

**Submission
No 458**

SYDNEY'S NIGHT TIME ECONOMY

Organisation: Diageo Australia

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Diageo Australia response to Joint Select Committee review on Sydney's night-time economy

July 2019



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BACKGROUND ON DIAGEO

Diageo Australia is the leading premium spirits company in Australia with 33 per cent market share, including brands such as Bundaberg Rum, Johnnie Walker and Tanqueray gin. We contribute more than \$1 billion in excise tax annually through the sale of our products.

Across Australia we employ 440 people, more than 300 of whom live and work in NSW. The engines of our business are our manufacturing site in Huntingwood, Western Sydney, where over 80 per cent of the products we sell across Australia are made, and the famous Bundaberg Rum distillery. A large part of our supply chain is in the Western Sydney area. The products produced in Huntingwood are sold in bars, hotels, restaurants and clubs across NSW, supporting small business, hospitality and tourism industries as well as the night-time economy.

Diageo Australia is one of 141 workplaces cited as an Employer of Choice by the Workplace Gender Equality Agency (WGEA) for 2019. Diageo Australia also has no gender pay gap and our executive leadership and extended leadership group are both at gender parity.

We recognise that while the majority of Australians drink alcohol moderately, harmful drinking exists within our communities. We take our responsibility as a producer and marketer of alcohol seriously and are committed to upholding the highest standards of alcohol advertising and labelling. We implement evidence-based programs and policies to reduce alcohol-related harm, including DrinkIQ and the Smashed Project. Diageo Australia is a key financial contributor and founding member of DrinkWise Australia, an independent, not-for-profit organisation which aims to bring about a healthier and safer drinking culture in Australia

EXECUTIVE SUMMARY

Diageo welcomes this inquiry and strongly supports the overarching objective to maintain and enhance community safety.

While we recognise the intention behind the policy to introduce lockouts laws in 2014, Diageo believes a more reasonable regulatory framework can better balance this key goal alongside individual freedoms and support wider cultural, economic and social objectives. Sydney is not unique to other Australian or global cities in this sense – it does not need to be a trade-off between vibrancy and safety. Population-based approaches like lockouts are blunt and do not differentiate between those who drink responsibly and those who do not. This submission outlines a number of more effective, targeted interventions that focus on education, hospitality management (including Responsible Service of Alcohol), moderation and self-responsibility.

The lockout and related regulatory measures introduced by the NSW Government as part of the CBD Plan of Management (see Appendix) have inadvertently stifled Sydney's night-time offering. Since 2014, 176 venues have closed¹ and footfall in Sydney later in the evenings has plummeted². Research conducted by Newgate Research in late 2018 shows that NSW voters see a negative impact on local businesses, job opportunities, the vibrancy of the local area and Sydney's standing as an international city³. Excessive regulatory restrictions also fail to target the underlying issues around education, self-responsibility and behaviour, and if anything shifts risky drinking towards non-licensed premises.

¹ <https://www.smh.com.au/national/nsw/what-the-hell-is-going-on-in-sydney-176-venues-disappear-20180527-p4zhst.html>

² www.cityofsydney.nsw.gov.au/vision/towards-2030/business-and-economy/sydney-at-night/late-night-research

³ Newgate Research (November 2018) research report. The methodology involved an online survey of n=1,028 respondents drawn from a professional market and social research panel



We note that the NSW Government has made incremental changes in recent years to support the night-time economy. Research shows the vast majority of people support a more targeted, common-sense approach – venues and people being treated as ‘innocent until proven guilty’ rather than vice versa⁴. Indeed, what is commonly termed the ‘lockout laws’ encapsulates a wide range of excessive micro-regulation and restrictions, particularly on spirits (see Appendix). Baxter Inn has been voted 7th best bar in the world⁵, yet one cannot order a neat whisky (one standard drink) after midnight in the Sydney CBD or even a Baileys (0.4 standard drink). Yet there is no evidence to suggest spirit drinkers are any more ‘risky’ than beer or wine drinkers⁶.

Drinking trends across NSW are changing dramatically⁷ and for the better. This is a global, cultural trend that is broader than - and pre-dates - regulatory measures introduced in 2014. There have been significant declines in people drinking at risky levels, and increasingly people are focusing on balance and quality^{8,9}. This underlines the significant potential growth in the Sydney night-time tourism, food and drink economy. It also underlines that population-based approaches, such as lockouts, are unlikely to address the challenges posed by an increasingly small percentage of risky drinkers.

While most of our recommendations focus on the hospitality sector, encouraging a vibrant and safe night-time economy requires a wider change. Put simply, not enough people are going out into the city later in the evening. We support a number of recommendations in this submission that encourage a truly 24-hour city such as more diverse night-time activities, an integrated approach to planning and transport, and more activities that promote Sydney as a global city.

SUMMARY OF KEY RECOMMENDATIONS

Recommendation: Amend/repeal CBD Plan of Management regulations from the Liquor Act (Schedule 4), or at least introduce a more flexible approach to CBD Plan of Management regulations so compliant venues automatically 'opt out' of restrictions.

Existing provisions in the Liquor Act (Sections 44-47) and Three Strikes Scheme can be used as an enforcement mechanism, with the introduction of aspects of CBD Plan of Management regulations as an ultimate backstop if there is non-compliance.

Recommendation: Amend/repeal current wording in Schedule 4 5.1 of the Liquor Act on ‘rapid intoxication drinks’ to allow neat serves of spirits and drinks of more than 30ml spirits and liqueur to be sold after midnight (i.e. extending the current exemption for small bars)

Recommendation: Amend wider NSW Liquor & Gaming guidelines to licensees to the same effect so that it focuses on behaviour rather than beverage choice.

Guidance and Responsible Service of Alcohol (RSA) should focus more precisely on targeting irresponsible behaviour and discouraging excessive/rapid consumption *across the board*, regardless of the vessel in which it is served.

⁴ Ibid.

⁵ <https://www.gourmettraveller.com.au/news/drinks-news/baxter-inn-makes-the-worlds-50-best-bars-list-6427>

⁶ ANU (2019) ‘Type of beverage consumed, risky behaviour and socio-demographic factors’. Analysis of National Drug Strategy Household Survey data 2016. More information available on request

⁷ Australian Institute of Health and Welfare 2017. National Drug Strategy Household Survey 2016: detailed findings. Drug Statistics series no. 31. Cat. no. PHE 214. Canberra - <https://www.aihw.gov.au/reports/illicit-use-of-drugs/ndshs-2016-key-findings/contents/summary>

⁸ DrinkWise Australian Drinking Habits (2018) <https://drinkwise.org.au/our-work/australian-drinking-habits-2007-vs-2017/#>

⁹ EuroMonitor Market Research (2018) <https://blog.euromonitor.com/alcoholic-drinks-australia-premiumisation-future/>



OTHER RECOMMENDATIONS

Recommendation: The NSW Government removes the duplication of regulatory and compliance responsibilities from multiple government agencies. Create a streamlined and more cost-effective one-stop shop in NSW Government – i.e. such as a Night-Time Economy Minister - for noise complaints, planning and liquor approval process for venues.

