

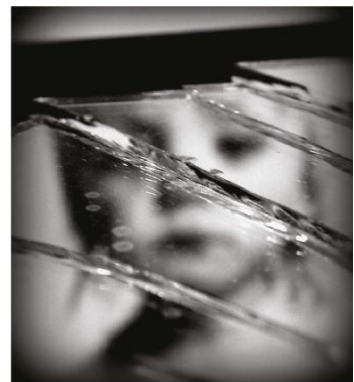
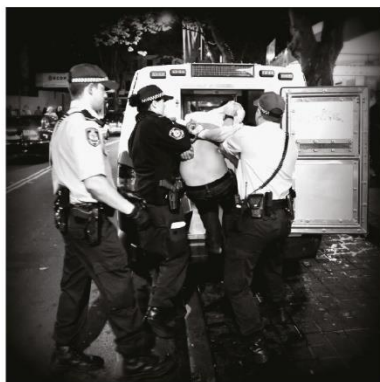
SYDNEY'S NIGHT TIME ECONOMY

Organisation: NSW ACT Alcohol Policy Alliance NAAPA

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NSW Parliamentary Inquiry into Sydney's night time economy



July 2019

About the NSW/ACT Alcohol Policy Alliance

The NSW ACT Alcohol Policy Alliance (NAAPA) aims to reduce alcohol harms by ensuring that evidence-based solutions inform alcohol policy discussions in New South Wales (NSW) and the Australian Capital Territory (ACT). NAAPA currently has 47 member organisations from a range of fields including health, community, law enforcement, emergency services and research.

To contact the NAAPA secretariat email info@naapa.org.au or for more information about NAAPA visit www.naapa.org.au

The following are the NSW members of NAAPA:

- Foundation for Alcohol Research and Education (FARE)
- Network of Alcohol and Drug Agencies (NADA)
- Darlinghurst Resident Action Group (DRAG)
- Newcastle Community Drug Action Team
- Police Association of NSW
- Australian Medical Association (AMA) NSW
- The Royal Australasian College of Surgeons (RACS)
- Public Health Association NSW Branch
- Cancer Council NSW
- National Drug and Alcohol Research Centre (NDARC)
- Centre for Health Initiatives, University of Wollongong
- Hello Sunday Morning
- The Australasian College for Emergency Medicine (ACEM)
- Jewish House
- Inspire Foundation
- The Asia Pacific Centre for Crime Prevention Griffith University (Sydney)
- University of Newcastle
- Ulladulla Community Drug Action Team
- Drug and Alcohol Research and Training Australia (DARTA)
- Bondi Residents Association
- Noffs Foundation (NSW)
- St Vincent's Hospital
- Alcohol and Drug Foundation
- Health Services Union
- Pedestrian Council of Australia
- The Salvation Army NSW
- Awabakal Newcastle Aboriginal Co Operative Ltd
- The Royal Australasian College of Physicians (RACP)
- Byron Bay Youth Service
- NSW Nurses and Midwives Association
- 2011 Residents Association
- Bondi beach precinct
- CatholicCare Goulburn
- Mental Health Association of NSW
- The Royal Australian College of General Practitioners (RACGP)
- The Potts Point and Kings Cross Heritage Conservation Society
- Thomas Kelly Youth Foundation
- Australian Salaried Medical Officer's Federation NSW (ASMOF) NSW
- Australian Health Promotion Association (AHPA)
- Sober in the Country

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Introduction

Alcohol is no ordinary commodity. The scale and variety of harm that alcohol causes to innocent third parties distinguish it from other health and lifestyle risks. These harms include street and family violence,^{1,2,3} road traffic accidents,⁴ child maltreatment,⁵ and chronic disease.^{6, 7} In NSW, alcohol is responsible for more than 37 emergency department presentations, 147 hospitalisations and three deaths every day.⁸

The social and economic costs to the community arising from the consumption of alcohol are significant. However, there has been a lack of serious action by the state to address the magnitude of these costs. Sydney CBD, Kings Cross and Newcastle have been notable exceptions. The alcohol policies introduced in these areas are an excellent example of effective evidence-based harm reduction policy that works. The measures were first introduced in Newcastle in 2008 and in Sydney in 2014, and have since become a piece of public health policy recognised for its success by the rest of Australia, and indeed the world. Altering, diluting or terminating these policies would be at great cost and detriment to all.

In 2014, the NSW Government's powerful and historic intervention to stop the escalating levels of violence in Kings Cross and Sydney's CBD had an immediate, dramatic and sustained impact. The late-night measures have been credited with:

- dramatic reductions in non-domestic violence, with substantial reductions observed in entertainment precincts^{9,10}
- reduced rates of alcohol-related serious injury presentations¹¹
- a 60 per cent reduction in serious facial injuries requiring surgery at St Vincent's Hospital in the two years following their introduction.^{12,13}

The measures are fundamentally important to securing the ongoing health and safety of the people of NSW. They also enjoy tremendous community support, with 80 per cent of 18-34-year-olds supporting a closing time for pubs, clubs and bars of no later than 3am. Indeed public sentiment suggests there would be support for strengthening the laws, with an earlier 1am lockout obtaining majority support (54 per cent) from 18-24 year olds.¹⁴

The measures introduced by the O'Farrell Government were a long-overdue course correction, and not a knee jerk reaction. A proven solution; tried, tested and already delivering just 160 kilometres north in Newcastle. Their successful implementation is proof that it is possible to prioritise public health and safety. Proof that a vibrant, inclusive and prosperous nightlife is one not dependent on the dangerous oversupply of alcohol. Proof that it is possible to get the balance right.

