

SYDNEY'S NIGHT TIME ECONOMY

Organisation: Police Association of New South Wales

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Police Association of NSW Submission

Joint Select Committee

Sydney's night time economy



Introduction

The Police Association of New South Wales (PANSW) represents the professional and industrial interests of approximately 16,500 members, covering all ranks of sworn police officers in the NSW Police Force.

We provide the following submission on behalf of our members, and also endorse the Last Drinks submission.

The Police Association of NSW appreciates the opportunity to participate in this Inquiry. Alcohol is one of the most significant contributors to violence and antisocial behavior, so policies which affect the availability of alcohol also have major impacts on the safety and work of police officers. Our members in entertainment precincts strongly support the Lockout Laws and would be highly concerned were these to be wound back.

We urge the Committee to identify ways to improve the night time economy that do not jeopardize community safety and individual and community health outcomes.

The evidence both in Australia and internationally demonstrates that the Lockout Laws are the most effective mechanism by which to prevent alcohol related violence, and for many entertainment precincts like the Sydney CBD and Kings Cross, are the only policy interventions that can successfully reduce assault rates.

In fact, many of the strategies proposed by opponents of the Lockout Laws as alternatives have been implemented in NSW but had no success. Any claim that alternative measures could be put in place to reduce violence are only speculation, often against all evidence.

Previous Inquiries

The Lockout Laws, as well as similar interventions in other entertainment precincts, have now been reviewed in NSW through multiple inquiries and reviews, by Parliamentary Committees, regulatory bodies, and independent reviews.

All of those Inquiries have found that the objectives of the Lockout Laws and balance between public safety, cultural contribution, night life and economy, are still valid and appropriate.

The Police Association provided a detailed submission to the recent Inquiry: *The music and arts economy in New South Wales*. We have included that submission at Annexure A. It provides detailed evidence as to why the Lockout Laws remain necessary, demonstrating the overwhelming evidence that the laws are effective, and no other intervention can successfully prevent violence.

The success of the Lockout Laws

The Lockout Laws have prevented significant amounts of violence and injury (see Annexure A).

The number of assaults has been reduced, as have the number of admissions to hospital due to alcohol related violence.

Police officers, paramedics, nurses and doctors no longer spend entire shifts going from assault to assault, breaking up brawl after brawl, and desperately trying to keep up with the wave of people

injured by alcohol fueled violence. They no longer have an endless stream of intoxicated persons abusing and assaulting them while they render assistance to injured people.

Every reliable evaluation of the Lockout Laws in Sydney CBD and Kings Cross has conclusively found a large impact on assault rates. This is consistent with the evidence from other entertainment precincts in Australia and internationally.

The Lockout Laws remain necessary

Not only does the evidence demonstrate the effectiveness of the Lockout Laws, international experience demonstrates that reversing interventions of this nature increases violence levels.

Studies have compared assault rates in different entertainment precincts; some of which were implementing interventions similar to the Lockout Laws with others that were increasing trading hours.

The effect was symmetrical; those that implemented Lockout Law-style interventions experienced a 20% decline in assaults for every hour less of trading time, while those that increased alcohol availability experienced a 16% increase in assaults for every additional hour of trading (see Annexure A, page 8).

The choice is clear for this Inquiry; maintain the Lockout Laws and continue to prevent assaults, or reverse them, and risk increasing violence once again.

Improvements to be made – Expansion of ID Scanners

The mandatory introduction of ID Scanners in Kings Cross has contributed to the prevention of violence and assisted the NSW Police Force in the investigation of crime.

A Review in 2016 found the “policy objectives of the ID scanner system remain valid and the terms of the ID scanner provisions remain appropriate for securing those objectives.”¹

Multiple stakeholders made submissions to that Review arguing the linked ID Scanners should also be required for high risk venues in the Sydney CBD.

The Review occurred at a time when the ID Scanners had only been in place for a short period. It therefore considered it was not in a position to make such a recommendation at that stage, and further time was needed to determine whether expansion from Kings Cross to the Sydney CBD precinct was appropriate.

The system has now successfully operated for a number of years, and it is time to expand that system to the Sydney CBD, and other precincts as considered appropriate (eg Newcastle).

Our members have consistently found that the ID Scanners prevent violence and assist in criminal investigations. Police officers in entertainment precincts outside of Kings Cross indicate that expanding the system to other precincts would be have the same benefits.

The Police Association therefore strongly supports the expansion of the mandatory linked ID Scanners to other entertainment precincts, including the Sydney CBD precinct.

¹ Kings Cross ID Scanner Review Report – September 2016, p6.