Recommendation: Replace/remove liquor licence freeze in the CBD in the Liquor Act (Division 41A Section 47) with a more balanced framework to assess individual applications on their merits, including positive social, cultural and tourism benefits (*the WA Government introduced a similar measure in 2017 and 76 per cent of Sydney voters support this*)

Recommendation: The NSW Government removes excessive red tape and costs involved in liquor licence applications (including the number and type of licences), renewals and exemption requests.

Recommendation: In collaboration with industry and NGOs, it is recommended that the NSW Government expand its targeted programs or support of targeted programs like the *Smashed Project* and *DrinkWise* campaigns to educate young people about alcohol, behaviour and peer pressure.

Recommendation: The implementation of a NSW Government sponsored/accredited hospitality education scheme that is co-funded by industry (i.e. like the Safer Bars program). *This would build on RSA and could be driven through the already existing and effective structure of Liquor Accords.*

Recommendation: Introduce a multi-stakeholder strategic oversight Liquor Accords-style body for the CBD that would determine best practice, collate data and implement targeted measures to improve vibrancy and safety.

Recommendation: Increased night-time patrols by third party 'street wardens'. *This would support community safety and reduce costs on the police.*

Recommendation: Integrated approach to planning and transport – later and more integrated transport strategies into the CBD and surroundings later at night, connected by an efficient and accessible late-night transportation system.

Recommendation: Expanding the diversity of night-time activities – later openings for arts and cultural institutions, late night shopping and trading for non-licensed premises (City of Sydney is progressing this), more flexible opening hours for other services.



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Recommendation: Promoting Sydney as a global city – more PR and guidance on night-time activities, consider introducing a scheme similar to the ‘Purple Flag’ project in the UK, an accreditation process that allows members of the public to quickly identify town and city centres that offer an entertaining, diverse, safe and enjoyable night out.

Recommendation: Non-lockout governance and regulation - piloting night-time precincts/districts and identified entertainment precincts across the city.

DRINKING CULTURE IS CHANGING FOR THE BETTER AND HOSPITALITY HAS A KEY ROLE TO PLAY (AS WELL AS PROVIDING CULTURAL AND ECONOMIC VALUE)

We acknowledge that harmful drinking exists in our community and this submission includes targeted measures that reduce misuse and harm. However, it is important to note that drinking trends across NSW are changing dramatically, and for the better¹⁰. This is a significant cultural trend that is broader than, and pre-dates, regulatory measures introduced in 2014¹¹¹²¹³¹⁴.

The most comprehensive independent data on Australian drinking trends - the National Drug Strategy Household Survey conducted by the Australian Institute of Health and Welfare - has found that over the last 10 to 15 years, there have been significant declines in people drinking at risky levels:

- 6 in 10 consumers drink no more than two standard drinks in one session¹⁵ (up from 48 per cent in 2007)
- Per capita alcohol consumption is at a 50-year low¹⁶
- The sharpest declines are amongst 18-24 years olds, while more than 80 per cent of under 18s now abstain from drinking alcohol altogether¹⁷

Most Australians are drinking less frequently on a daily and weekly basis, and more people are deciding not to drink at all.¹⁸

Underpinning these statistics is a wider consumer trend where people seek a more holistic balance in life, demand more ‘experiential’ cultural activities and are focused on quality and provenance. This is also being driven by a highly professional and dedicated on-premise hospitality sector. Since its launch in 2009, Diageo World Class competition has been

¹⁰ Australian Institute of Health and Welfare 2017. National Drug Strategy Household Survey 2016: detailed findings. Drug Statistics series no. 31. Cat. no. PHE 214. Canberra - <https://www.aihw.gov.au/reports/illicit-use-of-drugs/ndshs-2016-key-findings/contents/summary>

¹¹ DrinkWise Australian Drinking Habits (2018) <https://drinkwise.org.au/our-work/australian-drinking-habits-2007-vs-2017/#>

¹² EuroMonitor Market Research (2018) <https://blog.euromonitor.com/alcoholic-drinks-australia-premiumisation-future/>

¹³ <https://www.lsansw.com.au/documents/item/753>

¹⁴ Australian Bureau of Statistics, National Health Survey: First Results, 2017-18 (2018)

[https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.001~2017-](https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.001~2017-18~Media%20Release~How%20healthy%20is%20the%20typical%20Australian%3F%20(Media%20Release)~1)

[18~Media%20Release~How%20healthy%20is%20the%20typical%20Australian%3F%20\(Media%20Release\)~1](https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.001~2017-18~Media%20Release~How%20healthy%20is%20the%20typical%20Australian%3F%20(Media%20Release)~1)

¹⁵ DrinkWise Australian Drinking Habits (2018) <https://drinkwise.org.au/media-releases/media-releases-2017/ten-year-study-finds-australians-drink-more-responsibly/#>

¹⁶ Australian Bureau of Statistics, National Health Survey: First Results, 2017-18 (2018)

[https://www.abs.gov.au/AUSSTATS/abs@.nsf/Previousproducts/4307.0.55.001Main%20Features62013-](https://www.abs.gov.au/AUSSTATS/abs@.nsf/Previousproducts/4307.0.55.001Main%20Features62013-14?opendocument&tabname=Summary&prodno=4307.0.55.001&issue=2013-14&num=&view=)

[14?opendocument&tabname=Summary&prodno=4307.0.55.001&issue=2013-14&num=&view=](https://www.abs.gov.au/AUSSTATS/abs@.nsf/Previousproducts/4307.0.55.001Main%20Features62013-14?opendocument&tabname=Summary&prodno=4307.0.55.001&issue=2013-14&num=&view=)

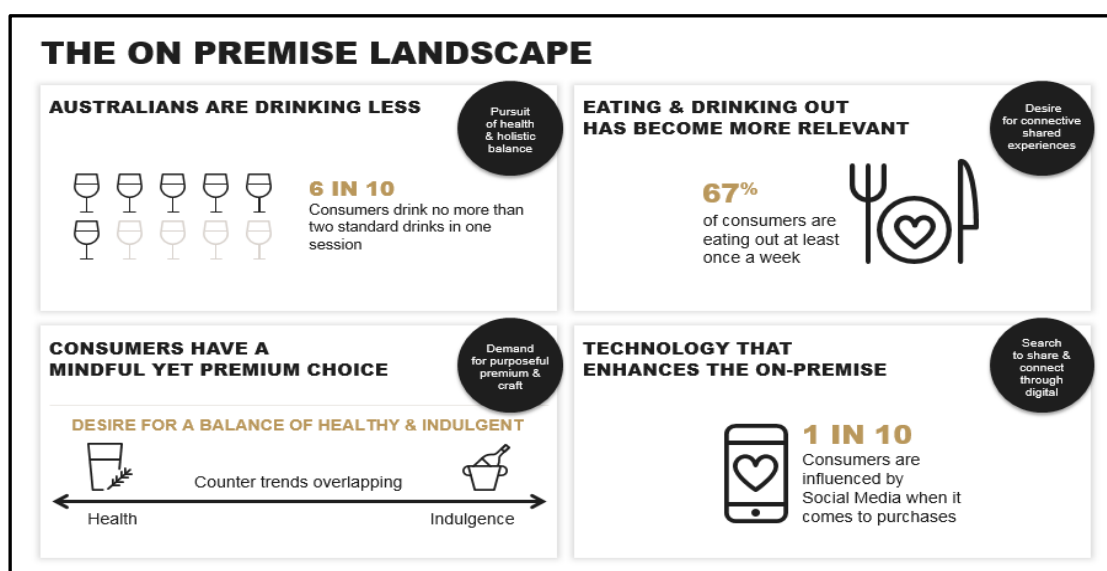
¹⁷ Australian Institute of Health and Welfare 2017. National Drug Strategy Household Survey 2016: detailed findings. Drug Statistics series no. 31. Cat. no. PHE 214. Canberra - <https://www.aihw.gov.au/reports/illicit-use-of-drugs/ndshs-2016-key-findings/contents/summary>

