

**REPORT OF PROCEEDINGS BEFORE**

**COMMITTEE ON LAW AND SAFETY**

**INQUIRY INTO MEASURES TO REDUCE ALCOHOL- AND  
DRUG-RELATED VIOLENCE**

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**At Sydney on Wednesday 3 September 2014**

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**The Committee met at 9.15 am**

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**PRESENT**

Mr G. Souris (Chair)  
Mr N. Lulich  
Mr C. Spence  
Mr G. Zangari

**DONALD JAMES WEATHERBURN**, Director, Bureau of Crime Statistics and Research, affirmed and examined:

**CHAIR:** Thank you, Professor Weatherburn, for appearing before the Committee. Do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

**Dr WEATHERBURN:** No.

**CHAIR:** I point out to you that there are members of the media present. It is a public hearing and video and audio recordings may well be made of your evidence.

**Dr WEATHERBURN:** Okay.

**CHAIR:** Before we commence with any questions, Professor Weatherburn, would you like to make a brief opening statement? It does not need to be brief.

**Dr WEATHERBURN:** It will be fairly brief. If you open the folder I just passed to you, I thought we might start with the overall trend of assault in New South Wales and the interventions that have taken place since 2008 to try and deal with the problem of alcohol related assault. You will see a list entitled "Key liquor licensing reforms" and behind that, you will see a graph labelled "Graph 1" on the bottom right-hand corner.

**CHAIR:** Is that potentially appearing on the screen?

**Dr WEATHERBURN:** No, I understood you preferred documents.

**CHAIR:** We did not anticipate anyone turning up.

**Dr WEATHERBURN:** I can provide this material to anybody who is interested but I do not have a presentation. What you are looking at in terms of the graph at the top is the trend in the number of non-domestic assaults recorded on licensed premises and outdoors in New South Wales. The top line shows you the outdoor public place and the bottom line shows you on licensed premises. The vertical lines show you each of the six interventions listed on that sheet.

**CHAIR:** It is for all of New South Wales?

**Dr WEATHERBURN:** For all of New South Wales. I will come to Kings Cross in Sydney shortly. There are a couple of points I think you should take from what you are looking at. First, there is enormous seasonal variability in the incidence of assaults. You can see that clearly in the figure for outdoor public place; assaults go up in summer, peaking in December and January and come back down in June, July and August. That seasonality is very important, it makes it difficult to judge in a few months exactly what is happening because assaults will always tend to decline in winter and that is exactly what they are doing now.

Our work so far shows the first of those three interventions, in quick succession in 2008, did have the effect of bringing the assault rate down. It is difficult to tell whether the next two interventions in 2011 and 2012 have had an effect because we have no control site. We do not know whether or not they helped continue the downward trend or whether they had no effect at all. The last intervention, the Government reforms earlier this year, it is simply too early to tell whether or not they have had an effect.

**CHAIR:** Can you identify the interventions? The 2012 intervention was the Kings Cross Plan of Management?

**Dr WEATHERBURN:** That is right. The first intervention in 2008 was the commencement of the new Liquor Act, which gave the Secretary of the Office of Liquor Gaming and Racing new powers to impose conditions on a liquor licence or to restrict or prohibit liquor promotions and declare lockouts and curfews. The 30 October reforms in that year involved a freeze on the issue of new 24-hour trading licences and some other restrictions I have listed there. On 1 December, we had what received enormous publicity, the declared premises scheme, which imposed special conditions on 48 premises that had the highest number of assaults.

On 22 August 2011 the responsible service retraining requirement laws were introduced. Then we had the three strikes disciplinary scheme introduced on 1 January 2012 by the current Government. On the back of that sheet you will see the last of the major reforms on 24 February this year, the Liquor (Amendment) Act which created a Sydney CBD entertainment precinct as well as the Kings Cross precinct and there are a number of restrictions imposed there. You have had six major interventions in all. As it happens, there are other things happening that could have influenced it. For example, the police have introduced ID scanning and resources were increased for the Office of Liquor, Gaming and Racing inspectors. So there have been a large number of reforms and measures thrown at the problem, which I mention for no other reason than to indicate that it is going to be very difficult to unpick the effect of each individual initiative as so much has happened.

Moving on to the next figure, the map, this can be seen on the bureau's website at any point of time if people care to look. This shows the distribution of assaults. If they are alcohol-related they are blue—I think it is blue, I am colour-blind—and red if they are not alcohol-related. The larger diameter circles indicate more offences. You can see very strong clustering down George Street, up Oxford Street and in Kings Cross with some scattering of incidents near Redfern as well. That is the distribution of the problem, if you like. The next map, which shows nothing, is merely meant to indicate to you the relative size of the Sydney CBD entertainment precinct compared with the Kings Cross precinct. What that means is that the trends in assault in Sydney are dominated by events outside of Kings Cross. There are many more assaults occurring in the broader Sydney area or the Sydney entertainment precinct than are occurring in Kings Cross. Am I moving too quickly?

**CHAIR:** No. On the map, my recollection at the time was that the base map started life as the police map for the sobering up centres. The police had a map of where their jurisdiction lay with sobering up centres and subsequently the Government expanded that. I do remember the line went down Macquarie Street and it would appear that Parliament House would not be included. Maybe that line moved to ensure it was included, but effectively this map started life as the sobering up centre map with various gaps that they had excluded, including around Matthew Talbot and other places filled in. Do you have any comment about the map?

**Dr WEATHERBURN:** No, I had no idea what the origin of the map was. What you have told me is the first time I have heard of its origin. I do not have any comment about the choice of that precinct other than there are technical difficulties establishing what is going on in the precinct, however defined, and the reason for that is that the police do not always accurately record the latitude and longitude of an assault. Sometimes they do not know the precise location of the assault. There are occasions when you cannot be 100 per cent sure that the assaults you are looking at occurred in the precincts or out. That is the only complication I would mention.

**CHAIR:** Would you care to comment on the various boundaries. I referred to the police sobering up centre map, and there are police command boundaries, local government boundaries, and this boundary now, which has been created with reference to those boundaries. The statistical boundaries that you might use may have been adjusted to cover this. I am asking you a general question about the boundaries and the difficulty of statistics.

**Dr WEATHERBURN:** Absolutely. The former Premier remarked on this. There is the local area command boundary, the precinct boundary, the local government area boundary and the postcode boundary. There is no shortage of boundaries. We do not have the view about the most appropriate boundaries to use. It helps us a great deal if we can get a recognised boundary such as the local government area, just because there is a wealth of other information about local government areas, which is not obtainable if you are looking at a precinct. If we know the longitude and latitude of an event or assault, we can tie it to whatever boundaries you want. It has created a fair amount of confusion in the public mind. When people ask what is going on in Kings Cross, it is not entirely clear whether they are talking about the precinct, postcode, the local area command or the local government area.

**CHAIR:** Or the plan of management?

**Dr WEATHERBURN:** Or the plan of management. There is plenty of scope for confusion. At the moment—I emphasise at the moment—it does not make too much difference to the trends and you will see that in the last set of tables. It could, in the future, and probably has in the past, made a difference which way you define the boundaries.

**CHAIR:** As a member of the public I find it difficult if, for example, the City of Sydney says something they are referring to the local government boundary but if the police say something it is not the same boundary. I know we have had this discussion on previous occasions.

**Dr WEATHERBURN:** That is right.

**CHAIR:** You would not be surprised to hear me now asking these questions?

**Dr WEATHERBURN:** I fully understand the concern and confusion. It is not up to me to draw the boundaries.

**CHAIR:** Any recommendation might be pertinent.

**Dr WEATHERBURN:** The difficulty in drawing boundaries for responsible authorities is that there are several responsible authorities and their boundaries all differ. The City of Sydney will have one view as to jurisdiction; the police have a view based on local area command; Liquor, Gaming and Racing may have a different boundary. I do not want to sit here and arbitrate as to what the boundaries should be. From a purely statistical point of view, the most convenient is the local government area. But I understand the Sydney local government area is quite big and for that reason alone people might feel it is unwieldy. If the assaults are concentrated as you see they are, they may prefer to work with a narrower boundary and focus their efforts on that.

If the police were able to improve their recording of the latitude and longitude it would not matter at all to us, we could work with any boundary at all. The difficulty for us is created by the fact that when people choose a precinct we have a group, 15 per cent of assaults, which could fall on or out of the boundary, depending where on the road they occurred. If you know the latitude and longitude you can work it out but if they just say "Macleay Street", it is not clear whether it is down near the naval base or up the other end.

**CHAIR:** I can think of another boundary that is not on the map, the St Vincent's drawing area where ambulances might take somebody to one hospital or another.

**Dr WEATHERBURN:** That is absolutely right. As I say, fortunately the trends are pretty much the same wherever you go. If you turn now to Graph 2, this shows you the non-domestic assaults recorded by police on licensed premises in the Kings Cross precinct. This is where there has been clear progress. You can see yourself without aid of statistical analysis that the trend is down. I will give you the percentage decline shortly. On Thursday, when the quarterly crime statistics come out, we will have a graph of this sort for the Sydney entertainment precinct as well. I will deal with that then.

If you then turn over to Graph 3, what we have done here is look a little deeper at the Kings Cross precinct; I emphasise "precinct". You can see over the last two years the number of assaults on licensed premises has come down by 30 per cent and the total incidents of non-domestic assault—I am talking here only about non-domestic assault—have come down by 12 per cent. There has not been a reduction of assaults on licensed premises. The three curves are drawn there. It is a little hard to see with that stretched-out graph but if you follow your eye for all three of them you will see they are coming down and have been coming down for some months.

**CHAIR:** Professor Weatherburn, probably one of the most important aspects you have just touched on is the trend inside and outside licensed premises in these precincts. Is there anything further you want to add on that, as we are most interested in that area?

**Dr WEATHERBURN:** The first point I should make is that many people have suggested that the reason it has come down on licensed premises is that owners and managers of licensed premises have become reluctant to report assaults for fear of having restrictions imposed upon their licences. We have checked that twice by examining police records for the top 100 licensed premises and for licensed premises in general to see whether the number of reports emanating from bar staff or the managers and owners of licensed premises have dropped and we found no evidence that they have dropped.

I think that the decline is real; I do not think it is an artefact of reluctance to report. So far as why it is happening on licensed premises and not outside premises, I imagine the first reason is that the Government as a whole and all its agencies have more control over events on licensed premises than they do outside. It is much harder to reduce the risk of someone behaving badly out on the street than it is on licensed premises where there is always the threat of expulsion from the premises, where someone can interrupt the person long before any kind of an assault or threat occurs. That would be one reason, I imagine.

There is also a huge incentive on the part of licensed premises themselves to avoid doing things—for example, serving alcohol to intoxicated people—that would increase the risk of violence on their premises. It is, however, possible that other factors are at play here—we cannot rule that out—and one obvious factor is that there may be fewer people going to Kings Cross for one reason or another. The mere fact that two young men have died in Kings Cross might discourage people from going there; we cannot rule that out. I have no information on traffic flow into and out of Kings Cross over this period. It is noteworthy though that the downward trends did tend to occur from 2008 onwards when the restrictions started to be imposed on licensed premises.

**CHAIR:** Would you care to comment on the thought that the greater restriction and/or the access to supervision on licensed premises has forced the potential problem outside?

**Dr WEATHERBURN:** It is possible. The reason I am hesitant to draw that conclusion is that the best evidence we have from a controlled experiment is the Newcastle experiment, and the beauty of that from a statistician's point of view is that we have an adjacent area also with alcohol problems where the restrictions did not apply. In that circumstance, you might have expected to see restrictions in Newcastle lead to a displacement of the assault problem to Hamilton, but that displacement did not happen. That does not mean it can never happen but it does mean that it is an open question whether we will see it or not. We have in plan research to evaluate the impact of the most recent set of reforms to see whether it has led to displacement, whether to Pymont—I cannot remember all of the locations—

**CHAIR:** Newtown, Paddington.

**Dr WEATHERBURN:** —Newtown, Coogee, Paddington. So I think it is a real issue. I think it is certainly something that needs to be attended to, but I do not have any hard evidence at this stage that the reason it has not gone down outside licensed premises is because people have stopped fighting inside licensed premises and gone outside. To be honest, I think if that was the substantial effect, you would have seen it go up outside licensed premises rather than just stay the same.

**CHAIR:** You have identified these adjacent areas to be able to look at the statistics separately, such as Pymont and Newtown?

**Dr WEATHERBURN:** We consulted with the Office of Liquor, Gaming and Racing on likely displacement sites—they are probably best placed to judge where those risks are—and we are separately going to look at all of those sites to see whether there is a reduction in Kings Cross or in the Sydney CBD Entertainment Precinct or whether it has spilled over to Pymont or to Newtown or to Coogee or to any of the nearby points. I think the Office of Liquor, Gaming and Racing has good intelligence about where people might go and we will look in all those places.

**CHAIR:** But some of the statistics come from the police, so you are now talking about different police commands and, I assume, different hospital areas.

**Dr WEATHERBURN:** It does not matter what police command is in control of it, we will not be looking at the local area command boundary, we will be looking at the location of the assaults. As I say, we will rely on the latitude and longitude of the assaults—the bulk of them have got a latitude and longitude. So it is not of any real consequence to us that it falls within this local area command or that local area command; the issue which everybody wants to know is whether the incidence of assault in Newtown gone up, or in Maroubra or Pymont or wherever, and I think that is a legitimate concern and we will look at it.

**CHAIR:** Will the quarterly statistics that you referred to include some of that?

**Dr WEATHERBURN:** No, it is simply way too early. You will recall that the latest set of reforms came in late February. So we have got March, April, May, June—it is just four months; we would expect the assault to be declining because we are going into winter. I think it would be precipitous to draw conclusions in such a short period about the effect. I will be frank with you, on Thursday I will have nothing to say about the impact of it; I think it is way too early. We will have a look late in the year to see whether anything has changed, but in all likelihood, because there is a real chance that the reforms have a bigger effect in summer than winter, we will need to see the summer figures to be really sure about the impact.

The last sheet, Table 1, summarises the situation as far as we know it at the moment. There are three areas there—Kings Cross Local Area Command, Sydney Local Government Area and New South Wales as a whole—and you will see that the two-year trends on licensed premises are all favourable. It does not matter whether you look at alcohol-related or non-alcohol-related as far as assaults are concerned, you have got a 29.2 per cent reduction—that is the highlighted area on the left—and alcohol-related assaults on licensed premises, a total 31 per cent reduction on licensed premises in Kings Cross. I mentioned that outside it was stable.

In Sydney you have also got quite substantial reductions in alcohol-related assaults and total assaults and you are seeing not quite so substantial reductions on licensed premises in New South Wales. The general pattern is one of progress on licensed premises, but at the moment—and I emphasise “at the moment” because even outside licensed premises things are a lot better now than they were in 2008—over the last two years there has not been any change outside licensed premises.

**CHAIR:** Is it these statistics that will be refreshed on Thursday?

**Dr WEATHERBURN:** These will be refreshed on Thursday, that is correct.

**CHAIR:** As you said, we are going into winter so you expect a downward trend.

**Dr WEATHERBURN:** You do.

**CHAIR:** Would that be moderated against what would ordinarily have occurred?

**Dr WEATHERBURN:** This is exactly the point. What we have to do is develop a statistical model which will allow us to tell what should have happened, other things being equal, in these locations and compare that with what actually happened. We are in the process of building that statistical model now, which, given the enormous variability in assaults, I think, we need to wait and accumulate a little bit more information. Even towards the end of the year if we see no effect, I think it would still be premature to draw the conclusion that they have had no effect because we need to see those summer months' figures.

If you go back to that first figure that I showed you when we started, what you want to do is knock the top off those peaks. That is what we are interested in seeing; not so much whether there is much change in winter—that would be a bonus—but whether the summer peaks flatten out. So we will need to get to summer to see that. We have done 21 studies and it would be pointless to bring them all here, but I have got some studies which you might want to look at that are quite directly pertinent to the inquiry. But I have no more to add to what I have said.

**CHAIR:** What are those studies on?

**Dr WEATHERBURN:** The studies look at the effect of liquor licensing enforcement and assaults on licensed premises. This was a review of the situation up to about 2009, the impact of the laws to that date. We have also done—I think you have probably seen this—an evaluation of the effect of restrictions in Newcastle, a description of the nature of the assaults on licensed premises and a report on the effect of liquor outlet density, which shows that the more dense the supply of liquor outlets the higher the problem of assault. The last report is one which involves a survey of young people to see whether they are drinking more responsibly. There has been some improvement in the responsible service of alcohol—it is not dramatic but it is real progress.

**CHAIR:** Some of them are available but—

**Dr WEATHERBURN:** All of them are available.

**CHAIR:** They are on the internet?

**Dr WEATHERBURN:** That is right, but I will leave them here for your convenience.

**CHAIR:** On a previous occasion we have drafted some questions and we would like to go through some of those now, bearing in mind you may have touched on areas and there may be overlaps and cross-overlaps and so on. We will try to be careful and not ask an absolutely direct question that you have already covered but it may happen. Some of these questions are general, of course, and you have dealt with

some of the specifics. I will start off with a very general question. What do you know about the effect of the lockout laws introduced in February this year in terms of their effect on assaults and other criminal behaviour? It is a very general question and you have touched on it in many ways, but perhaps by asking it this way it might summarise your thoughts on this issue.

**Dr WEATHERBURN:** The short answer is nothing as yet; it is too early to judge. That is the situation. We really need more than just four months' worth of data to be sure. It would be different if we got exactly the same number of assaults each month and we could easily see a difference, but the number of assaults you get in any month varies enormously and we will need to, if you like, extract a signal from the noise. To do that, we are going to need more information. Probably towards the end of this year we will have our first look to see what is happening.

**CHAIR:** We certainly look forward to the bureau's interpretations, although we, of course, as you do, read constantly of some opinion or some sort of statistical-based view that something or other has changed, that assaults have fallen. It may well be the people at St Vincents saying that that is the case; it may well be the police or the local government and so on. We have received a constant barrage over the last six months of trend information from the various agencies that are basically the stakeholders of this whole issue, and you are often asked to validate or invalidate it.

**Dr WEATHERBURN:** We should make this point very clear: there is absolutely no question that assaults have fallen since January this year; they do every year. We really need to remember that the seasonal effects are quite pronounced. Anybody who is claiming success in reducing alcohol-related assaults because they have fallen since January this year is just misleading themselves if not others. Every year they go down from January to June; every year they go up from June to January.

**Mr CHRIS SPENCE:** In Table 1 the second column in each of them is the non-alcohol-related. I know this potentially could be an obvious question, but what actually defines "non-alcohol-related"?

**Dr WEATHERBURN:** That is a very good question. To be honest with you, and you might know this, normally I only speak about assault, whether it is alcohol-related or not. The reason for that is that the judgement of whether an assault is alcohol-related is a judgement formed by the attending police officer and it is quite likely that on some occasions they are mistaken about whether it is alcohol-related or not; they only have the appearance and the behaviour of the person to go on. I am sure they are absolutely right in many instances, but there would be many instances at the margin where they are not sure. I prefer to concentrate on assaults regardless of whether they are alcohol-related. But the fact of the matter is that the public at large wants to focus on alcohol-related. To answer your question: a non-alcohol-related assault is an assault that the police do not think is alcohol-related.

**Mr NICK LALICH:** So it could be any other drug?

**Dr WEATHERBURN:** It certainly could be any other drug, or someone who behaves as if they are drunk but who, in fact, is on some other drug could be mistakenly categorised as alcohol-related.

**Mr NICK LALICH:** So that is not counting the alcohol-related? When you say another drug, it is a non-alcohol-related offence?

**Dr WEATHERBURN:** That is right, if they knew it was some other drug.

**CHAIR:** We probably want to get to that ultimately, whether it is some other drug or some other factor.

**Dr WEATHERBURN:** You can imagine the difficulties in making a firm determination of this; it would require urine testing or some other more reliable method than simply forming a judgement based solely on the person's peripheral behaviour. We have done a little bit of work on this and I must say that although it is true that, for example, heavy methamphetamine users almost all drink, a very small proportion of all drinkers use methamphetamine. So I still suspect that the bulk of the problem is alcohol rather than other drugs, but that may not be the case in certain specific locations—Kings Cross springs to mind, for example.

**Mr CHRIS SPENCE:** You mentioned earlier the total patronage in the Kings Cross area. Are you collecting data on that or is someone else collecting data on the total patronage and then, obviously, the displacement data?

**Dr WEATHERBURN:** I am not collecting information on patronage but I understand the City of Sydney has information of that sort. I think they do regular surveys or pedestrian counts, but I have not seen that data. I just understand, perhaps from reading newspapers, that the numbers of people going to Kings Cross have fallen off. I do not personally know that, I have not checked that and I do not have the data.

**Mr CHRIS SPENCE:** In relation to hospital data—and obviously we will speak to St Vincent's later—do you have access to their data about assaults and their interpretation, whether it is drug-related, alcohol-related? Do you get access to that at all?

**Dr WEATHERBURN:** I have sought access; I have not been given access. On the other hand, we have been working with NSW Health to look at ambulance data and hospital admissions. We have a joint project going at the moment to see to what extent the assaults that turn up in emergency departments, or the trend in those mimics the trend in assaults recorded by the police, and there is a fair degree of congruence. I say this because it is quite a while since I had a look to see how they were going in this project. But we are certainly working with the health department. I have asked for but I have not seen the data that is collected by St Vincents on assaults, but I would be very surprised if they did not follow the same pattern as police: down in winter and up in summer.

**Mr CHRIS SPENCE:** There seems to be a discrepancy, and I note you mentioned that you have got the report there into Newcastle. In some of the submissions there is talk of Newcastle not quite being as successful; other submissions are saying about a 37 per cent drop. In your report, what is your view of the statistics for Newcastle?

**Dr WEATHERBURN:** There is no question it was successful. It is hard to think of any other way of explaining the fact that straight after the intervention you got a big drop in Newcastle but no change whatsoever in Hamilton next door. The question of how big a drop you get, I do not have those figures in front of me but it really depends on what you take to have been the pre-existing level and what you take to have been the subsequent level. I am happy to take that on notice, do an estimate and come back to you with that.

**Mr CHRIS SPENCE:** Sure.

**Mr NICK LALICH:** We seem to be concentrating on alcohol-related violence. The stakeholders have suggested other drugs play a much greater role in violence than alcohol does. What is your opinion on that?

**Dr WEATHERBURN:** I do not think that is true but I would not rule out the possibility that other factors are at play. The reason I say that is that the prevalence of alcohol abuse is just so much greater than the prevalence of, say, for example, methamphetamine abuse or steroid abuse. I am not here drawing on police figures in reaching this conclusion. I am drawing on the results of the national drugs strategy surveys that are conducted where you get a large random sample of people around the country and ask them what drugs they have been using. The general pattern is that alcohol abuse far exceeds these other drugs. But I do not think it is an either/or situation.

It is quite possible in some locations and in some times that you get a combination operating. So someone, for example, who might be a regular steroid user, might behave even worse when they get alcohol on board, or someone who is a regular methamphetamine user and who has become irritable and aggressive might become much more violent when they drink. I do not think you can simply rule those out as factors in some locations but if you ask me what I think is the bigger driver and where we get the biggest leverage over the problem, it would still be alcohol.

**Mr GUY ZANGARI:** Professor Weatherburn, good morning and thank you for coming in this morning. I would like to ask a couple of short questions first and tie them into a broader question. First of all, regarding the average age of those who commit assaults and the proportionality of male to female, can you enlighten me regarding the average age of the people who are committing these assaults?



**Dr WEATHERBURN:** Not right at the moment. They would all be young, so that means they are probably between 17 and 25 to 29. I can get the exact average age for you, if you like. I imagine the vast bulk of them are males but there would be a fair number of women as well.

**Mr GUY ZANGARI:** Following on from that, we seem to have a drinking culture within the Australian wider community with people having a night out, whether they are 18 or 19 up to 29. Do you see that systemically across our country, particularly in New South Wales, we need to change this perception with alcohol? Does it start at home; do we need more work to be done in schools or is a broader approach needed across the community because of the drinking culture we have as a country?

**Dr WEATHERBURN:** I think the problem is that we have a drinking violence culture. There are plenty of countries in Europe where drinking is an ingrained feature of social life, but which do not seem to have anywhere near the levels of violence. It is the combination of taking a benign or tolerant attitude towards violent behaviour on the one hand and heavy drinking on the other. Absolutely, I think it is a cultural problem and I would certainly start young in terms of educating people about alcohol abuse and the inappropriateness of violence. That really needs to take place. From a government's point of view, you get your leverage where you can, so you need short-term strategies as well as long-term strategies, if that answers your question.

**Mr GUY ZANGARI:** Do you think then that our schools, whether they are primary schools or secondary schools, are doing enough with the integration of particular health issues and alcohol-related issues within their curriculums?

**Dr WEATHERBURN:** To be honest with you, although I have just had two kids finish school, I am not really aware of how much is being done within the school environment. Certainly the schools my kids attended had that brought home to them but I would not claim to know enough about school-based education on substance abuse to make an informed judgement.

**Mr CHRIS SPENCE:** Are you aware of any changes in reports of domestic assault since the introduction of these changes?

**Dr WEATHERBURN:** No. As a matter of fact, domestic assault has not changed. It is a source of concern that there has been some progress made in relation to non-domestic assault but none in relation to domestic assault. What makes this especially concerning is that the incidence of domestic assault, even the most serious forms of it, for example, assaults occasioning grievous bodily harm, which would almost always be reported, rose quite rapidly in the late 1990s and have stayed up since that point in time. So it is an area where there is a great deal of scope for improvement.

**Mr CHRIS SPENCE:** Do you have the statistics on that that you could perhaps submit?

**Dr WEATHERBURN:** Absolutely.

**Mr CHRIS SPENCE:** Thank you.

**CHAIR:** If patronage has fallen inside licensed venues which may or may not result in assault, we are also very interested if it has now become a domestic violence issue.

**Dr WEATHERBURN:** Yes.

**CHAIR:** You would no doubt be interested in the same question.

**Dr WEATHERBURN:** I think it is a very good point. There is another dimension to the displacement issue that needs to be considered too, which is whether or not the timing of the assaults is occurring earlier in the evening if people are not travelling into the inner city to drink. So I think we will be looking at the timing and we will be looking at the domestic assault issue, and I welcome any other suggestions for issues we might not have thought of that you think bear attention.