These linked ID Scanning systems should ensure that:

- Police are notified in real time of attempts by banned individuals to enter premises,
- Search functions across the linked systems are as efficient as possible (eg a single search across all venues), and
- Information regarding venue-initiated bans, refusals of entry and turning out from premises are entered into the linked system and available whenever possible.

Dispelling false information about the effectiveness of the Lockout Laws

Questioning the impact of the Lockout Laws

Some stakeholders have questioned the impact of the Lockout Laws.

These claims are not backed by any reliable evidence.

By contrast, there is a large number of reliable evaluations, conducted by BOCSAR, universities and research and health organisations, which have conclusively demonstrated the success of the Lockout Laws and similar interventions in other precincts. These evaluations have appeared in peer reviewed journals and should not be called into question because of a few claims that have neither the rigor nor impartiality needed to be reliable.

Some stakeholders have claimed assault rates were already falling prior to the Lockout Laws, and therefore the Lockout Laws' success is just a continuation of a pre-existing trend. However, where there were prior downward trends, all evaluations have factored in those trends, and determined the effect size of the Lockout Laws that were achieved *in addition* to any pre-existing trend. They have therefore successfully demonstrated the large number of assaults that would have occurred but for the Lockout Laws.

Recent media coverage has cited preliminary work by the Sydney University Centre for Translational Data Science that claims to refute the evidence of the Lockout Laws' impact (apparently in the Sydney CBD precinct only).

This is one study inconsistent with multiple other evaluations by credible sources. A single study pales in significance to the evidence which demonstrates the Lockout Laws' success.

As far as the PANSW was aware, at the time of writing this submission, the study had not been published in peer reviewed journals.

At its best, the new material could suggest a lesser effect on assaults in the Sydney CBD than previously estimated.

Against this single study sits a large number of evaluations of the impact on Sydney CBD, Kings Cross, and other entertainment precincts in Australia and around the world. The overwhelming evidence supports the findings that interventions of this nature are the most successful mechanism to reduce alcohol related violence.

Displacement

Some stakeholders have claimed that the reduction in assaults in Sydney CBD and Kings Cross is due to those assaults occurring in other entertainment precincts around Sydney.

This completely ignores the fact that BOCSAR evaluated the displacement effects of the intervention.

BOCSAR concluded that there was only minor displacement of assaults, and the number of assaults that moved to other areas was far smaller than the number of assaults prevented in the Lockout precinct.

It factored in this minor displacement in its calculation of the total number of assaults prevented by the Lockout Laws.

Appropriateness of regulation of alcohol

Some stakeholders have pointed to the regulation of the alcohol industry and its impact on certain businesses as inherently unacceptable or an imbalanced policy intervention affecting the night time economy and entertainment options.

However, regulation of activities and industries, in particular high-risk ones, is something that communities demand and require frequently, and which parliament and government regularly engages in.

Given that alcohol causes such a significant amount of harm to individuals and the community, businesses within the alcohol industry need to be prepared for and resilient to regulation that attempts to mitigate that harm.

Alcohol is consistently identified as the most harmful drug in society. In a recent study measuring harm of drugs to users and others, alcohol was measured as the most harmful drug, causing more harm than drugs such as crystal methamphetamine and heroin.²

Where alcohol outranks these other drugs is the harm it causes to persons other than the user. Alcohol contributes to harm of others such as assault, domestic violence, sexual assault, and traffic accidents.

Every day in NSW, alcohol is a huge cause of hospitalisations, emergency department presentations, and deaths.

It is therefore entirely appropriate that private industries and businesses which profit from the sale of such a harmful drug be required to comply with regulation of that sale. The health outcomes for the community and individuals should not be adversely affected for the sake of profitability of the alcohol industry.

The impact on the night time economy

The Lockout Laws have not destroyed the night time economy, they have changed the nature of the businesses that are successful in the night time economy. It has contributed to a shift away from 'booze warehouses' whose business models relied on selling large amounts of alcohol to overly intoxicated patrons.

Entertainment precincts in which interventions like the Lockout Laws have been implemented have seen a diversification of the types of licensed premises, largely due to the increased prevalence and success of small bars.

² Bonomo et al, "The Australian drug harms ranking study", *Journal of Psychopharmacology*, 2019, Vol. 33(7) 759–768.

This also occurred in Newcastle as a result of similar interventions. Police in Newcastle identified a 110% increase in the total number of licensed premises, with a 140% increase in on-premise liquor licenses in the Newcastle CBD, largely made up of small bars and restaurants.

A review for the Council of Capital City Lord Mayors, prepared by Ingenium Research: *Measuring the Australian Night Time Economy 2016-17*, demonstrated the ongoing success of Sydney's night time economy.