¹⁸ Ibid



instrumental in transforming drinking culture, while supporting, educating and inspiring thousands of bartenders across NSW and Australia through its training and advocacy programme¹⁹. Statistically this can be shown through people drinking better (quality) rather than more (volume), the emerging popularity of more premium experiences (small bars, craft distilleries) and the sales growth of higher-end products:

- The number of small bars have grown in Sydney from almost zero in 2013 to more than 40 in the CBD after government de-regulation²⁰ (*this figure is misleadingly low, as there are more bars of this style serving premium food and drink that operate under a primary service authorisation or a general bar licence*)
- 9-10 per cent year-on-year growth of mid-strength or lower alcohol products and 14 per cent growth in 'craft'²¹
- 35.9 per cent of people purchase 'premium' alcohol products, which is growing 4.9 per cent a year²²
- 8 per cent growth in 2018 of people drinking in the on-premise, with lower-tempo 'refreshing consumption' such as spritzes now becoming a staple on cocktail menus²³
- 67 per cent increase in drinking occasions in wineries, distillers and breweries²⁴
- 75 per cent of drinking occasions now include food (at least snacks), while 50 percent are with a meal²⁵



REDUCTIONS IN ALCOHOL-RELATED DISORDER CANNOT BE LOOKED AT IN ISOLATION

As well as these wider drinking trends, it is important to note that non-domestic assaults were falling consistently before the introduction of the lockout laws.^{26,27} The Committee for Sydney Night-Time Economy Taskforce report (March 2018) -

¹⁹ <https://www.theworldclassclub.com/>

²⁰ These are 2018 figures

²¹ ABC News (2018) <https://www.abc.net.au/news/2018-09-01/boutique-breweries-boom-on-wave-of-craft-beer-popularity/10184186>

²² IRI Worldwide (2018) <https://www.iriworldwide.com/en-AU/Insights/news/The-rise-of-Premiumisation-in-liquor-as-Australian>

²³ ASLA-IRI State of the Industry Report (2018) <https://www.iriworldwide.com/IRI/media/Library/Publications/IRI-ALSA-SOI-Report-Teaser.pdf>

²⁴ Kantar (2018) Diageo Consumer Choice Framework. More information available on request

²⁵ Kantar (2018) Diageo Consumer Choice Framework. More information available on request

²⁶ BOSCAR (2019) https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Alcohol_Related_Violence.aspx

²⁷ <https://www.abc.net.au/news/2016-02-10/crime-statistician-refutes-bairds-sydney-assault-figures/7154804>



that included a breadth of stakeholders and examined a significant amount of data - determined that it was 'too ambiguous' to prove that the 'lockouts' significantly reduce alcohol-related disorder.²⁸

Preliminary research from Sydney University suggests the regulatory measures have had an 'indirect' result on the decline in the number of non-domestic assaults in Kings Cross, mostly because the number of overnight visitors to the precinct has almost halved.²⁹ Therefore the continued reduction in alcohol-related disorder since 2014 must be contextualised with the reality that a) this is a pre-existing trend and b) there has been a significant reduction in footfall.

There is also the question of unintended consequences of excessive regulation. Beyond the impact on the night-time economy – addressed later in this submission - a number of people have reported feeling less safe in the CBD and Kings Cross later at night because there are fewer people on the streets. A recent report by Griffith University shows similar licensing restrictions in Safe Night Precincts in Brisbane have failed to reduce the number of violent assaults, with increases in people 'pre-loading' before going out and increased levels of intoxication³⁰.

This suggests less restrictive measures, such as effective education, good venue management (venues are already regulated and controlled environments) and holistic transport solutions would have a similar if not greater impact on safety and the perception of safety.

SYDNEY'S NIGHT-TIME ECONOMY HAS BEEN UNDERPERFORMING SINCE 2014

As the NSW Government states: '*We are pleased that alcohol related-harm and violence in NSW continues to decline... the Government must also encourage the operation of a diverse and vibrant industry.*'³¹ Sydney's night-time economy (NTE) has major social, economic and cultural benefits. In the City of Sydney alone, the NTE accounts for more than 35,500 direct employees and an annual turnover of \$4,059m across 4,872 establishments.³²

Several sources indicate that existing regulatory arrangements such as the CBD Plan of Management – *including but not exclusively the 1.30am 'lockout'* – have disproportionately harmed the economic, social and cultural night-time value of Sydney:

- Later evening footfall in the CBD is down significantly:
 - In 2015 pedestrian traffic dropped by 40 per cent in Kings Cross, falling from a Saturday peak of 5,590 per hour between 1-2am in 2010, to a Saturday peak of 3,888 between 12-1am in 2015³³
 - Many estimates put the reduction since 2014 at circa 40-60 per cent^{34,35}
- There has been a net loss of 176 venues in the CBD and Kings Cross³⁶

²⁸ http://www.sydney.org.au/wp-content/uploads/2015/10/CFS_Sydney-24hr-City_SINGLES_WEB_V11.pdf

²⁹ University of Sydney (2019) <https://sydney.edu.au/content/dam/corporate/documents/centre-for-translational-data-sience/Lockout%20laws%20research.pdf>

³⁰ Devilly GJ, Hides L, Kavanagh DJ (2019) A big night out getting bigger: Alcohol consumption, arrests and crowd numbers, before and after legislative change. PLoS ONE 14(6): e0218161. <https://doi.org/10.1371/journal.pone.0218161>

³¹ <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2463/Government%20response.pdf>

³² Measuring the Night Time Economy (2018): http://www.lordmayors.org/wp-content/uploads/2018/09/Measuring-the-Australian-NTE_2016-17_FINAL_2018-09-14-1.pdf p.24

³³ City of Sydney 'Sydney At Night' report (2018) www.cityofsydney.nsw.gov.au/vision/towards-2030/business-and-economy/sydney-at-night/late-night-research

³⁴ <https://www.linkedin.com/pulse/would-last-person-sydney-please-turn-lights-out-matt-barrie/>

³⁵ University of Sydney (2019) <https://sydney.edu.au/content/dam/corporate/documents/centre-for-translational-data-sience/Lockout%20laws%20research.pdf>

³⁶ <https://www.smh.com.au/national/nsw/what-the-hell-is-going-on-in-sydney-176-venues-disappear-20180527-p4zhst.html>



- A Committee for Sydney Night-Time Economy Taskforce report (2018) concluded that the lockout laws have ‘contributed to the perception that vibrancy of the night-time offer in Sydney has declined, and as a result, the reputation of Sydney as a global city has been detrimentally impacted’³⁷
- A global *TimeOut* survey found Sydney ranked last out of 48 global cities for nightlife³⁸, while only 12 per cent of people spend money in the Sydney CBD at night compared to 37 per cent in Hong Kong³⁹
- 64 per cent of Sydney voters think excessive regulations have had a negative impact on local businesses, job opportunities, the vibrancy of the local area and Sydney’s standing as an international city⁴⁰

While New South Wales has the largest core NTE in Australia because of its relative size, in recent years it has grown at a slower rate than other major cities across key metrics (drink, entertainment and food)⁴¹. The Harbour City was found to have the second earliest average closing times out of 30 global cities.⁴² This lack of satisfaction in turn puts people off going into the CBD and spending money on a range of activities, which has a wider multiplier effect.