Health, medical, emergency service, law enforcement and community organisations have advocated tirelessly to reduce alcohol harm and prioritise the health and safety of the NSW community over the vested interests of the alcohol industry. We have argued for evidence-based solutions to the unacceptable levels of violence, and sought to dispel the falsehoods advanced by various vested interest groups.

NAAPA is calling for the retention of the late-night measures in the precincts of Sydney CBD and Kings Cross. The measures have been fundamental to ensuring the health and safety of individuals and frontline workers and they have allowed for a positive night-time culture shift in the city. This has allowed for greater diversity and growth in the night-time economy that positively promotes inclusive environments for all groups. It is for these reasons that we urge the Committee to consider rolling the measures out across the greater Sydney region.

This submission will present the body of evidence in support of our position, and is set out in two sections. The first section will correct common myths and misperceptions presented by the alcohol industry and certain parliamentarians, and perpetuated in the media. These false and misleading industry assertions have been repeatedly tested and found wanting – most recently by former High Court Judge Ian Callinan and QC Jonathan Horton. Two independent NSW reviews in three years have recommended maintaining the measures on the basis of the overwhelming supporting evidence of their effectiveness.

The second section addresses directly the Terms of Reference:

That the Committee inquire and report into Sydney's night time economy, including any measures required to:

(a) maintain and enhance community safety;

(b) maintain and enhance individual and community health outcomes;

(c) ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's lockout laws, remain appropriately balanced;

(d) enhance Sydney's night time economy;

And any other directly relevant matters.

In responding to the Terms of Reference, the submission highlights the importance of the late-night measures to maintaining and ensuring community safety, maintaining and ensuring individual and community health, ensuring that regulatory approaches are balanced, and how the late-night measures have helped to enhance the night-time economy.

Section one: Correcting myths

The alcohol industry's interests are largely at odds with public health. Industry players naturally have responsibilities to increase their profits and market share. Unfortunately, these motivations are often at odds with the health and wellbeing of communities. As such, industry players must not be allowed to dictate policy.

Since the introduction of the lifesaving policies on 24 February 2014 there have been countless attempts by industry members to have the measures watered down or removed entirely. The arguments used by the alcohol industry are not supported by evidence and are often distorted and misleading to the public. NAAPA wishes to address some of the most common unsubstantiated claims and set the facts straight for the Committee.

Global cities have venues open 24 hours per day and the late-night measures are archaic. FALSE

Many global cities known for their nightlife have mandated early closing times, most commonly 2am. Sydney has a 1.30am last-entry time and a 3.00am last-drinks time (live entertainment venues can apply for a 30-minute extension); however, venues regularly remain open as late as 6am selling non-alcoholic beverages and entertaining patrons. As seen in table 1, Sydney is one of many global cities with restrictions on alcohol trading hours. In fact, many venues in Sydney stay open later than pubs and clubs in the cities listed below, suggesting that Sydney's policies are more relaxed. Last entry and last drinks strike a perfect balance between harm minimisation and late-night partying, and are commonplace around the world.

Table 1: Trading hours and early closing times in global cities

| City | Trading hours | Minimum age |
|-----------------------------|---|-------------|
| Los Angeles, USA | 2am close | 21 |
| New York City, USA | 4am close | 21 |
| San Francisco, USA | 2am close | 21 |
| Boston, USA | 2am close | 21 |
| Vancouver, Canada | 2am close | 19 |
| Dublin, Ireland | 12.30am close for bars, 2.30am for clubs | 18 |
| Glasgow, Scotland | 12am close for bars, 3.00am for clubs | 18 |
| Ibiza West Strip | 3am close | 18 |
| Cape Town, South Africa | 2am close | 18 |
| Surfers Paradise, Australia | 3am last drinks | 18 |
| Sydney CBD, Australia | 3am last drinks, 3.30am for live entertainment venues | 18 |

The late-night measures have not worked and were not necessary because assaults were already decreasing. MISLEADING

The evidence is clear, the reductions in violence and alcohol-related emergency department presentations have been significant since the introduction of the late-night measures in Sydney CBD and Kings Cross. In the five years before the measures were introduced, alcohol-related assaults were on a slight, but inconsistent, downward trajectory. Since February 2014, the reduction in alcohol-related violence has been dramatic (Figure 1). Not only has the frequency of assaults declined but the severity of the assaults has also decreased.