The report identified that the City of Sydney remains the strongest and most concentrated NTE in Australia, including having the highest concentration of drinking establishments.

From that already strong position, the drinking subsector of the NTE experienced the strongest growth of any subsector "with increases in establishments (+4.9%), employment (+8.7%) and turnover (+6.5%), well above the NSW and national averages."³

Directly after the Lockout Laws, there was a decline in the subsector, but this represented a necessary change to elements of the industry that relied on harmful practices of sale.

It is regrettable business and employees of some establishments that generate economic and cultural value were adversely impacted. However, this was a necessary and appropriate policy intervention to an industry that also causes significant harm to individuals health and safety and great cost to the community.

We hope this Inquiry can identify ways to further increase the industry's contribution to cultural and economic value. But these strategies should not return the precinct back to business models that harm safety and health.

Conclusion

The evidence is conclusive; the Lockout Laws are effective in preventing a large amount of assaults, keeping people safe in the precinct, and enabling emergency service workers to direct resources away from mopping up the damage caused by the alcohol industry, and back towards other services that the community needs.

The evidence is also clear; winding back this intervention will lead to a reversal of this trend and increase violence.

The Police Association of NSW is confident this Inquiry can identify strategies to further improve the night time economy without trading off peoples' safety.

We urge the Inquiry to maintain all elements of the Lockout Laws, and to expand the linked ID Scanner system.

Thank you for the opportunity to contribute to this Inquiry.

³ Measuring the Australian Night Time Economy 2016-17, page 13.

ANNEXURE A

Police Association of NSW Submission

Legislative Council Portfolio Committee No. 6
Planning and Environment

The music and arts economy in New South Wales



The Police Association of New South Wales (PANSW) represents the professional and industrial interests of approximately 16,500 members, covering all ranks of NSW Police Officers in New South Wales.

This submission is written on behalf of our members.

Thank you for the opportunity to provide a submission to this Inquiry.

The Police Association hopes that this Committee is able to identify effective strategies to support a diverse and vibrant music and arts culture across New South Wales that do not rely on the increased availability of alcohol.

The availability of alcohol in entertainment precincts is strongly associated with night-time assaults. The high rates of violence in areas such as Kings Cross/Sydney CBD and Newcastle, prompted the Government and regulators to introduce policies (*public safety policies*) to reduce the time alcohol is available, and the alcoholic content of drinks after certain hours. These policies lead to significant reductions in violence in all affected locations.

The *public safety policies* have been incredibly effective, resulting in large scale reductions of violence. They have directly prevented the assaults of thousands of people. Two independent reviews confirmed they continue to be effective and appropriate responses to alcohol related violence. They have therefore been maintained after thorough assessment.

The policies have the support of the State's police officers, nurses, paramedics, and doctors.

Some stakeholders have made submissions to this Committee indicating the measures designed to reduce alcohol related violence are also having a negative impact on the music and arts economy.

If that is the case, this is an unfortunate consequence of those public safety policies, but those policies were, and remain, necessary to prevent the large volume of assaults that were occurring in many entertainment precincts.

In many cases, regulation of dangerous products or activities (such as alcohol and the sale of alcohol) will need to prioritise certain interests over others, or create restrictions on choices or liberties in order to protect other liberties.

Motorists are subject to regulation of their behaviour to reduce the risk of motor vehicle accidents. Access to firearms is restricted to prevent injuries or death from firearm related accidents or crime. Businesses are subject to Work Health and Safety laws designed to ensure the safety of workers.

In all these cases, some stakeholders no doubt believed the regulations were a hinderance on their rights, or the profitability of certain industries. But for those regulations, some individuals would have more freedom to engage in certain conduct, or industries would be more profitable. But those restrictions have been deemed by the community and by Parliament to be appropriate when balanced with the safety benefits gained from the regulation.

The important thing is to achieve the right balance: in the case of these public safety policies, balance between the freedom to purchase alcohol late at night, and the freedom to not be assaulted by an intoxicated offender.

Alcohol is the cause of an enormous amount of harm in Australia. The consequences of alcohol are both widespread and severe. The National Drug Research Institute estimates that in a single year 5,785 Australians died of alcohol-attributable disease and injury, and over 144,000 hospitalisations were attributable to alcohol (National Drug Research Institute 2018).

Clearly, alcohol is a cause of harm for which regulation will be necessary, and will at times be appropriate even when that regulation has adverse impacts on peoples' freedom to obtain alcohol, and industries that rely on alcohol sales.

This was a position the Hon. Ian Callinan AC formed in the *Independent Liquor Law Review* (Callinan 2016, see comments at p132 – para 6.15, p115 – para 5.76, p10 - para 17, and p98 – para 5.25).