A recent report by Deloitte Access Economics found that Sydney is ‘missing out’ on \$16 billion a year because its night-time economy is underdeveloped.⁴³ This has real implications for Sydney as a preferred night-time tourist destination - not only compared to other world-class cities but also in competing with Melbourne, Brisbane or Perth.

There is clearly huge potential across food, drink, entertainment and culture. Statistics show that both domestic and international tourists seek similar experiences - they want to go to cities that have a vibrant street and food culture, with late night dining and drinking offerings.⁴⁴

SYDNEY HAS GREAT POTENTIAL WITH A MORE BALANCED POLICY FRAMEWORK

It is a misnomer that Sydney needs to ‘choose’ between vibrancy and safety. Getting this balance right is not something that is unique to Sydney, New South Wales or even Australia.

As a number of stakeholders have pointed out, a night-time economy must be seen as more than just a question of entertainment or licensing i.e. a regulatory environment that encourages a 24-hour city, where a range of activities (shopping, visiting a museum, going to the gym or a public library) can be as easily accessed late at night as they can during the day.

Our submission supports and points to a range of these recommendations that have been put forward by others, most notably the Committee for Sydney⁴⁵:

Recommendation: Expanding the diversity of night-time activities – later openings for arts and cultural institutions, late night shopping and trading for non-licensed premises (City of Sydney is progressing this), more flexible opening hours for other services.

³⁷ Committee for Sydney (2017) http://www.sydney.org.au/wp-content/uploads/2015/10/CFS_Sydney-24hr-City_SINGLES_WEB_V11.pdf

³⁸ <https://www.timeout.com/sydney/news/why-was-sydney-rated-the-tenth-worst-city-in-the-world-and-what-can-we-do-about-it-032019>

³⁹ Committee for Sydney (2017) http://www.sydney.org.au/wp-content/uploads/2015/10/CFS_Sydney-24hr-City_SINGLES_WEB_V11.pdf

⁴⁰ Newgate Research (November 2018) research report ‘Community attitudes to lockout laws’

⁴¹ Committee for Sydney (2017) http://www.sydney.org.au/wp-content/uploads/2015/10/CFS_Sydney-24hr-City_SINGLES_WEB_V11.pdf

⁴² <https://www.traveloka.com/special/nightlife-capitals>

⁴³ <https://www2.deloitte.com/au/en/pages/media-releases/articles/imagine-sydney-economic-social-potential-playful-city-150219.html>

⁴⁴ Committee for Sydney (2017) http://www.sydney.org.au/wp-content/uploads/2015/10/CFS_Sydney-24hr-City_SINGLES_WEB_V11.pdf

⁴⁵ Committee for Sydney NTE taskforce report: https://www.sydney.org.au/wp-content/uploads/2018/12/CFS_Sydney-24hr-City_SINGLES_WEB_V11.pdf



Recommendation: Non-lockout governance and regulation - piloting night-time precincts/districts and identified entertainment precincts across the city.

Recommendation: Promoting Sydney as a global city – more PR and guidance on night-time activities, consider introducing a scheme similar to the ‘Purple Flag’ project in the UK, an accreditation process that allows members of the public to quickly identify town and city centres that offer an entertaining, diverse, safe and enjoyable night out.

Recommendation: Integrated approach to planning and transport – later and more integrated transport strategies into the CBD and surroundings later at night, connected by an efficient and accessible late-night transportation system.

Clearly the NSW Government is prioritising investment in transport, most notably the creation of the CBD/Randwick light rail service (due late 2019), the City/South-East Metro (due for completion in 2024) and the Northwest Metro (now open). The NSW Government is upgrading current Sydney Trains networks and providing more integrated services and connections between modes of transport, which is all welcome.

However, the missing link is a focus on more consistent late-night transport, especially trains and trams. Most Sydney trains stop service at around 12.30am on Friday and Saturday nights, and midnight on other days of the week. The new CBD/Randwick light rail service is due to run until 1am on weekends. Undeniably one factor in creating both a vibrant and safe night-time economy in Melbourne has been the commitment to 24-hour transport on weekends⁴⁶, and we would encourage Sydney to follow suit.

The other key element that can support safety later at night is the growth of affordable and available ride-sharing options like Uber and Ola. Their introduction have helped reduce the late-night friction point at taxi stands and kept people in licensed premises (while they wait for their taxi) rather than waiting on the street⁴⁷.

THERE ARE A NUMBER OF PRACTICAL MEASURES THAT CAN BE TAKEN THAT WOULD INCREASE VIBRANCY AND MAINTAIN COMMUNITY SAFETY

Following the *Callinan Review*, we recognise the NSW Government has taken piecemeal measures to support the night-time economy in the CBD, including an extension of the ‘lockout’ for live music venues, increasing the small bar patron capacity and improving the effectiveness of the Three Strikes disciplinary scheme for venues. These were steps in the right direction. Indeed, 32 venues have since taken up the extension to the last drinks and lockouts, with no increase in alcohol-related issues.⁴⁸

However, Sydney is still underperforming due to excessive regulatory requirements. Research conducted by Newgate Research shows there is widespread support from NSW voters for more flexible, common sense measures that can support local businesses, job opportunities, the vibrancy of the CBD and Sydney’s reputation while maintaining community safety.⁴⁹

⁴⁶ <https://www.melbourne.vic.gov.au/news-and-media/Pages/Food-sales-dominate-Melbourne%E2%80%99s-late-night-economy.aspx>

⁴⁷ Imagine Sydney Play: the economic & social potential of a playful city (2019)

<https://www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-economics-economic-effects-of-ridesharing-australia-150216.pdf>

⁴⁸ BOSCAR (2019) https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Alcohol_Related_Violence.aspx

⁴⁹ Newgate Research (November 2018) research report ‘Community attitudes to lockout laws’



This includes support for considering the broader benefits of venues, a more targeted focus on behaviours rather than broad bans, reduction of red tape for venue operators and changing regulations so that spirits are treated the same as other types of alcohol.

Recommendation: Amend/repeal CBD Plan of Management regulations from the *Liquor Act* (Schedule 4), or at least introduce a more flexible approach to CBD Plan of Management regulations so compliant venues automatically 'opt out' of restrictions.

Existing provisions in the *Liquor Act* (Sections 44-47) and Three Strikes Scheme can be used as an enforcement mechanism, with the introduction of aspects of CBD Plan of Management regulations as an ultimate backstop if there is non-compliance.