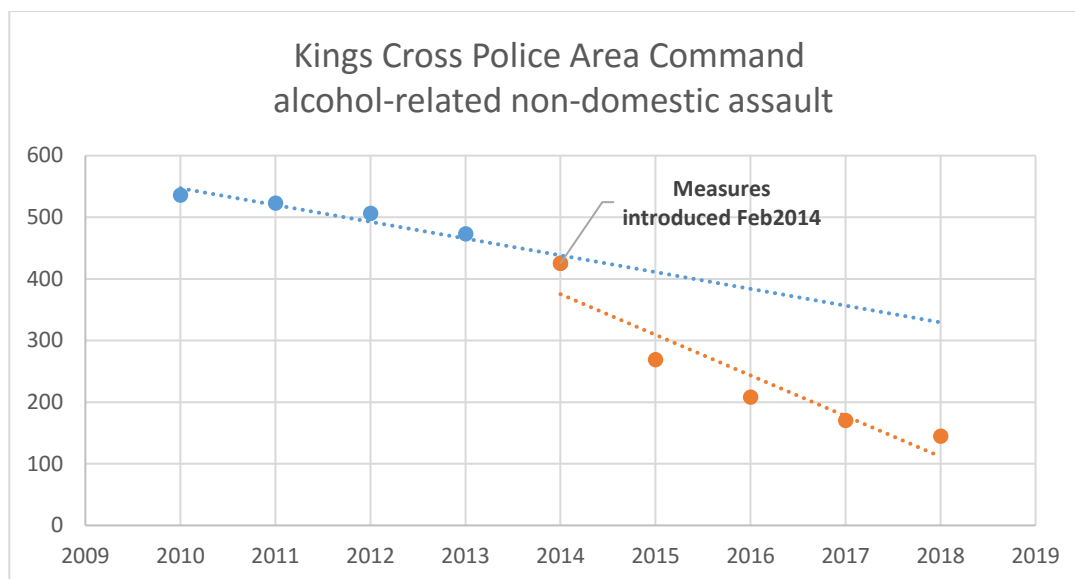


Figure 1: Data points indicate the total number of alcohol-related non-domestic assaults during the previous 12-month period beginning February; data point five represents 425 assaults during the period February 2013 – 2014; data point six represents the number of assaults (269) that occurred during the 12 months after the measures were introduced. The orange trendline indicates a slight decline in assaults for the five years prior to the introduction of the measures, with a four-year forward forecast indicating levels of assault had the measures not been introduced. The blue trendline represents a significant decrease following 2014 measures. *Source – NSW Bureau of Crime Statistics and Research.*

People do not support the late-night measures. **FALSE**

There is tremendous community support in NSW for the alcohol harm-minimisation policies. The Foundation for Alcohol Research and Education's (FARE) Annual Alcohol Poll conducted by YouGov Galaxy found:¹⁵

- 84 per cent support a closing time for pubs, clubs and bars of no later than 3am
- 63 per cent support placing a limit of four drinks on the number of drinks a person can purchase at one time after 10pm
- 73 per cent support ID scanners
- 71 per cent support stopping the sale of alcohol 30 minutes before closing time
- only 35 per cent do not support introducing a 1am lockout for pubs, clubs and bars.

There is also widespread support for the policies among young people with 90 per cent of 18-24-year-old and 25-34-year-olds supporting a closing time for pubs, clubs and bars of no later than 3am.

Removing or weakening the late night measures is at odds with community sentiment and disregards their concerns and opinions.

Sydney's nightlife is dead and businesses have been decimated. **FALSE**

Sydney has the strongest and most concentrated night-time economy in Australia, with year-on-year growth since 2011.¹⁶ According to the Council of Capital City Lord Mayor's report, the City of Sydney is ranked first in Australia for number of drinks establishments (22 per km²), second for entertainment establishments (33 per km²) and first for food establishments (128 per km²).¹⁷ This is supported by a recent report from Deloitte which shows that Sydney's night-time economy is worth over \$27 billion.¹⁸

As illustrated by Deloitte, there is room for growth in Sydney's night-time economy but it should not be reliant on the sale of alcohol – "A more vibrant, inclusive, attractive night-time economy does not necessarily mean having a bar on every corner."

There have been assertions by industry representatives and Keep Sydney Open that numerous venues closed following the introduction of the late-night measures. This was investigated by former High Court Judge the Hon Ian Callinan AC as part of the 2016 independent review of Amendments to the *Liquor Act 2007*. The Hon Callinan concluded that he was not satisfied that the venues had closed as a direct result of the Amendments; some had closed before the measures came into effect, several had rebranded and some closed following severe incidents of violence.¹⁹ Additionally, the Hon Callinan was not convinced that venue owners had taken appropriate measures to adapt to the regulatory changes.

There have also been claims that people are not visiting Kings Cross and Sydney CBD and live music has suffered. To better understand the availability of live music offerings in Sydney and the changes over time, the Committee should request data from the Australian Performing Rights Association (APRA). With regard to the reduction in numbers of visitors, Destination NSW's tourism reports reveal a different story with millions of visitors to Sydney annually and growth from 8.2 million visitors in the year ending 2014 to 11.1 million in the year ending 2018.²⁰ Additionally, there is a wealth of data – in the form of the ID scanner data – on the number and demographic of individuals visiting the prescribed precincts and at what time they do so. This data would have strong evidentiary value and NAAPA recommends the Committee obtains this data.

Sydney attracts millions of visitors per year. The measures have not stopped business growth or tourism. They are in place to protect our workers, our communities and our visitors, and to promote a more diverse night-time economy.

Additional police officers and 24-hour public transport would work better. FALSE

Last entry and last drinks are part of a wide-ranging and diverse package of life and cost-saving measures, including increased police and public transport services, all designed to reduce alcohol-fuelled violence, increase vibrancy and support a more sustainable and inclusive Sydney. Public transport currently operates 24-hours in Sydney with special late-night services from the city on the weekends. Train services run until 4.30am and are then replaced by NightRide buses until the first train starts again. NightRide bus routes leave the city bound for Sutherland, Cronulla, Riverwood, Macarthur, East Hills, Liverpool, Fairfield, Carlingford, Penrith, Schofields, Hornsby, Chatswood, Parramatta, Bondi and more. The City of Sydney has supported the community to get home safely at all hours, even during the small hours of the morning.

The presence of police is an important measure to support safe and inclusive environments, but it must be acknowledged that it is impossible for police to be stationed on every corner for the entirety of the night. Additionally, it is not the tax-payers' responsibility to fund round the clock security for venues that trade into the early hours of the morning. Ordinary families and NSW tax-payers should not be deprived of much needed services, such as health or education, to subsidise industry's demands for additional and very expensive public policing.