**CHAIR:** I am sure you have thought of the 10 o'clock closure of bottle shops?

**Dr WEATHERBURN:** Yes.

**CHAIR:** We are really keen to see where sales are occurring earlier whether or not domestic violence has changed.

**Dr WEATHERBURN:** If we had sales data that would be wonderful. But, as you know in New South Wales, as far as I know, we do not have sales data on alcohol.

**CHAIR:** We will with the Sydney one.

**Dr WEATHERBURN:** Okay. We do not have that data, but I will certainly be as interested as you in finding out what happens to it.

**Mr NICK LALICH:** Following on from Mr Zangari's questions regarding European countries having higher per capita alcohol consumption but not our violence, we also have driving habits. In some of the Asian countries we see the way almost every driver is beeping their horn and running up within an inch of the car in front but they do not jump out and thump the other bloke like we seem to do here. Why is that? Is it to do with education? Do you have any idea?

**Dr WEATHERBURN:** I have no idea.

**Mr NICK LALICH:** Do you have any suggestion as to why that happens over there but not here?

**Dr WEATHERBURN:** I would love to know.

**Mr NICK LALICH:** Is it the weather or our climate? Maybe there is something in our water?

**Dr WEATHERBURN:** I can only verify that, having not so long ago come back from Thailand and seen the happy tooting that goes on, but I have no explanation for that at all. I will leave that to the psychologists and anthropologists to sort out.

**Mr NICK LALICH:** The Committee is aware of media reports of underground rave parties. Do you have any figures or understanding of private rave parties going on in industrial areas where they hire out a unit?

**Dr WEATHERBURN:** No, I have not heard that.

**CHAIR:** We would be interested in whether or not the displacement effect has generated organisers renting a warehouse and conducting these events?

**Dr WEATHERBURN:** There is no doubt we have a problem with amphetamine use but I do not know if this is what is occurring at rave parties or not. I have not heard of this before.

**CHAIR:** Do you have any evidence relating to trends on assaults on police?

**Dr WEATHERBURN:** We certainly do. In the last quarter we have seen a significant increase in assaults on police. I do not know whether we will see the same sort of increase continuing but having spoken to the police about the increase in assaults on police, I think they are of the view it is a by-product of more aggressive enforcement of liquor licensing laws and policing of disorder in the Kings Cross area and that sort of thing. But there has certainly been an increase in reported assaults on police over the last few years.

**CHAIR:** Once again, we would want to know if it is as you have just said or a displacement effect.

**Dr WEATHERBURN:** They may have interesting views about that. I did speak to them when we released the last quarter's crime statistics and the view I received from them was that they were becoming much more assertive in responding to evidence of disorder and unruly behaviour and this was a consequence of it. But I will stand corrected if that is not the testimony they give. That is my understanding of it.

**Mr CHRIS SPENCE:** What is your understanding of data relating to the relationship between outlet density and alcohol-related assaults?

**Dr WEATHERBURN:** There is very good evidence that as you increase the density of liquor outlets you increase the size of your assault problem but the relationship, as I understand it, is not linear. What I mean by that is that when you get past a certain point, the increases become much more marked. This is as I understand it. I need to check this, but there is no question at all about the relationship; it is the form of the relationship, whether equal increments in density produce equal increments in the size of the assault problem. As I say, my understanding is that it is not linear; you get an increase, it levels off and then accelerates past a certain point. I will take that on notice and then come back to you.

**Mr CHRIS SPENCE:** Sure.

**CHAIR:** With the licence freeze of course it must add a distortion within the Sydney area versus the rest of the State?

**Dr WEATHERBURN:** That is right. I am drawing here not only on New South Wales evidence but on other evidence conducted both elsewhere in Australia and overseas as well. All of these things clearly involve a trade-off of legitimate public interest on the one hand—legitimate public interest in safety—and on the other hand the legitimate public interest in being able to drink responsibly. That, of course, is the difficulty that the Government faces.

**Mr CHRIS SPENCE:** On map one—and I preface this by saying that I do not mean to panic the fast food industry—but out of interest, and I am assuming this is something that probably has not been done, do you have or would you be able to collect any data in relation to assaults and their proximity to 24-hour food outlets? We have 7-Eleven outlets on every corner that are open 24 hours and McDonald's is open late. Is there any data that would suggest that people congregating in those fast food outlets is a hotspot for some of the outside premises-related violence?

**Dr WEATHERBURN:** We have not looked at the fast food issue. We have looked at the rate of assault at various distances from the nearest licensed premises. In fact, I think we released that in this report here where we actually counted the number of assaults within 20 metres, 50 metres and 100 metres of licensed premises and found a clear relationship and we tried to look at whether you have the same effects looking at non-premises in general, not specifically food outlets. We have not looked at the food outlets issue. I have heard of course people say they have come out of the pub and they are struggling to get access to food and fighting over that.

**Mr CHRIS SPENCE:** As Mr Zangari suggested earlier, the cultural thing we joke about, the kebab after a night out on the town, I was curious about outside premises such as people waiting to get a cheeseburger who then get in a fight. I wonder if there is anything that you could put together that suggests there is any relationship between outlets that are staying open where people congregate to get cigarettes or food?

**Dr WEATHERBURN:** I do not think so, but if you want a quick answer the best thing would be to go onto our website and you can zoom in on individual streets. If you happen to know offhand where those food outlets are you can see. For example, Coogee Bay has fast food outlets straight across the road in Coogee Bay Road and you can see that. I am merely being cautious because we have not specifically looked at the relationship between proximity to fast food outlets and the incidence of assault.

**CHAIR:** This is a similar point and there is no need to give a similar answer but the aspect of transport, access to taxis and so on may have a similar relationship to the fast food issue?

**Dr WEATHERBURN:** There may be and no doubt some would argue the problem is not the absence of transport or the fact there is a shortage of food outlets but the fact that drunk people are standing around. I have not seen any evidence on whether access to ready transport away from licensed premises or drinking spots reduces the incidence of assault. It sounds plausible, but I have not seen any evidence on that at all.

**Mr GUY ZANGARI:** I wanted to ask you a question regarding statistics around alcohol and drug-related violence in the regions of Western Sydney, south-western Sydney, the southern areas of Sydney and the northern beaches. At the moment, on the statistics are the incidences falling, staying the same or increasing? What is happening in the regions at the moment?

**Dr WEATHERBURN:** It is hard to give a general answer to that question. The most general problem is we only have arrests for drug use to go on, and they are not necessarily the most reliable indicator of drug use.

But just looking at it from the vantage point of arrests, the biggest problem we have at the moment is amphetamine use. It is growing and has grown very rapidly. Seizures at the customs border have gone up quite dramatically, and places like Moree, I understand, have significant problems with illegal drug use. That is not to say there are no other drug problems around but in terms of ones that are growing I think there is a fair degree of consensus that amphetamine use, or what are called amphetamine-type substances, because there is a variety of them, is a growing problem. But all of that can be readily ascertained on our website. You can just dial up your area and check the arrest rate for any drug you care to be interested in.

**Mr NICK LALICH:** Just on preloading, they say it is a pretty big problem, although the two deaths that occurred with the one-punch problem happened at 9 or 10 o'clock, so it is not late at night. Young people today go out at 10, 11 or 12 o'clock and one o'clock in the morning. In my day I had to be home by 12 o'clock, otherwise there would be trouble and I would not be allowed to go out again. The preloading problem could be, to some extent, reduced if they had alcohol testing to allow you to go into premises. If you are over a certain level you will not be allowed in the premises. Do you feel that that would control a little bit of preloading for young people who want to go out and say, "I can't overdo it because I won't be able to get into the premises that I want to go to"?

**Dr WEATHERBURN:** It is certainly an intriguing idea. I must say it is tempting to explore it, evaluate it. I do not know what logistical problems there might be in doing that, but it is an interesting thought.

**Mr NICK LALICH:** It would be up to the owner of the restaurant or club or whatever they are going into to tell them—probably not a restaurant problem but more so alcohol-related places.

**Dr WEATHERBURN:** That is right. I suppose many would be reluctant for fear of losing patronage.

**Mr NICK LALICH:** That is better than getting three strikes and you are out.

**Dr WEATHERBURN:** True.

**Mr NICK LALICH:** I know stakeholders will not be happy with some of those suggestions but we have to look at everything in this Committee, look at all the angles.

**Dr WEATHERBURN:** That is certainly an intriguing idea.

**CHAIR:** That exhausts our questions. If there is anything that has crossed your mind during the session this morning and you would like to add anything at this point, otherwise we are concluded.

**Dr WEATHERBURN:** I am finished.

**CHAIR:** Thank you for your attendance. As usual, we are very appreciative.

**(The witness withdrew)**

**(Short adjournment)**

**MICHAEL JOHN FULLER**, Region Commander, Central Metropolitan Region, NSW Police Force, sworn and examined:

**CHAIR:** Before we proceed, do you have any questions concerning the procedural information sent to you in advance in relation to witnesses and the hearing process?

**Mr FULLER:** No questions.

**CHAIR:** I point out to you—although I note that you were here when I did so for the earlier witness—that these proceedings are public hearings and that members of the media are here and may record what you say. Before we get underway with our questions, would you like to make an introductory statement?

**Mr FULLER:** I will make a short one in terms of my involvement. I have been the Region Commander at Central Metropolitan Region for a period of only two months, but over the past 20 years as a commissioned officer or a practitioner I have worked in and out of Kings Cross, Sydney city and the region office and have seen many different changes over those years, including the early 1990s when trading ceased at midnight and Kings Cross was one of the few places that traded past that. So, while I have only been in the region for a few months I still present to you as someone who has a strong operational background in policing in the areas that we are talking about today.

We have not presented a formal statement to you and that is because, as you would be aware, when we talk about data and the release of data, we rely on the previous witness, Dr Weatherburn, for that and there are good reasons for that. At the same time I am happy to talk about whether statistics are up and down from a perspective of the group, but I will caveat that with the fact that that information is used for intelligence and not for evidence, such as Dr Weatherburn releases the information for.

**CHAIR:** A lot of our work will be relating to the evidence, which of course is statistical and statistics based, but we would be interested to have your opinion treated as information rather than a statistic, if you like; your opinion on trends that have been observed, whether they be anecdotal or police information-gathering and so on. We appreciate what you said that the arbitrator of statistics in New South Wales is the Bureau of Crime Statistics and Research, and that has been the case. We do not have any better system than for everybody referencing that one point. We then have a good ability to compare and so on. This does not start anywhere in particular, but I will start with the lockout laws. What is your experience of the effect of the lockout laws introduced in February this year in the Sydney precinct?

**Mr FULLER:** Information, I suppose you would call it anecdotal information, from the three commanders of Kings Cross, Surry Hills, Sydney city and the senior management teams and the troops on the ground that I have spoken to in the last few months is certainly what I would say encouraging. Kings Cross particularly presented challenges. Dr Weatherburn certainly is correct in saying that the summer months are without doubt our challenging months when you talk about broadly alcohol-related crime issues but, nevertheless, there is a feeling on the ground that there is a positive move towards a safer environment across the two precincts, being the Sydney entertainment and the Kings Cross precincts.

**CHAIR:** What did you observe straight after the February measures came into effect? We had some of February, March and then Easter and Anzac Day. We had some important public holidays that usually are quite active periods before we hit winter on 1 June. What did you observe in that period that you could relate to the new lockout laws?

**Mr FULLER:** From the industry perspective there was a high level of compliance with the lockouts, which is a positive from a law enforcement perspective. But what that meant is that post-1.30 a.m. it really gave us an ability to move people on, particularly those who are intoxicated, where in the past they could drift from premises to premises. You might get thrown out of a premises and then walk back down to another location in the city and if you present in a way that you do not seem intoxicated, some of these places are dark, then of course you are just spreading the problem around. Now, we really have drawn a line in the sand: at 1.30 a.m. if you are not in a premise, you may well be getting a hamburger but after that, it is time to go home. When police give you that move on, at least it gives an individual a clear message that it is time to go home.

**CHAIR:** Has there been evidence of large congregations around 1.30 a.m. in public areas?

**Mr FULLER:** Kings Cross is probably unusual in that it is a smaller precinct compared with the Sydney city precinct. So initially there were some numbers. There is still a culture, I guess, from the drinkers that they would turn up and whilst we are aware of the changes, it does not mean the actual punters who turn up in the first instance were aware the 1.30 a.m. lockouts were in place. Initially there were some crowds that we were seeing at the 1.30 a.m. mark but, again, there was a strong police response in putting appropriate police numbers on around those times to ensure that we had the ability to not just manage the new legislation but to manage the volumes of people we saw on the streets at that time.

**CHAIR:** Those increased police numbers were needed in the immediate period, but what is the experience now in applying police numbers, as you call it?

**Mr FULLER:** The three local area commands at this stage are managing the lockouts with their own resources. Summertime we will run additional operations through Vikings funding and other state-wide operations, such as Unite, which is an Australian-wide operation. There are times when we will bring additional troops into the city for events like Mardi Gras and New Year's Eve, but at this stage post March-April, I suppose that first hump at the end of summer, and March can be a busy time for us as well, the commands since then have been managing this within their own resources, which is a positive thing.

**CHAIR:** Within their own resources nonetheless still includes access to additional numbers from within the broader Sydney precinct?

**Mr FULLER:** Absolutely. One of my roles as the region command is to identify those peak times and ensure that we have groups of police in addition to the normal first response through the calls of service to ensure we meet peak times. That October long weekend is generally what we talk about in policing as that starting point to when things start to get busier in the city and that does run through, although there are some peaks and troughs around January with school holidays, et cetera, that busier period until March.

**CHAIR:** Are your resources increased routinely in that period?

**Mr FULLER:** My resources stay static at around 2,500 staff across 14 local area commands, but on top of that, there are additional resources, such as the Public Order and Riot Squad, the Mounted Police, plain clothes, licensing police. They sit on top of that and they will come into the city and assist us in those peak times, not always peak crime times but sometimes peak volume of crowd times.

**CHAIR:** Everybody noticed the police presence in the immediate period, but now people are saying that the police have disappeared, there is no public transport, the taxis are not turning up and so on. What you have just said is that we should not have seen that, we should have seen relatively uniform police presence in Kings Cross and in the Sydney CBD area?

**Mr FULLER:** I think what we need to benchmark here is that there is a difference in the way we police at different times around visibility. In the middle of winter certainly you do not see the peak crowds as you do. It does present different crime challenges to us. At summertime when the peak crowds are on the streets and even school holidays during the daytime we will load more uniform, more visible police into those times. Having a static 24-hour presence in a single location would be just a waste of resources. We base our tasking on crime, calls to service and also on community needs. We just do not willy-nilly roll staff out onto the streets and have them stand on corners. We deploy staff based on evidence and community needs.

**CHAIR:** What is happening in the George Street area, particularly post 11.00 p.m., which was quite a focal point, at least beforehand? I do not know whether 1.30 a.m. relates to previous activity an hour and a half or two before that 1.30 a.m., but could you care to comment about George Street?

**Mr FULLER:** I spoke again with the commander of Sydney city only this morning just to get his feel on the changes. Again, he feels it is encouraging. Whilst it is difficult to talk about loads of people, although Kings Cross feels as though there are fewer people on the streets now around the 1.30 a.m. lockouts, it is more difficult because the Sydney Basin around the Sydney city command is a much larger location. Again, I caveat this with this internal information, but if you compare the lockout period from the end of February to August last year to this year, last year there were 22 what we call grievous bodily harm assaults—which are serious assaults, serious injuries that would put you in hospital with a serious injury—and this year in that period from 24 February to August there were two. So, that is a massive reduction. I agree with everything Professor Weatherburn said in being careful that it is quieter during winter and we do see trends up and down during that

winter-summer cycle. But that is a really interesting statistic and a very positive one to think we have seen a reduction in grievous bodily harm assaults from 22 to 2.

**CHAIR:** Do you think the lockout has had an effect on reducing simply the numbers that have turned up in the precinct as they often did from, I guess, around 10.00 p.m. on, but 11.00 p.m. was the peak time?

**Mr FULLER:** Absolutely. The reason, and I spoke about it in my opening, is that it really stops the shift of the problem from Kings Cross. Then you might walk a couple of hundred metres down to Oxford Street and you get kicked out of Oxford Street and you go to George Street. The reality is that public transport has certain hubs and Central railway station is seen to be that point where they work back to getting kicked out of premises. People who are intoxicated fall into two categories really. At the end of the day they are going to be an offender or a victim of crime. I think it is important. And then we think about people who are impaired. It is not that they are always the offender. Quite often they can be a victim, and that might be the person who puts down their phone or their wallet or their handbag and they are enjoying the night but their levels of intoxication or impairment means that they are more susceptible to becoming a victim of crime.

**CHAIR:** Do you believe there has been a reduction in the level of intoxication in that period of time?

**Mr FULLER:** Can I say, and again it is important that this is a statement on intelligence, not a statement on evidence, that police feel as though there have been encouraging signs in the reduction of intoxication. What also comes with that, because there are stronger powers for that, is that you get a higher level of compliance generally when you have a power to deal with something.

**CHAIR:** Your area covers the area just outside the precinct: Newtown, Pyrmont—

**Mr FULLER:** —Rose Bay, yes.

**CHAIR:** I ask the same question about levels of intoxication, activity, et cetera, from 11.00 p.m. and 1.30 a.m. in those areas outside the boundary.

**Mr FULLER:** Absolutely, and again I caveat this information that Dr Weatherburn is the person who should produce it. But from my perspective as a region commander on an intelligence basis, we have looked at this placement on two levels, one from a crime perspective and one from anecdotal evidence: Are there more people or has there been an increase in calls for service just generally in terms of crime? The answer is that there is no evidence that there is a displacement in terms of crime. Secondly, at this stage, there is no evidence that would suggest that there has been an increase in calls for service from people wanting police for any given crime. There is some evidence that they are seeing some larger crowds, but that is not linked back to intoxication. That is just a feeling of the police on the ground. But, I would caveat that with the fact that we really need transport and those other agencies to provide hard data in terms of are we seeing bigger loads, and the industry itself in providing information around that.

**CHAIR:** You said you have noticed or seen bigger crowds in those locations?

**Mr FULLER:** Some of the police on the ground are saying that but, again, this is just information from police who work the streets every day and every night. They feel as though the crowds are bigger but, again, I will caveat that with the fact that there has not been a proper count done. We have not spoken to transport and we have not spoken to industry to confirm if that data is correct. But there certainly is no displacement in terms of calls for service for police in terms of crime and there is no evidence to suggest that there has been any increase in crimes in any of the areas surrounding the lockout precinct.

**CHAIR:** By what you have just said, I assume you mean in the period, say, from 11.00 p.m. for an hour or two or were you actually answering from 1.30 a.m. on?

**Mr FULLER:** The first check we do is just over a blanket period. My perspective is that it is dangerous to just look at the data from a 1.30 a.m. period to a 3.00 a.m. period because in 2013 the crime that a person may have been a victim or offender of could have happened at 5.00 a.m. There are some dangers in just looking at that in one small timeframe. We have broken it down into the whole period from 24 February to the end of August, and we also looked at those times.

**CHAIR:** We are trying to work out whether visitors who used to arrive in certain locations are now arriving in these other places or whether they are migrating during the evening, and particularly at 1.30 a.m., from the central area to those locations. There are two aspects. As I said, the Committee is very interested in any opinions your officers have conveyed to you. We will see the statistics in due course and Professor Weatherburn will come up with that information, but that could be in six months.

**Mr FULLER:** I agree. Intelligence is important, but we also need to recognise its limitations versus evidence. The information I am providing now is based on intelligence. I again apply the caveat that we will be waiting for Dr Weatherburn's report.

**Mr CHRIS SPENCE:** From a policing perspective, what are the definitions of "intoxicated" and "drunk and disorderly"?

**Mr FULLER:** Intoxication comes back to the level of impairment. I can get the exact definition from the Act. There is no offence related to being drunk and disorderly. There are offences related to being intoxicated on a public premise, failing to quit a licensed premise, and not complying with a move on order if intoxicated. "Drunk and disorderly" is a term that we use generally; it is not a legal term.

**Mr CHRIS SPENCE:** Has there been an increase in fines imposed for being intoxicated in a public place? The legislation provided for fines for offensive language and offensive behaviour. Has there been an increase in fines since the enactment of the new legislation?

**Mr FULLER:** In some areas there has been, but I did not bring the exact data with me. There are two streams. If we have more police on the street looking for specific offences and if intoxication is a community concern, there will be an increase because we are targeting a specific thing. It is important to note that police activity can skew some offence rates if that is our focus. You would see that in relation to enforcement of traffic rules. If we target people using hand-held phones or not wearing seatbelts there will be an increase. That skews the statistics because we are specifically targeting something. To answer the question, yes, we have seen an increase in fines and banning notices, which are part of a new strategy. Again, we are specifically looking at the new legislation and enforcement. The test will be how we manage that in 12 months. That will give us a better idea in terms of whether we created a situation because of our enforcement activity or whether it is a by-product of changes to the legislation.

**CHAIR:** But nonetheless it is an increase.

**Mr FULLER:** That is correct.

**Mr CHRIS SPENCE:** I am interested in the culture. We have imposed a raft of measures on licensed premises, but what could or should be done to bring back personal responsibility? We have a culture of being highly intoxicated, roaming the streets and being violent. Please bear in mind that I support the police 100 per cent. Where are we with regard to convictions in making it clear to people that this behaviour will not be tolerated? It is not only licensed premises that have a part to play; each person has a personal responsibility. What do we do or should we do to reintroduce personal responsibility?

**Mr FULLER:** There have been plenty of philosophical discussions about what changes a culture. Is it legislation? Plenty of people will say that legislation should not be the driver of cultural change and that it should be a result of parenting and education. I believe we need to do a range of things and we need to keep talking about it. I was the corporate spokesperson for alcohol between 2008 and 2010 and I did media every second day almost begging parents to take some responsibility for the way in which they talk about alcohol and how they deal with it at home. They are important things.

However, we also need to send a clear message from government about our expectations with regard to behaviour. The lockouts and the ability to ban people for short or long periods send positive messages to the people who are intoxicated and who want to be violent. Many people who come into the city may well end up intoxicated, but they do not necessarily end up being violent. It is the mystery of the obsession with alcohol and why it leads to violent behaviour. They are challenging questions. From the NSW Police Force perspective, I expect my police officers to be out there enforcing the law. Intoxication is a big issue for the government, but it is also a big issue for the community. It will be a big driver for our resources over the busy summer months.

**CHAIR:** Do you have numbers for short- and long-term banning orders?



**Mr FULLER:** There have been about 350. I will provide the Committee with a breakdown of those figures. We have that data. A majority have been short-term orders, but there have been a couple of long-term bans. They send a strong message that offenders are not welcome in the city if they do not behave.

**CHAIR:** Does your data reveal where the incidents, that led to the banning orders, occurred?

**Mr FULLER:** We will be able to indicate on which street the offences occurred. We can do some geocoding about where they occurred. I certainly can provide that information to the Committee.

**Mr CHRIS SPENCE:** What is your view on extending the lockout area? Alcohol is available outside the Sydney CBD and Kings Cross; it is available across the State. What is your view on restricting it to the central business district versus across the State?

**Mr FULLER:** The Committee raised the issue of density and it is very important. A thematic map of the State would show the central business district burning red. It was important to start this in the city, because the density and the number of people means that there are challenges. There are large groups of people and high levels of intoxication and that causes an increased risk. It may be necessary down the track to contemplate expanding the area, but we need to reach the point where Dr Weatherburn and the police have a strong position in terms of the success of the changes. There would be some risks involved in expanding the area and it might undermine the strategy.

**Mr CHRIS SPENCE:** I am not referring to venues because they have done anything wrong but for discussion's sake. Some venues in Darling Harbour are within the boundary, but The Star casino is across the road and it is open 24 hours a day. Has there been an increase in incidents there? Do you have a view about 24-hour premises being across the road from the exclusion zone?

**Mr FULLER:** We look at that on a daily basis because, once again, it comes down to resourcing. If there were a displacement then I have a minute-by-minute obligation to respond—not only in respect of licensing but also public safety. It is something we look at every day. Police enforcement can create displacement. However, at this stage, if we rely on the intelligence we collect based on crime and information on the ground we are not seeing displacement.

**CHAIR:** When you provide the information about banning orders can you also provide information about both short- and long-term violation orders?

**Mr FULLER:** Yes.

**Mr NICK LALICH:** We have heard from Dr Weatherburn and you that non-domestic violence incidents have declined during the winter break because people stay home out of the cold. Does the incidence of domestic violence increase because people buy alcohol and drink it at home? Is there evidence that domestic violence increases while non-domestic violence decreases during winter?

**Mr FULLER:** Reporting of domestic violence is one of our big issues. We have struggled for years to get victims to report domestic violence. In terms of whole-of-government services, there are many strategies designed to assist victims to come forward involving how they give evidence in court, how we collect evidence for them and how we support them. If the government, the NSW Police Force, NSW Health or other agencies run a big domestic violence campaign, there will be an increase in reporting. That is why we need to be careful—and Dr Weatherburn was clear about this—to remember that one thing does not always lead to another. One plus one does not always equal two when it comes to this type of information. We have to be very careful in the way that we interpret data. We need to look at everything that is happening in that space to see what may or may not be driving the incidence of a particular class of crime. Domestic violence is much like alcohol-related assaults and assaults generally in that we are concerned about them from a policing perspective.

**Mr NICK LALICH:** I have read some of the 113 submissions the Committee has received. Some report that young ladies have left a venue at 1.25 a.m. to make a telephone call or whatever and they find that they cannot re-enter after 1.30 a.m. They might have left their purse and their mates in the venue and they are scared. Have you seen a lot of that or is it an exaggeration?

**Mr FULLER:** The premises are in a difficult situation because at 1.31 a.m. everyone will have a reason for being allowed to re-enter the venue. We cannot possibly write legislation to cover every situation. It is complex. We hope that in those circumstances the security staff would at least find a friend or the patron's property. We hope for a happy outcome and I would like to think that that happens. If a police officer were approached by a young lady in that situation, I would like to think that the officer would assist in retrieving her property and/or getting her home safely on public transport. It is a possibility and it will be a challenge for the premises. There will always be a person with a reason to re-enter a premises at 1.31 a.m.

**Mr NICK LALICH:** They could have a happy face stamp like we did in the old days.

**Mr FULLER:** Yes, but that is difficult from a policing and a law enforcement perspective and from the Office of Liquor, Gaming and Racing's perspective. If we are looking at breaches, we need to be strong in terms of maintaining that the lockout begins at 1.30 a.m. Education is part of that. When people are about to walk out at 1.29 a.m. they should be reminded that they cannot re-enter the venue. That is part of the plan of management. We can certainly look at that. If a number of people are in that situation, we can work with industry and venues to ensure that security staff speak to them when they exit the venue after 1.15 a.m. Education will always be a key in solving these issues.