In entertainment precincts, violence was becoming so prevalent, the community and emergency service workers demanded a response - *the public safety policies* were that response.

The Police Association therefore believes that the *public safety policies* are a balanced response to the violence that was so prominent in those precincts. It is unfortunate that they have had an adverse impact on our music and arts culture, but to the extent the vibrancy of music and arts rely on the harmful sale of alcohol, the impact was a necessary part of balancing different interests.

The Police Association welcomes strategies that would support a diverse and vibrant music and arts culture across New South Wales, provided it does not also increase assaults or other types of harm. Any relaxation of the *public safety policies*, including mandatory times for last drinks, lock-outs or limits on alcoholic content of drinks, would lead to an increase in violence.

The effectiveness of the public safety policies

The *public safety policies* we refer to were introduced in Newcastle in 2008, and in Kings Cross/Sydney CBD in 2014.

Those policies include harm reduction strategies such as:

- Mandatory cessation of service of alcohol at specified times (last drinks),
- One-way doors after a certain time – new patrons are no longer allowed to enter premises after a certain time, although those premises can continue to serve alcohol to patrons already in the venue (lockouts),
- Restrictions on the alcoholic content of drinks after a certain time.

Newcastle

Prior to 2008, Newcastle was one of the most violent places in NSW on Friday and Saturday nights. Paramedics and police officers went to one violent incident after another, breaking up brawls, arresting offenders, and assisting the victims of the carnage caused by groups of highly intoxicated people. Emergency Department staff were inundated with assault victims, and intoxicated and aggressive patients.

The conditions established in 2008 achieved major reductions in violence in the Newcastle CBD. A study by the School of Medicine and Public Health, University of Newcastle, published in the peer reviewed journal *Addiction*, attributed a 37% reduction in assaults to the intervention, when measured against a comparison entertainment precinct (Kypri et al. 2010). Assaults in the hours of 10pm to 6am fell from 99 per quarter to 67.7. This study measured a period of 18 months after the intervention.

These findings are supported by the Bureau of Crime Statistics and Research. This study used multiple data sources to measure the effect of the intervention. Police recorded crime showed a reduction of 133 recorded assaults between the hours of 10pm and 6am in the 12 months after the intervention (Jones et al. 2009). Using last place of consumption data, assaults linked directly to the affected premises fell by 83 in the year post-intervention. Based on rates of reporting crime to police, the author extrapolated that in just 12 months there could be as many as 429 people who were not assaulted that would have been but for the intervention.

There was no displacement of assaults to other areas, and no increase in assaults at earlier times. The effects measured were genuine reductions with no displacement.

A study of the 5-year post-intervention period showed the reductions were sustained over the longer term (Kypri et al. 2014).

As a result of the reductions in violence there was also a substantial reduction in the number of Emergency Department presentations. A peer-reviewed study measured oral and maxillofacial assault admissions. It found that pre-intervention there was a 14% increase per annum. Post-intervention there was a 21% decrease per annum, meaning a 31% relative rate ratio reduction (Hoffman et al. 2017). The School of Medicine and Population Health at the University of Newcastle made similar findings; 26% reduction in night time assault-related injury ED presentations (Wiggers Presentation).

The success of the intervention has been clearly and reliably demonstrated, with no credible evidence to refute that conclusion.

This means there have been thousands of people who have not been assaulted because of the intervention. This means less people suffering terrible injuries.

The impact on emergency service workers

Emergency service workers have experienced considerable changes since the 2008 intervention.

Prior to the intervention, paramedics and police officers spent the entirety of Friday and Saturday nights rushing from assault to assault, breaking up brawl after brawl. They had to deal with extremely violent intoxicated persons, while loading bloodied victims into ambulances. They experienced violence and abuse themselves.

Now, with the significantly less violence, they can spend more time serving the community in other ways. Police officers can engage in other duties, such as proactive duties to prevent other types of crime. Paramedics are more readily available to respond to other emergencies.

Emergency Department staff would previously describe scenes out of a war zone; people bloodied from assaults, intoxicated patients unconscious or vomiting, and a large prevalence of violence towards staff or other patients. Intoxicated patients require a considerable amount of human resources; multiple staff are needed to assist in deescalating aggression or restrain a violent person. Over 90% of ED staff reported being subject to verbal abuse, threats, or physical violence (Egerton-Warburton et al. 2014). This detracts from the care they can provide to other patients and places staff and other patients at risk.

The reduced number of intoxicated persons and facial injuries means ED staff are no longer so overworked by preventable injuries, and can provide a greater level of care to other patients.