It is important to emphasise that it is not just the 'lockout' that was introduced in 2014, nor is it solely the 1.30am lockout that negatively impacts the night-time economy. In 2014 the lockout was implemented as one of 21 restrictions in the CBD Plan of Management (see Appendix), and 36 restrictions for venues in Kings Cross.⁵⁰

As well as the 1.30am lockout, the CBD Plan of Management includes elements such as last drinks, restrictions on types of drinks you can serve after midnight, the requirement for RSA marshals, bans on glass after midnight and limits on two drinks per patron after midnight. These restrictions *automatically apply* if a venue is in the CBD area, regardless of compliance history, style etc. These restrictions are equally – if not more – restrictive than 'lockouts' and contribute to the wider over-regulatory culture.

While licensees in the CBD precinct may apply for exemptions to some of these restrictions to NSW Liquor & Gaming⁵¹, the exemption process has low awareness, is costly (\$500 in respect of each condition) and is time consuming, especially for small businesses.

Ultimately the current presumption in these regulations is misplaced. It presumes that licensed venues should carry the burden of seeking exemptions to trading restrictions, rather than a default position that operators who have a good compliance history be exempt from restrictions. All patrons and operators in the CBD are effectively 'guilty until proven innocent'. This status quo is unreasonable and out of kilter with domestic and international norms for cities, as the table further below indicates.

66% of Sydney voters want to see venues with good compliance and safety records exempt from the CBD Plan of Management restrictions⁵²

62% of voters want the NSW Government to allow small businesses to thrive by reducing over-regulation⁵³

⁵⁰ NSW Liquor Act <https://www.legislation.nsw.gov.au/#/view/act/2007/90/full>

⁵¹ <https://www.liquorandgaming.nsw.gov.au/Documents/liquor/law-and-policy/am0655-exemption-precinct-related-special-licence-condition.pdf>

⁵² Newgate Research (November 2018) research report 'Community attitudes to lockout laws'

⁵³ Ibid



74% of Sydney voters believe the CBD Plan of Management should be amended to focus more on the behaviour of people who don't do the right thing rather than placing 'lockout' bans on everybody⁵⁴

Melbourne has embraced a more late-night regulatory culture, with its NTE growing more quickly than that of NSW and Australia and a continued decline in alcohol-related violence.⁵⁵ In the ACT, for example, the Fair Trading Commissioner has a reserve power to impose certain conditions as part of a liquor licence review or application⁵⁶.

Recommendation: That the NSW Government removes unnecessary red tape and costs involved in liquor licence applications (including the number and type of licences), renewals, development applications and exemption requests.

Recommendation: Replace/remove liquor licence freeze in the CBD in the Liquor Act (Division 41A Section 47) with a more balanced framework to assess individual applications on their merits, including positive social, cultural and tourism benefits (*the WA Government introduced a similar measure in 2017 and 76 per cent of Sydney voters support this*)

Recommendation: The NSW Government removes the duplication of regulatory and compliance responsibilities from multiple government agencies. Create a streamlined and more cost-effective one-stop shop in NSW Government – i.e. such as a Night-Time Economy Minister - for noise complaints, planning and liquor approval process for venues.

City	Licensing Approach and Other Measures
Amsterdam	<ul style="list-style-type: none"> Flexibility on licensing hours in precincts, including offering 24-hour licences that venue operators can pitch for, but under strict rules No distinction between different categories of alcohol in on-premise at certain times RSA-type laws Late-night transport Geographic dispersal of night-time activities Relaxed licensing conditions for entertainment venues
Melbourne	<ul style="list-style-type: none"> VIC Liquor Act offers flexibility on trading requirements providing venues are compliant; intoxication guidelines focus on behaviour and training No distinction between different categories of alcohol in on-premise at certain times Removal of lockout in 2008 after short trial period A more late-night regulatory culture, with its NTE growing more quickly than that of NSW and Australia and a continued decline in alcohol-related violence 24-hour transport on weekends
Perth	<ul style="list-style-type: none"> The chief executive officer of Tourism WA will get a say, with equal weight to Health and police authorities, on new liquor licensing applications A new category of tourism, community and cultural benefits is to be considered as part of application Licensed restaurants with a capacity of 120 people or fewer will not have to apply for a separate permit to be able to serve alcohol without the purchase of a meal No distinction between different categories of alcohol in on-premise at certain times

⁵⁴ Ibid
⁵⁵ Measuring the Night Time Economy (2018): http://www.lordmayors.org/wp-content/uploads/2018/09/Measuring-the-Australian-NTE_2016-17_FINAL_2018-09-14-1.pdf p.24
⁵⁶ https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1654/~/liquor-licensing-and-permits



LICENSING REGULATION SHOULD FOCUS ON BEHAVIOUR NOT BEVERAGE AND TREAT ALL ALCOHOL TYPES THE SAME

Recommendation: Amend/peel current wording in Schedule 4 5.1 of the *Liquor Act* on ‘rapid intoxication drinks’ to allow neat serves of spirits and drinks of more than 30ml spirits and liqueur to be sold after midnight

Recommendation: Amend wider NSW Liquor & Gaming guidelines to licensees to the same effect so that it focuses on behaviour rather than beverage choice.

Guidance and RSA should focus more precisely on targeting irresponsible behaviour and discouraging excessive/rapid consumption *across the board*, regardless of the vessel in which it is served.

Diageo shares the NSW Government’s objective to prevent rapid intoxication of alcohol, however regulations should be amended to better align to RSA obligations that cover all alcohol types.

As part of RSA training, Liquor & Gaming NSW identifies some key principles i.e. not serving anyone under the age of 18 and not serving anyone who is intoxicated⁵⁷. A key mechanism to determine intoxication is to understand the concept of standard drinks and the number of standard drinks consumed over a certain time period. However CBD Plan of Management regulations add another, unnecessary layer of complication by restricting the sale of certain drinks after midnight (small bars have an exemption):

Certain drinks prohibited during restricted service period (*taken from NSW Liquor Act*)

- (1) The following drinks must not be sold or supplied on declared premises during the restricted service period:
 - (a) any drink (commonly referred to as a “shot”) that contains no more than 30 ml of spirits or liqueur and that is designed to be consumed rapidly [*this in practice includes the sale of a neat ‘non-shot’ serve of spirit after midnight*]
 - (b) any drink containing more than 50% spirits or liqueur,
 - (c) any ready to drink beverage with an alcohol by volume content of more than 5%,
 - (d) any drink prepared on the premises that contains more than one 30 ml nip of spirits or liqueur.
- (2) During the restricted service period, no more than:
 - (a) 4 alcoholic drinks (whether or not of the same kind), or
 - (b) the contents of one bottle of wine,
 may be sold or supplied on declared premises to the same person at any one time.
- (3) In this clause:

ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer

⁵⁷ <https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/training-courses>



The rationale - according to the Liquor & Gaming 'Prevention of intoxication on licensed premises guidelines' - is to manage and reduce 'rapid intoxication' at venues.⁵⁸ However, the practical application of this is inconsistent with its own policy rationale. Several drink serves that contain more alcohol are allowed to be served after midnight compared to ones that have less. A standard serve of spirits contains 1 standard drink of alcohol but is not allowed after midnight (unless it is mixed with a mixer), nor is a double (2 standard drinks). However, a glass of wine (1.5 standard drinks), a bottle of wine (8 standard drinks) or a pint of beer (2 standard drinks) can be served.