**Mr NICK LALICH:** The Committee went to Victoria about five or six weeks ago and met with three different authorities. I got the most information from the six Victoria Police officers to whom we spoke. They believe that their greatest weapon in reducing violence is the huge number of very high-tech CCTV cameras throughout the city and the fact that on Friday and Saturday nights they have an extra 200 police officers on duty. If a guy in an orange hoody is recorded being violent they can scan all the cameras and identify him. Have you considered that approach?

**Mr FULLER:** Absolutely. We have had closed-circuit television [CCTV] in numbers through the City of Sydney council for many years. I chair a committee between the Darling Harbour Foreshore Authority, the Opera House and the City of Sydney council. We have regular meetings in terms of ensuring that the cameras across those three areas are as seamless as possible and that we share information and intelligence around public safety. I certainly agree that the cameras have been an important tool in terms of stopping crime from happening but more so in assisting in solving crimes. When someone is impaired by intoxication or drugs, they are probably not going to worry about a camera but it helps us to move much more quickly in terms of arresting the individual.

**Mr NICK LALICH:** Melbourne monitors cameras 24/7 and I think City of Sydney also monitors 24/7. Do you believe in monitoring 24/7? We know that there are massive costs in monitoring the cameras. Do you feel that reducing that time to, say, 12 hours or less is worthwhile or would you not suggest that?

**Mr FULLER:** From my perspective, in what is the biggest city in Australia, I would not want to see a reduction in cameras or in the times that they are monitored, for a whole range of reasons.

**Mr CHRIS SPENCE:** How many cameras do you have currently?

**Mr FULLER:** When I say that, obviously the Police do not have any of the cameras.

**Mr CHRIS SPENCE:** Yes, access to them.

**Mr FULLER:** We are more of a customer. But between those three areas and when you add the Roads and Maritime Services there are hundreds and hundreds of cameras.

**CHAIR:** Do we have enough?

**Mr FULLER:** From a selfish, law enforcement perspective, where we do not have to pay for it, of course one would always like more. However, in terms of the relationship between those people and, particularly when big operations are on, those different organisations—some government, some not—we are more together in terms of what I think is providing a safe platform around CCTV as a part of the pilot to reach public safety.

**Mr NICK LALICH:** Who do you think should pay for that? Do you think the NSW Police Force, State government, Attorney General and Justice or the local chamber of commerce?

**Mr FULLER:** It is a challenge, but from our perspective as a customer, we would not want to pay for it. It is a challenge. Places like Singapore have over 100,000 cameras that are monitored and there are States in America where they are anti-CCTV. It is an important strategy but, nevertheless, I acknowledge that it is not a cheap model either.

**CHAIR:** In the map that we saw earlier it is clear that Kings Cross and George Street are the large red dot areas. Do you feel that we have adequate CCTV in those hotspot areas or potential areas?

**Mr FULLER:** Yes, I do. Again, we need to be mindful that there are limitations and that people who are impaired probably will not care about the cameras. But it will certainly help us to respond much more quickly to crimes. The camera operators are very good at picking out people. They see these people every night walking down the street where they bump someone and then they bump another person. The operators know that there is going to be a fight and we respond to those extremely quickly.

**CHAIR:** I am sure you will answer "yes" to this, but one awful worry, we still have, is that there will be some area not covered. In Kings Cross we saw that the licensed venues coverage stopped where their jurisdiction stopped, then there was a gap and then the next licensed venue. It was, in fact, in one of those areas where the Thomas Kelly incident occurred. Do you think they have now been covered? I suppose I am only focusing on the Kings Cross and George Street areas but perhaps there are a couple of other areas that need to have every inch of the journey covered—even though I know there will still be laneways and other areas one cannot cover. Do you feel we have all the right areas fully covered?

**Mr FULLER:** What I feel is that any time I or my predecessor has raised with the Darling Harbour Foreshore Authority or the Opera House or the City of Sydney that we feel, on an evidence base, that we need a camera in a certain place, they are sympathetic to us and they do it. Can we cover every situation, every dark corner? No, we cannot, but that does not mean from an investigative strategy that we do not look at ATMs or CCTV in shops. There is a whole range of other ways that information is recorded, not just by government but by business as well. We try to map that in the best way possible so that as an investigative strategy we will not just look to see if there is CCTV, we will canvas shops and ATMs. You would be surprised across Sydney and other built-up shopping centres—we will call it CCTV—how much is filmed.

**CHAIR:** From your evidence it is not warranted. My next question is about the CCTV coverage of new towns and places such as Pymont. From what you said earlier, you would feel that there is no need now to increase the coverage to the level of that in the Kings Cross area?

**Mr FULLER:** I really feel it has to be evidence-based. Some councils have gone down that road: to monitor and film 24/7. Not every community runs 24/7. There are plenty of vibrant shopping centres and entertainment areas that post-midnight there is not a need from the community's perspective for them to be on. There is not a drive there for people to be in that area 24/7. So I think CCTV is an important tool, but it also should not be overstated in terms of being some silver bullet to fix an issue.

**Mr GUY ZANGARI:** Good morning, Assistant Commissioner. My line of questioning is around what the regional command is doing with the youth liaison officers in their partnership with local community groups, local schools and the Police Citizens Youth Clubs [PCYC] in addressing alcohol-fuelled violence and in education? Is there a broader strategy across the region under your command that is happening at the moment? Are there strengths, weaknesses and areas for improvement across the board with youth?

**Mr FULLER:** In terms of that issue, we run operations whereby we will identify juveniles and we will bring them back to the police station, particularly those who are vulnerable or intoxicated. We will call their parents and do some youth conferencing around those issues. If there needs to be a referral, because we think there are risks, we will make those referrals. It is a challenging social issue. The youth liaison officers provide a wonderful support and when one links them with the PCYC and the work we do with the Public Schools Principals Forum, we are doing a lot of heavy lifting in that area.

At the same time, you will always be disappointed because if you pick up ten or 12 children in these situations, there will always be some parents who will not come and pick their children up. I think that is the challenge, in terms of you cannot legislate for people to be good parents. It is about how do we get to a position where parents are as concerned about their children as law enforcement, health and other agencies are? I wish I had the answer to that question. All we can do, from our perspective, is to continue to engage when we can,

identify children at risk, and try to work in the best way possible, from either a community perspective or an individual perspective.

**Mr GUY ZANGARI:** There is an overall strategy that obviously you are working on and, of course, there is no real answer in relation to parenting. In relation to police liaising with parents and the general feeling from parents about discussing things with their children, how do police find parents react in your region when children or young offenders have gone out and done what they have with alcohol?

**Mr FULLER:** It is a mix. Parents obviously turn up at one or two o'clock in the morning, so they are not particularly happy and you can understand that. Some of that is against the children and some of it is just about the situation. From a police perspective there is a real mix of parental support in relation to what you would like to see. There are times when we are disappointed and there are other times when parents are horrified and you certainly can see that what the parent will put in place will be a lot better than what government could do. That is what we would like to see in every situation, that the fear the child has about what the parent is going to do is greater than that of government action. That is the area we need to head to.

**CHAIR:** Assistant Commissioner, in the general area now of the causes—alcohol or non-alcohol—some stakeholders have been fairly critical of the focus on alcohol in causing violence and they have suggested that other drugs play a role as well. Some have suggested that drugs play a greater role but in any case a more significant role than is currently recognised. Would you have a view on that?

**Mr FULLER:** You would have to say, from a usage perspective, that alcohol is broadly used in a much higher percentage than drugs, although drugs are always a concern. For my generation, after midnight, most places were closed and you would go home. I think that parents need to be aware that if their young adult is going out at 12 o'clock at night and staying awake until six in the morning and they are doing that every Friday and Saturday night and still functioning and going to work, they would have to be suspicious that alcohol is only a part of the problem. The complexity that arises in relation to this is that alcohol is certainly easier to detect because there is a real smell that goes with that.

However, with drugs, whilst you can see impairment, there are no real smells that come with drug use other than cannabis. So it can be challenging from a police perspective. It is not just a visual observation. We also talk to the individual and ask them, "How many drinks have you had tonight and have you had drugs tonight?" You would be surprised at the honesty in terms of that. When we ask whether alcohol or drugs are an associated factor, sometimes that is visual when it comes to alcohol but in most cases it will come from either speaking to the individual or to people who are with the individual. Again, it is not an evidence tool, it is an intelligence tool.

**CHAIR:** Do you feel that we are hampered by the inability to gather information, both from the victim and the assailant, relating to any alcohol or drugs that might be in their system—in other words, testing?

**Mr FULLER:** I am sure it will be a great civil liberties, civil rights debate around whether we should have the ability to test people for drugs. From a purely utilitarian perspective it would certainly make our life easier if we could test in certain cases. But that is taking a fairly flat view of the world, in terms of future powers. Nevertheless, it is challenging to work out, in some cases, whether people are impaired by alcohol, drugs or a mix of those.

**CHAIR:** What would be your view of the ability of police to test for alcohol and/or drugs, particularly of people or assailants they may have just arrested?

**Mr FULLER:** As you are aware, in terms of transport, if you drive a vehicle and we think you are impaired we have the power to take tests. It is not a simple thing, it is a complex swab and that swab goes away and gets tested. I think it would have to be managed against the more serious type of offences. I think whenever you get to a point where you are taking intelligence to evidence, from the perspective of a committee like yours you can be much surer in terms of where we have been and where we are going. That is the distinction we need to continue to draw around the information we are presenting to you: Is it intelligence, which is very important, but is it evidence at the same time? Does it get to that test?

**CHAIR:** If you have just arrested somebody who has inflicted very serious assault, would you not imagine that alcohol and drug testing would be a good way to gain of evidence?

**Mr FULLER:** Only in saying, at the moment, if it is not an aggravation to the offence. If you commit a robbery and have a firearm, that is an aggravation to the offence. So it is important that we have the evidence of the firearm. Knowing if they had drugs or alcohol in their system would no doubt be of assistance through the judicial process but it would only be important if drugs or alcohol made it an aggravating factor and therefore made the offence more serious. Otherwise, it is only an intelligence tool. Then the question is that testing for drugs and alcohol is labour intensive and expensive and, for an intelligence tool, is it going to take the Committee or public safety that one step further? We already know that we have a problem with alcohol and drugs, so I guess I question where we are going with this concept of testing for drugs and alcohol.

**CHAIR:** From a policy perspective, leaving aside evidence and court cases and so on, it would be useful to know whether we are dealing with alcohol-fuelled violence, drug-fuelled violence, or not. Every random punch is described—at least in the public record—as being alcohol-fuelled violence. From a policy perspective, it is pretty important and probably the only way to find out is to test whether or not the person was affected by one or other of those substances.

**Mr FULLER:** From an evidence perspective, yes, but from an intelligence perspective I say again: We do ask questions, we make observations and we conclude whether it was alcohol or drug related from intelligence we take from the scene, victims, offenders and others with them. I do not want the Committee thinking that we collect the information on a whim in terms of the associated factor being alcohol or drugs. We go through a process where we ask questions and collect information before we tick that box.

**CHAIR:** How would you deal with a situation where, for example, there is a serious assault at 9 or 10 p.m. where the victim is taken to hospital and the police apprehend the assailant? The assailant may not appear to have been affected by alcohol, but when the police ask questions that person says, "I had six beers; the last one was six hours ago". How would the police deal with whether or not the person indeed was alcohol affected? Would that go down as an alcohol affectation, given that it was some alcohol six hours ago? Would there be any question of drugs raised?

**Mr FULLER:** In answer to the first question, if there were a level of impairment—and we deal with intoxicated people every day and night, so police become very good at working out if someone is impaired—there are questions you ask and a whole range of things that go with that. Someone just saying that they had only six drinks six hours ago when they are clearly impaired, stumbling and smell of alcohol, then I would expect the police to tick the box that alcohol is an associated factor.

**CHAIR:** But no testing?

**Mr FULLER:** Unless it was an offence in relation to driving or there is a specific piece of legislation that gives us the power to breath test or take blood for alcohol and drug testing.

**CHAIR:** Do you feel that it would be useful for the police to have the power, not necessarily a compulsory power for every case but to have the power to do so?

**Mr FULLER:** Where there needs to be a link is if you seriously assault someone and you are affected by drugs it should be an aggravating factor that means it is a more serious offence. We spoke earlier about how we bring about cultural change in relation to alcohol and drugs. Strong legislation will have to play a part in that. At the moment we have power to arrest people who have personal amounts of drugs in their possession and we have the power to arrest people who have indictable quantities, which we consider are supply quantities. It is about how we drive cultural change in terms of how the law and drugs interact outside of those two specific pieces of power we have.

**CHAIR:** Do the police have the ability to note when they think that a person might be affected by long-term use of drugs such as body building steroids and so on, quite apart from what might have been in the immediate period before the assault?

**Mr FULLER:** Could you repeat the question please?

**CHAIR:** You have stated that police are experienced at identifying whether someone is affected by alcohol and so on. What about someone who might arrive in the CBD with an attitude that may be related to significant use of body building substances?

**Mr FULLER:** Something like that would normally be on an admission. There might be an observation that the individual was particularly muscular or well-built in the event, but in terms of drawing a conclusion that he was muscly therefore he is on steroids as an associated factor, it would be highly unlikely that would happen. It may be an observation within the event that again becomes an intelligence tool, not an evidence tool.

**CHAIR:** Have you noticed the police record that this person may well be influenced by body building drugs and has committed an assault with that, alcohol or whatever else in the background?

**Mr FULLER:** We have not seen an increase in the way that is recorded and that could be very challenging to do without some sort of formal testing.

**CHAIR:** The only thing that is recorded is whether they appear to be affected by alcohol and/or have admitted it?

**Mr FULLER:** And/or they make admissions in terms of drug use. People who are impaired will often make admissions. The reason they are not charged is that those admissions are not admissible in evidence, but they become an intelligence tool in terms of how we do our future business.

**Mr CHRIS SPENCE:** Is there any reporting obligation on hospitals as to victims coming in from assaults and so on?

**Mr FULLER:** Not to my knowledge. There are meetings that occur between Health, the NSW Police Force and other agencies where some information is shared, but I do not know of any legislative or internal policy obligation to collect certain data. I have heard Health comes out and talks about some issues, but I am not aware.

**Mr CHRIS SPENCE:** Are there any reporting obligations on a hospital in relation to suspected domestic violence or with respect to someone who comes in with head trauma from an assault? Is there any reporting obligation back to police that we have had someone arrive with these injuries from this suspected location or incident?

**Mr FULLER:** It does occur, but I am unsure of the obligations. I can look into that and report back to the Committee if there is a formal MOU [memorandum of understanding] between law enforcement and health, but that does occur quite often.

**Mr CHRIS SPENCE:** From a cultural perspective, I note the Police Association submission talks about a number of assaults on police officers. In your opinion what do we do or could we do to bring back a level of respect? I would hope that if an officer was sworn at or assaulted in any way it is mandatory to take action on that and fine someone. Quite often you see programs such as *A Current Affair* and *Today Tonight* where police officers are abused and those people then just go. What can be done in that respect? Do we increase that respect through fear with legislation and compulsory fines, or combine it with education? In your opinion what can we do to improve that situation?

**Mr FULLER:** It is complex and it is real. The issue of respect is not just about law enforcement. If you look at train guards, bus drivers and a whole range of different people who provide an important service they are at times themselves victims of crime. I wish I had a strategy around respect. Legislation is an important part. There needs to be a clear position from Government in terms of expectations. It is difficult to legislate to have more respect for people who provide support for the community. A clear message that it will not be tolerated is important. When I go to police stations I brief my troops that if someone is offensive, if someone spits or does anything towards you, you lock them up.

**Mr CHRIS SPENCE:** Good. I have to word this question very carefully: There is a lot in these submissions about the reporting obligations of licensed premises and the three strikes policy that Mr Lalich referred to earlier. I hesitate to bring him into this, but recently there was an incident at the Golden Sheaf Hotel where the *X Factor* judge was glassed by a "jealous" patron that was at the premises. Is it fair for that to go as a strike against the venue? What part did the venue play in that incident occurring?

**Mr FULLER:** From a law enforcement perspective I do not want to talk specifically about that case. Let us notionally talk about an issue where a person is assaulted on the premises. The police investigation will

look at that individual issue and ask whether the offender was intoxicated. If they were intoxicated, then the premises has failed in terms of not monitoring the levels of intoxication of that individual. They should have been asked to leave some time earlier and/or they should have been refused service. We look at the intoxication levels of the victim, and I am not talking about a specific case, but broadly.

If it was a glassing, then we would go back and see how many similar type of offences—and they are serious offences—have they had in a certain time frame. From a law enforcement perspective we do not take the headline and take action, we pull it apart. If there were a level of intoxication that was unacceptable by the victim or offender I would argue that the premises had some role in that and there should be some liability. I do agree with the personal responsibility notion and therefore the individual themselves should never walk free from a criminal charge or fine.

**Mr CHRIS SPENCE:** Concerning the criminal walking free, it has been suggested that there are incidents that occur where somebody is alleged to have assaulted someone on premises or near premises and security does not have the power to detain a person like the police do. Do you suggest that security be given further powers to detain people suspected of assault so the perpetrators are then caught, convicted and brought to justice?

**Mr FULLER:** You talk about powers, if there were an assault on premises and there is clearly one person assaulting any person, any civilian has the right to detain that person.

**Mr CHRIS SPENCE:** I understand.

**Mr FULLER:** In those cases we are in a good place. Professor Wetherburn spoke about overseas experiences. North America and Europe have complex law enforcement arrangements and I hope we never go down that road. The wonderful thing in New South Wales is that there is one key law enforcement for local issues and one key law enforcement for Federal issues. I promise that is a much better world in terms of bringing about any change you want in government. I would always say the first point of call should be the NSW Police Force. Do they have the appropriate powers to solve this particular problem? I would not want to go to a point in time where we have these other law enforcement bodies.

**Mr CHRIS SPENCE:** What is your opinion on the results of the Newcastle model? Do you think it is something just as easily transferred to other regions or was it specific to Newcastle? From a policing perspective, what is your view?

**Mr FULLER:** The important part of the Newcastle model is that the evidence around alcohol-related crime and late-night trading was so clear that something needed to happen. There needs to be evidence to move to that step because lockout is a significant piece of legislation. I do not think we should think about it as anything other than an evidence-based rollout if necessary. Newcastle needed that. I was watching it closely as a commander in the city and in terms of public safety I think that was a big victory. Where we go next must be evidence based and there must be a real need in terms of public safety.

**Mr CHRIS SPENCE:** Do you think we could transfer the Newcastle model elsewhere?

**Mr FULLER:** You have to remember that Newcastle is different to Parramatta and other big areas. Newcastle is isolated, a little like Wollongong. They are big towns, but I think it is important to realise you could not pick up the Newcastle model and put it at Penrith or Parramatta, which are accessible to hundreds of thousands of people from an entertainment perspective; there are some dangers in that. Nevertheless, what I saw and read about the Newcastle lockout system was a positive outcome for public safety.

**Mr CHRIS SPENCE:** With the Newcastle system they introduced the compulsory ID scanners at each venue and each premise is linked to the other. If an individual was removed from one premise and told they are not coming back in they can put that on their system and it shows up at each of the other clubs that the person has been ejected from premises and is not allowed into other premise for the remainder of that evening. From a policing perspective how have you found that? Is that something you would think could be used in the CBD model?

**Mr FULLER:** Kings Cross has a similar model in place in terms of the ID scanners and from a policing perspective we see that as a positive. I will caveat my comment by saying it is not evidence, but at the same time we have seen a reduction in theft on premises. I do not have the percentage on me, but it is a marked

improvement and that is not seasonal. We need to be clear in terms of what is driving that. From an intelligence perspective we would say that one of the victories in the ID scanners is a flow-on reduction in theft of people's phones, handbags and other things that can occur in these premises. As I stated earlier, intoxication doesn't always link to an offender but can equally link to a victim.

**Mr CHRIS SPENCE:** Purely an opinion and random, what do you think about the drinking age? There have been some suggestions that it should be moved to, say, 21? From a policing perspective would you have an opinion on that?

**Mr FULLER:** I think we should not shut the door on anything. You are talking about the lockouts but you are also talking about what is our philosophical position in terms of our drinking culture? In terms of the second part about how do we face and deal with the challenging drinking culture in Australia and then bring that back to New South Wales, I do not think the Committee should shut out any idea in terms of the possibility.

**CHAIR:** What is it about the scanners in Kings Cross that makes you say they are working well? I know you said there has been a reduction in theft in those premises, but in terms of enforcing banning orders and so on, and I know we have not had a long period, how is it playing out?

**Mr FULLER:** If you are a career criminal then you will look for CCTV, you will look for opportunities to mitigate being caught, and with scanning and licences, and taking photographs anyone who is a criminal will steer away from those types of premises. Purely from a policing perspective, it is a little bit like the CCTV in that they will stop some crimes, but they will also help us identify who the offenders are. So they are an important tool. Any time evidence is collected by a third party that police can tap into is a positive in terms of public safety.

**CHAIR:** Is there any information yet of potential entries into those premises that have been detected and therefore denied?

**Mr FULLER:** Yes, there is and I will try to capture that for you when I give you the information in terms of the long-term and short-term banning notices.

**CHAIR:** There is one big difference, of course, that Kings Cross has them in 35 venues compared with Newcastle where there were five that voluntarily agreed to do it amongst themselves. The thing about Kings Cross is that it was legislated compulsorily that these venues adopt the scanners. So it would be hard to imagine that all 35 of them would not have voluntarily agreed to do it.

**Mr FULLER:** I agree. I do not have costs, but I have read the paper; it is an expensive tool, it is not cheap, and then there are information around privacy. It is not without its complications but, nevertheless, putting all that aside, from a purely policing perspective it certainly has been a positive tool.

**CHAIR:** In the detections that have occurred—I guess we cannot be too good on the statistics with this one—where the existence of scanners has prevented even an attempted entry, with the knowledge of the venues that have them, would you see that there is a greater applicability beyond the 35 in Kings Cross?

**Mr FULLER:** If resourcing and finances were not an issue and it was easily rolled out—much like CCTV, it is expensive and it is not without its challenges in terms of implementation and monitoring it—it is a positive tool.

**CHAIR:** I think I can almost answer that back to you that the major cost now is established; adding a thirty-sixth venue would only be a marginal cost of adding them to the system. The tenderer was required to offer a system that could be expanded.

**Mr FULLER:** Again, from a public safety perspective, there is not a negative position versus the scanners.

**CHAIR:** Have you heard anything from those venues—any complaints or any comments from the venues themselves about having to operate these things, apart from the cost, of course?

**Mr FULLER:** I will ask the question of the three commanders and I will include that information in terms of my response to you.



**CHAIR:** Also, just generally in that area, I would be interested to know how the move-on powers are going, and how is the change in the move-on powers that occurred back a little bit playing out now?

**Mr FULLER:** Again, certainly positive, that they are being used, which is important from my perspective in that when new laws are enacted police are out there and they are using them. From an operational practitioner's point of view there are no complaints. It is likely to put police in a position where they are more likely to be assaulted or injured, but that is a part of briefing police properly in terms of that personal safety versus operational needs. But when you are coming up against intoxicated people, whether it be steroids or they could have lost money in the poker machines, they have a certain level of aggression that will always put law enforcement at risk.

**CHAIR:** Has there been evidence of breaching of those move-on orders?

**Mr FULLER:** Yes, there is and I can get that data for you. I apologise, I do not have the specific data in terms of when people have not complied with that lawful direction.

**CHAIR:** The move-on order lasts how long? When you move on somebody is it four hours, six hours—

**Mr FULLER:** It is a period of four hours, but I will double-check the exact time frame.

**CHAIR:** So any breaches that occurred would be in that period?

**Mr FULLER:** Correct.

**CHAIR:** You are not referring to them turning up again tomorrow and they had to be told again?

**Mr FULLER:** No, that is only the banning notice in terms of a specific longer time frame, and then if you breach that banning notice of course there is the more lengthy—

**Mr NICK LALICH:** We talk about cameras and police numbers, do you find that in places like laneways there are patches where there is darkness and that we could improve the street lighting throughout our cities?

**Mr FULLER:** There is a plan of management group that comes together that is now run by the AGs. I was reading the minutes of all of those meetings and one of the key considerations continually is improving the ambient lighting of the area. It is a consideration that the group leave as a standing agenda item. Again, in terms of requests made to improve lighting, the council has never refused any of those since my time. I think it is important that the plan of management group continue to look at ambient lighting. That is being addressed, which I think is a positive.

**Mr NICK LALICH:** To follow on from that, do you or the police department as a whole have any further suggestions or ideas about how we can reduce drug and alcohol violence? Do you have any other ideas that we have not spoken about today?

**Mr FULLER:** The challenge is that alcohol is an easy discussion to have; it is clearly legislated in terms of when it is lawful and when it is not, and whilst we do have an over-drinking culture, it is easier to regulate in that manner. Drugs are a real hidden one. I have been involved in meetings and panels where good parents have kids who get involved in drugs and nobody knew. There are some people who are sympathetic to drug use in the community and they do not have a smiley-face stamp on their wrist. But I think the real challenge is how do we as a community come forward and say that we do not accept drug use, but, at the same time, the information that a person would have been spoken to would say that drug use amongst people in New South Wales is a real concern.

In the NSW Police Force we test for drugs. If you are a train driver, you get tested for drugs. If you are a pilot you get tested for drugs, and that brings around cultural change. How do we get that in the community? The way we think about drugs and the way that workplaces deal with drugs, I think, has to change, because there could well be someone sitting in this room who is a drug user today and they are sitting here agreeing with us about what this big problem is, but on the weekends they will use cocaine or amphetamine—unfortunately,

there is no smiley stamp. It will continue to be a challenge for us that having an offence in relation to possess or supply drugs is particularly helpful for law enforcement, but it is clearly not bringing the cultural change that the Committee is looking at.

**CHAIR:** Can I ask you about liquor stores and the rule that came in in February about 10.00 p.m.? Looking at the Sydney CBD precinct, I do not think there are large liquor store outlets in there like the big chain stores and so on—there might be one, but I cannot think of one. I am wondering what observations you may have made in relation to that 10.00 p.m. closure of liquor stores either within or beyond, because it applies beyond, whether or not stockpiling and/or pre-fuelling is still just as prevalent, but they are doing it much smarter because of the 10.00 p.m. closure and are they are arriving in Sydney pre-fuelled from having stockpiled or having done so earlier.