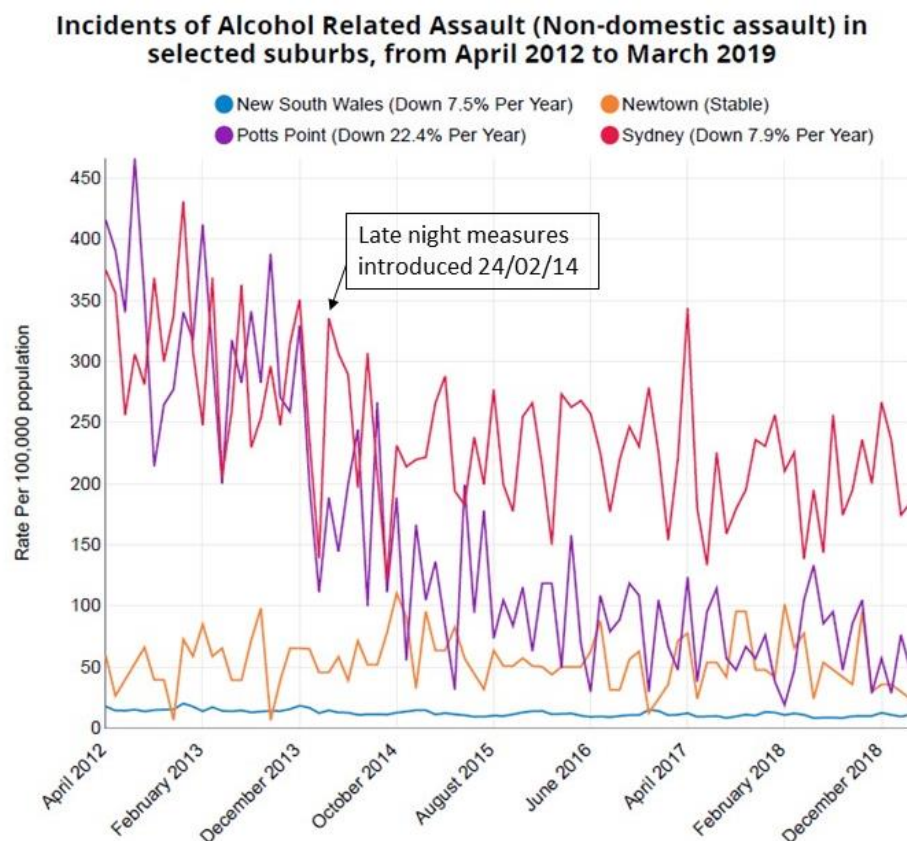
To reduce alcohol violence, it is essential that a healthy environment is sustained. Without the late-night measures, including last entry and last drinks the late-night violence will return to unacceptable levels. It is of the utmost importance that we maintain the package of measures in its entirety.

Section two: Addressing the Terms of Reference

1. Maintain and enhance community safety

The regulation of the sale, promotion and service of alcohol is necessarily an issue of health and community safety. Unfortunately, in NSW alcohol industry interests are too frequently prioritised over the interests of public health and community and emergency workers' wellbeing. The late-night measures have been an exception.

In the first 12 months after the measures were introduced, the number of alcohol-related assaults to occur between midnight and 6am on a Saturday night/early Sunday morning reduced by 51 per cent.²¹ Data from the NSW Bureau of Crime Statistics and Research (BOCSAR) reveal that non-domestic alcohol-related assaults in the Sydney Local Government Area have decreased by 23.5 per cent since the measures were introduced, from 1868 assaults in the 12 months prior to their implementation (year to March 2014) to 1429 assaults in the year to March 2019. In the Kings Cross Police Area Command there has been an even larger decrease in alcohol-related non-domestic assaults, with a 61 per cent reduction in the five years since the measures were introduced (408 to 159 assaults).²²



Source: NSW Bureau of Crime Statistics and Research

Figure 2: Alcohol-related non-domestic assault in Sydney CBD (red), Potts Point including Kings Cross (purple); Newtown (orange) and NSW (blue). Assaults in the suburb of Potts Point (Kings Cross area) decreased significantly following the implementation of the measures from 272 in the year to March 2014 to 94 in the year to March 2019. Assaults in the suburb of Sydney decreased from 540 (year to 2014) to 468 (year to March 2019). Assaults in the suburb of Newtown have remained stable.

These results are consistent with the admissions to the emergency department of St Vincent's Hospital, Darlinghurst. In the 12 months following the introduction of the late-night measures, there was a 24.8 per cent relative rate reduction in alcohol-related serious injury presentations.²³ The total number of serious facial trauma surgeries at St Vincent's Hospital reduced by 60 per cent post introduction of the measures, with 145 facial trauma patients receiving operations in 2012/2013 and only 58 patients from 2014/2015.^{24,25}

The hospital and ambulance costs saved from decreases in orbital fracture presentations alone (most commonly occurring from assault) in the first two years post implementation have been estimated to be approximately \$0.5 million.²⁶ Not only did the number of presentations decrease but the number of fractures requiring surgery decreased as more cases were able to be managed conservatively. These decreases in serious trauma presentations and surgeries, as well as overall decreases in alcohol-related emergency department presentations, allow our health personnel to devote much needed time and resources to other patients in emergency care. Not only do the late night measures keep people safe but they help reduce the burden placed on our hospitals and healthcare system.

