

MEASURES TO REDUCE ALCOHOL AND DRUG- RELATED VIOLENCE

Organisation: NSW Government Premier of New South Wales
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Position: Premier
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Premier of New South Wales

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The Hon George Souris
Chair
Legislative Assembly Committee on Law and Safety
Parliament House
Macquarie Street
SYDNEY NSW 2000

19 AUG 2014

Dear Mr Souris *George*

Thank you for inviting the NSW Government to provide a submission to the Inquiry into measures to reduce alcohol and drug related violence.

The NSW Government welcomes this Inquiry and is committed to working with the community and industry to address drug and alcohol fuelled violence.

Please find attached the NSW Government submission, which provides information on the government's plan of management for the Sydney CBD entertainment precinct.

For further information on the NSW Government submission, please contact Ms Caroline Reed, Director, Partnerships, NGO Reform and Health, Department of Premier and Cabinet on 02 9228 3385.

Yours sincerely





NSW GOVERNMENT SUBMISSION

NSW Legislative Assembly Law and Safety Committee

Inquiry into Measures to Reduce Alcohol and Drug Related Violence

August 2014

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Appendix A: CBD Plan of Management

1. Introduction and context

This submission provides information relevant to the terms of reference for the NSW Legislative Assembly Law and Safety Committee Inquiry into Measures to Reduce Alcohol and Drug Related Violence.

The Sydney CBD is a high profile night-time entertainment precincts and has attracted an increasing number of late night venues including bars and clubs, restaurants, retail outlets, convenience stores and late night takeaway food outlets.

The large numbers of people, especially young people, congregating in pockets within the precinct and becoming intoxicated from consuming high levels of alcohol and/or by taking illicit drugs, results in unacceptable levels of anti-social behaviour and violence on the streets of Sydney CBD on weekends.

Intoxicated people in public spaces like the streets of Sydney CBD are at risk of harm either by becoming victims of aggressive behaviour or from an accident. Police and compliance officers work hard to enforce the law and protect people who simply want to have an enjoyable night out.

The NSW Government recognises the challenge of changing community attitudes to irresponsible consumption of alcohol and is committed to working with the City of Sydney Council to make Sydney a safer, more enjoyable place to visit, live in and work.

The NSW Government is committed to reducing levels of alcohol related harm within the community. In *NSW 2021: A Plan to Make NSW Number One*¹, the NSW Government's 10-year plan guiding policy and budget decision-making, the Government has committed to a number of goals that are relevant to alcohol misuse in NSW. These include targets under:

- Goal 11 to "reduce total risk drinking to below 25 per cent by 2015"; and
- Goal 16 to "reduce alcohol related assaults".

2. Sydney CBD Entertainment Precinct Plan of Management

On 30 January 2014, the NSW Government introduced a package of reforms which included legislation to establish the new Sydney CBD Entertainment Precinct, to be subject to 1.30am lockouts and 3am last drinks. The lockout and last drinks measures came into effect on 24 February 2014.

Other elements of the NSW Government's package include:

- a mandatory minimum eight year jail sentence for so-called one punch assaults;
- new state-wide 10pm closing time for all bottle shops and liquor stores;
- increasing the maximum sentence to 25 years for the illegal supply and possession of steroids;

¹ Department of Premier and Cabinet (2011), *NSW 2021: A plan to make NSW number one*, available at: <http://www.2021.nsw.gov.au>.

- increased fines including for offensive language, offensive behaviour and continued drunk and disorderly behaviour;
- increased Police fines;
- new Police powers to conduct drug and alcohol testing where they suspect an offender has committed an alcohol or drug fuelled violent assault;
- extending the existing liquor licence freezes which apply in the Kings Cross and Oxford Street/Darlinghurst precincts across the new Sydney CBD Entertainment Precinct;
- removing voluntary intoxication as a mitigating factor in sentencing; and
- paving the way for the introduction of annual liquor licence fee for all licensed premises in NSW.

On 28 May 2014, the Government released its Plan of Management for the Sydney CBD Entertainment Precinct (Appendix A). The Plan of Management is a comprehensive set of measures designed to reduce alcohol-related violence and anti-social behaviour in the precinct.