**Mr FULLER:** The easy part of the question is the pre-fuelling. Alcohol in the city for a younger person would be expensive, so pre-fuelling is a challenge. But the way we fight pre-fuelling is through the industry and refusing entry to people at the door who are intoxicated and police then use their powers to move those persons on appropriately and back home safely. In terms of the impact it is having on liquor sales, it is difficult at this stage for me to provide intelligence or evidence in relation to the impact of stockpiling. Whilst our systems do capture a lot of information, for a specific incident to be reported there needs to be a specific box that you tick so you can drill that information. If the Committee has a particular area they want me to look at I can try to data mine that in terms of it, but some of these questions are difficult to answer because we do not capture that specific information. The question we would ask would not be, "Did you go to a bottle shop?" or "Where did you get the alcohol?" It may well be preformatted in the event, but then you would have to read every event to get that information out.

**CHAIR:** I wonder whether it could be observed or not by police that people might be arriving into the Sydney area with substantial quantities of alcohol in the boot of their cars that they purchased prior to 10 o'clock, to access after 1.30 a.m.

**Mr FULLER:** It is a chance, and if the power was just as a 1.30 a.m. lockout and you could just loiter around the city and drink alcohol I would say to you that is a concern. But when you put that in place with the powers to move on and the banning notices, I think there is a good package. Recently we went to council and asked for an increase in alcohol-free zones and, again, that was approved. So I think when you look at that plan of management, they have looked at these issues and said okay, if we are having a problem with the backpackers place and these are the issues we have seen, Sydney City is coming to the party and making those alcohol-free zones.

**CHAIR:** We did have a little bit of a problem in Parkes and those sorts of places. Why it is in my mind is because I remember that we abandoned the idea of on-the-spot fines because all we had to do was go back next morning and pick them all up from the park where they would just be left. There was certainly, prior to the 10.00 p.m. period and/or the 1.30 a.m. lockouts, a prevalence of binge drinking and large quantities of alcohol taken in areas like Parkes—I will call that the public domain. Do you feel with move-on powers, banning orders, the closure at 10 o'clock and/or the lockouts that has decreased in the Sydney CBD area?

**Mr FULLER:** From an intelligence basis, yes it has. I have sat down with the three key commanders, with the senior management teams, I have spoken to the troops and that look and feel in terms of the city and particularly Kings Cross—Kings Cross police are almost amazed in terms of the change in the way the place looks and feels; it is significant. Again, that is the Committee going down talking to uniformed police and that is their information, that is their feeling, on what they see; they are the ones who walk the streets 24/7.

**CHAIR:** Can I now ask you about sobering up centres? How has it played out generally and how has it played out prior to the 1.30 a.m. lockouts and post 1.30 a.m. lockouts?

**Mr FULLER:** I get the returns every Saturday and Sunday morning and read about the numbers that go into them. Even for winter we are seeing five and six people who are taken into the sobering up centre. We talk about how they have to be breath-tested when they go in and they do not have to submit to one when they exit, and most of them have extremely high levels of alcohol in their blood when they go in—around 0.15 and above. The sobering up centre will always be a challenging thing in terms of if one person goes in there; did we save that one person from a one-punch death, either being a victim or an offender? It will be difficult to ever draw a conclusion. If you had a key performance indicator for the sobering up centre other than it provides a platform for safety for people who are intoxicated, I do not know how the Committee is going to draw a nexus

that it has been a success. Certainly we are taking intoxicated people off the street who are in danger of becoming a victim or an offender and we are probably mitigating that risk, but it will always be a challenge to look at the sobering up centre and really say what that has done in isolation.

**CHAIR:** Have the numbers fallen since the 1.30 a.m. lockouts?

**Mr FULLER:** I would say no. I would say, again, summertime will be the real test of that. I know you are probably sick of hearing that, but the reality is that the October long weekend through to March is when we do see bigger numbers of people in the city—the weather is much warmer, volumes are up—it will be the true test. But again, even on some cold Friday and Saturday nights I have seen five or six people entered into the sobering up centre. So that is an indication that people are being taken there with the intent that was put in place.

**CHAIR:** They are taken in there because police have observed intoxication of some sort?

**Mr FULLER:** Impairment to the point where there is risk to the individual, there is no crime and they are taken in there. They blow into a machine and Health is represented in there in terms of the individual safety, and at some point in time they either sober up or a responsible person comes and retrieves them.

**CHAIR:** They are tested only for alcohol?

**Mr FULLER:** That is right.

**CHAIR:** Not drugs?

**Mr FULLER:** There are some premises in the United Kingdom that have voluntarily taken on drug testing people before they enter the premises, and I suppose you talked about Newcastle and people who have come on board with scanners. At the end of the day as the tools improve for testing for drugs, much like random breath testing [RBT], in the near future you will probably be able to swab someone and quickly see if they have an amount of drugs in their system—it is a possibility, again from some information I was reading from the United Kingdom about the strategies they are using there. The United Kingdom has been a leader in the way it has been dealing with alcohol in recent years.

**Mr CHRIS SPENCE:** Are people taken to the sobering up centre fined for being intoxicated in a public place?

**Mr FULLER:** They receive a fine; it is basically a cost-recovery fine, I suppose—whether it is called a fine. It is a cost-recovery ticket. I think it is \$200.

**Mr CHRIS SPENCE:** The Police Association submission says that the enforcement fee for admission has been removed. Why?

**Mr FULLER:** Again, from my perspective, as part of the briefing I get on how many people come in, it is how many of those recovery notices were issued and according to my information they are still being issued. I will take that as a specific question and get back to the Committee.

**Mr CHRIS SPENCE:** Going back to that cultural thing, should we not be looking at increasing fines for those who are taken to the sobering up centre. I understand it is a safe haven and, as you said, we may have prevented them from being either an offender or a victim of an assault, but coming back to personal responsibility, does society take the view it is our responsibility to just pick these people up off the street and look after them or are we putting it back on the people to say, "Hey, this is not acceptable behaviour"?

**Mr FULLER:** If you are asking me, sir, if I have a problem with increasing cost recovery, I have no problem with it, and I think again it sends another clear message to those people that maybe they will think twice next time before they get to that level of intoxication.

**CHAIR:** Do you think it would be appropriate that drug testing also occur at a sobering up centre?

**Mr FULLER:** I would imagine from a health perspective it would be much easier to assess someone if you knew exactly what position they were in.

**CHAIR:** I imagine you have brought in people who tested low alcohol or relatively low that would not necessarily relate to the observations, so it must be something else.

**Mr FULLER:** I have to say I have been looking at that closely and again the majority of people come in high range and above.

**CHAIR:** Alcohol?

**Mr FULLER:** Yes. I have not seen someone come in—and again I have only been looking at the last two months—who is impaired and they are 0.02 or 0.00.

**CHAIR:** Have you any observations about transport, buses, usage thereof, taxis, et cetera?

**Mr FULLER:** I have asked through the plan of management meeting to get Transport to give us some feedback in relation to the buses. I have been talking a lot about intelligence in terms of numbers and really I need to provide information and say, "Here is the actual picture. Transport is saying that bus usage is up or down after 1.30 a.m.". They are questions I have asked of my commanders who attend that plan of management committee and who do tap into Health and Transport. I think it is important, as Professor Weatherburn provides his information based on the broader crime data, that we also have set data in relation to numbers on buses, not just information. Although intelligence is extremely important, we need to really define that down to numbers.

**CHAIR:** I have a question about liquor accords. How are they going and is there a future policy aspect that we need to look at in relation to liquor accords?

**Mr FULLER:** Some are running extremely well and some could improve. The importance of the liquor accord is that it enforces an important relationship and it would be much better that industry employers work together. There are some locations that have already put in place similar lockout strategies, and that is what you want. You want industry and law enforcement to actually come forward and say, "We see a risk here. We are going to put these things in place." I think that police meeting with the industry is important because education is the key in this and I will obviously play a key role in that, but relationships are important and we need to be able to have some sort of trust where we can go into premises and say, "We are concerned that assaults are on the increase. What can we do together to make this a safer venue or make the environment around it safer?" I think they are an important strategy because you do not want to reach a situation where the industry and police are not having any dialogue. That would not assist anyone.

**CHAIR:** That concludes our questions. Thank you very much for appearing before us. You have undertaken to provide some additional information. There may be a question subsequently that we might also ask of you. That will form part of your evidence and therefore be just as publicly available as your verbal evidence here today. Thank you very much and thank you for the way in which you have answered all our questions.

**(The witnesses withdrew)**

**(Short adjournment)**

**ANNE HOBAN**, Director, City Life, City of Sydney, 456 Kent Street, Sydney, and

**KATE O'CONNOR**, Acting Manager, City Business and Safety, City of Sydney, 456 Kent Street, Sydney, affirmed and examined:

**CHAIR:** I welcome you both to the hearing and thank you for appearing today before the Committee to give evidence. You would appreciate that the formality of the swearing and affirmation process is to provide you with parliamentary privilege. Before we proceed, do you have any questions concerning the procedural information that was sent to you beforehand and in relation to the hearing process?

**Ms O'CONNOR:** No.

**Ms HOBAN:** No.

**CHAIR:** Before the Committee asks you any questions, are there any opening remarks or any presentation you would care to make beforehand?

**Ms O'CONNOR:** No, I do not think so.

**Ms HOBAN:** No.

**CHAIR:** To plunge straight in, not necessarily at the beginning, what is your experience of the effect of the lockout laws introduced in February this year in relation to the City of Sydney?

**Ms O'CONNOR:** As you will be aware, the City of Sydney is a member of the CBD Entertainment Precinct Taskforce. We previously sat on the Kings Cross Plan of Management Taskforce and then we were invited to sit on the CBD Entertainment Precinct Taskforce, so we have attended those meetings and have been involved with the development of the plan of management. In terms of the impact on the City of Sydney, if you like, we are responsible, obviously, for closed-circuit television [CCTV] in the City of Sydney. We are responsible for waste and cleaning the streets. We are responsible for the enforcement of development consents for licensed premises to ensure they are trading in compliance with their development conditions and we employ licensed premise compliance officers to actually be out on the streets late on a Friday and Saturday night and they are in the venues ensuring that the venues are trading appropriately. So in terms of the impact on the City of Sydney, obviously we have been sitting on the task force.

Prior to the implementation of the new laws we were receiving correspondence from residents on a regular basis about concerns around correlated violence, concerns about the impact that very late trading premises have on their public amenity. I think it is fair to say that since the introduction of both the Kings Cross Plan of Management and also the new laws we have had feedback from residents that that has been a good thing. They are happy with the introduction of the new measures and we have certainly received less correspondence, if you like, which is probably a good thing. In terms of feedback from our staff who are operational on the streets, there is certainly feedback that the streets are quieter. In George Street and the surrounding streets they see fewer people.

**CHAIR:** George Street and which other streets?

**Ms O'CONNOR:** George Street and the streets surrounding George Street.

**CHAIR:** And surrounding George—that is Sydney south.

**Ms O'CONNOR:** But Kings Cross as well. Obviously Kings Cross is part of the new measures so I will talk about both. Yes, fewer people out on the street and fewer incidents. Practically, it means our waste and cleaning staff are out on the streets earlier and cleaning the streets sooner. So, in the morning when residents are waking up, they are happy with that because the streets are cleaner, which is a good thing. Feedback from our CCTV control room is that there are fewer people and fewer incidents. I suppose I would caveat all of that with the fact that we have come into winter; we would generally experience a quieter time in winter anyway. The same as the police, we experience more incidents and more people on the streets in summer. So I suppose that needs to be underscored for that.

**CHAIR:** The City of Sydney in various forms and probably starting from the Lord Mayor and all the way through was a strong advocate for the introduction of a number of measures, but including these lockout laws. Therefore I need to ask: From what was being advocated and what has now transpired post February, what is your observation about that? Are the reasons for your advocacy fulfilled?

**Ms O'CONNOR:** I do not know that we could say the Lord Mayor had a position on the lockouts per se. Certainly, she was a keen supporter of measures to be introduced that would reduce the violence on the streets. We have some concerns, I suppose, about the impact that the measures have had in terms of the cultural life of Sydney and quite specifically around live music. We have recently endorsed the live Music Action Plan. I suppose one of our concerns is the fact that with these new measures we are seeing venues inside that precinct area programming less live music. Live music does not make them any money, so if something has to go it is going to be live music, unfortunately. This is just a specific example.

We see live music as a low-impact activity and one that can make an area or a venue feel safer. That is a concern for us. But to go back to the impacts in terms of reductions in crime, that is obviously a good thing. No-one can dispute that fewer people being harmed on the street is not a good thing. I know that the BOCSAR statistics do not come out until tomorrow, but feedback when I have spoken to Gordian Fulde at St Vincent's Hospital is that it is much quieter up there so there are fewer people presenting in accident and emergency with injuries as a result of alcohol-related violence.

**CHAIR:** So in balancing everything from the City of Sydney's perspective, the economic, all the issues, what is your view about the lockout laws? Do you continue to support them?

**Ms O'CONNOR:** We support measures that are reducing alcohol-related violence and it certainly seems that those laws are having that impact. We would very much like to see them evaluated at the 12-month stage because, as I mentioned, residents on the whole are telling us they are very happy with it, but we have businesses telling us that it is impacting on them. We would like to see them evaluated at an earlier date, the 12-month mark. I would not like to say what particular measures should be changed, but perhaps some consideration of whether or not there is a more nuanced approach to some of the measures.

**CHAIR:** On the question of timing for the review, as you know, the review is not for two years. You have made the point—it is in your submission as well—that you believe the review of the measures should occur at the first anniversary, which is obviously in February. I agree with that, except that February will not give you the summer statistics; 31 March will give you the summer statistics and they do not become available until after 31 March. Tomorrow, 4 September, we will be dealing with statistics that ended in June. Am I right?

**Ms O'CONNOR:** Correct.

**CHAIR:** So you need another couple of months. Enough splitting hairs, but it will be a year and a half, but it is better than 2½ arguably, so that that would be the case. We will take that as a strong reinforced recommendation from your verbal evidence. I was probably a little more interested in the fact that you seemed several times to head away from any question that confronted the 1.30 a.m. lockout. We need to know where the City of Sydney stands.

**Ms O'CONNOR:** That is a good question. In developing our OPEN Sydney strategy we did a lot of research and a lot of evidence, so we have looked towards evidence-based strategies in order to develop OPEN Sydney. I am aware that the recent review of the Newcastle lockout was not able to say specifically that it was the lockout that made the difference. I understand that it was the reduction in trading hours that actually made the difference. Certainly the researchers felt it was the reduced trading hours that have made the difference in terms of reducing alcohol-related violence. That is internationally as well. I have to say the evidence supports that for every hour that you increase trading, you see an increase in alcohol-related violence. So if you are asking me to choose between the two, I would say again, I cannot comment because this has not been evaluated, but in terms of the Newcastle model it would seem from the evidence that it was the reduction in trading hours that has made the bigger impact. As to the lockouts, it would seem that the researchers are less certain as to whether that has made a difference.

**CHAIR:** We heard evidence earlier that the Newcastle experience is confined to what people say in Newcastle. It is actually in size of area a very confined area and the immediately adjacent area of Hamilton is not like Newtown is to Kings Cross. It is like Kings Cross is to the next street in Kings Cross. There were only five major venues in Newcastle in comparison.

**Ms O'CONNOR:** Very different, yes.

**CHAIR:** In particular, I think Newcastle commences at 1.00 a.m. Am I right?

**Ms O'CONNOR:** Did they negotiate that? I thought it was 1.00 a.m. originally and then they have negotiated it out to 3.00 a.m.

**CHAIR:** It has moved, has it?

**Ms O'CONNOR:** I think so, yes.

**CHAIR:** The question I am really asking is your views on the 1.30 a.m. I must say I did feel that the City of Sydney was an advocate of it. I am fairly sure that the Lord Mayor at the public meeting in the Town Hall was not only present, but pretty strongly advocating for it. The City of Sydney is an important participant here. The view in relation to the 1.30 a.m. lockouts is vital. I do not want to be rude to you, but I simply do not think you have given a clear enough answer on support or otherwise. To say that you will await the evidence, well—

**Mr NICK LALICH:** Maybe the council has not made a decision on which way it will go, and the staff member cannot make the decision until that is done. I can understand that. In local government it is hard for the staff to make the decision until the council makes a resolution on what it will do.

**Ms HOBAN:** Yes, it does not have an adopted view.

**CHAIR:** Newcastle was 1.00 a.m. and 2.30 a.m., moved to 1.30 a.m. and 3.30 a.m. So the curfew was 3.30 a.m. To finish that point, we need to know whether it is issues like music, et cetera, that will alter or create in the City of Sydney a recommendation not to support the 1.30 a.m. I did not see any of that in your submission.

**Ms O'CONNOR:** That we do not?

**CHAIR:** Moving away from 1.30 a.m., or did I?

**Ms HOBAN:** I am not sure that in all the discussions that we have had with council, including our OPEN Sydney policy, that council ever adopted a position on lockouts. That is why we are being a little bit careful about what we say here. I think certainly once there is an evaluation undertaken that would be something that we would take back to council for council's consideration.

**CHAIR:** I thought the City endorsed the package of measures, which included that. It is pretty hard to endorse all except one, and then consider that one a year or two later. Supporting something is not necessarily remaining supportive of it. I just want to know where you are at.

**Ms O'CONNOR:** I think it is fair to say if the statistics tomorrow, which I understand will show fairly significant reductions, we are comfortable with that. There is absolutely no doubt that the council is supportive of measures that keep people safe on the streets at night.

**Mr NICK LALICH:** We are talking about live music venues as well as bars and things like that, which are complaining that since the introduction of the legislation their take has been down and the number of people coming in has gone down. The submissions from residents are saying, "Terrific. It's working beautifully. We have peace and quiet. We don't have the rat bags around". Of course, the businesses are not happy because, as I just said, their business is down. Do you think that is because of the fact that it is winter time and maybe with the laws new in winter? Do you think that will improve in the summer? We know that with new laws there is always a knee-jerk reaction by people who stop going until they get used to it and then come back. It is a bit like smoking in clubs and bars. People do slowly come back. We are torn between the two, the same as you are in council: one, to help the industry and not to kill small business and the other to ensure that residents get their peace and quiet. Do you have any suggestions or feelings on that?

**Ms O'CONNOR:** I certainly think it is quieter in Sydney in winter. We can look at the five-year trends in our correlated research to see that it pretty much goes like this. And venues report that it is quieter in winter;

there are fewer tourists so there are fewer people going into venues. As I said, summer will be the big test. Feedback from some licensed premises, but also speaking to the police, is they feel that people are perhaps just shifting the way they go out in the city at night. I think it was the commander for Kings Cross who told me that midnight is now the 2.00 a.m. in Kings Cross so it is busier earlier. It seems what might be happening is that people are just adapting the way they go out at night, which I do not think is probably a bad thing because one of the big concerns for us is pre-fuelling.

We mention in our submission that there needs to be measures to address pre-fuelling. If people are going out earlier, then potentially there is less time for them to drink at home, so that would hopefully be a good thing. Certainly, we regularly do audits of the city at night and we go out and I would say that the overall feeling is the levels of intoxication are lower as well. That was my experience after the new measures were introduced in Kings Cross and then since they have been introduced in the CBD, but to answer your question I think perhaps summer will be the test and perhaps we will see people returning to the CBD, but just doing that earlier in the evening.

**Mr NICK LALICH:** Also I think it was in the submission from Sydney city council—I read quite a few of them and I got them mixed up—to do with transport. I think Sydney city council said it would like to see 24-hour trains, buses, a lot more transport getting people in and out of the city because that is the problem. After 3.30 a.m. or 3.45 a.m. there are no more trains, no more transport. People are stuck in the city, so crowds congregate while waiting for the 5.30 a.m. or whatever train in the morning.

**Ms O'CONNOR:** And again I think that would be a measure that would be tested more in summer than it has been perhaps up to date. We based the fact that we advocate for trains on what people have told us. We do late-night surveys in the city and we ask people how they got into the precinct, how they will get home from the precinct and what would be their preferred way to get home. Buses do not come up very high on that because they think at the end of the night people just want to get onto a form of transport that will take them as close to their door as possible. Taxis tend to be a preferred choice, but obviously the further out you are going the more expensive that becomes.

I think trains are comparable to taxis in terms of people's preferred mode of transport home. We have previously advocated for 24-hour trains. With the lockouts now, with the scarceness at 3.00 a.m. perhaps even a train starting just one hour earlier—from Kings Cross they start at 5.14 in the morning. Even perhaps 4.15 a.m. would be great because by the time people have left around 3.00 a.m. and milled around for a bit they would be ready to get on a train at about four o'clock.

**Mr NICK LALICH:** The City of Sydney has quite a few CCTV cameras. Is there any suggestion of installing more? If so, who pays for that? Does City of Sydney pay for them or does it charge chamber of commerce businesses for the cost of monitoring and running those cameras?

**Ms O'CONNOR:** No, we pay for them. Correct me if I am wrong, but my understanding is that we are not able to put a levy onto businesses. I am not saying we would, but we are not able to put a levy onto businesses to pay for CCTV.

**Mr NICK LALICH:** Are they monitored 24/7?

**Ms O'CONNOR:** Yes, monitored 24/7. So in answer to your question about whether we will have more, we have to always consider the fact that more cameras need more monitoring. The cameras themselves are not hugely expensive, but the more we increase the number of cameras, the need is to increase more staff. We now are up to 98 cameras with 10 new ones recently introduced into the CBD and Kings Cross. That is based very much on our consultation with police. They tell us where the hotspots are. We look to see if we have cameras there and if we do not, we consider that and then obviously, for example, if new hotspots occur elsewhere in the city, we would anticipate the police would come to us or we would go to them and we would work through that in terms of whether we need anymore.

**CHAIR:** Do you have any comments about taxis, such as availability and the 3.00 a.m. changeover, if that is what it is?

**Ms O'CONNOR:** I am aware that it is 3.00 a.m., although I am told that no longer exists. But I think traditionally it has been 3.00 a.m. so a lot of drivers still operate on those two shifts. I understand from my transport colleagues that any new licence they issue now you are not allowed to change over at 3.00 a.m.



because they are trying to move away from exactly what you have just talked about. I understand from again speaking to transport colleagues that the taxis have currently coped with the demand that was anticipated at 1.30 a.m. and 3.00 a.m. There seem to be enough taxis to go round for everyone. We are doing some work at the moment. We receive Federal Government funding to upgrade the ranks. One of the issues, particularly in Kings Cross, is that taxi drivers do not always want to go to Kings Cross because they feel that it is not safe to pick up passengers from there.

So we have done some work. We have put in a dedicated CCTV camera at the rank; we have improved the lighting; transport already pays for the security guards to be there, so it is what we are calling a super rank, if you like. It is a secure rank where taxi drivers can feel safe to go and pick up passengers and vice versa. Passengers can feel safer getting into a taxi. The other thing that transport has done is introduce prepaid phones. The feedback from that is there might not be a huge take up of the prepaid fare; it is the fact that the taxi driver has the option. If they turn up at a rank and they feel anxious about a passenger doing a run-off, they can ask for their money in advance. As I said, the take up is not huge; it is the fact that it is there that is encouraging them to go to the ranks.

**CHAIR:** You have not heard patrons complaining about the lack of taxis?

**Ms O'CONNOR:** No. We did used to have complaints that the queues were huge. In Kings Cross you could wait half an hour for a taxi. We were aware, and police would support this, that that would cause friction and that would then lead to violence, but I think probably since Kings Cross is quieter now then the demand is there. Certainly, there was never really an issue with taxi supply in George Street and the CBD as far as I am aware.

**CHAIR:** You suggest that trains should operate at, I presume, 3.40 a.m. because I think the first one is 4.40 a.m. from Kings Cross?

**Ms O'CONNOR:** At 4.45 a.m., yes, okay.

**CHAIR:** So 3.45 a.m.?

**Ms O'CONNOR:** Yes.

**CHAIR:** I am interested in your reaction to this. One of the reasons the Government adopted buses and so on and not trains was strong evidence from the police. Depending on your answer, I may ask the police a supplementary question through our system. I remember the police made a submission saying, "Please don't put all these patrons from 1.30 a.m. and 3.00 a.m. into a train in a tunnel. We can't get to that train if there's a problem. We can get to a bus or taxis, but we can't get to a tunnel." Have you taken that aspect into account?

**Ms O'CONNOR:** I suppose my question would be I would be interested to hear what part of the NSW Police Force provided that submission, whether it was perhaps the Transport Command, for example, because my feedback from the local area commanders is that they are supportive of trains. I could be wrong, but certainly in the past I have heard that the previous Kings Cross commander was very supportive of trains. So I wonder if there are different arms of the police.

**CHAIR:** I am sorry; the police have been here already. I would have asked them after you. We will ask them subsequently.

**Ms O'CONNOR:** Great, yes. I suppose our thoughts on that are that they currently pay for security guards on every single night ride bus so perhaps you could have designated safe carriages, if you like. Their security could be on the carriage. Certainly, I appreciate if there is an incident on a train, it has to wait to get to the station, but surely that goes for any time, day or night? If somebody has a heart attack on a train, they have to wait to get to the station to access someone.

**CHAIR:** That is true. It is just that the 3.00 a.m. patron out of Kings Cross is more likely to have an incident.

**Ms O'CONNOR:** Yes. That is a good point. The station master tells me that his staff have just finished cleaning the Kings Cross station and it is pristine and the grills go up and there is this flood of people into the

station. It is not very pretty, so I am sure that is right. But there are certainly large numbers of people waiting for that first train at 4.40 a.m..

**CHAIR:** Even through the winter?

**Ms O'CONNOR:** I think that was based on the summer when he was telling me that.

**CHAIR:** Based on summer?

**Ms O'CONNOR:** Yes, certainly the demand is.

**CHAIR:** So we could expect the same thing to happen?

**Ms O'CONNOR:** Absolutely, yes. That will be the interesting test, I think, come this summer.

**CHAIR:** According to the police commander, 1 October is the commencement period for that.

**Ms O'CONNOR:** Yes, the silly season.

**Mr GUY ZANGARI:** I refer to page 8 of your submission, particularly regarding the Citizens Policy Jury. That was formed and some money went towards it. Obviously it was looking to ensure that Sydney night life is vibrant and safe. I was looking on page 8 at the recommendations or at those points about it not being effective. It concerns me that the Citizens Policy Jury highlighted these factors, particularly classroom education.

