wide precinct

The comprehensive conditions that now can be imposed on licensed premises (depending on their licence type, trading conditions, and the history or risk of violence on or around the premises) are necessary measures to help mitigate alcohol related harm.

The following table provides a summary of the impact of the special licence restrictions that our members have seen.

<b>The impact of special licence restrictions</b>	
Bringing back the amenity to the area	Certain licensed premises now have a condition to remove all litter from outside of premises. We understand that the “cleaning up” process now commences at 3am in Kings Cross every night when the streets start to be hosed down. Our members report that by 5am, it looks like the antics of night before never occurred. This is a great win for residents of Potts Points and has brought back some of the amenity to the area.
ID Scanners	The ID Scanners are effective measures in providing police officers with a snapshot of who is in Kings Cross. The ID Scanners provide police officers with the ability to protect patrons who are out in the precinct as the scanners quickly identify patrons who have been a problem in the past. Police officers are then able to act on this information where necessary.

<sup>20</sup> Kypros Kypri et al., ‘Effects of restricting pub closing times on night-time assaults in an Australian City’, *Addiction Research Report*, vol 106, 303-310 at 306.

## Free transport

The following table measures the impact of the introduction of free buses every 10 minutes from Kings Cross to the CBD after 1.00am on Friday and Saturday nights.

<b>The impact of Plan “B” Buses</b>	
Public resources being utilised	<p>Initially, patrons were being charge \$2 to use the “Plan B” buses. Prior to the introduction of the “lockouts” in February 2014, anecdotally, we understand that only 3-4 people were using each bus meaning that significant resources were being underutilised at considerable expense to the Government.</p> <p>However, the introduction of the lockout has meant that there has been a strong uptake on the Plan “B” Buses. We have been informed that Kings Cross patrons are more readily utilising the “Plan B” buses because they know that when the 1:30am lockout hits, they will not be allowed entry anywhere so voluntarily choose to use the Plan “B” Bus to leave the Kings Cross vicinity and head home.</p>
Gets people moving	<p>The Plan “B” buses get patrons moving and out of harm’s way. Since, most non-domestic assaults occur in Kings Cross on weekends<sup>21</sup> at night, by literally taking busloads of people out of the vicinity, harm can be avoided.</p>
Less police officers being assaulted	<p>The 3 hours either side of midnight on Friday and Saturday night are high risk periods for police to be assaulted by an alcohol fuelled offender.<sup>22</sup> In fact, a police offer working around midnight on a Friday or Saturday night is 10 times more likely to be assaulted than an officer working a weekday morning shift.<sup>23</sup></p> <p>By introducing a multi-faceted approach to the alcohol fuelled violence which occurs in Kings Cross (including a simple, free system where people are able to commence their journey home), the incidents of violence against police have reduced.</p>

## Freeze on new licences

In 2011, BOCSAR conducted a study into the association between alcohol outlet density and assaults on and around licensed premises. The study emphasised the correlation between the number of licensed premises and the number of assaults in the area<sup>24</sup>. In fact, BOCSAR went so far to say that if the number of licensed premises in an area were doubled, the number of assaults would also double.<sup>25</sup> At the same time, the study concluded that if the number of licensed premises were halved, the number of assaults would so too halve.<sup>26</sup>

<sup>21</sup> *Incidents of Assault (Non-domestic assault) in Sydney Local Government Area, Jan 2013 to Dec 2013 by Alcohol Related*, NSW Bureau of Crime Statistics and Research, available at <http://www.bocsar.nsw.gov.au/> [accessed 13 August 2014]

<sup>22</sup> French, op cit, p84

<sup>23</sup> French, op cit, p83

<sup>24</sup> Burgess and Moffatt, op cit, p12.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

Based on the findings of the 2011 BOCSAR study, the precinct-wide freeze on liquor licences for new pubs and clubs can only make further inroads into reducing the level of alcohol and drug fuelled violence in the CBD Precinct. After all, the freeze will contribute to a reduction in the density of licensed premises in the precinct.

Furthermore, the freeze on new licences in the area will also impact on the amenity of the CBD Precinct. Anecdotally, the experience of our members has been that, prior to the freeze on new licences, whenever new premises became available in Kings Cross, a new bar would be opened. The fact that no new liquor licences will be granted in the area (apart from for small bars, restaurants and tourist accommodation) means that the residents of Potts Points will benefit from other types of premises being opened.

### Precinct bans

Our Members report that the ability for police officers to issue precinct wide or part precinct banning orders to remove troublemakers for up to a maximum of 48 hours from the CBD Precinct are working. They report that precinct bans are only readily enforceable through the use of ID scanners as they immediately notify police that a banned patron is attempting to enter licensed premises and have been instrumental in solving a number of crimes and act as a deterrent to patrons committing crime.

### Possible further measures to reduce alcohol and drug-related violence

We congratulate the Government for taking a leadership role and prioritising the harms and costs of alcohol consumption in the recent measures introduced to address alcohol and drug related violence in the Sydney CBD. The comprehensive plan for the CBD Precinct demonstrates a sensible and thoughtful response to the violence on our streets which also ensures that:

1. late trading venues are able to stay open;
2. people are still able to go out and enjoy Sydney’s nightlife; and
3. people who drink responsibly are not punished.