There are stark differences for our members in Newcastle post the 2008 intervention. Because of this, our members are highly concerned by the proposition of relaxing certain conditions.

Community support

Despite the claims of some stakeholders, there is strong community support for the conditions introduced by the 2008 intervention. Professor John Wiggers of the University of Newcastle conducted a random household telephone survey in the Lower Hunter in 2010. The sample size was 376. The support for the conditions were:

- reduced trading hours – 77%,
- Lock-out – 80%,
- Responsible service of alcohol restrictions – 89% (Wiggers Presentation).

Similar levels of support can be found throughout NSW (Foundation for Alcohol Research Education 2017) and Australia (a survey of 932 respondents conducted by Essential Research between 13-18 July 2010 found 80% supported mandatory cessation of service. Support was strongest in NSW at 85%).

We acknowledge there are opponents to these conditions; mainly patrons who are dissatisfied with being unable to attend premises at times they would otherwise choose to do so, or business owners concerned that less people will attend entertainment precincts. But the *Callinan Review* found these consequences are legitimate objectives of alcohol regulation and harm minimisation strategies (Callinan 2016, see comments at p132 – para 6.15, p115 – para 5.76, p10 – para 17, and p98 – para 5.25). As is confirmed above, a large majority of people in Newcastle and around NSW agree that the conditions are justifiable and desirable.

The impact on the night time economy and entertainment

Contrary to claims by some opponents of the intervention, the reduction in assaults and improvements in safety has not been at the expense of the cultural benefits and night time economy of the Newcastle entertainment precinct.

Police in Newcastle have identified a 110% increase in the total number of licensed premises, with a 140% increase in on-premise liquor licenses in the Newcastle CBD, largely made up of small bars and restaurants. This increase represents a diversification of the entertainment on offer in the Newcastle CBD. No longer is it dominated by booze warehouses whose business model relied on serving excessive amounts of alcohol to intoxicated patrons throughout the night. There is now a better mix of a variety of premises type, making for a safer, more enjoyable and more inclusive nightlife.

While overall Newcastle now has a more diversified and sustainable night time economy, as has been seen from the feedback from some industry stakeholders, particular venue owners feel they have suffered because of the interventions. Where this is the case, this is an unfortunate but necessary by-product of prioritising public health over the profits of a specific (and harmful) private business. Impact on business is not a justification to wind back a successful public safety policy, and in fact is frequently an inevitable consequence of regulation in many industries.

Business models which relied on harmful distribution of alcohol have been modified. Reducing alcohol consumption is a legitimate objective of a public health intervention into the alcohol industry. Alcohol is one of the most dangerous legal products available, not only to the consumer, but also to those whom the consumer interacts with. Businesses that sell alcohol are not passive bystanders in this risk, but active participants, and health and crime prevention interventions which are in the public interest should not be wound back just because of the impact on business.

The alcohol industry has long been a heavily regulated one, and any business within that industry needs to be able to adapt to that regulation, including harm minimisation strategies (Callinan 2016, p116 – para 5.77).

The ongoing need to mitigate against the risk of alcohol related violence

While the intervention has drastically reduced assaults and improved safety in the Newcastle CBD, as with all entertainment precincts and clusters of licensed premises there remains the risk of violence.

It is now beyond question that locations with a high density of licensed premises are likely to experience higher rates of assault (Burgess & Moffatt 2011). Despite the success of the 2008 intervention in reducing violence in the Newcastle CBD, BOCSAR still reported that Newcastle has 272.5 non-domestic assault incidents per 100,00 population (BOCASR Data Release 2015). This is one of the highest rates in NSW.

Therefore we cannot consider the conditions established by the 2008 intervention to be no longer necessary. The conditions must be maintained to sustain and continue the reductions to violence that have been achieved.

Our members in Newcastle are highly concerned about the prospect of any relaxation of the conditions. To do so would be to once again facilitate excessive drinking leading to violence.

Sydney CBD & Kings Cross

In 2014, the Sydney CBD and Kings Cross had experienced years of alcohol fuelled violence on an intolerable scale. For years, emergency service workers and researchers had been calling on the Government to replicate the success of the Newcastle intervention in Sydney. Tragically, these calls were not acted upon prior to the deaths of two young men, each killed by intoxicated attackers.

In response to calls from the community, the NSW Parliament passed the *Liquor Amendment Act 2014*.

This intervention sought to replicate the success achieved in Newcastle, and adopted similar strategies (with some differences).

The primary common components are the mandatory cessation of service of alcohol and the lockout (one-way door).

Later in 2014, restrictions on the service of drinks with high-alcoholic content were also expanded.