**Ms O'CONNOR:** The Australian Institute of Criminology highlighted those factors.

**Mr GUY ZANGARI:** It highlighted what is not effective at the moment is classroom education, warning labels and signs—so social marketing—RSA training without enforcement, liquor accords and community-based programs without enforcement, local area alcohol bans and promoting alcohol-free events. It is quite concerning. What is the council doing regarding this? Has there been discussion about these particularly non-effective strategies? Is the council advocating either to government or to the police?

**Ms O'CONNOR:** We have referenced the Australian Institute of Criminology in that. When we developed Open Sydney, we commissioned an international literature review as well of all the interventions around reducing alcohol-related violence. That was Phil Hatfield. He found the same thing. He mentioned these measures as well. No, we have not advocated the Government not to do that, but I think you will find we probably do not advocate for them particularly. The one I am aware of is around classroom education and also media campaigns. I suppose that is hard to evaluate as well. It is hard to say if somebody sees a media campaign they do not then go and commit violence or they do not drink as much alcohol. I think the way they have to evaluate them is in terms of the recall. How many people, once they have seen the campaign, remember it? I understand that is the only way they can evaluate it. I suppose that might be why that one in particular does not show much effectiveness. My understanding is if it does occur, it has to occur with the legislative reform as well. On its own it does not really have much of an impact.

**Mr GUY ZANGARI:** Local area alcohol bans and alcohol-free zones, of course, are effective and police make recommendations. Have any other recommendations been put forward to increasing areas as a result?

**Ms O'CONNOR:** Yes. In fact, we just had a report to council last round to increase the number of alcohol-free zones in the city and also the number of alcohol-prohibited areas. Alcohol-free zones are streets and alcohol-prohibited areas are parks. That is the distinction. We certainly receive representation from the community around parks in terms of children's playgrounds. People are drinking in children's playgrounds on a Friday and Saturday evening and then the parents are going there on Saturday and Sunday morning, and there is litter and bottles. So we are now looking to make all of our children's playgrounds alcohol-free zones. Again, I think down there it is not as effective because perhaps it has not been well evaluated.

It certainly is a good measure. I feel it is a good measure that police can use as an early intervention. But, more importantly, it reassures the community that something is being done, that they are being listened to, and that something has been established as a result of their concerns. Also, they can then call the police and say,

"Actually, somebody's now drinking in that playground and I know it's an alcohol-free area and I want you to take action." In terms of how much they reduce alcohol-related violence, that is maybe up for discussion, but in terms of the way the community feels and the perception is very much as important.

**CHAIR:** I believe the City of Sydney was quite strong in advocating the whole licence freeze area?

**Ms O'CONNOR:** Yes, absolutely.

**CHAIR:** In fact, each time a renewal came up the City of Sydney was strong.

**Ms O'CONNOR:** Yes, right.

**CHAIR:** What is your present view about the freeze, which applies now to a much wider area? It applied before only to a small area: Sydney CBD south, Darlinghurst, pretty well the street, and the smaller Kings Cross precinct, not the expanded one. It was removed for Sydney South based on the statistics but it is now back on, not only for there, but also throughout a much wider area. How do you feel that will now play out? Let me add one more thing. One of the criticisms we kept hearing was that premises that needed to do some work were, first, prevented but, secondly, worried about applying for a fresh DA in any way, shape or form because it would undoubtedly lead to an examination of trading hours.

**Ms O'CONNOR:** Yes.

**CHAIR:** Is that still a problem? Is it now just simply a bigger problem that affects absolutely everybody in the broader Sydney area? What is your view on just the freeze?

**Ms O'CONNOR:** I think, first, in relation to the freeze and particularly in relation to renovation of premises, we probably would support that. It is probably an unintended consequence of the freeze but venues are not able to refurbish. Interestingly, I understand a number of venues would like to refurbish and perhaps even go smaller because, obviously, the small bars are very popular in the city at the moment and their patrons are looking for that small bar experience and they would like to refurbish maybe to have a bit more of a small bar experience. So, we would be supportive of that. Certainly, we were strong advocates of the liquor freeze and continue to be so because the evidence, in terms of more effective measures, suggests that the density of very late trading licensed premises is a big indicator for our correlated violence.

The challenge for us and the reason we advocated for the freeze is we were not able, under the planning laws, to say no to a licensed premise. There is nothing in the planning laws in terms of cumulative impact that allows us to say enough is enough. So, the liquor freeze has allowed us to do that, which is a really good thing. It is good that it is a bit more nuance now to allow small bars because we are in favour of small bars, if you like, and we see them as another option for people who want to come into the city at night for a slightly different experience.

**CHAIR:** We have a difference of opinion on that because your definition is 120 and ours is 60.

**Ms O'CONNOR:** Exactly, yours is 60. Yes. I do not think we are going to see a lot of small bars of 60 or under opening in the CBD just because, I think Martin O'Sullivan refers to it as a hobby licence for the CBD, the rents are too high. Unfortunately, you are not going to make any profit from 60 or under in the CBD but I think in Kings Cross, for example, we might see some new small bars opening, which would be a good thing.

**CHAIR:** I am out of date, but I think there has been only one so far.

**Ms O'CONNOR:** Right. Okay.

**CHAIR:** It is early days.

**Ms O'CONNOR:** Yes.

**CHAIR:** But there has been only one as far as I am aware because the 60 escapes the freeze.

**Ms O'CONNOR:** That is right, as does, correct me if I am wrong, on-premise licence. A restaurant licence also escapes the freeze and I think that is a really good thing. The economic research that we commissioned in conjunction with the CCCLM shows that food is the biggest driver. In the night-time economy food is the most valuable generator and certainly Sydney is becoming more and more known as a food destination. That is a really good thing. We are very pleased that restaurants can still apply for licences.

**CHAIR:** They also escape the lockout.

**Ms O'CONNOR:** Yes. Obviously we are also aware that we are a trial area for the environment and venues assessment tool and that that is being reviewed this year. We await the results of that review and would like to see the findings to inform our next position in terms of the liquor freeze. It has certainly done its job in terms of no new beer barns.

**CHAIR:** I will be interested in that because one of the reasons for removing the freeze from the south central business district was to compare it with Darlinghurst. Of course, that is now academic. Do rangers have sufficient power? Would you like them to have more power? There are costs associated with them as well. What is your view?

**Ms O'CONNOR:** We have two types of rangers—parking rangers and ordinance rangers.

**CHAIR:** I have never thought of the former as rangers.

**Ms O'CONNOR:** Ordinance rangers are responsible for public amenity, items on the footpath, outdoor dining and so on. I understand that council does not particularly want their powers increased. There is a call for them to be allowed to enforce alcohol-free zones. However, our feeling is that the police are better equipped to deal with that behaviour, especially if it involves requesting people to pour away alcohol. That is not something people particularly want to do.

**CHAIR:** I thought they had that power.

**Ms O'CONNOR:** Technically they have the power, but the City of Sydney does not give them that responsibility. As I said, I think we are one of the only councils in the country that employs specialised licensed premise compliance officers. The ordinance rangers employed by other councils may deal with licensed premises development applications, but we employ a specialised team to do that. They work during the week but they are also out on Friday and Saturday nights looking at high-risk venues and ensuring compliance with development applications. We are quite comfortable with that arrangement.

**CHAIR:** How many are there?

**Ms O'CONNOR:** We probably employ about 10. They work in pairs and they cover Kings Cross and the central business district. They are geographically located across the city, Kings Cross and also Newtown and other areas.

**CHAIR:** They do compliance work during the week. What work do they do on Friday and Saturday?

**Ms O'CONNOR:** It is the same work, but they are out and about when the pubs and clubs are at their busiest. As members would be aware, there is no patron capacity provision in a liquor licence, but there is in most development applications. They are ensuring that the number of people in a licensed premise is appropriate and that the windows are closed when they are supposed to be closed. That is a big concern for residents, or it can be. They are ensuring compliance with the development consent.

**CHAIR:** What about noise? Is that why windows must be closed?

**Ms O'CONNOR:** They are responsible for ensuring that the venue is compliant with its development application. Noise is difficult because sometimes we can get complaints about patron noise. That is an Office of Liquor, Gaming and Racing responsibility, although we will refer incidents to it. It depends on the noise.

**Mr NICK LALICH:** Does the council implement alcohol-free zones of its own accord or are they implemented only in response to a request from the police?

**Ms O'CONNOR:** We monitor areas and if we believe there are concerns in an alcohol-free zone, we will do more research and ask whether the police are concerned. The two broad ways in which we will implement an alcohol-free zone are at the request of the police or at the request of local residents.

**Mr CHRIS SPENCE:** I understand that rangers do not issue fines and do not force people to pour out alcohol.

**Ms O'CONNOR:** In alcohol-free zones?

**Mr CHRIS SPENCE:** Yes.

**Ms O'CONNOR:** No.

**Mr CHRIS SPENCE:** Then why have them?

**Ms O'CONNOR:** Because the police can enforce them.

**Mr CHRIS SPENCE:** If you can give the rangers the power to do so, why not?

**Ms O'CONNOR:** I think it is a health and safety issue. We do not want our rangers approaching intoxicated people and taking alcohol from them because they are not happy to do that and they are not trained to do it. We leave that responsibility to the police. If our rangers see people drinking in an alcohol-free zone, they will notify the police. They are on the ground checking, but they will not intervene.

**Mr CHRIS SPENCE:** The council's submission states that research conducted by the city over six Saturday nights in Kings Cross between March and April found an 84 per cent reduction in footpath congestion in Darlinghurst Road and a 78 per cent reduction in Bayswater Road. Do you have statistics detailing the overall patronage in the area?

**Ms O'CONNOR:** We regularly do pedestrian counts. We have pedestrian counts for Kings Cross from March 2010 to December 2010 and from December 2012 to March 2013, but we have done some areas beyond that.

**Mr CHRIS SPENCE:** We asked the police whether they had seen a reduction in the overall patronage in the Sydney CBD. We also asked Dr Weatherburn, but he said that the Bureau of Crime Statistics and Research does not have access to that sort of data.

**Ms O'CONNOR:** Yes.

**Mr CHRIS SPENCE:** The council's submission does not seem to give an opinion one way or the other. You refer to the citizens' jury convened in September 2013 and its 25 recommendations and your submission has a group recommendation about lockouts and licences. What was the jury's opinion?

**Ms O'CONNOR:** The jury was convened at almost the same time that the new legislation was implemented. New Democracy convened the jury in February 2014. I think it is fair to say that the initial feelings were that it was a bit much—that is, it was blanket legislation and it was harsh. During the course of the three-month jury process they developed a different opinion. The early reports about the impact of the measures indicated that there were quite big reductions almost straightaway. The jury came to see them as a good thing. It would be interesting to go back to the jurors after tomorrow and after the statistics are released to see what they think.

**Mr CHRIS SPENCE:** You mentioned the Australian Institute of Criminology, which refers to mixed or uncertain results in relation to lockouts and a minimum price for alcohol. Your submission states that the council commends the State Government for the action it has taken to date, but then has an out in stating that it does not believe that taking tough action on drug- and alcohol-fuelled violence should undermine the city's status and that the measures need to be well researched, evidence-based and so on. If the State Government had not enacted this legislation, what would the City of Sydney have done?

**Ms O'CONNOR:** We were calling for a plan of management for Kings Cross and we were pleased to be invited to be a part of the task force. The plan of management in Kings Cross has had some good outcomes.

That is not to say that I do not think the central business district plan of management has had good outcomes as well. The reason it feels a bit like that is that I think it will be hard during the evaluation to show which measures had the biggest impact. In terms of whether we support 100 per cent lockouts, we would need to know that they were the thing that reduced alcohol-related violence in the central business district standing alone from everything else. That will be the challenge. How will it be evaluated?

We recognise or understand that the big link is the density of licensed premises, which is why we advocated the liquor freeze. We are now strong supporters of the saturation zone legislation, which is similar to the legislation in the United Kingdom. The easiest way to describe it is to say that it is similar to an alcohol-free zone. Residents, the community or the police might say that there are enough licensed venues in an area and they would like to put a stop to the establishment of any more. Council would then have the authority to designate an area as saturated and no more licences would be issued for that area for a period.

**CHAIR:** Do you mean in lieu of the blanket freeze?

**Ms O'CONNOR:** Yes. More licences are being applied for on Broadway and around Chippendale. I am not saying that that is a bad thing, but it is something we will need to monitor. Over time we might want to be able to halt the establishment of licensed premises and to let other areas catch up.

**CHAIR:** Do you have a view about the valuation impacts? Sydney premises gained a lovely windfall. Every licensed venue would be in favour of a freeze, except that it affects them in other ways. However, leaving that aside, have you considered that issue?

**Ms O'CONNOR:** Did you refer to the value of a property?

**CHAIR:** Yes. If licences are frozen in one area but not in another, the properties in the area where they are frozen are much more valuable.

**Ms O'CONNOR:** The intent would be that it manages the number of people and the level of intoxication in the area.

**Ms HOBAN:** We want to focus on diversifying the offering late at night and to balance the daytime and night-time economies in Kings Cross. That is another issue for the council. That is why the live music action plan is important. We believe it offers a low-alcohol alternative. Equally, we want to look at the daytime economy and to build it. It is interesting that at one end of Kings Cross—towards the harbour—there is a flourishing daytime and night-time economy, but that is not occurring at the top end. We would like to see that area flourish.

**CHAIR:** At night as well?

**Ms HOBAN:** Yes, so that it is not only about reducing alcohol consumption but also about increasing other offerings in the area so there is a strong main street and diversity of offering for local and destination visitors.

**CHAIR:** Do you have a view about the liquor accords and how they are going? Should they include other businesses? Does the city have any direct involvement in them?

**Ms O'CONNOR:** We attend the liquor accord meetings and work closely with the chairs. We now condition membership of a liquor accord in new development consents. We are trying to increase membership in that way because they are a good coordination mechanism. A good example is the Surry Hills Liquor Accord. My experience is that it is a very functional accord and that it has had some good outcomes. They agree on local plans of management and banning. They have a "banned from one venue, banned from all venues" approach and there is good communication between the venues. They are a good thing.

Our submission on the Liquor Act review suggested that membership of accords could be increased to include late-night traders more broadly. One of our submissions to that review relates to a late-night levy as is imposed in the United Kingdom. A council can apply a late-night levy to a designated area and the money is spent managing the functioning of the area. We also said that it would be good if the membership could be broadened to include all late-night traders.

**CHAIR:** What do you mean by "functioning of the area"? Do you mean transport?

**Ms O'CONNOR:** All of that: transport, CCTV, and cleansing and waste. There are two models. There is a late-night levy that deals with any premises trading after midnight. There is also the business improvement district model, which allows venues in a certain area to use the money for things like waste and cleansing and for marketing, public art, plants and flowers. We like the option of a business improvement district because it gives the local venues some ownership of the area and a say in how the money is spent.

**CHAIR:** Do you wish to raise any other issues?

**Ms O'CONNOR:** No.

**CHAIR:** Thank you for appearing before the Committee. You have taken some questions on notice and members may want to ask further questions. I say that because anything beyond these hearings is covered by parliamentary privilege. Once again, thank you for appearing.

**(The witnesses withdrew)**

**(Luncheon adjournment)**

**RALPH KELLY**, Director, Thomas Kelly Youth Foundation, sworn and examined:

**CHAIR:** I welcome Mr Ralph Kelly from the Thomas Kelly Youth Foundation. Thank you, Mr Kelly, for appearing before the Committee today to give evidence. In what capacity do you appear before the Committee?

**Mr KELLY:** I am the director of the Thomas Kelly Youth Foundation.

**CHAIR:** Before we proceed do you have any questions concerning the procedural information that was sent out to you relating to witnesses and to the hearing process?

**Mr KELLY:** No, I do not.

**CHAIR:** Before we ask questions of you is there any statement you wish to make or any matter you wish to present to the Committee beforehand?

**Mr KELLY:** Yes, there is. I am Thomas' father. It is important for everyone in this room to understand the impact of violence in this city. I have prepared a brief statement that I would like to read. The night of Saturday 7 July 2012 is chiselled into my brain forever. It is a date I never want to remember and I know that it will haunt me for the rest of my life. At 10.05 p.m. Thomas and two female colleagues alighted from a taxi in Victoria Street, Potts Point, on the way to a friend's eighteenth birthday. They were all excited about their night out together, as anyone would be. Just two minutes later, at 10.07 p.m., an offender stepped off the wall, walked past his two female companions and punched Thomas so hard that he was dead within a second—that is, brain dead. Thomas never saw the punch coming. One hand was on his phone, asking for directions to find the venue, as he had never been to Kings Cross before; the other held his girlfriend's hand. The police told Kathy and me later that he stood no chance at all from the violent, unprovoked, alcohol-fuelled attack on a Sydney street.

There was no fight. Thomas was another victim of a coward's attack. Just two days later, on 9 July, it was decided for us to switch Thomas' life support off. The doctors do not tell you what happens or what to expect when the monitors are turned off one by one and the tubes are pulled out of his veins. You do not want to know what it is like to hold your 18-year-old son as he slowly turns blue and suffocates and then suffers a major heart attack whilst in your arms. When Thomas had filled out his driving licence earlier, he had ticked the organ donation box and we granted his wish. When he died, they took away his body in split seconds. I looked into the eyes of my other two children in the empty and cold room where Thomas had been a moment earlier. Madeline was 17 and Stuart, just 14. I could not find the words or the courage to tell them that this is not what Sydney should be like.

What happened on the night of 7 July has destroyed our family. We are not alone. There are thousands of other victims every year who are afflicted by alcohol abuse and violence and there will be thousands who will follow us. After four months of sitting in a room on my own, in a black void, trying to come to terms with what happened to Thomas, I started to venture out, to speak with anyone who would meet with me, from the New South Wales Premier to many of his State Government Ministers, the Prime Minister, CEOs of some of our top companies together with drug and alcohol experts and the police, I was having up to four meetings a day and this went on for some 12 months. So many of those meetings gave us courage, I would like to share with you just two of those meetings, albeit briefly. I met an 18-year-old boy who was the victim of a vicious attack himself. He sought me out via Thomas' old school by writing to Thomas' headmaster.

I had to read his email over and over again. I wondered what he wanted but I agreed to meet with him. He told me he knew four girls who had been raped. He was 18 years old. I am in my fifties and I said, "I do not know anybody who has been raped." The youth are young, intoxicated and vulnerable. In a noisy, dark and sweaty nightclub, they wander alone upstairs to get some fresh air, ignorant that there are monsters circling outside like vultures, waiting for them to come outside so they can offer them a lift home. The rest is something you would not want to happen to your daughter or family. I asked that 18-year-old boy why he had asked to meet with me. He looked me directly in the eye and said, "We need to break the circle of violence and we need to start now." The second story was from a senior police officer. I will not mention him by name. He told me that he would never walk through the city after 10.00 p.m. any night of the week. I said to him, "You must be joking." He replied, "I am not."



We have many people approaching the foundation with stories. It is sickening. It is sickening to think that the city in which I grew up as a teenager—in a safe environment—could become so violent. It was difficult for me to comprehend. What has happened over the last 30 years? How much have we given away? Our foundation is not about not drinking but about responsible drinking and about taking care of yourself, your mates and looking out for strangers. Our foundation is not about coward punches but about education and raising the awareness of drinking moderately and behaving safely. The outcomes of not drinking responsibly are many, and include cancers, suicide, car accidents and deaths, sexual assault, rape, affray and domestic and non-domestic violence.

We face an incredible challenge as a society in reducing alcohol abuse. In front of all, there stands Mount Everest. For most it is easy to go around the mountain, but this is not an option. We need to face the facts head on. We need to look at and trial all the options in order to find some plausible solutions to end this epidemic. At school, Thomas was known by his friends and colleagues as "TK", after his initials. Our foundation's platform for education and awareness is "Take Kare"—"care" with a "k". "Take care" is what we say to one another, to our friends and strangers—the people we pass on the street. It is time that we all started to take care and make the city safe once more. The foundation receives many messages of support and some of these we have now put onto our website. I would like to read just one which states:

Your family is often in my thoughts. I can't begin to imagine what you have been through. I hope there might be a small amount of comfort knowing there is an army of parents walking beside you.

Thank you.

**CHAIR:** Thank you, Mr Kelly. The Committee appreciates your unique position and the difficulty you would face in making statements such as that. Some of the questions we will ask you are not particularly within your level of expertise but your comments generally do not have to be technical or precise with statistics. I begin by asking how you have observed the measures that have been implemented, in particular, the measures in February this year relating to the lockouts and the curfew.

**Mr KELLY:** It would be fair to say that the foundation supports looking at all measures that reduce alcohol-fuelled violence in this city. The lockouts are one of the measures and until we have the evidence to support the fact that the lockouts are not working, we would advocate for them.

**CHAIR:** Have you observed a change in culture throughout the CBD, not just Kings Cross, that may have occurred as a result of the measures and in particular the 1.30 a.m. lockout as applied before or afterwards? I am asking that because Thomas Kelly was killed at 8 o'clock?

**Mr KELLY:** He was killed at 10.07 p.m.

**CHAIR:** It is relevant to know whether or not the measures have had an impact on those hours as well as 1.30 a.m.?

**Mr KELLY:** The awareness is out there. The media were supportive of change. We are all sick of seeing violence. We have seen it year upon year and quite often you would hear a sentence on television and think that did not seem to fit, that the punishment did not seem to be right for the crime. When you enter into a situation such as this and it becomes personal you start to understand that as a society we have to make a change towards respect. Someone else mentioned bringing respect back into society and responsibility in relationships and until we do that, we will have violence on the streets. We need to address it across a number of platforms.

**CHAIR:** That is a much broader approach and it centres on education and community awareness generally. I am not expert enough to ask you questions about that, but in relation to the measures that were introduced—not downplaying what you have said—do you feel, nonetheless, they have introduced a greater level of safety within the Sydney CBD compared to previously?

**Mr KELLY:** Yes. We speak every week with Dr Gordon Fulde, head of the emergency department at St Vincent's Hospital, and it is promising to see the signs of fewer admissions into the emergency department on Friday and Saturday nights. In particular, he will tell you that previously admissions after 3.00 a.m. were frightening. It was like a bell would ring and ambulance after ambulance would come in and he is not seeing that, albeit it is winter as we discussed before.

**CHAIR:** Could you specifically tell us about the activities of the Thomas Kelly Foundation? What does it do in regard to education and awareness?

**Mr KELLY:** We specifically looked at the judicial system and where that could be tightened to ensure there are consequences for violent behaviour. We felt in particular that the New South Wales Crimes Act should see drunkenness as an aggravating factor. Under the Sentencing Act in New South Wales, being intoxicated or under the influence of drugs is a mitigating factor. We have petitioned the Attorney General to make that an aggravating factor. We are lobbying for changes to the law. Separately to that, this evening we commence focus groups with schoolchildren to start a conversation as to how to design programs for schools.

They will not be part of the education program but something that a school would like to adopt in order to talk about alcohol with student groups, parents and teachers. How do we handle alcohol as teenagers if we go to a party? What should be expected of us if we are on the street? If we have a violent person in our group how do we manage that violent person to ensure they do not inflict violence on a victim? We are in conversation with a sporting body at the moment as well. We see sport as a major way into the community not just at a player level but also through into families.

**CHAIR:** You have covered three areas. Returning to the judicial system, there were changes in that area including appeals, and new cases have occurred. It is a subjective question, but how do you feel about those changes? Do you regard them as adequate and appropriate? What is your general view about those judicial measures?

**Mr KELLY:** I am not sure whether any research has been done with youths in terms of what they feel about the changes to the law if they do punch someone and kill them. Certainly, we are aware through conversations with youth that they do speak about changes to the law. Hopefully this is a cultural change that we see happening within young people, that they understand it is not acceptable to be violent in society. Similar to other campaigns like drink-driving on your Ps with zero tolerance, youth understand that, and the majority will not drink and drive if they are the driver of the car. What we wanted to see is the start of behavioural and cultural change through legal consequences to violence.

**CHAIR:** Do you think the message is reaching the potential criminals? You are focusing sufficiently enough on the younger people, the potential victims, but what about the other side of the equation?

**Mr KELLY:** The offenders?

**CHAIR:** The criminals.

**Mr KELLY:** We are aware that within curriculums in schools—because we are approached almost daily by different schools—they are discussing the case and the consequences of violence, binge drinking and pre-fuelling. We are also contacted by universities. We are constantly contacted by education departments within schools asking us about our programs. Is it working? We know that behavioural change is a long-term change. We believe it will take 15 years to break the cycle of violence. The audience is a difficult audience to communicate with, because they do not want people with grey hair like you and I talking to them. It has to come from within the student groups and that is why this evening we are looking at designing programs around student conversation within schools.

**Mr CHRIS SPENCE:** Mr Kelly, it has been discussed a number of times today and you touched on it with the education measures to try to break the cultural epidemic we have with drinking. What is your opinion on things such as schoolies week on the Gold Coast where extra police and marshals are put on and more parents come in to make it safe? But, on the flip side of the coin there are those saying that society is saying it is okay because we are allowing it to occur in the first place. What are your views on things like that?

**Mr KELLY:** Celebration is part of the Australian culture. Our youth want to celebrate and they should be able to celebrate because there is nothing wrong with that. I did and you probably did. I would not want to take away festivals for the sake of the few who are going to be violent. Overall, the one you are referring to is well-run and managed by all accounts. I have obviously never been nor have I had a child that has been, so I cannot give you any direct feedback. Our children should be able to go out and enjoy life as teenagers. We have to focus on the other areas that will make it safe for them to do that. We spoke in our submission about sports sponsorship and advertising. My young son was 14 when Thomas died and he is 16 now. He goes to school at North Parramatta and supports the Eels.

At the age of 13 he could go onto the internet and he could tell me what the betting averages were for his team and a bourbon ad would come up. As a State and in the Federal Government we need to look very hard at associating alcohol with sports advertising to our youth because that is normalising both gambling and alcohol. We would hope that the New South Wales State Government would lead this charge to their Federal counterparts to look at advertising and promotion and sponsorship within our sports. We are asking young people to become healthy, fit, and play sport but at the same time we tell them it is fine to drink and the sponsors are alcohol companies. It sends a bad message.

**Mr CHRIS SPENCE:** Your fourth recommendation is about the ban on alcohol promotions targeted at youth. When defining "youth" are you talking about under-18s or early teenagers through to their mid-20s?