Our Members deal with the result of alcohol and drug related violence every day and submit that the measures approved by Cabinet are making a real difference. However, naturally, we believe that more measures could be put in place to address one of the biggest problems facing NSW – alcohol.

We appreciate that the Government will intervene and do what needs to be done to further address the carnage caused by alcohol and drug fuelled violence. When considering further measures to implement, we ask that the Government consider the initiatives outlined below.

<b>Further measures to reduce alcohol and drug-related violence</b>	
Roll out state wide	<p>The recent amendments to the <i>Liquor Act</i> empower the Government to establish other precincts in and across Sydney and the State.</p> <p>Accordingly, we call on the Government to utilise these provisions and extend the measures introduced in the CBD Precinct throughout the various alcohol fuelled crime hotspots throughout the state. After all, alcohol-fuelled violence impacts families and communities right across the country. The issues that were occurring in the Sydney CBD and Kings Cross were not unique. In fact, we have been approached by:</p>

	<p>a) police officers from country regions who detail the unacceptably high rate of alcohol related violence in their local communities and the fact that the issues with alcohol related violence are not restricted to the Sydney CBD. These officers note that, while they experience the same problems as officers in the Sydney CBD, they often have less police resources to address the problem; and</p> <p>b) Newtown and Erskinville residents who report that the issues relating to alcohol related crime and anti-social behavior in Newtown are the same as in Kings Cross and the CBD. This is not a displacement affect but they indicate it has been a problem for some time due to the 24 hour licensed premises in the area.</p> <p>Measures must be put in place to assist police officers protect local communities State wide and to keep our communities safe. If the Government was to roll out the measures introduced in the Sydney CBD state wide (or alternative measures suitable for rural, remote and coastal townships), it would be possible for regional communities that experience unacceptable levels of alcohol related violence and other harms to also achieve the same sort of net benefits as those independently documented by researchers who measured the impact of the Newcastle experience.</p> <p>Consequently, we ask that the Government act to expand the restrictions across NSW to enable all residents of NSW to enjoy an improved amenity similar to what the residents in Newcastle, Kings Cross and Potts Point are currently experiencing. Studies by Hunter New England Health revealed after 5 years the modest harm prevention measures enjoyed 75% patron support and over 80% community support<sup>27</sup>.</p>
Reduce closing times	<p>As noted above, studies show that where trading hours are restricted, assaults decrease on average by 20% per hour<sup>28</sup>. It is with this in mind that we propose that from Monday – Saturday, that all on-licensed premises should be closed at midnight. Extended trading venues should close no later than 3am.</p> <p>We believe that closing licensed premises earlier will:</p> <ol style="list-style-type: none"> <li>1. be a big cost saving as:       <ol style="list-style-type: none"> <li>a) less emergency service workers will need to be rostered on;</li> <li>b) less transport workers will need to be rostered on; and</li> <li>c) there will be less demand on Councils to provide safety equipment (cameras, lighting, fencing etc) to curb alcohol fuelled violence.</li> </ol> </li> </ol>

<sup>27</sup> Professor John Wiggers, *Drug and Alcohol Conference*, University of Newcastle, September 2013.

<sup>28</sup> Kypri, op cit.



	<p>2. make local communities even safer since less crime will be committed since studies link late closing times with an increase in violent crime<sup>29</sup>.</p>
<p>Licensees must be accountable and responsible</p>	<p>As noted above, studies show that half of assaults in the Sydney LGA occurred on general street areas within 50 metres of a liquor outlet<sup>30</sup>.</p> <p>Consequently, it is important that this Inquiry acknowledge the fact that owners and licensees of licensed premises, through urgent law reform, must:</p> <ol style="list-style-type: none"> <li>1. share in the responsibility for the safety and amenity of an area; and</li> <li>2. be accountable for the conduct of their highly intoxicated patrons once they leave their premises if the business' service practices have been a contributing and proximate factor to the patron's dangerous level of intoxication. As the recent statutory review of the <i>Liquor Act</i> highlighted, it is absurd that fault needs to be shown to commence disciplinary action against a licensee.</li> </ol> <p>It is therefore recommended that the 3 strikes system, most violent premises list and the OLGR EVAT assessment tool be reviewed to reasonably capture and reflect the actions (eg failed RSA) of the premises that may have adversely contributed to the majority of alcohol related incidents that actually occur <b>outside</b> of the licensed premises. This can be achieved by an analysis of COPS linking data that was recently effectively utilised by ILGA in the <i>Cheeky Monkeys</i> decision of 1 August 2014.<sup>31</sup></p>
<p>Minimum pricing</p>	<p>The Government should introduce a minimum price for alcohol per standard drink with alcohol not being permitted to be sold for less than that price</p>

## The effectiveness of measures taken to reduce alcohol and drug related violence in other jurisdictions

### Melbourne, Victoria

On 3 June 2008, a temporary three-month “2am lockout” commenced in Victoria affecting the Cities of Melbourne (including Docklands), Port Phillip, Yarra and Stonnington. There was no reduction in trading hours as part of this initiative.