Analysis conducted by the Australia National University demonstrates that there is no evidence from the National Drug Strategy Household Survey - or any dataset - that spirits drinkers are any more likely to engage in anti-social behaviour than wine and beer drinkers.⁵⁹ Rather, it is a range of socio-economic factors, including age, gender and the total amount of alcohol people drink. A breathalyser does not distinguish the type of beverage a driver has been drinking when it reads blood alcohol concentration levels. Nor should licensing law.



⁵⁸ <https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4002-prevention-of-intoxication-on-licensed-premises-guidelines.pdf>

⁵⁹ ANU (2019) 'Type of beverage consumed, risky behaviour and socio-demographic factors'. Analysis of National Drug Strategy Household Survey data 2016. More information available on request



Such restrictions that target one form of alcohol are misguided in their intention to promote responsible drinking and reduce harm. Put simply, it does not matter what drink someone is drinking if RSA and effective venue management is being applied.

56% of voters support changing restrictions so that they focus on the number of standard drinks or volume of alcohol in a drink, rather than the type of drink

To mitigate any concerns about the implication of ‘rapid consumption’ of shots specifically - rather than neat serves of spirits - there are ways to regulate this distinction to allow for a more nuanced approach. Unlike the NSW Intoxication Guidelines (that specifically call out spirits)⁶⁰ the Victorian Intoxication Guidelines use principles and practical examples to regulate excessive consumption^{61,62}. For example, the sale of liquor should not involve ‘the availability of liquor in receptacles that encourage rapid consumption’ i.e. ‘serving liquor in a yard glass for skolling; pouring liquor straight into a patrons’ mouth’.

Focusing on principles would give licensees scope to serve traditional spirits serves, e.g. sipping drinks served in a whisky glass/a tumbler on ice⁶³ while maintaining the intent of the policy: to target irresponsible behaviour and reduce excessive consumption across the board, regardless of how it is served.

These restrictions are also inconsistent with the NSW Government’s own narrative of supporting a vibrant, diverse and safe night-time economy.⁶⁴ Venues with good compliance records - that are serving high quality drinks and food and improving Sydney’s drinking culture - operate under a variety of licences apart from a small bar licence, and therefore face these types of restrictions on their trade. Specialist whisky bars such as Baxter Inn and Bulletin Place are consistently recognised as some of the best bars in the world⁶⁵, but they cannot serve a neat whisky after midnight.

This has a direct impact on Sydney’s potential for growth and reputation as an internationally renowned ‘after hours’ global city. It also restricts individual freedom to choose to drink a neat whisky, if that is your preference, over another alcohol beverage. There are no similar or equivalent restrictions after midnight in Melbourne or Perth, let alone in London, Singapore, New York or Berlin.

⁶⁰ <https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4002-prevention-of-intoxication-on-licensed-premises-guidelines.pdf>

⁶¹ https://www.vcglr.vic.gov.au/sites/default/files/Intoxication_guidelines.pdf.pdf

⁶² <https://www.vcglr.vic.gov.au/liquor/your-obligations/intoxication-guidelines>

⁶³ <https://www.vcglr.vic.gov.au/resources/education-and-training/responsible-alcohol-advertising-and-promotion>

⁶⁴ <https://www.liquorandgaming.nsw.gov.au/Documents/about-us/media/170929-drinks-restrictions-lifted-for-small-bars.pdf>

⁶⁵ <https://www.gourmettraveller.com.au/news/drinks-news/baxter-inn-makes-the-worlds-50-best-bars-list-6427>



Case study: This Must be The Place, Darlinghurst

This Must Be The Place (TMBTP) is a bar on Oxford Street which won TimeOut Sydney Bar Of The Year 2017. It serves high quality drinks and food, and is a symbol of the increasingly diverse and sophisticated Sydney hospitality culture.

It has all the hallmarks of what one would consider a ‘small bar’, however it operates under a general bar licence for historic prior ownership reasons. TMBTP would like to trade past midnight, as well as serve neat spirits and (bespoke) cocktails not listed on a menu after midnight.

Despite all 25 neighbours it shares a laneway with signing a petition in support of its application to trade later, and never having had any alcohol-related issues in its venue, this was rejected because of its location in the CBD and thus the automatic application of CBD Plan of Management restrictions, including a liquor licence freeze.

The liquor licence freeze (Section 47C in the Liquor Act) restricts any extension to trading hours or any successful application for a development consent to modify a licensee’s venue. Schedule 4 Section 5 of the Act restricts a venue from serving neat serves of spirits or a cocktail that is not printed on the menu after midnight, even if it was granted approval to trade later (see Appendix).

It is not financially feasible for TMBTP to move to a small bar licence because it would require the venue to reduce the number of patrons it can admit from 120 to 100.

THERE ARE MORE EFFECTIVE WAYS TO CONTINUE SUPPORTING MODERATION AND REDUCE ALCOHOL-RELATED HARM IN SYDNEY

Selling and serving of products responsibly through licensed outlets contributes toward the reduction of harmful drinking by promoting a safe drinking environment. The previously mentioned study in Queensland demonstrates the unintended consequences of lockout bans in encouraging ‘pre-loading’ and more intoxication away from licensed premises⁶⁶.

RSA is the foundation of this system to enhance community safety and encourage good venue management. When RSA standards are consistently applied, intoxication and excessive consumption can be largely prevented. Diageo also supports further targeted interventions that focus on education, venue management, moderation and self-responsibility, which are more effective than blunt population-wide measures such as CBD Plan of Management restrictions. 72 per cent of Sydney voters believe responsible drinkers have been unfairly punished by the actions of an irresponsible few⁶⁷.

While we recognise there is more to do, the industry goes to great lengths to educate people, to ensure customers have a safe and enjoyable experience and to develop a more moderate night-life culture:

- **The Smashed Project** – Diageo has brought the Smashed Project to Australian schools, an award-winning theatre-in-education program that aims to break the culture of underage drinking and change how the next generation

⁶⁶ Devilly GJ, Hides L, Kavanagh DJ (2019) A big night out getting bigger: Alcohol consumption, arrests and crowd numbers, before and after legislative change. PLoS ONE 14(6): e0218161. <https://doi.org/10.1371/journal.pone.0218161>

⁶⁷ Newgate Research (November 2018) research report ‘Community attitudes to lockout laws’



treats alcohol. Evidence shows that young people’s behaviour is influenced by peer and parental behaviour.⁶⁸ In two years this program has been delivered completely free of charge to more than 47,000 students across 230 schools in NSW, QLD, VIC and ACT. Independent evaluation confirms the Smashed Project is a credible model for delivering underage drinking education and helping people make the right decisions regarding peer pressure and behaviour⁶⁹