**Mr KELLY:** We are talking from kindergarten through to 27 years old.

**Mr NICK LALICH:** Mr Kelly, I extend my deepest sympathies to you and your family for the loss of your son. In your recommendations, you suggested changing the method of licence allocations, giving the police and council more powers to issue those licences. How would that work and what would it achieve?

**Mr KELLY:** Some of the councils need a consultative approach or to have experts in the industry talk to them about granting of licences and development applications [DAs]. We are contacted by local communities who are fighting against DA approval for pubs in their local residential communities. What we are seeing with State and Commonwealth funded organisations is that, as the money is being pulled back, community services such as these are disappearing. Residents have no support network to effectively lobby against the grant of a license in their local suburbs. Our recommendation is that more consultative measures should be put in place in terms of the police, councils and residents. That should be looked at. When I say we are approached by local residents, just this week we were approached by some residents in Perth.

**Mr NICK LALICH:** There are suggestions that some of the businesses in the area are complaining that since the introduction of the new law in February this year, it has reduced their business, is killing their business and some say it is closing their businesses. How do you feel about that and what is your opinion on that statement?

**Mr KELLY:** It is a difficult question to answer. I would share their concern if their business is in trouble. Equally as a victim, or the father of a son who was murdered, the impact of violence on a family, whether someone has been murdered or viciously attacked, affects you emotionally, mentally, physically and financially as well. I can assure those people who are suffering financially at the moment, I am in exactly the same place as they are. We have to find a way to work together amicably to find plausible solutions to fix this problem for the rest of the community. There will be some pain. We are going through the pain. I understand the shopkeepers and nightclubs are going through the pain, but we cannot let this carnage continue.

**Mr NICK LALICH:** There was a suggestion in one of the recommendations that pre-loading is a big problem—we know it is—and one way of stopping pre-loading is to test people before they are allowed into a venue and if they are over a certain limit they are not allowed in. How do you feel about that?

**Mr KELLY:** I support that. We have spoken about that within our board meetings and I have spoken to the police about it and it is another way of mitigating circumstances that get out of control. It is not the answer but it is another preventive method. The only way we are going to fix this is by going back to the grass roots.

**Mr NICK LALICH:** Education.

**CHAIR:** I want to latch on to the licencing and local government aspect. Local government's role is in considering the development application. Local government is mostly concerned about traffic and those planning issues and then only with a DA can an applicant approach the Office of Liquor, Gaming and Racing to seek one or other of the many types of licences. First of all, the licence freeze in the Sydney area means that it is academic for the time being. I am worried what you are really suggesting is that local government would undertake the specialist role of licensing as well as the DA?

**Mr KELLY:** I believe that the community—and I am not an expert, I should point that out—feel like they do not have a voice. They probably are given a voice, but how much that is heard, I am not sure. The

messages I get from residents in suburbs is that they feel they have no chance of winning in the majority of times. Speaking to drug and alcohol experts, it would appear to be that councils may need support in evaluating any licences that may come onto their desks.

**CHAIR:** There is always the issue that decentralising to however many it is, 140 councils, leads to, after a very short period of time, a very significant divergence of policy application and in many cases without expertise.

**Mr GUY ZANGARI:** Mr Kelly, thanks for coming in today. I pass on my sincere condolences to you and your family. I can assure you that in my community particularly that I represent in Western Sydney, there have been conversations around this and about the welfare of your family and I am sure the other families that have been impacted by alcohol-fuelled and drug-fuelled violence. One of your recommendations that I look at in particular—and you have nine pretty strong recommendations—relates to education. When is the critical point in a child's development that alcohol and drug education should be implemented in schools? Outside family time, when do you think it is critical that young children are made aware of issues surrounding drugs and alcohol?

**Mr KELLY:** I think at the moment there is a fundamental problem in the education system, from what I can see, is that within their PDHPE programs schools address alcohol and drugs, but the majority of schools, I believe, focus on the illegal drugs and not the legal drugs. There seems to be a wide divide as to what the schools are providing in those courses. Separate to that, the education is very siloed in terms of the police will come to them and talk about speeding, someone else will talk about car accidents, and so we have these silos and you have the alcohol and the drugs separate as well.

To answer your question: We believe that from kindergarten there should be a program that goes all the way through to year 12 and that the education is built upon as the students become older within those years, but that it is not a silo mentality, that all of these things are almost woven together—that alcohol will lead to car accidents, that you will speed and here is the program that we need to start to look at and a refresher.

**Mr GUY ZANGARI:** So, it is a broad approach from right across the curriculum—the social awareness classes that happen through year groups, but also an integrated approach through co-curricular activities?

**Mr KELLY:** Correct.

**Mr GUY ZANGARI:** Science, PDHPE and physical education as well.

**Mr KELLY:** But we also need the students to start these conversations separate to informal discussions within the school as to what is acceptable and what is not acceptable and that will be a major area for these kids to understand. Some people do not want to go out at 11 o'clock at night and start drinking, they actually want to start at 7 o'clock, as we did, and finish by midnight so they can enjoy the Sunday, or they do not want to pre-fuel, they do not want to binge drink. Some people do not want to drink, but the peer pressure in Australia on our youth is tremendous. We would hope that these informal discussions within the student groups, within the parents themselves and within the school community will start to raise awareness of what is acceptable in our society and what is unacceptable.

Even as I was growing up within my group of friends I had a friend who was violent when he was drunk. I would approach him the next day—we would all approach him the next day—to say, "This is not acceptable behaviour", but we had no support to tell us how to talk to him, so he would brush it off. It was not until he was 50 years old that he understood he had a problem and he stopped drinking. This story can be replicated. I have spoken to many people who have been in contact with the foundation—senior people in the media. I have said to them, "Why are you getting involved so much in this story?" and they have said, "Because we have violent friends when they get drunk." This is not unusual. When some people get drunk they become violent; it just has to be accepted that is what happens.

**Mr GUY ZANGARI:** You were talking about the focus groups as a result of the foundation being set up. What is the level of interest from other groups and schools with the foundation?

**Mr KELLY:** There is a huge amount of interest. As I mentioned before, we start the first focus group this evening in the city. We have a number of schools based within the city or close by who are participating. It

is to understand what those students believe should happen, how we should educate and talk about the subject. From there, we will design programs and we will trial programs. We have a university partner on board who will be working with us. We are looking at the global best practice within schools and sport and obviously we all hope that that university will provide us with our KPIs and research on the effectiveness of the foundation.

**Mr GUY ZANGARI:** To set up a foundation would not be cheap and it would be a financial burden. Can I ask you about funding? That will be essential to ensure that the foundation is ultimately successful in getting the message through, because I feel that within our community, culturally there needs to be some behaviour modification to the way in which we think about alcohol, and not only that, with drug use as well. How is it going in that regard?

**Mr KELLY:** Obviously, funding is an issue. I would be delighted to talk to you afterwards about funding from your local area. We launched the foundation last year at an event and we were quite successful in raising some funds for the start-up of the foundation. You are correct: foundations are difficult at best. We have been extremely fortunate that no-one has said no to us. We have Henry Davis York as our solicitors, PricewaterhouseCoopers as our auditors and myriad partners including the New South Wales State Government and the City of Sydney who support us on a pro bono basis. For that reason we have been able to minimise our costs, but as we start to progress, obviously the funding of the foundation is a critical area which we need to address.

**Mr GUY ZANGARI:** Support to other families. As you said before, you are going through this every single day; there will be not one day that this will not be going through your mind. Is the aim to include within the foundation support for other families and, long term, supporting families who, unfortunately, will be put in that situation that you were in that night but will need ongoing support?

**Mr KELLY:** Certainly not at this stage. Support is a major area. From my personal case, or from my family's personal case, without the NSW Police Force's support we would have had nothing. While some people are downing of the police, in our particular instance, and I know in other instances, they were the only people who stood by us the whole two years. We would never have survived the last two years without the police's kindness.

**Mr GUY ZANGARI:** With people emailing you through other channels and writing to you and your family, do you see there are supports for other families going through the same situation, as difficult as it is?

**Mr KELLY:** And it is difficult because we have met the families of most of the other victims of Sydney, the major victims, who have approached us and we have been happy to meet them. It becomes emotionally very difficult. I am not sure how best to answer your question, but we would like to see our foundation under our brand Take Care be a leader in behavioural change. We have to have behavioural change and attitudes towards alcohol. Our children need to be able to go out at night safely and come home safely. There is nothing wrong with them going to pubs and clubs, but we need to stop the violence in the city.

We do not see the foundation at this stage as being supportive of other groups; we physically do not have the resources. Within the foundation there are about six of us and the majority of that work is done on the weekend by the other five—so we work on weekends—and all that time is given for free by those other people, who all have families. It blows me away that there are people who are so dedicated to want to see change. As I mentioned before, I have probably met with over 200 senior executives in the city and the police and universities, who all want change, and that is to stop the violence. It is phenomenal. There is emotion out there that says, "We want our children to come home safely."

**CHAIR:** Do you have any idea, a sort of annualised guess, of what would be the value of all your efforts—the voluntary, the pro bonos? What does it roughly all add up to?

**Mr KELLY:** We have estimated that probably for the foundation to run effectively once our programs start to be in place—we are looking at a sports initiative that will commence next year in 2015, the schools program we hope to have written and designed at the end of this year, those programs then need to be delivered—we are talking in the vicinity of about \$3 million to be able to run those programs.

**CHAIR:** Per annum?

**Mr KELLY:** Per annum. It is significant funding. But what does concern us is with the other community groups losing funding—the support network for families when there is alcohol and drug abuse. If the funding is cut from those support mechanisms then there is no doubt that we are going to see an increase in alcohol and drug abuse, which will lead to other deaths once you take away those support networks. We read in the paper every day more and more foundations are losing their funding. As a result of that, we are seeing more and more charities out there asking for public funds.

**CHAIR:** On the education program, there is anecdotal evidence that there has been a growth in, we will call them, underground rave parties. The word "underground" means sort of unlicensed, unregistered, unsupervised, no responsible service of alcohol, et cetera. Does your education program bring into account that potential activity? There might be just birthday parties in one sense but they are not the ones I am talking about.

**Mr KELLY:** It does not. What the State Government needs to do is launch very powerful awareness campaigns about the harms of alcohol, similar to what you have done with the quit campaigns, what the Federal Government has done with Quit. We have seen a massive reduction in smoking in our community—down to about 14 per cent. When I met with Professor Brian Owler just the other day and he gave me those figures as to how many people smoke at the moment I said, "Wow, you must be so proud." He looked at me and said, "Are you joking? I would like to see that as zero." But definitely alcohol is a major harm in our society and people need to be aware of the effects of excessive drinking, and that can only happen through a joint effort from the State and Federal governments and local communities and foundations such as ours—through awareness campaigns of the effect of drinking in excess and what to do about it.

**CHAIR:** Can I ask you about drugs? There is a body of evidence that says yes, alcohol is the major and most observable and easily identified problem, but the incidence of illicit drug taking, including steroid use in bodybuilding and so on is a contributing factor and may well be a very telling factor in incidents like yours and others, where out of the blue, in the early hours, something like this happens. I suppose we cannot ask the Thomas Kelly Foundation to do everything, but I am just wondering are you interested in that area as well?

**Mr KELLY:** We have not addressed that area as part of the board and our advisory team. Obviously, having two young children, I am horrified. I recently went to a presentation at the school where Paul Dillon was presenting. As an older father I had no idea about the impact of drugs on youth. I walked out of his presentation completely shocked, and if I am unaware how many other parents are unaware? I was totally unaware of the penetration and the way it is going into the community; I had no idea.

**Mr CHRIS SPENCE:** With the education programs and everything else, what do we have to do to get parents to take more of an active role in this? Schools obviously are a good opportunity to try to educate children, but schools should be about education; they should not be something that we replace parenting with. Parenting has to play a huge part in this whole cultural and awareness change. Do you have any thoughts on any programs we can target at parents to try to get them to take a far more active role and take a bit more responsibility for educating their children against alcohol and drug use?

**Mr KELLY:** I definitely think we need education of parents. Parents are our role models and we emulate what our parents do, so when we see our parents drinking at dinner time and there is a bottle of wine and we have to become numb, as parents, to be able to get by every night, it is saying to our children that this is okay to do and you can only be happy if you are drinking. Therefore, parents have a huge role to play in this; there is no question of a doubt that parents are the major educators of our children in this area. Yes, somehow we need to address it at a parent level. Whether we do that while mothers are pregnant and going to their antenatal schools, I do not know, but we need to actually include the education that you are a role model and your children will emulate what you do.

**Mr CHRIS SPENCE:** Absolutely.

**Mr NICK LALICH:** I know when we go out to a lot of our community groups there are a lot of pamphlets aimed at adults regarding violence against women and violence against children, drug taking and alcohol abuse. There are quite a few pamphlets that would be great for children if we rewrote them into children's language instead of adult language; if we drew little pictures that little kids could understand. We could give them to the schools and to kids so that when they come home and say, "Mum, is this why dad gets angry every night, because he is having those few drinks?"; maybe that will stop dad because some dads do take notice of their children. There may be enough paraphernalia out there that can be translated into children's language.

**Mr KELLY:** I am not sure that children read brochures.

**Mr NICK LALICH:** Or you could use pictures with him having a drink and then lying on the floor?

**Mr KELLY:** Kids read Facebook, Instagram and everything is online. As I said before, we have to try everything to find some plausible solutions to this problem. Children themselves need to take responsibility for their actions, their relationships and lack of respect. Therefore, we are only going to achieve that if the community, the police and governments all work as one. We have heard a lot today about the legislation on the clubs and the pubs, which appears to be working at this stage, but there are a number of facets to that which we all know about. But at the end of the day it becomes the responsibility of the individual parent and other individual friends' parents to take responsibility for someone who they know is violent and tell someone and find a solution to the violence. We need to break the cycle, as the 18-year-old boy said to me, "I am sitting in front of you here today because I want to work with you to break the cycle of violence." We need cooperation across all areas, is the way that our foundation views it.

**Mr NICK LALICH:** We put that legislation through in February, but a lot of people think it has gone too far, it is too strong, it is too hard. What is your opinion on that? Do you think the legislation is strong enough? Do you think the penalties on the perpetrator need to be increased? What is your opinion?

**Mr KELLY:** Are you asking me about the judicial system?

**Mr NICK LALICH:** Yes? Do you think we have gone far enough or do you think we have not gone far enough?

**Mr KELLY:** You are asking someone whose child was murdered. I can tell you right now the judicial system is in the favour of the offender. When this happens to you—and you never want to be in our position—

**Mr NICK LALICH:** Absolutely.

**Mr KELLY:** —you would expect the Supreme Court and the judicial system of this State to be an ally but it is anything but, and I have said this publicly in other areas that there needs to be a review of the processes. Certainly, the family should not be put under such stress by just watching the offender being given everything and the victim being treated as someone who has died and therefore has no life and therefore their life is meaningless. Thomas was 18 when he died. He had another 70 years in front of him but that was irrelevant to the courts and it is, "How do we rehabilitate?" I am sorry, I am not going to go on but it is offensive, it is cold, it is sterile.

**Mr NICK LALICH:** It is.

**Mr KELLY:** It leaves families broken and I do not believe we are the only ones in this position because every family that approaches us goes through the same process and comes out the other end totally disenchanted. We were advised very early on in a meeting with the Homicide Victims Support Group, the Homicide Division and the DPP that we would never see justice. There were 25 families in the room that night and they told us that 90 per cent of us in that room will never see justice. I looked around the room at the other families and the majority of them had their heads between their legs, crying, and that is the problem we have got; that we treat offenders with kid gloves and let them off time and time again. The person who killed Thomas was on conditional bail and he should never have been on the streets—as with most of these other assaults they are repeat perpetrators and therefore definitely the judicial system needs to be tightened, without a question of a doubt, in our family's mind.

**Mr NICK LALICH:** I agree with you.

**Mr KELLY:** It is simply not good enough to have these people commit violent acts and be let out on bail or given good behaviour bonds and then they repeat and repeat and repeat, as was the case with our family. Thomas's killer, as I mentioned before, was on conditional bail for previous terrible assaults.

**CHAIR:** Mr Kelly, with that remark it is probably a bit silly to ask you the next question but, as we conclude, is there any aspect that you feel we have not covered or you would like to add to at this point?

***CORRECTED PROOF***

**Mr KELLY:** No, I would just like to thank the Committee for inviting me to speak today. It is difficult as a victim, but it is certainly a story that has to be told so that people can understand and so that you do not have to go through this. You hear this from victims all the time that, if we can make it better for the next person then so be it. Our view is to try to create a movement of behavioural change to make this community safer for all of us, as it was when I was 18.

**CHAIR:** Thank you very much, Mr Kelly. If there is anything subsequently that you feel you want to add, just send your submission in and it will be treated in the same way as this privileged evidence is.

**Mr KELLY:** Thank you. Thank you for your time.

**CHAIR:** Thank you very much for appearing before the Committee today.

**(The witness withdrew)**



**JOHN RAYMOND GREEN**, Director, Liquor and Policing, Australian Hotels Association, sworn and examined:

**CHAIR:** I welcome Mr John Green from the Australian Hotels Association [AHA]. Thank you for appearing before the Committee today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

**Mr GREEN:** No, I do not.

**CHAIR:** Would you like to make a statement or present anything before members of the Committee ask questions?

**Mr GREEN:** Thank you, Mr Souris, probably just briefly because I am aware of the time and by way of background. I have been with the AHA now for some six years as the Director of Liquor and Policing, Regulations and Membership—I have had those titles. Before that I had a 25-year police career finishing as chief inspector in charge of alcohol-related crime. I also sat on the Government's youth alcohol action taskforce and the Office of Liquor, Gaming and Racing education working group, so I have been dealing with the issue of particularly schools education and the relationship with police, et cetera, as we have been going through that. I am also the father of a 23-year-old and a 20-year-old, so I have personal experience with these issues as well.

In relation to the AHA, as you would probably be aware, we represent about 1,800 hotels across New South Wales, from small mum and dad pubs right through to premium accommodation venues and big multi-level venues that have a range of entertainment types. Those hotels largely provide far more than just the consumption of alcohol. They provide live music, particularly around the Sydney area, good quality food, other forms of entertainment and a place to consume alcohol or just spend time with friends or family. That is the main thing that hotels are about and my role with them is to actually look at their relationships with the police, making sure they are complying with the laws, seeing where I can assist them in that regard in improving their performance.

Obviously with this inquiry what we have seen in the last few years are too many criminal acts of violence and our heart obviously goes out to the likes of the Kellys, the Christies, the Cramps, the Blackmores—far too many names that we talk about; all assaults, criminal acts that have occurred on public streets. Our hotels take their responsibilities extremely seriously in relation to the responsible service of alcohol but also in relation to making their places safe. That is why we are actually seeing at the moment that our levels of assaults or antisocial behaviour and violence are at their lowest level since some 15 years.

That is because of the good relationship they have got with the police, with the local community in the work they have been doing in the last 15 years. In particular, in the last six years we have seen significant reductions in what they have been doing. Obviously we have seen, particularly in the Sydney CBD area, in the last six years a range of sanctions and measures over consecutive years—the Sydney Liquor Taskforce, the introduction of the Liquor Act, the liquor freeze, the top 48, the hazard-free nights, the Sydney precinct liquor accord, the Kings Cross precinct measures and then the Sydney CBD precinct measures.

**CHAIR:** And schedule 4?

**Mr GREEN:** And schedule 4, the three strikes and the citizens' jury; it does go on. That is part of my point; we have seen a raft of measures come into place. There has been a suite of measures, but so many that we actually do not know what works and what does not work. We have had lockouts, earlier closing and drink restrictions, but through the relationship with the police we have seen those assaults in the venues reduced, so the measures we need to look at are now measures on the public streets and to get our patrons and other people around Sydney to be safe when they are on the way to a venue or on the way home from a venue or doing whatever they are around Sydney in particular. So just by way of opening comments, you have our submission to the inquiry, so I welcome any questions.

**CHAIR:** I am keen on the last point you made about violence being reduced on the premises but not in the streets. Your association has made this remark and I think other agencies like the Bureau of Crime Statistics and Research [BOCSAR] have said this is observable, but the statistics are yet to be finalised. The quarterly statistics come out tomorrow so we will soon see some of that information, and a lot more that has been

collected. On what evidence do you rely to make that remark? Is it evidence from your members or have you done other research?

**Mr GREEN:** No, when I quote statistics they come from the New South Wales Bureau of Crime Statistics and Research, but statistics, as you and I know, can be quite differently interpreted. If we are looking at, say, Kings Cross, we can see Kings Cross by the police local area command, by the postcode of Kings Cross or by where the precinct measures were imposed in the Kings Cross area. We saw back in December where different sectors used different parts to make the statistics say what they need to. That is the same for the Sydney central business district. Do we look at where the precinct measures have been imposed? Do we look on licensed premises, or near licensed premises? Or do we look at the Sydney local government area, which is the data that you and I can get by going on the Bureau of Crime Statistics and Research website. When I quote statistics, it is the Bureau of Crime Statistics and Research, either through their online tool or by contacting BOCSAR, and they do work for virtually anyone on request.

**CHAIR:** I sympathise with exactly what you have just said. We have grappled with the same problem. Sometimes you hear a statistic, which is, "These three weeks compared to the previous year's same three weeks." Within a split second someone will say, "This year compared to last year." It is almost impossible. At least one reliable measure is in fact provided by the bureau. We will look with great interest at the stats that will come out tomorrow. Can you now talk more about what you mean by "on the streets outside the licensed venues"? What were you observing and what sorts of measures do you have in mind? We assume from that remark that you believe the measures have gone far enough—I do not use that term to be provocative—inside the venues, so out onto the streets then.

**Mr GREEN:** Yes. The Liquor Act for individual venues is extremely strong. In the past four months since 24 February, we have seen three major policing operations on the streets in the Sydney CBD. We have seen operations Compello, Simmer and Rushmore. Assistant Commissioner Fuller may have spoken about those this morning. Those are high-visibility policing operations. They were about getting out onto the street, into the licensed venues and mainly working around the public domain and ensuring that high-visibility policing was out there. What we have seen in the past four months is what we have been asking for, for quite some time. It was what was asked for in Kings Cross.

The Kings Cross Liquor Accord made an application in 2009 to pay for a number of user-pays police to patrol the areas around Kings Cross, which is where the Bureau of Crime Statistics and Research said were the high-risk areas. BOCSAR identified that it was a 500 metre radius. Pretty much Kings Cross railway station was where the hotspot was and that is where the patrols should have been done. For various reasons, the deputy commissioner at the time rejected that. That is why they had the rapid security force up there until they could no longer afford to pay for it. They were security guards walking around in the public domain keeping Kings Cross safer than it would otherwise have been.

**CHAIR:** Earlier in the public evidence Assistant Commissioner Fuller said, more or less, they have sufficient resources and they have access to urgent resources as and when or if the time arises, so we are talking about 2,500 police officers in the Sydney precinct. That really did not seem to be an issue. You would agree there is the potential for police to be highly visible there?

**Mr GREEN:** Yes.

**CHAIR:** What else is needed on the streets? Where and what are the issues?

**Mr GREEN:** It is the greater use of intelligence by police and high-visibility policing, which identifies where the issues are, where the problems are. In 1999 I was commander of a unit called City Safe, which patrolled the areas of Sydney's CBD for three months; it focused on where the intelligence told us there were problems. Policing aside, obviously we have had information regarding the better use of closed-circuit television [CCTV]. Not only is it an investigative tool, but there is a room where closed-circuit television can direct policing resources to where they are needed. At the time of Thomas Kelly's tragic assault there were only a small number of cameras working in Kings Cross. I do know that Mr Kelly was vocal in trying to increase the numbers of cameras up there. Better lighting is needed because of the trees around Kings Cross. Other parts of the Sydney CBD need better lighting.

As you know, we have always talked about transport. Recently we have seen that public transport—buses—has not been that successful. We have always said that when you have a train system that finishes at

about 1.30 a.m., 1.44 a.m. and does not start again until 5.14 a.m., then we have a problem. A train service such as a sprint service or something else should be used to get people away. We are doing significant work to identify super taxi ranks to try to get people in and out of Sydney. I know young people today will either want to catch a taxi or get the train back to where they are going. They do not want to catch a bus to take them to another spot. Ironically, we saw people from Kings Cross walking or being bussed back to George Street, which was the secondary place where a number of the tragic assaults occurred. We were moving people from one hotspot to another. We need to get people away. That reduces conflict. Everything we talk about in licensed venues—at the bar, at the door—and moving people into and away from the premises is about reducing conflict. If you reduce the conflict, you reduce the assaults. That is why measures such as good transport would be effective.

**CHAIR:** The hub for night ride services is needed, but it needs to be at the right location. George Street is the right location; Central railway station is the other location. Getting people to those places is the purpose of the transport. Are you aware that running trains through that period from 2.00 a.m. until 4.46 a.m., or whenever it is that they stop running, was not preferred by the police because incidents could occur in the train and in the tunnel rather than on the street in a bus, which the police could reach quickly compared to underground?

**Mr GREEN:** It was a topic of discussion with the region commander at the time who has moved on to the counterterrorist command. I have had a discussion about this subject with the deputy commissioners and the local area commanders and acting local area commanders at Kings Cross. I cannot find who it was from the police who made that comment.

**CHAIR:** The Government took it on board, I can assure you; I was there.

**Mr GREEN:** I know. I talked to an acting Kings Cross commander at one stage who said that at 5.14 a.m. the people who were still at Kings Cross—bearing in mind you put a lockout in place at 1.30 a.m., you then put a cease service of alcohol at 3 00 a.m., so then you have people milling and either waiting for a taxi —

**CHAIR:** At those two times.

**Mr GREEN:** — or waiting for the trains to start. I know my children used to stay out until 5.14 a.m. to get the train home or they would pay more than \$100 to get a taxi home, which they then would look to me to supplement.

**CHAIR:** Why do people not like to catch one of the buses that are available every nine minutes?

**Mr GREEN:** I cannot fathom why but it is something that appears to be in that generation. They want their transport; they want it immediately. They want to get out of the venue into a taxi or on a train and off on their way.

**CHAIR:** The train is not going to be there more frequently than every nine minutes. For every train length you can do five buses, so you spread them out every couple of minutes. That is fantastic, is it not?

**Mr GREEN:** I get the impression they wanted one form of transport. This is only my opinion at this point in time because I am like you. There is public information, there is information in the venues about the buses, about where they run to, but it was because it was a leg—they had to catch a bus to then catch another form of transport. They would probably rather walk down Kings Cross to William Street to get to where they were going than catch a bus. For whatever reason that appears to be what they have decided and what they have done. I spoke to one acting Kings Cross commander who said that at 5.14 a.m. it was like the sun had come up and the vampires were going because the people on the street would descend into the train station with no issue.