Critics of using “lockouts” as a means to address alcohol related violence have relied on the fact that, during the 3 month lockout in Melbourne, there was an increase in:

1. reported assaults between the hours of midnight and 2am when compared to the same period in 2007; and

<sup>29</sup> Rossow and Norstrom, op cit, p534

<sup>30</sup> Burgess and Moffatt, op cit, p8.

<sup>31</sup> Independent Liquor & Gaming Authority, “Application to Revoke Extended Trading Authorisation Under Section 51(9)(b) of the *Liquor Act 2007* – Cheeky Monkeys, Byron Bay”, *NSW Government*, 1 August 2014.

2. assault related ambulance transports between 8pm and midnight when compared to the same period in 2007.

However, as noted by KPMG in their independent review, the extent to which the Melbourne experience can be relied on is limited because:

1. the lockout was “fundamentally compromised”<sup>32</sup> due to the fact that 25% of the venues affected by the lockout applied for stays from VCAT; and
2. there were a number of data limitations (specificity, accuracy and coherence) which also impacted on interpreting the effectiveness of the lockout.

In any event, what we believe can be taken away from the Melbourne experience is that a “lockout”:

1. does not mean that there will be issues with displacement – throughout the three month lockout period in Melbourne, KPMG found that there was no significant displacement of people to non-Lockout areas<sup>33</sup>;
2. must coincide with an increase in public transport – stakeholders during the Melbourne “lockout” consistently reported the inadequacy of public transport during temporary Lockout period<sup>34</sup>. We note that the free Plan “B” buses in the CBD Precinct have ensured that adequate public transport is provided to patrons in the CBD Precinct and have been instrumental in moving patrons off the streets.
3. will not solve the problem of alcohol and drug related violence alone – a multifaceted approach is required<sup>35</sup>. It is clear that the Government was cognisant of this fact and have introduced a broad suit of initiatives to address alcohol-related issues.

## Gold Coast, Queensland

On 1 April 2004, a 3am lockout commenced on the Gold Coast. The lockout applied to all late-night licensed premises. There was no reduction in trading hours as part of this initiative.

By restricting entry into licensed premises on the Gold Coast after 3am, it was reported that:

1. the number of incidents were proportionally reduced after the introduction of the lockout<sup>36</sup>; and
2. there was a significant reduction of alcohol-related incidents during peak alcohol times i.e. Saturday nights and between 3am and 6am<sup>37</sup>; and
3. street disturbances were reduced by 12.3%<sup>38</sup>.

## Norway

In 2012, a study was conducted to determine the effect that a small change in closing hours would have on alcohol fuelled violence in 18 different Norwegian cities.

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<sup>32</sup> “Department of Justice: Evaluation of the Temporary Late Night Entry Declaration: Final Report”, KPMG, 2008, p.5

<sup>33</sup> Ibid, p7

<sup>34</sup> Ibid, p8

<sup>35</sup> Ibid

<sup>36</sup> Gavan Palk et al, “Perspectives on the Effectiveness of the Late Night Liquor Trading Lockout Legislative Provision” *Criminal Justice Policy Review*, 23(4) (2012), 465-492 at 483

<sup>37</sup> Ibid, p473

<sup>38</sup> Ibid, p474

The outcome suggested that every hour that a licensed venue extended their trading, there was a significant increase in the number of assaults – 4.8 cases per 100,000 inhabitants per quarter.<sup>39</sup> This equated to a 16% increase in violent crime committed for each additional 1 hour extension to a licensed venue’s opening times.<sup>40</sup>

## United Kingdom

In November 2005, the *Licensing Act 2003* was introduced which abolished set licensing hours in England and Wales. The Act allowed for the opening hours of premises to be set locally through the conditions of individual licences. As a result, licensed premises were able to stay open for 24 hours.

In the first 12 months after the *Licensing Act 2003* was introduced there was:

1. 22% increase in offences committed between 3am and 6am<sup>41</sup>; and
2. 25% increase in “murder, manslaughter and serious wounding” between 3am and 6am<sup>42</sup>.

## Conclusion

The targeted strategies that have been introduced in the Sydney Central Business District to reduce alcohol and drug related violence are a great win for the whole community. The Government’s actions have empowered the citizens of Sydney with the ability to venture out at night and enjoy all that this global city has to offer without fearing that they will unwittingly be on the receiving end of an alcohol fuelled attack.

In addition, the new measures have also made in-roads into putting the minds of emergency services workers at ease. After years of lobbying, the Government has done what NSW emergency services workers have asked – introduced evidenced based measures modelled on the Newcastle experience to show that alcohol fuelled attacks on city streets will not be tolerated.

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<sup>39</sup> Rossow and Norstrom, op cit, p534

<sup>40</sup> Ibid.

<sup>41</sup> Mike Hough, “The impact of the Licensing Act 2003 on levels of crime and disorder: an evaluation”, *Research Report 04*, 2008, p9

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