- **96 per cent** of students were confident in knowing where to get help with alcohol related issues (up a significant 38 per cent on pre-performance numbers)
 - **85 per cent** said they were unlikely to drink alcohol underage
 - **237 per cent** increase in students’ awareness of how alcohol can affect mood and a **23 per cent** increase in awareness of the potential impact alcohol can have on young people’s mental health
- **DrinkWise** - Diageo is a founder of and main contributor to DrinkWise, an independent, not-for-profit organisation, that aims to bring about a healthier and safer drinking culture in Australia. Since 2007 DrinkWise has been at the forefront of impactful campaigns that talk to young adults in a meaningful way that is driving change
 - Launched in 2014, the *‘Drinking – Do It Properly’* campaign aims to make the ongoing trend of binge drinking to get drunk less socially acceptable among young adult drinkers, and to support those already drinking in safe and moderate ways⁷⁰
 - The campaign was launched off the back of extensive quantitative and qualitative formative research as well as multiple rounds of concept testing research to ensure the campaign cut-through with these young adults
 - Independent market research which benchmarked and tracked attitudes and behaviours of representative samples of over 2,500 18-24 year olds shows that:
 - 40% are now drinking less on a night out as a result of the campaign
 - Over 9 in 10 correctly identify the right message take outs
 - Over 7 in 10 agree that the campaign has made them think about the benefits of moderation
 - **DrinkIQ** – a responsible drinking training resource that is delivered face-to-face to all of our 33,000 employees globally as well as to other businesses, sporting teams and external groups. The supporting website (www.DRINKiQ.com) has also expanded to include an e-Learning module, allowing more people to understand alcohol and its effects
 - **Diageo Bar Academy** – this program trains, upskills and professionalises the hospitality industry across Australia, including New South Wales⁷¹. It seeks to strengthen RSA through practical ‘on the job’ training, giving operators and staff the know-how to manage real life situations. It has been specifically designed to support positive venue management and best practice to understand the effects of alcohol
 - Since 2014 more than 6,700 people in Australia – and 3,000 in NSW - have gone through the program, many of whom have gone on to become some of Sydney’s most respected bar operators (41 per cent women)

⁶⁸ Tomé G, Matos M, Simões C, Diniz JA, Camacho I. How can peer group influence the behavior of adolescents: explanatory model. Glob J Health Sci. 2012;4(2):26–35. Published 2012 Mar 1. doi:10.5539/gjhs.v4n2p26

⁶⁹ Evaluation conducted by Collingwood Learning (2018). Available on request

⁷⁰ <https://drinkwise.org.au/our-work/drinking-do-it-properly/#>

⁷¹ https://www.diageobaracademy.com/en_zz/



- **Cheers** – the Three Cheers Program (TCP), run by Special Alcohol Service Hospitality (SASH), consists of pro-active patron management techniques for licensed venues to apply via training, through hospitality guiding and patron psychology⁷²
 - An independent evaluation⁷³ of SASH’s trial at the Oxford Art Factory showed total incidents were down 56 per cent in 2018 from the (pre-trial) 2017, approaching intoxication down 55 per cent and intoxication down 75 per cent
 - There was also a 5 per cent increase in bar revenue in 2018, showing that the improved data statistics were not the result of a downturn in trade and indicate that the SASH program is of overall benefit to venue revenue

- **Liquor Accords:** these are voluntary partnerships across NSW between police, licensees and the local community that work to develop safe and well-managed environments in and around licensed premises. A similar program called Best Bar None operates in the UK⁷⁴
 - Areas that operate Liquor Accords are shown to improve standards, maintain a safe and vibrant environment and reduce alcohol-related incidences⁷⁵
 - Following the introduction of lockouts and increased patronage in Newtown, the Newtown Liquor Accord (NLA) worked with police and stakeholders to develop a localised solution. NLA has rightly been celebrated as a good model in this regard, with crime and violence still declining by +50 per cent despite the hugely increased patronage

Programs such as these represent alternative and effective ways to encourage moderation and address alcohol-related disorder, while reducing unpopular and ineffective blanket regulation that targets everyone.

Recommendation: The implementation of a NSW Government sponsored/accredited hospitality education scheme that is co-funded by industry (i.e. like the Safer Bars program) *This would build on RSA and could be driven through the already existing structures (i.e. Liquor Accords).*

Recommendation: Increased night-time patrols by third party ‘street wardens’. *This would support community safety and reduce costs on the police.*

Recommendation: Introduce a multi-stakeholder strategic oversight Liquor Accords-style body for the CBD that would determine best practice, collate data and implement targeted measures to improve vibrancy and safety.

Recommendation: In collaboration with industry and NGOs, it is recommended that the NSW Government expand its targeted programs or support of targeted programs like the *Smashed Project* and DrinkWise campaigns to educate young people about alcohol, behaviour and peer pressure.

⁷² <http://threecheerstraining.com.au/benefits/>

⁷³ This was conducted by Deakin University - <http://threecheerstraining.com.au/wp-content/uploads/2019/04/OAF-SASH-Deakin-Uni-Trial-Final-Report.pdf>

⁷⁴ <http://bbnuk.com/>

⁷⁵ <https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/liquor-accords/liquor-accord-case-studies>



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APPENDIX: SYDNEY CBD PLAN OF MANAGEMENT RESTRICTIONS

Shorthand

1. 30am lockout (2.00am for 'live music' venues)
2. 3am cessation of service (3.30am for 'live music' venues)
3. 10pm cessation of takeaway sales
4. Risk-based licensing fees
5. 'Round the clock' incident registers
6. Notification of violent incidents to police
7. Crime scene preservation
8. Restrictions on glass drinking vessels
9. Restrictions on promotional activities on drinks designed to be consumed rapidly
10. Restrictions on shots and neat serves of spirits after midnight
11. Restrictions on doubles after midnight
12. Restrictions on drinks with greater than 50% spirits or liqueur
13. Restrictions on high ABV ready to drink products after midnight
14. Restrictions on number of drinks able to be sold per transaction after midnight
15. Restrictions on number of drinks able to be sold per transaction after 2am
16. No cocktails to be sold after midnight unless found in a cocktail list with ingredients listed
17. No entry for those consuming alcohol upon approach
18. Exclusion of OMCG members



19. RSA Marshals
20. All staff must hold current recognised RSA competency card or interim certificate
21. Increased fines / licence suspension / licence cancellation for serving minors

Wording in NSW Liquor Act

Special licence conditions

- (1) A level 1 licence is subject to each of the conditions specified in this Schedule.
- (2) A level 2 licence is subject to each of the conditions specified in this Schedule (other than the conditions specified in clauses 2A, 3 and 5).
- (2A) This Schedule does not apply in relation to a newly specified licence until 8 June 2019.
- (2B) For the purposes of subclause (2A), a *newly specified licence* is a licence that was not specified in Table 1 or Table 2 to clause 1 immediately before the substitution of those Tables by the *Liquor Amendment (Special Licence Conditions) Regulation (No 2) 2019*.
- (3) The conditions specified in this Schedule are in addition to any other conditions to which a level 1 or level 2 licence is subject.