As with the Newcastle intervention, this was highly successful. BOCSAR reported that “the January 2014 reforms were associated with immediate and substantial reductions in assault in Kings Cross and less immediate but substantial and perhaps ongoing reductions in the Sydney CBD” (Menéndez et al. 2015). That study reported a 32% reduction in Kings Cross, and a 26% reduction in the Sydney CBD (data from January 2009 to September 2014). A follow up study showed these reductions were sustained, finding reductions of 49% in Kings Cross and 13% in the Sydney CBD (data from January 2009 to September 2016) (Donnelly, N., Poynton, S., Weatherburn, D. 2017).

While there was some minor displacement of assaults, this was far outweighed by the reductions in the target areas. In sum, there were 631 assaults prevented in the 32 months after the amendments (Donnelly, N., Poynton, S., Weatherburn, D. 2017).

In 2016 the Hon. Ian Callinan AC conducted the Independent Liquor Law Review. The *Callinan Review* concluded that the objectives of the Amendments remained valid, and the terms of the Amendment remained appropriate for securing those objectives, subject to some minor amendments (Callinan 2016, para. 9.4-9.9, pp 146-147).

Each individual component of the policies remains necessary

Evaluations of the Newcastle intervention, as well as the Kings Cross and Sydney CBD Amendments, have measured the effect of the interventions in their entirety. They did not isolate the effect of each specific condition, nor conclusively attribute the effect to any specific conditions.

Conclusive evidence is certainly available that restriction on the availability of alcohol by a certain time is effective in reducing alcohol related violence (Sanches-Ramirez & Voaklander 2017, Rossow & Norstrom 2012). Therefore, some evaluations have concluded that the mandatory cessation of service/closing times is the primary mechanism bringing about the reduction in assaults in Newcastle, as well as in Kings Cross/Sydney CBD.

While the evidence indicates the mandatory cessation of service/closing times are undoubtedly effective, and a crucial element of the intervention, it is the strong view of emergency service workers that the totality of the intervention is crucial for the success in Newcastle and Kings Cross/Sydney CBD, and no one condition can work in isolation. There is not sufficient evidence to have confidence the reductions could be sustained without the totality of the intervention or with certain conditions being excised from the intervention. As such, we strongly oppose any relaxation of the conditions.

Mandatory cessation of service

“According to all the independent reviews available nationally and internationally, restricting trading hours is the most effective and cost-effective measure available to policymakers to reduce alcohol-related harm associated with licensed venues.” (National Drug Law Enforcement Research Fund 2012, p172).

Studies have consistently shown that restriction of trading hours for alcohol reduces assaults (Sanches-Ramirez & Voaklander 2017). For every hour by which alcohol service is reduced, assaults are correspondingly reduced by approximately 20% (Rossow & Norstrom 2012). As highlighted above, this is consistent with the findings of the Newcastle intervention and Kings Cross/Sydney CBD Amendments.

Conversely, liberalisation of alcohol service is consistently associated with an increase in assaults (Sanches-Ramirez & Voaklander 2017). This is true even when it only applies to a select number of venues while other venues within the precinct remain restricted to shorter hours of trade (Chikritzhs & Stockwell 2002).

A study of 18 cities in Norway was able to compare entertainment precincts, some undergoing liberalisation of trading hours while others experienced restriction. The study found the effect was symmetrical; an extension of alcohol service of 1 hour caused a 16% increase of assault, while a restriction of 1 hour caused a 20% decrease (Rossow & Norstrom 2012).

As such, any relaxation in these conditions in Newcastle and Kings Cross/Sydney CBD is likely to lead to a return to excessive intoxication and increase in violence. Any such proposal would be strongly opposed by emergency service workers and the community.

The mandatory cessation of service of alcohol/closing times is undoubtedly crucial to the success of the intervention, and any relaxation on last drinks requirements would severely undermine the entire intervention.

Lockouts

Some stakeholders have questioned the effectiveness of lockouts. Some evaluations of lockout conditions have been used to support this criticism. However, those studies were evaluating interventions where the lockout was not coupled with mandatory cessation of service/closing times. The purported ineffectiveness of lockouts is therefore not applicable to the Newcastle and Kings Cross/Sydney CBD interventions, where both conditions operate to change patterns of drinking and conflict between crowds of intoxicated persons.

The lockouts, in totality with the other conditions, are a useful mechanism to make the management of intoxicated groups of people and the policing of the precinct far easier for security staff and police officers.

Without the lockout condition, large numbers of intoxicated people continue to move back and forth between licensed premises throughout the night. It is during this transit when assaults are far more likely, particularly late at night when people have become more intoxicated (National Drug Law Enforcement Research Fund 2012, p174). The majority of late night non-domestic related violence occurs just outside licensed premises, not within them (Moffatt & Weatherburn 2011). The lockouts reduce the opportunity for that violence to take place.