The safety of our health, emergency services and police workers should not be overlooked. Across NSW assaults on hospital premises continue to rise year on year,²⁷ and alcohol related assaults on police remain exceptionally high.²⁸ We cannot afford to weaken these policies and put our frontline and emergency workers at further risk. The late-night measures must be retained to ensure that rates of assault and alcohol harm remain low and do not return to the rates prior to 2014.

Additionally, it is important to consider the range and magnitude of harm caused by alcohol – for example, alcohol-related sexual offences. The NSW BOCSAR crime tool vividly captures the significant and devastating increase in alcohol-related sexual offences that occur on the weekend compared to weekdays (Figure 3). This sickening image is one that is often overlooked and must be addressed. The late-night measures in Sydney have a role to play in tackling all alcohol harm. While rates of alcohol-related assault have been declining in Sydney they are still significantly higher than the state average (Figure 2). Weakening or removing the late-night measures will threaten individuals' safety and put them at risk unnecessarily.

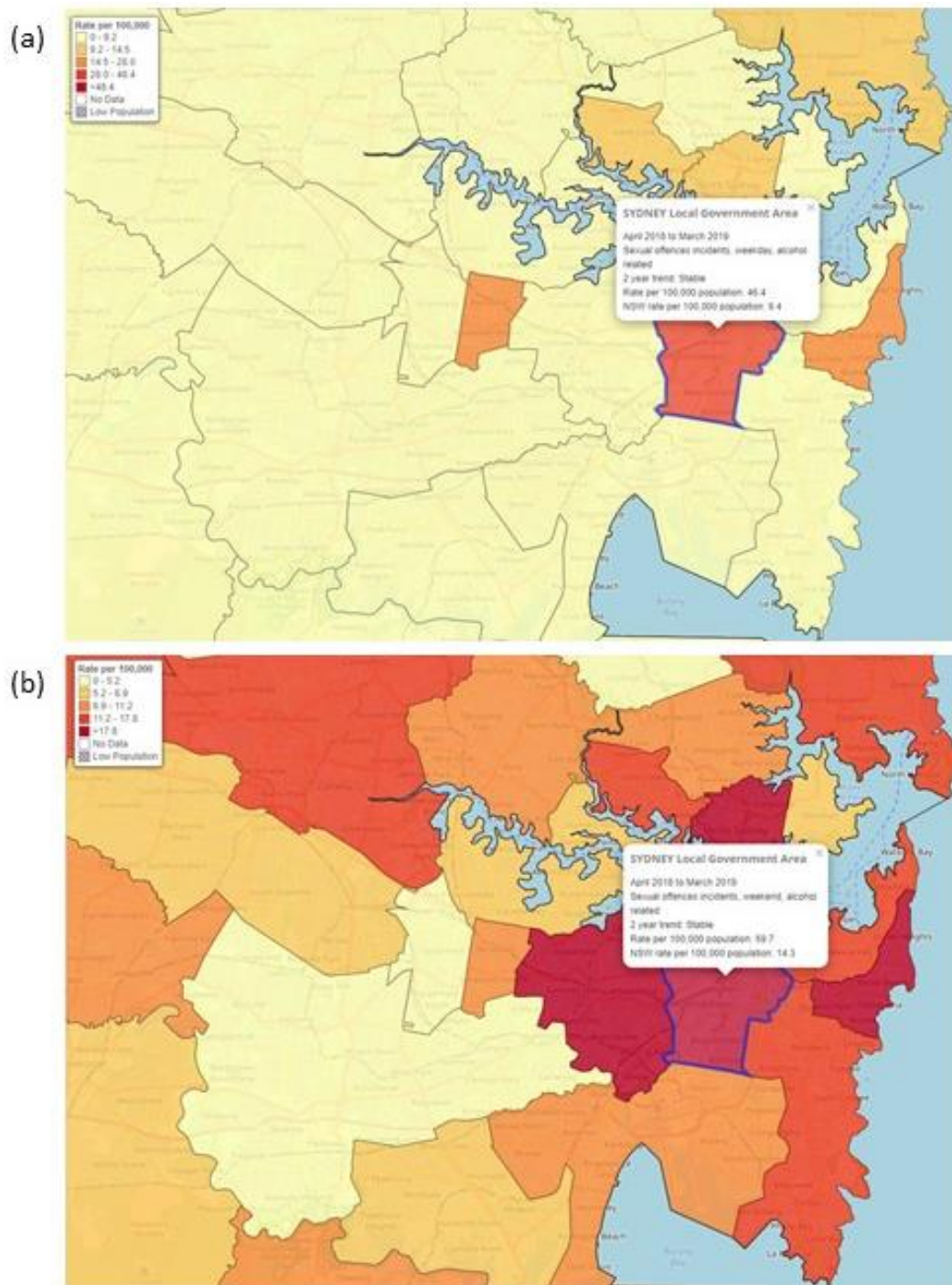


Figure 3: Incidents of alcohol-related sexual offences in Sydney occurring during weekdays (a) and weekends (b) from April 2018 to March 2019. Rates of alcohol-related sexual offences in the Sydney Local Government Area have been stable over the past two years. The five-year trend shows a 6.7% increase per year for weekday assaults and 8.3% increase for night-time assaults. Source – NSW Bureau of Crime Statistics and Research Crime Map Tool.