2A Additional security measures

- (1) In this clause:
additional security measure means a security measure that comprises or relates to any of the following:
 - (a) providing security staff,
 - (b) training for security staff,
 - (c) closed-circuit television,
 - (d) digital video and audio recording devices,
 - (e) electronic ID scanning,
 - (f) systems for recording and retaining patron particulars,
 - (g) inter-venue communication network.
- (2) The licensee of any declared premises must:
 - (a) within 14 days of the commencement of this clause, or
 - (b) in the case of premises that become declared premises at any time after the commencement of this clause—within 14 days of the premises becoming declared premises,



SMIRNOFF

GORDON'S

TALISKER



LAGAVULIN

Captain Morgan

Tanqueray

PIMM'S

BAILEYS

notify the Secretary, in the form approved by the Secretary, of the details of one or more additional security measures that the licensee proposes to implement in relation to the premises.

- (3) The Secretary may, after considering the notice provided by the licensee under subclause (2), decide:
 - (a) to approve the additional security measure or measures as notified by the licensee without any variations, or
 - (b) to approve the additional security measure or measures as notified by the licensee with such variations as are determined by the Secretary, or
 - (c) to approve a different additional security measure in relation to the declared premises.
- (4) The Secretary is to notify the licensee in writing of the Secretary's decision and of the date on and from which the licensee is required to implement the additional security measure or measures approved by the Secretary. Any such implementation date must be at least 14 days after the date on which the Secretary is notified by the licensee under subclause (2).
- (5) The licensee must implement the approved additional security measure or measures in accordance with the Secretary's notice.

3 "Lock outs" for declared premises

- (1) The licensee of any declared premises must not permit patrons to enter the premises after 1.30 am or before 5 am (*the lock out period*).
- (1A), (1B) (Repealed)
- (2) For the avoidance of doubt, patrons already present in declared premises immediately before the start of the lock out period may:
 - (a) leave the premises at any time, or
 - (b) remain on the premises while the premises are authorised to trade,
 but are not permitted to re-enter the premises during the lock out period.
- (3) This clause does not:
 - (a) prevent a resident of declared premises from entering the premises during the lock out period, or
 - (b) in the case of declared premises that are premises to which a club licence relates—prevent a full member or honorary member (within the meaning of the *Registered Clubs Act 1976*) of the registered club from entering the premises during the lock out period.

4 Glasses and breakable plastic containers prohibited during restricted service period

- (1) During the restricted service period, any drink (whether or not it contains liquor) sold or supplied for consumption on declared premises must not be served or supplied in a glass or breakable plastic container.
- (2) During the restricted service period, the licensee of declared premises must remove empty glasses and empty breakable plastic containers from patrons and from any area of the premises to which patrons have access.



(3) This clause does not require empty glasses or other containers to be removed from the room in which a resident of declared premises is residing or staying.

(4) In this clause:

glass means:

- (a) a drinking vessel, or
- (b) a container (such as a bottle or jug) from which drinks can be poured,

that is made wholly or principally of glass.

5 Certain drinks prohibited during restricted service period

(1) The following drinks must not be sold or supplied on declared premises during the restricted service period:

- (a) any drink (commonly referred to as a “shot”) that contains no more than 30 ml of spirits or liqueur and that is designed to be consumed rapidly,
- (b) any drink containing more than 50% spirits or liqueur,
- (c) any ready to drink beverage with an alcohol by volume content of more than 5%,
- (d) any drink prepared on the premises that contains more than one 30 ml nip of spirits or liqueur.

(2) During the restricted service period, no more than:

- (a) 4 alcoholic drinks (whether or not of the same kind), or
- (b) the contents of one bottle of wine,

may be sold or supplied on declared premises to the same person at any one time.

(3) In this clause:

ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer.

6 Other requirements during restricted service period

For a continuous period of 10 minutes during each hour of the restricted service period:

- (a) the sale or supply of liquor on declared premises must cease, or
- (b) the licensee must:
 - (i) distribute free drinking water or food (or both) to patrons, and
 - (ii) actively encourage patrons to consume water.

7 Service of alcohol to cease 30 minutes before closing time

If declared premises are required to cease trading on any day, the licensee must cease selling or supplying liquor on the premises 30 minutes before the premises are required to cease trading.

7A Standard trading period incident register

(1) The licensee of any declared premises must maintain a register, in the form approved by the Secretary, in which the licensee is to record the details of any incident referred to in section 56 (or the



regulations made under that section) that occurs during the standard trading period and any action taken in response to any such incident.

- (1A) The licensee must, if requested to do so by a police officer or inspector:
- (a) make any register under this clause available for inspection by a police officer or inspector, and
 - (b) allow a police officer or inspector to take copies of any such register or to remove any such register from the premises.
- (1B) The licensee must also ensure that the information recorded in a register under this clause is retained for at least 3 years from when the record was made.
- (2) A register under this clause may be maintained as part of any incident register that the licensee is required to maintain under section 56.
- (3) (Repealed)

8 Exemptions in relation to entire declared premises

- (1) The Secretary may, by order in writing served on the licensee of declared premises, exempt the whole of the premises from any specified provision of this Schedule.

Note.

Any such order may be amended or repealed by virtue of section 43 (2) of the [Interpretation Act 1987](#).

- (2) The Secretary may exempt the whole of declared premises only if the Secretary:
- (a) is satisfied that conditions other than the specified provision to which the exemption relates will be more effective in reducing the risk of alcohol-related violence in or about the declared premises concerned, and
 - (b) imposes those other conditions on the licence for the premises under any relevant provision of this Act.
- (3) Any such relevant provision applies except to the extent that it prevents the imposition of conditions that are inconsistent with this Schedule.
- (4) An exemption under this clause has effect only while the other conditions imposed by the Secretary to replace the specified provision to which the exemption relates remain in force.
- (5) (Repealed)

8A Exemptions in relation to parts of declared premises

The Secretary may, by order in writing served on the licensee of declared premises, exempt part of the premises (the *exempted area*) from any specified provision of this Schedule if the Secretary is satisfied that:

- (a) the risk of alcohol-related violence is low in the exempted area, and
- (b) an exemption would not increase the risk of alcohol-related violence in the exempted area, and
- (c) adequate measures will be in place to minimise the risk of alcohol-related violence in the exempted area.



Note.

Any such order may be amended or repealed by virtue of section 43 (2) of the [Interpretation Act 1987](#).

8B Extension of restricted service period to 2 hours before midnight

- (1) The Secretary may, by order in writing served on the licensee of declared premises, extend the restricted service period in respect of the premises for a period of up to 2 hours before midnight if the Secretary is satisfied that alcohol-related violence has occurred on the premises during any such period.
- (2) An order under this clause is to specify the extended period and the day or days on which it operates.

Note.

Any such order may be amended or repealed by virtue of section 43 (2) of the [Interpretation Act 1987](#).

9 Review of Schedule

- (1) The Minister is to review this Schedule to determine whether the policy objectives remain valid and whether the terms of this Schedule remain appropriate for securing those objectives.
- (2) The review is to be undertaken no later than at the end of the period of 12 months immediately following the date of assent to the [Liquor Amendment \(Special Licence Conditions\) Act 2008](#).
- (3) In undertaking the review, the Minister is to consult with the Bureau of Crime Statistics and Research of the Department of Attorney General and Justice and take into consideration any information and advice provided by the Bureau in relation to the incidence of alcohol-related violence in or about the licensed premises to which this Schedule applies.
- (4) A report on the outcome of the review is to be tabled in each House of Parliament within 3 months after the completion of the review.