Once the lockout time has been reached, it limits this transit of large groups of highly intoxicated people; rather than moving between premises, people either stay within the premises they are in when the lockout time is reached (where they are less risk of being involved in an assault) or when they do exit the premises, it is to leave the precinct.

It is also far more difficult for police officers to keep people safe when there is mass movement between venues. Police often describe the trouble they have breaking up brawls or conflicts which move from one venue to another. The lockouts create a degree of calm at a time that would otherwise carry an elevated risk of violence, and security and police resources can narrow their focus on locations where violence occurs.

Drink restrictions after 10pm

Relaxation of current restrictions would increase the availability of high alcoholic content drinks for patrons. This will result in more people becoming more affected by alcohol.

This would significantly undermine the policies.

A crucial factor in interventions designed to reduce alcohol related harm is to reduce alcohol consumption.

There is a wealth of evidence demonstrating the link between alcohol consumption and increased risk for being involved in intentional or unintentional injury (Poynton et al. 2005).

While not everyone who becomes intoxicated will become violent, there is strong evidence of an association between consumption of alcohol and violence (Morgan & McAtamney 2009, Cherpitel 1993, MacDonald et al. 1999).

Alcohol consumption also increases the likelihood of the drinker becoming injured themselves. Every drink increases a persons' risk of presentation to an emergency department. A single glass of wine doubles that risk. After three glasses, that risk has increase five-fold. And after 10 standard drinks, the risk has increased ten-fold for men and fourteen-fold for women (Cherpitel et al. 2006).

The risk increases even at low levels of alcohol consumption, but increases continuously as more alcohol is consumed (MacDonald et al. 2005, Cherpitel et al. 2003, McLeod et al. 2000, Watt et al. 2004).

Relaxation of current restrictions would enable more patrons to move further along this risk matrix far more rapidly, by consuming drinks with high alcoholic content for a much longer period of time.

Pushing back the drink restriction time would allow longer access to shots and other high content drinks. This would enable incredibly rapid consumption for a much longer time, at a period when there is already an elevated risk of violence.

It is also important to ongoing assault prevention to ensure venues with earlier closing times are not enabled to become 'feeder' venues. Police officers have indicated that if earlier closing venues are not subject to the drink restrictions, there is a sizable number of patrons who attend these premises, consume large amounts of drinks with high alcoholic content, and then move on to late trading premises already highly intoxicated. Police indicate this contributes substantially to violence, and the uniform application of the restrictions greatly reduces that pattern.

The impact on alcohol related violence if exemptions were available/granted
As stated above, it is the totality of the intervention that has brought about the reductions in violence.

Any exemption would undermine that.

Based on the success of the Newcastle intervention and the Kings Cross/Sydney CBD Amendments, Queensland introduced similar conditions. However, various exemptions were applied. Safe Night Precincts were subject to a later cessation of service than other precincts, and applications for extended trade (until 5am) were also available and granted.

An evaluation of the Queensland policy by the University of Queensland (Commissioned by the Queensland Government) found that these exemptions considerably undermined the policy and negated any intended effect on assaults. The following findings (Ferris et al. 2017, p7) are highly relevant:

- *It is very important to note that there has been virtually no fidelity to the last-drinks at 3am in SNPs across Queensland due to the systematic and widespread use of extended trading permits;*
- *Since 1st July 2016, there has not been a single weekend night where all venues in the Fortitude Valley have ceased the service of alcohol at 3am;*
- ...
- *Lack of notable change in trends since the introduction of the Policy also suggests the provision of extended trading permits (allowing the sale of alcohol until 5am) has compromised the impact of the Policy.*

Given the increased risk of violence and injury associated with increased alcohol consumption (Poynton et al. 2005, Morgan & McAtamney 2009) a crucial component of alcohol related harm minimisations strategies is a restriction on the availability of alcohol, be it by time or alcoholic content. Any exemption to the conditions, even if only applying to specific venues, reverses that outcome. This is demonstrated by the lack of the fidelity of implementation of lockouts/last drinks in Queensland and the resulting diminished effectiveness of the policy.

This principle is also demonstrated in Chikritzhs & Stockwell (2002) study of the relationship between liberalisation of alcohol trading hours and increases in assault. In Perth, certain premises were granted extended trading permits, while others continued to trade within normal trading hours. Increases in assaults occurred on those premises with extended permits relative to the other venues. This is a clear demonstration that liberalisation of trading hours, even when not precinct wide and limited to specific venues, results in an increase in assaults.