The Plan of Management complements the initiatives the Government has already implemented to reduce alcohol-related violence. The Plan of Management measures are tailored to the CBD night-time entertainment precinct. They focus on three key areas: safer venues; safer environments; and safer transport.

The Plan of Management includes liquor licence conditions. Some conditions apply to all licensed premises within the precinct. Others only apply to certain licence categories, or specific licences which are declared by the Secretary of NSW Trade & Investment.

3. Evaluation of the Plan of Management

It is too early to evaluate the measures to address alcohol and drug related violence in the CBD introduced in early 2014.

The implementation of the measures in the Plan of Management will be overseen and assessed over time by a CBD Entertainment Precinct Plan of Management Committee. Evaluation of the Plan of Management will be conducted by NSW Treasury's Centre for Policy Evaluation.

Evaluation efforts will consider data from a range of sources including Police, the Bureau of Crime Statistics and Research, NSW Health, Ambulance and the City of Sydney as well as licensed venue compliance standards and incident registers, industry and community feedback, and public transport patronage levels.

This evaluation will also include a study by the Department of Justice's Bureau of Crime Statistics and Research to quantify the effect of the new alcohol regulations implemented in Sydney in 2014, including the changes in crime. The new laws announced in the *Liquor Act 2014* were aimed at controlling and reducing alcohol-fuelled violence in the Sydney CBD Entertainment and Kings Cross Precincts.

The CBD Entertainment Precinct Plan of Management Committee comprises representatives from OLGR, Department of Police and Justice, the Ministry of Police and Emergency Services, Transport for NSW, City of Sydney, NSW Planning and Environment, the NSW Ministry of Health, and is jointly chaired by the Department of Premier and Cabinet and the Department of Justice.

4. Other measures to address alcohol and drug related violence

The NSW Government developed and implemented the Kings Cross Plan of Management in late 2012. The CBD Plan of Management took into account lessons learned from Kings Cross. The CBD Plan of Management was developed with broader objectives than the Kings Cross Plan of Management, in particular social amenity and utility - reflecting the differing nature of the two precincts.

The Government has also established a Violent Domestic Crimes Taskforce, being led by the Minister for Family and Community Services, to examine the link between alcohol and domestic violence, including how alcohol contributes to the frequency and severity of domestic violence. The Taskforce will also investigate whether the current system provides appropriate support to domestic violence victims, whether current sentencing options for people who commit domestic violence remain effective. The Taskforce will report later this year.

PLAN OF MANAGEMENT FOR THE SYDNEY CBD ENTERTAINMENT PRECINCT

NSW GOVERNMENT RESPONSE TO ALCOHOL-RELATED VIOLENCE IN THE SYDNEY CBD

Sydney is one of the world's most loved cities, attracting visitors from all over Australia and the world. It has a vibrant buzz that makes it an attractive night time destination.

Just like other high profile night-time entertainment precincts, over time the area has attracted an increasing number of late night venues including bars and clubs, restaurants, retail outlets, convenience stores and late night takeaway food outlets.

The large numbers of people, especially young people, congregating in pockets within the precinct and becoming intoxicated from consuming high levels of alcohol and/or by taking illicit drugs, results in unacceptable levels of anti-social behaviour and violence on the streets of Sydney CBD every weekend.

Intoxicated people in public spaces like the streets of Sydney CBD are at risk of harm either by becoming victims of aggressive behaviour or from an accident. Police and compliance officers work hard to enforce the law and protect people who simply want to have an enjoyable night out.

The NSW Government recognises the challenge of changing community attitudes to irresponsible consumption of alcohol and is committed to working with the City of Sydney Council to make Sydney a safer, more enjoyable place to visit, live in and work.

The Sydney CBD Entertainment Precinct Plan of Management aims to reduce the incidence of alcohol-related violence and anti-social behaviour in the Precinct. The Plan outlines a series of measures that, when implemented, will complement the range of measures already underway by the NSW Government that are aimed at reducing alcohol-related violence.