**CHAIR:** We are aware that is what occurs. I imagine as we move into summer there will be larger crowds.

**Mr GREEN:** If we look at the International Fleet Review and New Year's Eve, the trains run overnight and there are significant policing resources in uniform around the city. We have no problems and people move seamlessly through the transport system. We know that works.

**CHAIR:** You also mentioned CCTV. Since the Thomas Kelly and Christie incidents, coverage has now increased in those spots. Outside one licensed venue was covered, outside the next licensed venue was covered but the bit in between was not. The police evidence this morning was that now there is sufficient coverage. You cannot cover every square inch, but those areas that had a lack of coverage that allowed those incidents to occur are now covered. There has been a dramatic increase in the number of cameras. Kings Cross is well covered now as are lots more parts of the CBD. The question is, do your members tell you that there are other areas that are screaming at us that have no CCTV coverage?

**Mr GREEN:** It is something as simple as telling people the CCTV is there. Sometimes people see CCTV as an investigative tool. One venue in Kings Cross or in the city area will have 60 to 80 cameras that are viewing every public area.

**CHAIR:** That is in the venue. My question is—

**Mr GREEN:** Yes, I understand. The issue is that there should be significant signage telling people that they are being viewed, that their actions and images are being recorded. That is a deterrent, whereas CCTV is an investigative tool, and quite a successful one—telling them that they are being watched, telling them that their behaviour is being monitored. I am in favour of the Friday and Saturday night ID scan for the same reason. Their identity is known, which means their behaviour is not anonymous. It is something they look at. Probably better signage about CCTV, and then evidence of someone on CCTV, then we tell somebody about it. We tell them we are going to do it, we do it then, we tell them we have done it.

**CHAIR:** Are there any other areas? That is transport and CCTV. Are there any other legislative aspects such as police powers?

**Mr GREEN:** Police powers are there. More importantly, the Liquor Act is there for individual venues. There are significant powers. I know the Alcohol Licensing Enforcement Command has been looking at individual venues, some in Kings Cross, some in Newcastle and some in Sydney. It has been imposing restrictions, sanctions and winding hours back. That is what we believe in, looking at the rogues and recalcitrants and taking action against them. It has done that successfully. The Liquor Act has significant teeth, sections 53 and 54. Section 139 deals with "fit and proper" and disciplinary action, et cetera. Out on the street police have sufficient powers and the strength of move along, et cetera. The introduction of precinct bans. If someone plays up—and we spoke about that at the time—they do not just get rejected from a venue, they get rejected from an entire area, and that is sufficient. I think the police powers at the moment, depending on what Mr Fuller said, are sufficient.

**CHAIR:** Mr Fuller said that there had been quite a few detections of banned people attempting to enter and failing due to the scanners. That was an endorsement from his perspective, but from the venue's perspective?

**Mr GREEN:** Obviously we have always had issues. When we talked about identification scanning in the first instance, we wanted it to be at peak times, so we always said on Friday and Saturday nights, which is when the Bureau of Crime Statistics and Research tells us is the witching hour for assaults.

**CHAIR:** I think we have achieved that.

**Mr GREEN:** Yes. At the moment it is each night, and we would like to see it wound back.

**CHAIR:** What are the hours now?

**Mr GREEN:** Seven days a week, during the evening.

**CHAIR:** What hours?

**Mr GREEN:** It commences at 9.00 p.m.

**CHAIR:** Nine till close.

**Mr GREEN:** We had some success, but originally it was going to be during the day time.

**CHAIR:** It was going to be 24 hours on the weekend, but that has now been altered?

**Mr GREEN:** Yes.

**CHAIR:** Okay.

**Mr GREEN:** That is quite effective. We are quite pleased. The venues are undertaking the trial at the moment. It is too early to ask them because they have had so many other measures that have been a financial impost. They are still finding it difficult in terms of staffing and a range of other things, but it is far better to only be scanning during those hours at night. As I said, you will probably notice, there will be a significant reduction or a further reduction in assaults coupled with the reductions we have had in the past five years and indeed in 15 years in New South Wales.

**CHAIR:** Would you be surprised if other venues in the Sydney precinct, on a case-by-case basis, were selected for introduction of these scanners?

**Mr GREEN:** We are doing the 12-month trial that the Government has put in place. Along with all the measures, I think it is appropriate that we wait and see the results of that trial, because we actually have seen a number of venues across New South Wales that have adopted identification scanning of their own volition. Obviously it was the five venues in Newcastle that adopted identification scanning in 2012.

**CHAIR:** Many in your brother industry, the clubs, do it as well.

**Mr GREEN:** Absolutely.

**CHAIR:** In fact, they almost all do it now.

**Mr GREEN:** Yes, and it is based on entertainment type. It is based on the trading hours and the entertainment type, et cetera, as to where it is appropriate. They are the ones that should be looked at. Let us not impose a blanket measure but let us look at the business type of activity and then make a decision based upon that rather than saying that this is an area and everyone is in it when sometimes it is not the business type that is supported.

**CHAIR:** But to ensure that a ban is enforceable you cannot imagine that only a certain part of the CBD is included and therefore those banned people could then just stroll off. Obviously they are attempting to enter, which I find quite amazing. They are attempting to enter where there are scanners, therefore they must be entering where there are not scanners.

**Mr GREEN:** Probably Superintendent Mick Fitzgerald from Kings Cross could say, but I think with identification scanning that those people that are banned in Kings Cross are not just those that have committed or are at risk of committing an alcohol-related assault.

**CHAIR:** Yes, there were 35 intended banned people who had other issues.

**Mr GREEN:** Yes, so for Kings Cross that is the measure they have imposed for those reasons.

**Mr CHRIS SPENCE:** In your opening you went through a number of the measures that have been introduced. I will not even attempt to repeat it, but you did it very succinctly and went through a rapid succession of all the different plans. I have two questions in relation to that. First, do you think that some of those have just moved too quickly as in we have just gone from one idea to the next? And are there any of those that you thought perhaps should have been given a longer period of time in which to be analysed before jumping to the next stage of each of them?

**Mr GREEN:** When you impose a suite of measures how do you know which one worked? Funnily enough, Professor Kypros Kypri, who wrote the Newcastle report, says that lockouts do not work. Professor Peter Miller wrote the "Dealing with alcohol-related harm and the night-time economy" [DANTE] report. He did two studies in Victoria, et cetera, and looked at a range of measures and he says lockouts do not work. Fortitude Valley, et cetera, all say lockouts do not work. But when you look at a suite of measures, they say that collectively some of them work, so we need to keep them all in place.

I think there is a very robust argument that if you are going to impose conditions and sanctions they need to be evidence based. They need to be tested, pushed and prodded to find out what works and what does not. So, yes, I think we have moved too quickly. For example, the measures legislated in January and commenced in February this year actually post-dated identification scanning in Kings Cross but predated the actual implementation of identification scanning. Kings Cross, which was already going down the road with the tender for identification scanning, then had to have a lockout and a 3.00 a.m. cease service of alcohol as well, whereas you would think there should be a capacity to say the identification scanning is an equal or additional measure that should replace the lockout.

For schedule 1 of the tiered or violent venues list you are allowed to make an application for an alternative measure that is equal to the imposed measure, say a 2.00 a.m. lockout or removing glass at midnight. You might be able to put in an additional measure, an alternate one, which is more effective for what you are doing. My argument is, it is probably likely that the identification scanning is far more effective than a lockout so it should have been able to replace it. But because it was put in before we had even started the ID scanning we will never quite know unless we wind back, have a look at all of the measures that have been imposed in the last six years, work with industry and the community and identify those measures that work. Then, let us put in a proper series of strategies, not a scattergun or a kneejerk type of series.

**CHAIR:** I think we are where we are and it would not really have been possible to consider one measure at a time, implement it, trial it, assess it and then think about measure number two. Obviously, we are talking about a snowball here. The summer of 2013-14 was like a snowball.

**Mr GREEN:** Yes. Having worked through it and obviously, as I have said before, not even beginning to understand the tragedy and how that would feel I think, yes, I do understand the political imperatives. I do understand the issues.

**CHAIR:** They were community imperatives. There were major public meetings going on and so on. All the associations that have come before us were very active in the field and quite a few more that have not come before us were very active in the field. I believe the Australian Hotels Association [AHA] knew and understood the public force that was out there.

**Mr GREEN:** I can say, having worked through that period, absolutely.

**Mr CHRIS SPENCE:** Returning to the Newcastle model, your submission talks about the Newcastle local government area [LGA] and alcohol-related violence dropping by 7.2 per cent versus the State average of 18 per cent. A number of other submissions have referred to Newcastle dropping by 37 per cent. I do understand and we have discussed that statistics can be changed depending on which year is compared to what, but can you explain that?

**Mr GREEN:** Absolutely, with pleasure. The situation with Newcastle is that the original study that was done under the auspices of the Bureau of Crime Statistics and Research looked at the first 18 months from 2008 when they were implemented. It was actually 29 per cent, and that is in the BOCSAR study. It showed a 29 per cent reduction over that period and then it was adjusted to 37 per cent because of a co-relating factor to do with Hamilton. It said there was no displacement to Hamilton but across New South Wales in that first two years there had been a 10 per cent reduction, so in effect no change in Hamilton was actually a rise.

If you looked at places such as Cessnock, Maitland and other places they sustained a rise once the Newcastle measures were put into place too, so there was displacement. The then Director of Liquor of Gaming, Albert Gardner, said in his report to Newcastle that there were about 12,500 patrons that used to go to Newcastle on a Friday and Saturday night. It is now down to around 2,000. There has been a significant numerical drop. So BOCSAR's one flaw sometimes is that it looks at raw data. That is what we will see tomorrow where the number of assaults will probably drop in Sydney but the number of people has also dropped. It is simple mathematics in that regard.

In relation to my submission and what is in there about the drop, Newcastle in that third year dropped 7 per cent at the time that New South Wales dropped 18 per cent. Newcastle in the five years actually dropped around 26 per cent or 25 per cent whereas New South Wales dropped far further. The Hills District dropped 50-odd per cent, as did Brisbane Waters and Penrith. But, in the fourth year in Newcastle, 2012-13, it went up 20 per cent. That was when the commander there, Superintendent John Galton, threatened the venues with further sanctions. That is when they implemented ID scanning. Then the experts look at it over five years and

say that there has been a drop but they have failed to identify the 20 per cent increase. Statistics are problematic but all the statistics that are in that document—

**CHAIR:** I think I followed you.

**Mr GREEN:** I was confusing myself. The main point is that in relation to the statistics that are in there, the 7 per cent is in that next year and it showed at the same time in New South Wales it was an 18 per cent drop. The figures in my submission talk about all the reductions and particularly with those five-year reductions Newcastle was not at the same level as New South Wales or many other individual local government areas, but at what cost? We know that one in four hospitality workers lost their jobs. We know that over \$25 million was wiped off the value of the hotels. I know of hoteliers that have lost their entire superannuation.

We can achieve the reductions and we can achieve the safety of our children without putting people out of business and without shutting down international cities. That is why we look at measures. There is an opportunity for this inquiry to look at measures that actually will lead to continued and improved safety in our venues without shutting them down and that will identify and implicate the rogue and recalcitrant venues the same as we need to identify the criminals who commit these coward punches.

**Mr CHRIS SPENCE:** Reducing alcohol advertising and so on has been suggested. What sort of impact would that have on your industry?

**Mr GREEN:** It is a very broad area because if we are talking about alcohol advertising it may include the ability for a hotel to advertise their specials or advertise that they have got good food or a band on. It depends how broad it is looked at. If there is going to be a debate then it needs to be something that is looked at in totality rather than just looking at the advertisements on the football or the advertisements in some other regard. Is it the signage outside a venue? I think alcohol advertising is an issue to be looked at, but it is a very broad issue that is far wider than the hotels that I represent.

**Mr NICK LALICH:** It has been suggested by some stakeholders that volumetric tax be added to alcohol sales. What is your opinion on that?

**Mr GREEN:** It is something that I am not expert in; however, the people that have spoken to me say that there are significant problems with it in terms of the type of alcohol and the price. Without looking to blame other drug types, if you raise the price of alcohol, we know that people turn to other substances. What we have seen in the last few years is—and it has been well identified and reported on by the commission just this week—we are in a situation where you can buy an ecstasy tablet for around the \$25 or \$30 mark. As alcohol increases they look to other drug types or they look to the cheaper alcohol.

Considering that 70 per cent of alcohol or more is purchased from off-licence premises, they will always find cheaper alcohol or drug types and move to that. I think it is more effective that we look at responsible service of alcohol and working with our young people in making sure that they drink responsibly and our people serve responsibly. That is a far more effective measure than looking at volumetric tax. But, as I said, it is not an issue that I am expert in and it is something that should be looked at by the wider alcohol industry.

**CHAIR:** Most of the off-licence venues are not your members, although some of your members do have some bottle shops.

**Mr GREEN:** Yes.

**CHAIR:** Closing at 10 o'clock uniformly across the State was one aspect. The more important aspect was the pre-fuelling issue and the fact that pre-fuelling occurred well past 10 o'clock before the arrival, in many cases, at a Sydney venue at midnight or thereabouts. What has been observed now in relation to pre-fuelling?

**Mr GREEN:** We have long identified pre-fuelling as a significant cause and it is probably part of the price issue that we were just talking about. Obviously, the 10 o'clock bottle shop cessation across New South Wales has had a significant impact on country New South Wales. If we are talking about pre-fuelling before going out to the Sydney CBD, et cetera, then I have over 1,000 country members that just cannot fathom what occurred, how it occurred and why it occurred.

In relation to the vast number of takeaway liquor outlets and bottle shops being closed by 10 o'clock, pretty much the only takeaway liquor outlets that are available after 10 o'clock are in hotels. There are farmers, particularly in the summer months they do not actually get off the land until 8.30 or 9.00 at night when the sun is just going down. They shower and come to the venue. Sometimes it might even be an hour drive. They get into the venue, they want to just have a few drinks, stay legal to drive and then pick up a six pack or a bottle of wine because they are having dinner. It is the same as hospitality workers.

We are finding that country New South Wales is the unintended victim of this. They have been impacted upon. But when I say venues, the people suffering are actually the people who want to just buy takeaway alcohol, be it a bottle of wine or a six pack or a bottle of spirits when they come into town when they have finished work or have finished at the movies. Regional New South Wales is really suffering and cannot see the rationale for all of this. We are hopeful. The Minister has committed to a review after 12 months and we hope that will be an evidence-based review.

**CHAIR:** I was not going to go into this diversion, but you have mentioned the review. The review, of course, is after two years. The City of Sydney particularly advanced the view that it ought to be after one year—that is, after next February. That will not only be a full year but also include the summer, which is the most vital statistics period. Not putting words in your mouth, but what you are saying is that the whole lot should be reviewed, not just the country bottle shops. Is that right?

**Mr GREEN:** I think there is an opportunity here for us to look at all the measures. I think my media comments at the time were that we would like to see it sooner rather than later. It is very hard to measure the impact on business and suffering of business when we have other victims out there. The reality is that there are a lot of venues that have never had an assault or an act of antisocial behaviour pretty much on their venue that have been impacted upon by all these measures. I think it would be prudent to examine them as soon as we have some available data as to the impact that there has been.

**CHAIR:** The earliest possible would be to consider the 12 months, but even that is not pure because February is not a statistical period, so it will be the end of March. And then you need whatever—three months or something.

**Mr GREEN:** Yes, and that is what the Director of the Bureau of Crime Statistics and Research [BOCSAR], Don Weatherburn, normally says. He looks at least six months but normally 12 months, and that is why the data tomorrow will be an indicator but definitely not something to hang your hat on.

**CHAIR:** The data tomorrow will take into account the summer prior to implementation of these measures so the data tomorrow will still be quite good because it will take us from June to June.

**Mr GREEN:** And starting on 24 February for the lockout, et cetera. We will wait and see. I expect that it will probably show—

**CHAIR:** But it will be impure either way we look at it because, unfortunately, February is in the middle of one of the quarters.

**Mr GUY ZANGARI:** Throughout today we have been hearing about society driving change and education, attitudinal shifts and awareness of alcohol-fuelled violence. What is your association doing in order to change this cultural and social shift regarding the responsible consumption of alcohol? I know that you have the responsible service of alcohol, but what about responsible consumption for those people who are having a drink in your venues?

**Mr GREEN:** In our submission to the review of the Liquor Act we said that we saw education and training as being a vital tool. When we say "education" that is not only our staff and licensees and the level of training that we think they need to have but also education of the community. We have partnered with ClubsNSW and the NSW Police Force in running a campaign called "Stop. Is it worth \$550?" We had advertisements. Advertisements that are shown in our venues show a young person who is refused alcohol service throwing a yike and police then attend and give him a \$550 fine. We paid for big electronic vans to drive around the Sydney CBD, Oxford Street and up around Kings Cross during the October long weekend raising that issue. All our venues have that rolling around on their screens. They also have posters that they display in their venues.



As you might have seen in the media, just last week a campaign was held down at the Sutherland Liquor Accord area where we had year 12 students who were lectured in a 50-minute session. We have over 100 down there, and at Cronulla they have had over 150. It is year 11 and year 12 students who are 17, 18 years old. It is about their responsibilities when they go to a licensed venue. It is very much like Mr Kelly was talking about before, where we have a licensee talking to them and we also have the police. It is about getting them aware that they are just approaching the age to come into our venues and their actions might have significant ramifications for their friends, themselves but also for the licensee who might face a strike, depending on the behaviour of that person. If there are too many assaults because of the behaviour of these young adults, then there are sanctions against the licensee. We have found that the feedback we are getting from that is quite positive, and they are the sorts of operations that we are looking at.

**Mr GUY ZANGARI:** Is this across all of New South Wales, Sydney metropolitan? What is the take-up of these particular programs across the board? I know that you are doing that. However, we are looking across the whole State at a big issue.

**Mr GREEN:** On the various task forces that I mentioned in my opening that I have been involved in we have found that it has been extremely difficult to get it into the curriculum of the education department—into either the earlier year 9 or year 10. Some experts tell us we should be getting to them at 15, 16 years old so they know then. Or do we get them at 17, 18 years old, when they are likely to try to get their friends illegally into premises? We know the experts say the earlier they start drinking the earlier the problems occur. So we do not want the children, the 15- and 16-year-olds, starting to illegally access alcohol. But, I have seen the difficulties that we have had in getting into the curriculum. By getting it in places like Young, Yass, Port Macquarie and other places, and then Sutherland, Cronulla and Oatley, we are starting to get a take-up and a groundswell.

Obviously with the media interest last week, there was a national report on it. There was also radio and print media and that is starting to get the conversation started, but sometimes these programs get hijacked by wider interests. This is focused on the young person's behaviour in and around licenced premises. Then it gets hijacked by wider mechanisms that want to take it to a different level. We have seen a website that was developed by the Office of Liquor, Gaming and Racing. It was supposed to be a tool for use across New South Wales, but it has probably been hijacked just a bit so we are interested in developing it through the liquor accord process, which is run by the Office of Liquor, Gaming and Racing. We will be looking at that.

**Mr NICK LALICH:** This is probably more of a statement than a question. We spoke earlier about CCTV cameras and the signing that needs to go with them. I think you are right in what you are saying: that it is much more effective if you have signs telling people they are being filmed. Where I live in my area of Cabramatta the council has made a rule that all new buildings in the CBD—all new shops or whatever building it is—must have internal and external cameras under the awnings or up on the walls. The police seem to think that cameras on all shops internally and externally give them a much better vision of the whole area than the CCTV cameras that councils have out on poles, because there is always a dead spot somewhere in between. What is your opinion? I know your members in the Hotels Association have internal and external cameras. What is your opinion on making it a law that new development applications or refurbishment of shops must have internal and external cameras?

**Mr GREEN:** From a hotel and licensed premises point of view, we have three masters in the NSW Police Force, the Office of Liquor, Gaming and Racing and local government. More and more, local government is requiring, as part of its development consent, the use of CCTV cameras. New South Wales police always recommend it and the independent liquor and gaming authority or the consenter of the licence will almost always now ensure that a venue has CCTV. I think it is pretty much standard practice of the chair of ILGA. Yes, I think they are a valuable tool. We have seen it in Europe in terms of terrorism, in London and other places. A network of CCTV was heavily used in the investigation into the murder of Thomas Kelly, so it is a valuable tool in the investigation process. As to Cabramatta, in relation to the drugs of the early 2000s I know that the cameras there were vital in moving that drug supply out of Cabramatta. So, yes, I am a supporter of CCTV as an investigative tool, but that is probably the old police officer in me.

**CHAIR:** Thank you, Mr Green. Before we conclude is there anything that you feel was not covered or that has come into your mind that you would like to bring forward now?

**Mr GREEN:** No. I think the opportunity to speak today has been worthwhile. Thank you for your questions. Thank you for the opportunity. This is an opportunity for you to look at what has been put into place. Take your time and look at those measures that work.

***CORRECTED PROOF***

**CHAIR:** Thank you. We have received your submission. If there is anything you want to report on subsequent to today, please feel free. It will be considered in the same way, under privilege, as your submission and your evidence today. Thank you for appearing before the Committee.

**(The witness withdrew)**

**ANTHONY JOHN GRABS**, Clinical Executive Director, St Vincent's Hospital and Director of Trauma,

**JAMES TOBIAS HALL**, Group Chief Executive Office, St Vincent's Hospital Australia, sworn and examined,

**PAUL THOMAS PREISZ**, Acting Director, St Vincent's Hospital emergency department, and Deputy Director, Emergency Medicine, Saint Vincent's Health Group, and

**NADINE NATALIE EZARD**, Director, Alcohol and Drug Service, St Vincent's Health Group, affirmed and examined:

**CHAIR:** Your evidence is protected by parliamentary privilege, as is your submission made earlier. Thank you for making the submission. Is there any statement that you care to make at this point—any one or all of you?

**Mr HALL:** If I can make a brief statement and then move into question time, that would be excellent. First, we would like to thank the Committee for seeing us today. I felt it was important that St Vincent's brought a group of front-line experts in the issue of health, particularly in the CBD area, so I am glad that the team has been able to come with us today. As you know, St Vincent's is one of the largest health providers in Australia and probably, more particularly, is the key health provider covering the Kings Cross area and the CBD area. To an extent, the team has had to bear the brunt of the harmful effects of alcohol supply and consumption in Sydney over a number of years. In fact, probably dating back to the early 1960s our team established a drug and alcohol unit and from that point onwards has been vocal in at least trying to have people understand the harmful effects of alcohol not only on the individual but also on the communities that we live within.

We believe that we have a place to speak up for those who suffer from alcohol-related violence. It would be fair to say that, with the experience of our team across the board, you would be hard pressed to find any of our physicians, nurses or allied health professionals who have not seen the devastating effects of alcohol on this community. We are fairly clear that alcohol probably, from pretty much every research study that has been developed around the world, is far and away the most serious drug impacting people's lives. We believe this is a scourge on our society, and has social health and economic impacts which damage our community.

We would like to make it fairly clear first of all that our experience to date is that, since the legislation came into existence six months ago, we have had an observed reduction in the amount of alcohol-related presentations to our emergency department across the board. Probably more importantly, our intensive care specialists, trauma services and emergency staff have observed a reduction in serious injuries at that time as well relating to alcohol-related assaults. So, a two-fold benefit there: one, an absolute reduction—it would appear from the evidence that the teams are seeing—in any form of alcohol-related instance; but, more, the serious trauma has definitely declined and that is observable across the different units. Our view is the early indications would be that the legislation does appear to have had a significant improvement on the situation across the CBD and there seems to be a reduction in the number of people who have been affected by alcohol-related violence or suffering from an injury themselves because of alcohol.

I should stress that we probably are in a unique position in that we see people suffering from alcohol-related issues in terms of seeing victims of assaults. Our doctors and nurses have to deal with that and often deal with the painful relationships in families, which ensue from quite serious harm that occurs to people. Often we will also be the ambulance, picking up the pieces for people who have harmed themselves while they have been under the influence of alcohol in Kings Cross. We would urge the Committee to support a continuation of the current legislation. We believe it is effective and has had an impact, and we would not want to see a change. The reference to the AHA views, yes, there is a range of different legislation which has been put in place but, as you yourself directed, the snowball effect seems to be that everything combined now does seem to be making a difference at last.

We would also urge the Committee to think about further funding increases to focus on preventive impacts for alcohol-related violence. We talked about the impact of education in schools. There are many, I guess, diverse groups in Sydney who face larger challenges. The homeless groups that we see and the Indigenous community often seem to suffer more from alcohol and we believe that good prevention programs and good health education can actually assist with that, and we would like to see further effort put into those areas. There is a range of issues which, to an extent, are beyond the terms of reference of the Committee but we believe are important in terms of looking at the legislation and the snowball effect on the community of good

alcohol-based legislation. We see a number of youth who are risking brain damage by starting to drink alcohol too early in their lives. We see children who are exposed to alcohol in their families and in their community.

We see the Aboriginal community suffering double the rate of exposure and risk to alcohol-related issues and believe that when we are looking at these things, rather than any response which quickly looks at the one, simple silver bullet answer, we do need to look across a range of issues to ensure that legislation impacts and supports all those who are harmed by alcohol and not just the people who are affected in the CBD area by the lockout legislation. I do not think there is too much of a great mystery around alcohol-based impacts, but we should draw to the attention of the Committee the latest study from Victoria Health, which has looked at this on a national basis and found that 15 deaths a day are caused by alcohol harm and 430 Australians a day end up in hospital facilities because of alcohol-related harm. These things tend to say to us that we actually need to do something about this and we need to ensure that good legislation which is in place is maintained.

We have recommended to continue the measures that are currently in place. We believe one of the areas needs further work. Again, we would not always agree with the Hotels Association but on this occasion we absolutely believe data collection is vital and having good evidence data allows the hospitals, the police and the community to understand the reality of what is actually happening rather than people's perspectives or opinions. So, we would support the need for better collection of data. We would particularly ask the Committee to consider asking the health department to consider putting more funding towards A and E departments, particularly, being able to record and understand how much of the service they provide is actually services to people impacted by alcohol either as a victim or someone who has come in having perpetrated a crime and has a health issue. We believe that that data will actually give us good evidence for the future in terms of how we can prevent further issues.