2. Maintain and enhance individual and community health outcomes

According to the World Health Organization (WHO), alcohol consumption is a causal factor in more than 200 disease and injury conditions.²⁹ The direct impact of this on NSW is more than 147 hospitalisations and three deaths every day.³⁰ Alcohol harm is significant and includes both short-term and long-term harm. While the community's perception of short-term alcohol harm is strong (e.g. violence and injuries), there is poor community awareness about alcohol's longer-term impact and its connection to a range of chronic diseases. The late-night measures, designed to reduce the sale and consumption of alcohol, have positive effects not only on short-term harm such as violence but also on long-term harm.

Alcohol is one of four modifiable risk factors for chronic diseases, including heart disease, diabetes, mental health and cancer, the other three risk factors being poor diet, physical inactivity and tobacco use.³¹ In 2012, the WHO's *International Agency for Research on Cancer* classified alcohol as a group one carcinogen, the same as tobacco.³² Alcohol causes cancers of the bowel and breast, which are the second and third most common cancers in NSW.³³ When it comes to breast cancer risk, there is no safe level of regular alcohol consumption. Breast cancer risk starts from any level of regular alcohol consumption and then increases as alcohol consumption increases, in a dose-dependent manner. No lower threshold (i.e. safe limit) has been identified.³⁴ Alarming, one in eight women in NSW will develop breast cancer and alcohol causes nearly the same number of breast cancers as BRCA genes.^{35,36} It is estimated that the incidence of alcohol-related cancer in 2010 could have been reduced by 1442 cases if people drank within the national drinking guidelines.³⁷

Reducing the trading hours of alcohol and encouraging a night-time economy that is not dominated by alcohol, de-normalises alcohol consumption in our communities and helps to reduce risk of harm, including cancer risk. Sydney's night-time economy must create healthy environments for individuals and communities by promoting activities and business opportunities that aren't reliant on the sale and supply of alcohol.

3. Ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's late-night measures, remain appropriately balanced

The suite of alcohol harm reduction policies that came into effect on 24 February 2014 include:

- No high strength drinks or shots from midnight up to 7am to be served (except small bars).
- Per-person drink sale limits during late trading (except small bars).
 - No more than four alcoholic drinks or one bottle of wine at one time between midnight and 2am.
 - No more than two alcoholic drinks at one time from 2am onwards.
- Patron photo IDs must be scanned upon admission to the venue (high risk only).
- 1.30am last entry where new patrons are not allowed to enter the venue after 1.30am (high risk only).
- 3am last drinks where all venues must cease the sale or supply of liquor at 3am (high risk only).
- Live entertainment venues may apply for a later last entry time of 2am and/or last drinks time of 3.30am.
- Venues may remain open as long as their development consent and license conditions allow but they may not sell alcohol after 3am (3.30am for live entertainment venues).

Drinks restrictions are put in place with the intention of minimising the rapid consumption of alcohol. These products include those designed to be consumed quickly such as ‘shots’, and those that include excessive amounts of alcohol, for example ‘doubles’ and some Ready-To-Drink beverages (RTDs). These products also contribute to the culture of ‘drinking to get drunk’ by encouraging the rapid consumption of alcohol to produce intoxication. Restricting the sale of products with the highest alcohol content results in patrons at licensed premises having to select a product of lower alcohol content, resulting in a decline in the amount of pure alcohol consumed. Removing or altering these restrictions is likely to increase the amount of alcohol people consume in a short space of time. Reducing the availability of alcohol by minimising the number of drinks that can be purchased and restricting high-alcoholic beverages, reduces the risk of highly-intoxicated patrons and reduces the risk of harm to themselves and others.

ID scanners are a successful way of blocking known troublemakers and criminals from entering premises. While compulsory for high risk venues, they are voluntarily used by venues around the state as an additional mechanism to prevent alcohol-related violence in venues. Updates to the system in 2018 now allow venues to share information on individuals they have banned, as well as people subject to formal bans from police and Liquor and Gaming NSW. This has improved the security not only in individual venues but across the precinct. The ID scanners have been highly successful at improving the safety of patrons – as at 9 March 2018 there were a total of 169 people with Long Term Banning Orders for the Kings Cross Precinct.³⁸ NSW Police have also identified the importance and usefulness of ID scanners in preventing and identifying perpetrators of other alcohol-related offences including sexual assault and theft.

Sydney is one of many international nightlife hotspots with restrictions to trading hours. Systematic reviews of international literature have found that the evidence is overwhelmingly supportive of restricting trading hours for late-night venues as a key approach to reducing alcohol-fuelled violence.³⁹ An evaluation of extended trading in two entertainment precincts in Amsterdam found a 34 per cent increase in alcohol-related ambulance attendances between the hours of 2am-5.59am, compared to the control precincts with early closing times.⁴⁰ A Norwegian study examined the changes in trading hours for on-premise licenses (pubs, bars and nightclubs) which considered both the impacts of extended and reduced late-night trading hours.⁴¹ The study found that every extra hour of trading was associated with a significant increase of 4.8 assaults per 100,000 people per quarter. This equates to a 16 per cent increase in assaults for every additional hour of trading.⁴² It is exactly for this reason that many international cities have introduced early closing times for pubs and clubs. As set out in Table 1 of Section 1 of the submission, many vibrant global cities have earlier closing times than Sydney. Last entry and last drinks strike a perfect balance between harm minimisation and late-night partying, and are commonplace around the world.

The late-night measures introduced in 2014, and other amendments to the *Liquor Act 2007*, were subject to an independent review in 2016 by former High Court Judge the Hon Ian Callinan AC. Having reviewed the evidence, The Hon Callinan concluded that the evidence did not support the wild claims of a decimation of NSW businesses, and instead found that the measures were a proportionate and successful response. The review further concluded that the policy objectives of the amendments were appropriate and valid. The only changes suggested by the learned judge was a half hour relaxation of trading hours for live entertainment venues in order to support the live music scene. This recommendation was adopted by the government. Additionally, since the Callinan review in 2016, the government has introduced the ‘small bar’ liquor licence which allows eligible businesses to trade until 2am and are exempt from the late-night measures.