SAFER VENUES

Levels of non-domestic alcohol-related violence, while generally declining, are still too high and cause unacceptable social, health and financial costs to the community. The increased community concern about the harmful consumption of alcohol including binge drinking and alcohol-related assaults has an adverse impact on community perceptions of crime and safety in the Sydney CBD. The Sydney CBD Entertainment Precinct contains a high volume (1314) of licensed premises, which makes it an attractive destination for patrons who seek entertainment. A large volume of patrons who may be affected by alcohol in a confined precinct late at night presents an increased risk of alcohol-related violence and other anti-social behaviour.

A key contributing factor to the risk of alcohol-related violence and anti-social behaviour in the Precinct is the responsible service of alcohol (RSA). While most venues apply RSA and most staff involved in the sale or supply of liquor or performing security functions are RSA-qualified (as is required by law), RSA can fail at times. There can be ineffective monitoring of patrons for intoxication; inadequately trained frontline staff such as bar tenders and bar managers; and uncontrolled service of high-strength or large volumes of alcohol, or alcohol that is designed to be consumed rapidly.

Another contributing factor is the issue of 'pre-fuelling'. This refers to patrons consuming takeaway liquor prior to attending licensed venues and arriving into the Precinct already intoxicated or approaching intoxication. Pre-fuelling can also be aggravated by patrons arriving into the precinct by 'party boat'. The Precinct contains several popular disembarkation points for patrons in close proximity to other licensed venues including at King Street Wharf, Walsh Bay, Campbells Cove, Circular Quay and the Man O' War Steps.

Variation in monitoring and recording of alcohol-related incidents in the Precinct impacts on government's ability to develop appropriate responses. Good procedures around record keeping, crime scene preservation, CCTV and alcohol sales data can provide police with evidence to prosecute violent offenders and enable venues to better target venue-based solutions to alcohol-related harm. While many venues have high quality systems and procedures, this is not consistent across the Precinct.

WHAT HAVE WE ALREADY DONE?

On 30 January 2014, the NSW Government introduced a package of reforms which included legislation to establish the new Sydney CBD Entertainment Precinct, to be subject to 1.30am lockouts and 3am last drinks. The lockout and last drinks measures came into effect on 24 February 2014.

The NSW Government's package which extends beyond the Sydney CBD precinct includes:

- a mandatory minimum eight year jail sentence for so-called one punch assaults;
- new state-wide 10pm closing time for all bottle shops and liquor stores;
- increasing the maximum sentence to 25 years for the illegal supply and possession of steroids;
- increases to criminal infringement notice penalties, including for offensive language, offensive behaviour and continued drunk and disorderly behaviour;
- new police powers to conduct drug and alcohol testing where they suspect an offender has committed an alcohol or drug fuelled violent assault;
- extending the existing liquor licence freezes which apply in the Kings Cross and Oxford Street/Darlinghurst precincts across the new Sydney CBD Entertainment Precinct; and
- removing voluntary intoxication as a mitigating factor in sentencing;

The Premier also announced that a Plan of Management was being developed for the Sydney CBD Entertainment Precinct to accompany the new laws.

In addition, there are currently two disciplinary schemes administered by the Office of Liquor, Gaming & Racing (OLGR) aimed at reducing alcohol-related harm across NSW. The 'Three Strikes' Disciplinary Scheme aims to improve compliance with liquor laws by imposing additional sanctions on licensees for serious breaches of the Liquor Act. Complementing the 'Three Strikes' scheme is the 'Violent Venues Scheme' which imposes special conditions on venues with high levels of violent incidents.

Both schemes provide for remedial conditions to address alcohol-related harm at venues caught by the schemes and also act as a significant deterrent to irresponsible service and management practices. The NSW Government has also announced the introduction of a periodic risk-based licensing scheme with higher fees imposed for venues and outlets that have later trading hours, poor compliance histories or are in high risk locations.

THE SYDNEY CBD ENTERTAINMENT PRECINCT

The Sydney CBD Entertainment Precinct stretches from parts of Surry Hills and Darlinghurst to The Rocks, and from Kings Cross to Cockle Bay. The Precinct contains 1,314 licensed premises and captures areas with the highest density of licensed premises in the City of Sydney local government area including Oxford Street, George Street South, The Rocks, and parts of Darling Harbour. A map of the Precinct is at the end of this document.