Therefore, the ability to seek exemptions, even if only for individual venues, should be rejected.

Even if only a small number of venues obtained an exemption to the mandatory cessation of service/closing time, the practical effect would be patrons would potentially cluster at these venues

and continue to become more intoxicated. The extended availability of alcohol, and the clustering of intoxicated persons, would increase the risk of violence again.

The findings of reviews into those public safety policies

Callinan Review of Sydney CBD/Kings' Cross

In 2016 the then Deputy Premier, the Hon. Troy Grant MP, appointed the Hon. Ian Callinan AC to review the effectiveness and impact of the liquor reforms.

The review was informed by data from the NSW Bureau of Crime Statistics and Research relating to alcohol-related violence and anti-social behaviour, as well as more than 1,800 written submissions and almost 30 stakeholder sessions, including three roundtables.

The *Review* was also provided with the outcomes from the Safe and Vibrant Sydney Nightlife Roundtable.

The *Review* concluded that the objectives of the Amendments remained valid, and the terms of the Amendment remained appropriate for securing those objectives, subject to some amendments designed to assist live music venues (Callinan 2016, para. 9.4-9.9, pp 146-147).

The *Review* also found the adverse consequences regarding patron numbers to licensed venues are legitimate objectives of alcohol regulation and harm minimisation strategies, including when this has an adverse impact on the live music industry (Callinan 2016, see comments at p132 – para 6.15, p115 – para 5.76, p10 - para 17, and p98 – para 5.25).

Independent Liquor & Gaming Authority review of licence conditions for Newcastle CBD venues

In 2017, the Australian Hotels Association of New South Wales proposed that the Independent Liquor and Gaming Authority (ILGA) exercise its powers to vary or revoke the conditions constituting the Newcastle intervention into alcohol related violence.

In order to inform that decision, ILGA engaged Jonathan Horton QC to advise on measures which it may be open to ILGA to take.

Mr Horton conducted a process of public consultation between November 2017 and February 2018, receiving over 90 written submissions from a variety of stakeholders including NSW Police, public health bodies, academics, licensed businesses, industry bodies, private individuals and special interest groups. Mr Horton also conducted personal interviews with numerous submitters.

Mr Horton found material put to him did not support a relaxation of the last drink or lockout times.

As a result, ILGA maintained the majority of the conditions, making only minor amendments.

The necessity of maintaining the public safety policies in full

The evidence overwhelmingly demonstrates the effectiveness of these policies.

Studies have consistently shown that restriction of trading hours reduces assaults (Sanches-Ramirez & Voaklander 2017). For every hour by which alcohol service is reduced, assaults are correspondingly reduced by approximately 20% (Rossow & Norstrom 2012). As highlighted above, this is consistent with the findings of the Newcastle intervention and Kings Cross/Sydney CBD Amendments.

Conversely, liberalisation of alcohol service is consistently associated with an increase in assaults (Sanches-Ramírez & Voaklander 2017). This is true even when it only applies to a select number of venues while other venues within the precinct remain restricted to shorter hours of trade (Chikritzhs & Stockwell 2002).

As such, any relaxation in these conditions is likely to lead to a return to excessive intoxication and increase in violence. Any such proposal would be strongly opposed by emergency service workers and the community.

A study of 18 cities in Norway was able to compare entertainment precincts, undergoing liberalisation of trading hours while others experienced restriction. The study found the effect was symmetrical; an extension of alcohol service of 1 hour caused a 16% increase of assault, while a restriction of 1 hour caused a 20% decrease (Rossow & Norstrom 2012).

This is a real-world demonstration of what would occur if the Committee extended the availability of alcohol as some stakeholders have requested – assaults would go up by approximately 16% for every addition hour of alcohol sales.

We urge the Committee to reject these requests, and prioritise strategies to support diverse and vibrant music and arts culture that is not reliant on alcohol sales.

Conclusion

The public safety policies have been highly successful in reducing assault and making the entertainment precinct safer.

Paramedics, police officers, nurses, doctors and other Emergency Department staff have all reported significant reductions in violence, injuries, and improved ability to serve other members of the community.

Some stakeholders have identified these public safety policies as having an adverse impact on music and arts. This adverse impact is regrettable, but, in so far as the music and arts industries are reliant on alcohol sales, they are necessary to achieve the reduction in violence, and prevent people being assaulted.

We cannot see sufficient justification to undermine such a highly successful intervention, which has saved thousands of people from assault and injury, which is now the model for successful alcohol related harm reduction in entertainment precincts.

Strategies identified by this committee to support a diverse and vibrant music and arts culture should not be reliant on increasing the sale of alcohol.

The Police Association thanks you for considering this submission.

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