Since the introduction of the measures, Sydney's night-time economy has flourished into a diverse economy, providing many alternatives to the previously dominating nightclub scene of Kings Cross and the CBD. This is consistent with the diversification and growth witnessed in other global cities that have introduced early closing times. Any additional concessions or watering down of the late-night measures to further industry interests would be detrimental to health and safety.

The regulatory framework under which Sydney's night-time economy operates is extremely complex and extends well beyond these harm-minimisation measures. These policies are a small and essential element of a much larger framework that must encompass regulation of planning and development, including environmental, health and cultural impacts. The importance of ensuring a safe, open, inclusive environment, free from the threat of alcohol-fuelled violence, must be considered when this framework is being set and reviewed.

4. Enhance Sydney's night-time economy

Sydney's night-time economy is growing

The Council of Capital City Lord Mayors' report *Measuring the Australian Night Time Economy 2016-17* found that Sydney has the strongest and most concentrated night-time economy in Australia. The report looked at three sub-sectors of the night-time economy – drink, entertainment and food – and found that all three of these experienced continued growth in the City of Sydney, “suggesting these positions are likely to be maintained in the future”.

The greatest growth has been seen in the drink sub-sector with increases observed across all three measures: establishments (+4.9%), employment (+8.7%) and turnover (+6.5%). This growth is “well above the NSW and national averages”.⁴³ Figure 4 below (Figure 11 in the report) shows the trends in the City of Sydney's night-time economy since 2009.

Analysis of these trends reveals that:

- The number of establishments in Sydney's night-time economy grew in 2014 (4,756 businesses, up 6.2 per cent), saw a temporary decrease in 2015 (4,607 businesses, down 3.2 per cent), reached an all-time high in 2016 (4,784 businesses, up 3.8 per cent) and again in 2017 (4,872 businesses, up 1.8 per cent).
- Sydney saw its biggest decrease in the number of establishments between 2012 and 2013, before the alcohol control measures were introduced (down 4.5 per cent).
- Employment and revenue in the Sydney night-time economy has not once decreased since 2011.

Figure 11: Trend in Sydney's Core NTE

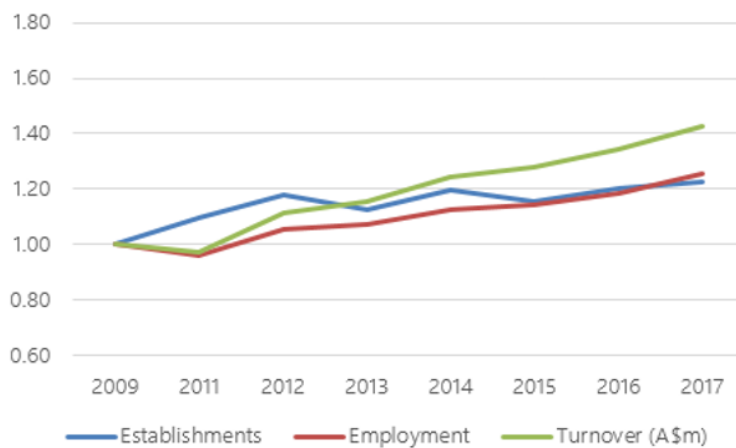


Figure 4: Trends in the City of Sydney's core night-time economy indicates consistent growth in employment and revenue since 2011. *Source – Council of Lord Mayor's 2018 Report.*

There are more jobs and more choice in Sydney's night-time economy than ever before with increased growth in drinks, entertainment and food options. It is clear from the Council of Capital City Lord Mayor's report that business is booming in the City of Sydney.

A good night-time economy is diverse, safe and inclusive

Deloitte's 2019 report for the NSW Government *Imagine Sydney - Play: Shaping future cities* highlights that Sydney's night-time economy is much more than just alcohol:

It's reductive to think of Sydney's night time economy (NTE) as simply pubs and clubs, or the lack of them. A vibrant NTE creates a range of opportunities for providers and users; from 24-hour gyms and supermarkets to late night art galleries, to extended shopping and transport choices.⁴⁴

The report recognises that:

A more vibrant, inclusive, attractive night time economy does not necessarily mean having a bar on every corner... Planning and licensing that encourages initiatives like late night gallery and museum hours, live music or comedy and smaller bars with a different culture to one solely focused on drinking is important.

Importantly, it must be recognised that a late-night economy focused on alcohol is exclusionary. Many groups, including families, women and elderly people, will often self-exclude from environments where there is a danger of alcohol-fuelled violence, jeopardising an attempt to diversify into a healthier and rich night-time economy. As a global city, and the capital of NSW, Sydney's night-time economy should provide offerings for a broad range of society. The Deloitte report recognises that there has already been a shift away from narrowly equating 'vibrancy' with '24-hour access to alcohol', and the government must not let certain industry groups shift it back into their self-seeking position of alcohol promotion.

Sydney's night-time economy needs to adapt to cultural and technological changes in order to thrive

Technological innovations have facilitated the widespread illegal downloading of recorded music, suggesting a decreased willingness to pay for music.⁴⁵ This has been compounded by the increasing cost of concert tickets, likely the result of reduced recorded music revenues, and improvements in

home entertainment options.⁴⁶ There have been many changes to the way people consume live music in recent years as well as changes to the structures that support and promote live music.