Within the Sydney CBD Entertainment Precinct there are 1314 premises, 425 are authorised to trade after midnight and 210 are authorised to trade after 3am. There is a diverse range of licence types and business models operating across the Precinct from small bars and restaurants to large hotels and registered clubs.

NEW MEASURES TO MAKE VENUES SAFER

- **New drink restrictions for all venues**

Every night after midnight, a range of new drink restrictions come into force, including:

- no shots, slammers, shooters or bombs;
- no doubles (does not apply to genuine cocktails);
- no ready to drink packaged beverages with an alcohol by volume (ABV) content exceeding 5 per cent;
- drink sales limited to 4 per patron at a time.

After 2am, drink sales are limited to two per patron at a time, to prevent patrons stockpiling drinks in anticipation of the 3am cease of service.

- **Ban on outlaw motorcycle gang colours**

Patrons wearing outlaw motorcycle gang colours will be banned from entering venues in the Precinct.

- **Ban on people seen drinking in Alcohol Free Zones**

Anyone seen drinking alcohol in an Alcohol Free Zone or an Alcohol Prohibited Area on approach to a venue will also be refused entry.

- **Restrictions on drink promotions**

Venues are restricted from promoting high risk drinks (e.g. free or heavily discounted drinks or those designed to be consumed rapidly). This includes promotion by way of drink cards, flyers, vouchers, social media, website, print media or spruiking.

- **Crime scene preservation**

Venues are required to preserve crime scenes according to the Crime Scene Preservation Guidelines published by NSW Police, to ensure that violent incidents are investigated and offenders are held accountable.

- **Incident registers**

Venues are required to maintain an incident register at all times to record incidents involving violence and anti-social behaviour.

- **RSA competency cards**

All staff involved in the sale or supply of alcohol and security guards must hold a RSA competency card (or valid interim certificate) to ensure that front line security and alcohol service staff attain up to date training and competencies in RSA practices, effective 1 October 2014.

- **Restrictions on party boats**

Licensed 'party boat' vessels are restricted from picking up patrons from, or dropping off patrons into, the CBD Precinct after midnight.

- **No glass after midnight in high risk venues**

Glass vessels are prohibited after midnight in any high risk venue where there is evidence of violence, as designated by the Secretary of NSW Trade and Investment.

- **RSA Marshals in high risk venues**

Similarly, any high risk venue where there is evidence of violence or intoxication, as designated by the Secretary of NSW Trade and Investment, must employ RSA Marshals at high risk times to ensure that the responsible service of alcohol is enforced.

MAKING A SAFER ENVIRONMENT

People using Sydney's public spaces at night are entitled to feel safe. This requires well monitored and well maintained public spaces. This includes high visibility policing, CCTV cameras, "capable guardians" providing a visible presence on streets late at night, street outreach or "safe spaces" which support the vulnerable and intoxicated and clear messages which set the tone for how visitors should behave in the Precinct.

There are a range of strategies in place to address issues in public spaces in Sydney. High visibility policing is in place across the Precinct every day. This is supplemented by regular, targeted operations with additional police deployments on many occasions throughout the year.

The City of Sydney manages a network of 83 CCTV cameras in the Precinct which are monitored 24/7 in real time and also employs 12 precinct ambassadors who provide information and support on Friday and Saturday nights during the busy summer period in the Precinct. The City of Sydney has also expanded the trading hours of its tourist information kiosks until 11pm on Friday and Saturday nights over summer. This has been complemented by Variable Message Signage over summer in Kings Cross which contains information about public transport, relevant laws and how to have a safe night out.

To address issues with public alcohol consumption, there are 219 alcohol free zones on streets in the Precinct, with many parks and public plazas also restricting alcohol consumption. These are monitored and enforced by NSW Police who can confiscate and tip out any alcohol in the area.

Cleaning is undertaken in the Precinct from 5am, with street sweepers, trucks and cleaning crews working to make the streets presentable for the start of the next day. 24/7 cleaning crews are now deployed on the streets in Kings Cross every Friday and Saturday night. To address public urination, the City of Sydney deploys portable toilets and urinals to Kings Cross, George Street and Oxford Street on Friday and Saturday nights over the busy summer period. Lighting has been upgraded in the Precinct with new LED lights providing a visibly "whiter" source of light across the Precinct.