According to Ballico and Carter (2018), the current low concentration of primary purpose live music venues in and around Sydney's CBD is partly due to a "critically under-provided" transport infrastructure which makes migration between live music venues difficult. This encourages audiences and promoters to view live music consumption in the CBD as discrete events, meaning venue operators and promoters are less willing to schedule untested acts, free events or casual live music.⁴⁷ Sufficient transport infrastructure is important to a night-time economy, and should be used to support the late-night measures and their objectives in reducing harm and improving safety and amenity. However, it should also be noted that large scale infrastructure projects, while providing long-term positive benefits for the community, can also have more immediate negative impacts particularly on local businesses. Most recently this has been seen with the introduction of the light rail. It is likely that the disturbances associated with the long construction period of this project has had a negative impact on live music businesses.

Competing revenue streams for night entertainment venues, such as slot machines, trivia nights and karaoke, have also offered attractive alternatives to live music.⁴⁸ Johnson and Homan's (2003) inquiry into live music opportunities in NSW found that not only did the introduction of poker machines in particular displace live music, venue managers also expressed anxiety at the possibility of music threatening gaming, with priority placed on ensuring poker machine players were happy.⁴⁹

The NSW Parliament Planning and Environment Committee conducted an inquiry into *The music and arts economy in New South Wales* in 2018. The inquiry identified that a number of 'archaic' conditions placed on liquor licences that were restricting live entertainment, were actually surrogate measures for managing noise disturbance.

The Committee outlined the need to separate the regulation of liquor from the regulation of music:

*The committee believes that is important to carefully regulate noise, the service of alcohol and operating hours in venues. The committee also believes that regulating entertainment conditions as a proxy for these issues is not defensible. Matters such as banning live music, banning entertainment, the genre of music, the instruments, the number of musicians on stage, the direction the stage faces, the lighting or the way that venues are decorated should not be matters for regulation.*⁵⁰

The Committee's report highlighted a crucial area in which the regulation of the night-time economy needs to adapt – that categories of entertainment should not be used as a proxy for risk of alcohol-related violence, and that music regulation needs to be adapted to make it fit for purpose, without altering effective liquor regulation.

5. Other directly relevant matters

As outlined throughout the submission, the successes of the late-night measures in reducing violence, improving health, safety and amenity and promoting greater diversification in the night-time economy, are supported by substantial and overwhelming evidence. When inquiring and reporting on Sydney's night time economy NAAPA urges the Committee to consider rolling out the measures to other popular nightlife areas through the creation of additional prescribed precincts.

From a purely principle-based approach, applying consistent conditions across the city is fairer and less likely to have unintended consequences. This model has been successfully adopted in Queensland. Additionally, the consistent application of early closing times has international

precedent. For example, a 2am closing time is applied for the entire State of California, and in the State of New York a 2am closing time is applied consistently across the state with the exception of New York City where venues can apply for extended trading up to 4am, after which time they must close their doors.

Increased availability of alcohol results in increased consumption and increased risk of harm not only to the drinker but those around them.^{51, 52} Therefore, decreasing the availability of alcohol through reducing the trading hours of venues (e.g. 3am last drinks), reduces consumption and reduces risk of harm. This is supported by the National Drug Strategy's 'Supply Reduction' key pillar to harm minimisation.⁵³ Consistent application of the measures in nightlife areas across the city will prioritise the health and safety of the punters, but also the frontline workers whose own health and safety is regularly put at risk in those early hours of the morning.

Conclusion

The late-night measures have done what they set out to do. Lives have been saved, injuries and assaults avoided. Despite this success there have been countless attempts from the alcohol industry to undermine the measures or get rid of them all together. This is a cynical move in prioritising alcohol industry profits above the health and safety of Sydneysiders.

NSW nightlife is not dead. There has been a cultural shift away from late-night pubs and clubs and towards restaurants and small bars. The late-night measures been effective in catalysing a shift in drinking behaviour and must be maintained in order to continue the progression away from a night out requiring excessive consumption and anti-social behaviour.

The introduction of these measures has created a more diversified environment and improved the health and wellbeing of all by preventing unnecessary harm to patrons, front-line personnel and their families. Nightlife in the city centre has changed for the better. We must ensure that all of Sydney can benefit from the positive impacts of these policies by rolling them out across the greater region and establishing more late-night precincts in areas such as Bondi, Manly and Double Bay. The health and safety of the community, of our police, ambulance officers and emergency department doctors and nurses must be placed ahead of the interests of the alcohol industry.

Recommendations

The NSW/ACT Alcohol Policy Alliance (NAAPA) recommends that the Joint Select Committee on Sydney's Night Time Economy:

1. Find that the evidence-based policies that prevent alcohol harm (the late-night measures) are appropriate and have achieved the Parliament's policy objectives.
2. Find that removing or weakening of the late-night measures will increase the risk of higher levels of alcohol-related violence that will cost lives, increase the burden on the health, justice and welfare systems, and increase costs to the NSW taxpayer.
3. Find that Sydney's night-time economy has evolved, diversified and grown since 2014.
4. Recommend the retention of the current suite of late-night measures in their entirety.
5. Recommend the introduction of additional prescribed precincts and roll the late-night measures out across the greater Sydney region.
6. Recommend the prioritisation and support of police, ambulance officers and emergency department doctors and nurses over the vested interests of alcohol industry groups.
7. Recommend the prioritisation and support of unlicensed businesses not involved in the sale and supply of alcohol to promote Sydney's late night economy.

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