NEW MEASURES TO MAKE OUR ENVIRONMENT SAFER

- **High visibility policing**
NSW Police will continue high visibility policing within and on the fringes of the CBD and Kings Cross Precincts, particularly around licensed premises and transport points.
- **Sobering Up Centre**
The boundaries of the Sydney Sobering Up Centre trial will be adjusted to match the area of the combined Kings Cross and CBD Entertainment Precincts. The Sobering Up Centre trial began on 1 July 2013, and provides a safe place to take intoxicated people who have failed to comply with a police direction, are at risk of injury or are in need of protection due to their intoxication.
- **Enforcing alcohol bans on public transport**
Police are increasing enforcement of existing bans on alcohol consumption in trains and buses, to help reduce incidents of pre-fuelling in the Precinct.
- **VMS signage**
The City of Sydney is deploying removable and fixed Variable Message Signage (VMS) at key points in the Precinct to promote information on transport, dispersal points and lockout and last drink times.
- **Precinct ambassadors**
Precinct ambassadors will wear high visibility vests to create a visible presence in the Precinct.

- **New CCTV cameras**

The City of Sydney is installing ten new CCTV cameras and new CCTV signage on streets to improve visibility of CCTV cameras. The City of Sydney and the NSW Government will work together to improve coordination between our respective CCTV systems through a review of system compatibility.

MANAGING TRANSPORT

Transport is a vital part of a functioning night time precinct and access to information about transport availability is critical. Communicating available transport options helps to stagger patron departures and get people home quicker.

Access to NightRide services and taxis is key for people travelling home from the Precinct.

There are already a range of strategies in place to provide transport in Sydney late at night, across a range of modes. There are about 400 train and bus services which leave the Sydney CBD between midnight and 5am on Friday and Saturday nights for customers to get home.

Rail services in Sydney operate 20 hours across all lines. The last rail service leaves around 1.50am, with the first services commencing after 4am. Once train services end, NightRide buses commence along rail routes.

There are eleven NightRide bus services from Town Hall Station to various locations, and one from Railway Square to Bondi Junction.

There are two bus services (the 'Plan B Bus' route 300 and N100) operated by Sydney Buses and Transdev to provide free late night weekend bus service every 10 minutes from Kings Cross to Railway Square via Town Hall station on Friday and Saturday nights. These bus services connect customers to the broader NightRide network.

Secure taxi ranks are currently located in the CBD, on Oxford Street and in Kings Cross.

Transport information is provided through the comprehensive transportnsw.info website, phone service and real time train and bus phone applications.

NEW MEASURES TO MANAGE TRAVEL

- **Improving availability and consistency of transport information**

More late night transport information will be provided in the Precinct.

- **Pre-paid taxi fares**

Following the success of the Kings Cross trial of pre-paid taxi fares, pre-paid fares will be extended to all secure taxi ranks in the CBD, to be available for all taxi fares between 9pm and 6am. Extra security will be provided at these ranks.

- **Hire cars**

To improve the accessibility of hire cars, which has a small but increasing share of the transport market out of the Precinct, the City of Sydney will advise the hire car sector of legal loading zones across the CBD to make it easier for passengers to access this mode of transport.

GOVERNANCE

The implementation of the measures in the Plan of Management will be overseen by the CBD Entertainment Precinct Plan of Management Committee which has representation from relevant government departments.

After an appropriate period of time, the CBD Entertainment Precinct Plan of Management Committee will provide a report to Government assessing the effectiveness of the scheme, including any unintended impacts. The report will also consider any indirect impacts on the wider hospitality industry; its impact on the entertainment, gaming and creative industries; public awareness of the measures; reductions in crime and hospital admissions and; the potential application of ID scanners in other precincts.

Government will also consider a wide range of matters, including variations of existing measures, implementation of additional measures and the appropriateness of adopting measures used within the Plan of Management in other parts of NSW. Consultation will be undertaken with interested parties from the community and industry.

SYDNEY CBD ENTERTAINMENT PRECINCT MAP