We would encourage the State Government to also work with the Federal Government on alcohol-pricing policies. We think that has a big impact on the overall situation. We do believe that there needs to be tightened legislation around alcohol promotion at a national level but also within the local communities in which we operate. Again, better sales data—better information on the actual access to alcohol—we believe is needed and consistent data in terms of the police, ambulance and hospitals, which can then inform good policy and legislation, we think is important as well. We have had a discussion around the important impact of local government on the provision of alcohol and we do believe that the State Government needs to work carefully with local government to ensure sensible availability of liquor outlets in terms of density and in terms of timing of access to alcohol sales.

We do believe there needs to be better and more innovative alcohol-screening prevention services to assist poor people at risk of abusing alcohol to not do that. We have talked about data already. We believe that is absolutely vital. I think a thing which is important for the Committee to consider for the benefit of New South Wales people is actually starting to look at what are the wider impacts of alcohol abuse in our community. The damage in terms of domestic violence, the damage in terms of homeless people and the damage in terms of at-risk communities is something which demands a wider review to actually ask, "How can we create a better environment for our people to sensibly use alcohol if they need to and to create an environment where our health professionals and our community do not have to suffer from the violence which is perpetrated after use of alcohol?"

Lastly, we believe there is an issue in New South Wales, particularly in the centre of the CBD, where there are actually very few services to help people with severe alcohol disorders. We believe the State Government needs to consider this. We currently believe there is a need for about 20 medical withdrawal beds in St Vincent's to look after the community that we see. At the moment there are no such beds across New South Wales. We believe that a service for that community to help them both deal with the presenting issue and also to have a service which can help them withdraw from alcohol is something that is absolutely vital and something that needs funding and support. That is probably enough from us. The key message is we think this has worked. We have seen a reduction. We would like it to continue and we would also like to see better data and more funding for prevention-based activities. We are happy to take questions, and I have brought along the professionals who are at the front line so you can hear what it is like right at the front line.

**CHAIR:** I neglected to mention earlier that these are public hearings and there are members of the media who are recording what you say. So you may hear and see yourself elsewhere in due course.

**Mr HALL:** Yes.

**CHAIR:** We have some questions about your opening remarks as well as the quite comprehensive submission we received earlier. We may touch on these areas again and cross over with some. Let me start not necessarily at item one but with the boundary. You remarked that St Vincent's is the main place where any victims of assault et cetera in this area come to. My question is about the boundary and whether our new laws have caused migration. If people are migrating from your area, you would not now see them, would you? Would they be going to some other place? The boundary is the relevant question.

**Professor GRABS:** What we know is that our area of drawing for trauma is from Maroubra all the way up through the eastern suburbs of Sydney and right through to about George Street. Usually in George Street there is a decision whether they go to RPA or to St Vincent's. If they migrated into the eastern suburbs to Bondi and Coogee, we see it because we are the only major trauma centre for that area. Prince of Wales does not take major trauma anymore. So even if it occurs at Coogee, even some matters at Maroubra, they come to us. I think the answer to that question is: We have not seen a migration, certainly into the eastern suburbs, that has had an influence on us at all.

**CHAIR:** Have you spoken to the people at RPA?

**Professor GRABS:** We have spoken to the people at RPA.

**CHAIR:** Just to see whether there has been an increase.

**Professor GRABS:** They have not seen a major change. I was just chatting to one of the reporters and she said they have actually seen a little bit of a reduction. So that is very good from my point of view—that we have not seen that drift that was talked about.

**CHAIR:** This is probably the final question on this topic because we have asked everybody and everybody really has answered the same: No, there has not been migration. The level of assaults in accompanying areas also has fallen, et cetera. I was thinking people in the Newtown area might go to RPA?

**Professor GRABS:** It would be RPA's drawing area.

**CHAIR:** That is the area that most people think is going to be the area of migration, although Pyrmont is equal perhaps and then you get to Paddington and other areas. I think we can be settled on that topic: Migration is not occurring yet. Of course, we are yet to see a summer.

**Professor GRABS:** Correct, yes.

**CHAIR:** We will know when the time comes. I am most excited to hear of the reports from your network at St Vincent's and I am really excited to hear what you have said again: In fact, you have seen a dramatic reduction in assaults and their seriousness emanating from the area in red, which includes the area in yellow—which is the Kings Cross precinct—and then the broader area of the CBD. Would you attribute almost all the reduction in assaults to lockouts or is it only incidental since the measures were introduced on 24 February or whenever it was?

**Dr EZARD:** I think we need to make a distinction between lockouts and early closing time—that is, last drinks and lockouts. I think this is the point that Mr Green from the AHA brought up in his previous submission, referencing work from Peter Miller saying that lockouts do not work. I think what the evidence shows is that it is not the lockouts that work; it is the last drinks and the closing hours—those kinds of interventions—that make the difference. Whether you lock someone out an hour and a half earlier and then stop the drink at three is not going to make the difference. The lockouts and the last drinks should be in harmony and we would prefer that to be at the earlier time rather than the later time. I will allow my colleagues to respond. The question is: Is it the lockouts that work or the last-drinks legislation?

**CHAIR:** I hoped I could ask you what is the evidence at 1.30 a.m. and at three o'clock? It is generally a reduction; okay, we got that.

**Dr PREISZ:** We just do not have the data to split that very well. That is one of the major problems we have. To get really robust and accurate data to be able to say exactly that, there is no system in place to do that just yet. That is one of the big needs we have: We want to have data that we can really work with. This really

matters. The current systems we have are just not built to do that. It would take some investment to design and implement a system to do that. So we cannot answer that. I do not think anyone can.

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**CHAIR:** Only you could give the Committee that information.

**Dr PREISZ:** I work on the shop floor. I have been 30 years in this place and this is the first time I have seen a significant reduction in alcohol-related issues—not only violence but also presentations.

**CHAIR:** You are not overstuffed at this point, are you?

**Dr PREISZ:** Remarkably, our staffing has not changed a great deal. We are one of the constants. We see fewer patients presenting with these issues and it is related to both. However, it seems to be the total amount of alcohol consumed. Most people working in this area would support anything that puts a ceiling on that.

**Mr CHRIS SPENCE:** You said that the number of people presenting has declined and you also mentioned alcohol consumption. Is it that consumption has reduced, that those presenting have reduced their consumption, or a combination of both? Are there fewer people but also fewer with high levels of consumption?

**Dr PREISZ:** The total patient number has increased. We see 45,000 patients a year and fewer people are presenting with alcohol-related problems. Some will still present very unwell and there are still some victims of violence and crime, but this is the first time we have seen a reduction. Whatever combination it is, it is actually working. I wish I had better data and that I could provide hard numbers on which we could all rely. It was remarkable to hear the last witness provide so many numbers because the data is just not there.

**CHAIR:** I am hating going down this statistical road. However, you have allowed to be treated as one group those presenting with alcohol issues as opposed to the victims of assault.

**Dr PREISZ:** Correct.

**CHAIR:** In our case, the distinction is either coming from within a licensed venue or not in the Sydney area.

**Dr PREISZ:** Yes.

**CHAIR:** Do you think you would be able eventually to provide that sort of information?

**Dr PREISZ:** With the right systems it might well be possible, but it would take significant work with design and implementation.

**CHAIR:** We are anxious to see it.

**Dr PREISZ:** It would be possible.

**Professor GRABS:** I have looked at this closely. One of our problems is how we accurately identify how much alcohol people have consumed. People relate that to blood tests and so on. One of the things inhibiting us is the privacy legislation. I attempted to do anonymous alcohol readings—for example, using urine—on patients coming into the emergency department. I think Dr Ezard would agree that we do not know the real burden on every patient who presents to the emergency department. That is a problem because there are legislative issues with privacy. If a pedestrian who has been hit by a car comes in, it is mandatory to test their blood alcohol level.

However, many things occur in the home and on the street and the patient's blood alcohol level is not tested because it is not indicated and we cannot take blood simply for data purposes because of the privacy legislation. That information can haunt people in the future if their personal details are in the public domain. There is the anonymous component with regard to alcohol levels in the community. For example, people in their sixties and seventies who have had too much to drink at home might fall over and break their femur neck and come into the emergency department. We have no data about whether they have consumed alcohol. There is a huge underestimated burden with regard to the role of alcohol in our community.

**CHAIR:** You take an occasional sample.

**Professor GRABS:** We have to take occasional samples for head injuries. If a patient has a head injury, it is part of our process to work out why they are unconscious. Twelve months ago we were seeing people with astronomically high blood alcohol levels—0.25 or 0.3. I have not been seeing that level of consumption in patients recently, and I do not know why.

**CHAIR:** The other aspect is when we get to the court case and there is apparently no evidence of alcohol or drugs, and that is because there is no mandatory taking of samples. I do not want to ask a legal question, but why has no-one asked the Government to legislate the mandatory taking of blood? Why is blood not taken automatically when the police arrive and say that a crime has been committed?

**Dr PREISZ:** We do blood tests when we need to make a diagnosis or when it helps us with management. When it becomes a legal issue there are more complex issues to do with chain of custody and so on, and we do not necessarily have the ability to follow them with our blood tests. The requirements when we do a blood alcohol analysis after a car accident are quite different from the tests we do for our own diagnostic purposes. That would be quite an undertaking. We would have to ensure that we had all the right patients and that we did everything properly in each of those cases. That would be a significant thing to do.

**CHAIR:** Having said that, I imagine that most victims of assault would not necessarily have a high blood alcohol reading. That would be true of the assailants rather than the victims, but that is good as a throwaway line.

**Professor GRABS:** I have stated in the media before that I walk through Kings Cross every day of my working life. I am sober and I can see when trouble is about to occur. Unfortunately, when people have alcohol on board they lose their ability to sense danger. That is why relatively innocent bystanders, although they might have consumed alcohol, confront difficult circumstances. I might see something happening that is not right, but people under the influence would not see it. They end up having a bit of a push and shove and the next thing they know they are involved in a huge fight. That is when injuries occur. Alcohol blunts your ability to see what is happening around you. That is a problem we have underestimated. It is very hard to measure, but their ability to detect danger is impaired.

**CHAIR:** What about their ability to detect that they are under surveillance?

**Professor GRABS:** They will not notice that the CCTV cameras are there because they are not aware.

**CHAIR:** I am not surprised to hear that.

**Mr NICK LALICH:** Just about everyone who has appeared before the Committee today has said that the new legislation implemented in February has worked wonderfully well and everybody is happy. They have not said that it cannot be improved, but they have said that what has happened so far is great. Have you noticed any change in the incidence of domestic violence resulting in people presenting to the emergency department? Given that more people are drinking at home, has there been an increase in the incidence of domestic violence?

**Professor GRABS:** In the good old days—as I call them—if you did a ward round in the emergency department on a Saturday or Sunday morning there would be five or six people in collars who had drunk too much alcohol and who had blood on their face. They might have been assaulted or involved in some trouble at home. My emergency physicians tell me that that is now down to one or perhaps two patients at most. Their condition has been serious enough for them to be in hospital overnight for detoxification, but they have also been injured. We have seen a decline in patients in that category from six or seven to one or two. I do not think there has been an increase in the social component, but there has been a decrease in the overall burden that we are seeing the next morning.

**Mr NICK LALICH:** Have you seen an increase in the use of other drugs?

**Dr PREISZ:** There has been a trend towards drug use. We see a lot of folk who take various drugs and I can honestly say that there is no drift from alcohol to other drugs. We have not seen that at all. We have seen more patients with drug issues, but not because they have turned from alcohol to other drugs.

**CHAIR:** Are you referring to injury caused by crime or people who have been injured after crashing into something at home?

**Professor GRABS:** A lot of little tiffs occur in Kings Cross and some are reported to the police. However, some people are too embarrassed to report them. They come in sheepishly having had a blow to the nose or to the face while under the influence of alcohol and that is not reported. There is a great deal of under-reporting of assault because people have been out on the grog. They have had a big night, they have been stupid and they have been hit. It should be remembered that people who have had too much alcohol cause harm to themselves because they walk in front of cars or trip onto the road. Councils have implemented very good measures such as rails at the edge of footpaths to stop people spilling onto the road. People are so drunk sometimes that they trip on a kerb or gutter and they hit their head. They can die from a fall like that. They are drunk and cannot look after themselves; they need people to look after them. That is another impact of alcohol. We are still seeing a reduction in the number of people who are so paralytic that they cannot walk.

**CHAIR:** You are seeing the random arrival of some person who has been punched or pushed into the gutter.

**Professor GRABS:** That is correct.

**CHAIR:** That person has hit their head and the perpetrator has run off.

**Professor GRABS:** That is right.

**Mr NICK LALICH:** What is your opinion of the introduction of a volumetric tax on alcohol?

**Mr HALL:** We support it and we think it should be investigated. We believe that it would be wise for the State Government to work with the Federal Government. We would support a national inquiry to establish how alcohol should be promoted or not promoted and how it should be taxed or not taxed. We would particularly look to evidence-based models. It would appear that volumetric models have resulted in some decrease in other countries, so we would encourage the State Government to work with the Federal Government so that we can do something about it.

**Professor GRABS:** I have been watching the Scottish and British literature on this issue. Scotland has tried to promote volumetric assessment in its alcohol pricing. That was resisted by the British Parliament for various reasons. It has been a hot topic of debate in the medical journals in Britain.

**Dr EZARD:** The thing which has come out and which has been well documented from the Scottish experience is the involvement of the liquor lobby in that policymaking process. That has been very important in the resistance to introducing new legislation. Evidence demonstrates that the amount of alcohol consumed is the risk factor. It shows that volumetric taxation—that is, taxation on the basis of the amount of alcohol in the drink—will change the amount that people drink and therefore decrease the harm associated with it. That is something we support very strongly. The link to that is what the Government then does with the money collected. We would be keen to look at the so-called hypothecation or ring-fencing of that money into research and interventions to manage alcohol-related harm.

**CHAIR:** I offer you some gratuitous advice: Do not use the word "hypothecation". It is the most hated word in Treasury. Say "dedication" or something else. I personally do not like the word either.

**Mr GUY ZANGARI:** Your submission states that there are 12 referral beds at Concord Hospital, but none at St Vincent's Hospital. Can you explain the concept of withdrawal beds and their benefit to you as medical practitioners, to the community at large and to those suffering from the effects of alcohol abuse?

**Dr EZARD:** This ties into our submission—that we would like to see all aspects of alcohol-related harm prevented and managed. We see many people at the severe end of the spectrum of alcohol disorders who require withdrawal and detoxification from the physical effects of that dependence. There are no longer any withdrawal beds in the central and south-eastern Sydney local health districts.

**Mr GUY ZANGARI:** How many were there?



**Dr EZARD:** The Langton Centre had a number of beds, but I do not know how many. NSW Health has developed models for calculating the number of beds required based on the population. We can provide that data on notice. St Vincent's Hospital runs a 20-bed social model withdrawal service; that is, it has no doctors or nurses. To manage this population we need a service that has doctors and nurses so that people can withdraw safely. Alcohol withdrawal is life threatening; people can die during withdrawal if they are not managed correctly. We see a number of people who are already at risk of a number of health-related harms who are then exposed to increased harm because they go through withdrawal without medical and nursing supervision. That would improve the quality of life of the local community and allow the hospital to manage some of the other acute presentations that it sees rather than be clogged up with withdrawal patients. It often involves homeless people who have a number of chronic and complex issues, who are sitting in emergency departments and utilising resources that need to be used elsewhere.

**Mr GUY ZANGARI:** Previously you touched on vulnerable communities: people suffering from domestic violence and our Indigenous community. I want to ask about migrant communities, particularly refugees and asylum seekers who have come from backgrounds of torture and trauma. Are there cases where alcohol is being taken up in that situation? I represent a culturally diverse community with 130 different ethnic groups. Have you seen a trend towards an increase of presentations of intoxication from alcohol? In my area of south-west Sydney, which has major clubs and similar establishments, there is anecdotal evidence that this is occurring.

**Dr EZARD:** That is a great question because, for the demographic that we see at St Vincent's Hospital, we do not have that kind of fine-grained data because we are not seeing some of the populations that you represent. It is a great question in that we know that traumatic events, particularly multiple traumatic events, predispose people to substance abuse disorders, not just to alcohol abuse. On the other hand, we also know that there is a so-called refugee paradox in populations that move from one country to another. Studies show that the rate of alcohol and other substance abuse disorders is lower than the general population in the host or the new country. So we have a conflict between very traumatised people who are vulnerable to substance abuse disorders in the new country, coming from communities that have moved with lower levels of substance abuse disorders. So we need to have very specific, targeted programs that can pick out vulnerable groups and vulnerable communities and address the needs of those groups, to prevent the emergence of potentially quite serious harm.

**Mr GUY ZANGARI:** What you are saying is that there is an increased awareness in the culturally and linguistically diverse communities?

**Mr HALL:** Absolutely, and I think one of the key things to understand—and this is where prevention and positive health outcomes for a community come into play—is that areas of post-traumatic stress disorder are well known and can be treated early on a prevention-based model. When that is done, you can avoid the risk you are talking about. We are not experts in that field because we are not in your community but with the right prevention-based programs you can help people who have suffered trauma avoid a range of issues which come later in life. Beyondblue has done some excellent research in this area. The mental health clinical unit at the Mater Hospital in Queensland has also done some significant studies on the impact of early intervention programs to avoid trauma causing later issues. We would suggest that the New South Wales Government should invest further in prevention in order to target those groups, to help them before a problem arises and to hopefully avoid the damage which occurs to their lives and the lives of other people.

**Mr GUY ZANGARI:** The reason I raise this is that my community has some of the largest clubs in the area with access to gambling. I am concerned about the flow-on effect when people go home from those clubs—the domestic violence and alcohol abuse. Some of the migrant resource centres and other resource centres dealing with community issues are seeing a general trend in that direction.

**Dr EZARD:** Some of the research I have been involved in—not in this country but in other countries—shows the link between substance use and violence. The violence is not necessarily caused by the intoxicating effect of that substance but comes about by arguments about the finances used for purchase of that substance or other household financial impacts of that substance use.

**Mr GUY ZANGARI:** We have spoken to many of the witnesses about the education of our youth. I am not too sure whether you have children of the age of 18, 19, 23 or whatever it might be, but as a general member of the community, how would you say our education system is faring in the delivery of programs and education regarding the consumption of alcohol and the effects of alcohol-fuelled violence?

**Dr EZARD:** The question of education about alcohol amongst young people comes up again and again. I think population education measures are some of the most palatable measures politically but they have the least evidence of effectiveness in changing behaviour. So my advice to government is to look to evidence-based interventions, rather than interventions that are easy to administer but may be less evidence based. The general education measures are pretty well shown to be ineffective. Some specific kinds of life skills education at school level can be effective but the evidence is mixed. Education on alcohol use at a general level is not an effective use of resources for the prevention of alcohol-related harm in the community.

**Mr GUY ZANGARI:** What would you raise as a strategy to combat that?

**Dr EZARD:** We know that the best way to prevent harm is related to access—outlet density, price of alcohol, marketing and sponsorship. Those are the ways to minimise harm in the community and that is where most effort needs to be placed.

**Mr GUY ZANGARI:** I move now to advertising, and particularly sports advertising. We love our sport; there is no doubt about that. A family might watch a game over the weekend and allow children to stay up a little later to watch the game with mum and dad but then the advertising comes up. Do we need to consider the banning of advertising during sport and particularly on the big match day—the Saturday grand final coming up or the Sunday grand final?

**Dr EZARD:** Absolutely, and the evidence shows that children are exposed to advertisements that are targeted at adults, even in adult times, and we would support the banning of that kind of sponsorship. It is effective and it is paid for by the alcohol industry and advertising companies because it works.

**Mr HALL:** On that issue, the highest investment in advertising goes into alcohol-based advertising. Advertisers portray alcohol as being something that is sophisticated and something which will improve one's self-esteem. That is exactly what the advertisers are trying to get across. The evidence is clear: We should reduce advertising, particularly if we want to see a population change around alcohol. We need to start saying to the adult communities: You need to change your behaviour.

There is some evidence from Victoria that they have seen good changes in behaviour when adults have been told that they will be responsible for alcohol provided at their house for children. What that has done is said to the adults: You need to take ownership and responsibility for what happens in your house. They have acted on that and there is evidence showing that 15- and 16-year-olds who have been growing up under that legislation are drinking less than their peers who are four years older. We need to see a concerted effort to say that drinking alcohol in excess is not the way to celebrate and sport is particularly not a place to show it because our young children play sport and sport is a great part of the Australian culture. If we can remove alcohol from being part of that, that would be a wonderful thing.

**Mr GUY ZANGARI:** What do you say to one of our favourite footy teams having the big alcohol logo on the jersey and little Johnny or Mary running around the local sports field with that on or wearing dad's jersey? It is happening; it is real.

**Mr HALL:** It is happening and I think we have to ask those clubs whether they want to have a responsible attitude to their community and do the right thing by the people in that community, particularly the children who are growing up in that community. It is not good to normalise the celebration or acceptance of alcohol. I would say to clubs seeking that form of advertising: If you are going to use that money to benefit your club, what are you going to do to help teach those children to know how to be responsible and to teach their parents to know how to be responsible? If you are doing both, maybe there is a level of acceptance. But it would be preferable to remove the ability to sponsor through alcohol. I think we should be removing the advertising, which is linked to sport-based activity, particularly advertising promoted at the time that children are going to see it. That will change society's attitude and get children thinking differently. The evidence on it internationally is clear.

**CHAIR:** There is a campaign about secondary supply of alcohol to minors. I saw it today coming in on the bus. The slogan is: "You're a parent, not a mate". It teaches that there is a difference between being a parent and being a mate, referring to the secondary supply of alcohol. I would like to ask a question about sobering up centres. You are the nearest hospital to the sobering up centre. Would you care to make any comment about sobering up centres generally?

**Dr PREISZ:** There are a few issues here. One of the many terrible things related to all this is that we see people who really seek help and we have so little to offer them. This is really important because we can make a difference here. Alcohol withdrawal is a life-threatening condition and people may present for many reasons. When people come seeking help saying, "I really need somewhere to go", it is a terrible thing to say, "We just do not have that option for you". When people are brought to us in an intoxicated state that is an even more difficult dilemma because there is no dedicated place where I can admit them. My emergency department is full of people having strokes and heart attacks and all sorts of traumas. In the midst of that, I have people in beds in corridors who are intoxicated. They may have other injuries and many other medical problems and they need care.

Just having a place that does not provide any additional care is not enough. I think you have to be particularly careful that we do not under treat these people and under manage them. We have done a lot of work looking at what we might need, in a hospital setting, to look after people who present intoxicated, particularly now that we get a mixture of people who have got a mental health problem or who have been brought in involuntarily and are intoxicated. We have very little to offer them at the moment. There are many such people.

**CHAIR:** Do you get admissions that come from the sobering up centre to you?

**Dr PREISZ:** Not a great deal in emergency, no.

**CHAIR:** Because they say 100 per cent of their arrivals are high range or higher still.

**Mr HALL:** Having run sobering up shelters for eight years before joining St Vincent's, I think the team's perspective here is that that kind of activity needs to be run by doctors. People who are sobering up or withdrawing from alcohol face a range of medical issues. I will be blunt: The concept that you can put well-meaning amateurs in place to look after people who have a medical condition without immediate access to support is quite worrying. Part of the reason that we are advocating for beds for the withdrawal and treatment of people who are suffering from the overuse of alcohol is because they need to be looked after properly from a medical point of view. More than that though, quite often people go to these shelters and they get very little support to deal with the issues they face in the long term. By having medical access to those people, we can immediately offer them proper medical support in withdrawing from alcohol and in getting off and staying off alcohol. I think that is the best thing for the future and it is a model of prevention that our professionals know how to deal with.

**Mr CHRIS SPENCE:** Coming back to the issue of data collection, it is my understanding that for the last 12 months you do not have data that would say how many admissions you had from alcohol-related violence?

**Dr PREISZ:** The problem with the data we have is that it underestimates what is actually happening. Every patient who comes to an emergency department gets entered into a database. They have certain things logged about them but the way that is coded varies, depending on who is doing it. There is no uniform way of collecting data that has been properly designed and implemented. We do our best with what we have but we realise that we are underestimating the problem. We clearly are not capturing all the data as accurately as we should. We are making great efforts to do it. We are sure that other places that may have a different focus are probably getting even less reliable data than we are.

**Dr EZARD:** This is an issue that has been looked at in a number of emergency departments around the country in a dedicated project. Again and again the same question comes up—that there needs to be dedicated coders who are doing that coding, so that it is done with enough resources and in the same way every time, so that adequate data can be collected, not just from our hospital but in every hospital around the country.

**Professor GRABS:** What I can tell you is that our data is a little bit better for admitted patients with trauma. If it is severe enough trauma to be admitted to hospital and to stay 24 hours in hospital, that data improves. But it is not always perfect because we do not always do the blood alcohol tests on those patients.

**Mr CHRIS SPENCE:** I am not suggesting you need to check the blood alcohol level of the person who is coming in. They could have been a victim of alcohol-related violence, which means they could have been sober. I am curious as to the number of admissions or people presenting to the emergency department as a result of alcohol-related violence?

**Professor GRABS:** It is a tricky thing to get right unless you have dedicated people sit there—almost like a triage question—asking, "Who hit you? Were they under the influence of alcohol?" Some of those people are unconscious and we do not find out for days. It is hard to get longitudinal data unless there is a sign saying, "I have been a person who has had an alcohol-fuelled violence attack upon me." It is more difficult than we had anticipated.

**Mr NICK LALICH:** Dr Hall, to follow on from Mr Zangari's comment concerning other nationalities and the measures introduced earlier this year, should they be rolled out throughout New South Wales? I know what your answer will be but I am asking you for the record.

**Mr HALL:** My view is that effective prevention programs and support across New South Wales, particularly for high-risk communities, will be beneficial for the community and will save the Government an awful lot of money. I cannot imagine any of the professional services not supporting that. The police, hospital networks and ambulance services across the board will tell you this is a beneficial thing. Part of the reason we are so supportive of getting better data around this is so we can show the public the reality of this and say we need to have a better response right across New South Wales. We believe there needs to be a national view of alcohol because this is a country-wide issue. At St Vincent's we operate right down the eastern seaboard. The same issues are occurring in Brisbane and Melbourne, and we need to have a better response nationally to this and we would support a better model across New South Wales.

**CHAIR:** Before we close is there anything else that the Committee did not cover or you now believe is important to bring to the table?

**Professor GRABS:** As has been mentioned before, we will not be able to tell the results until we see the summer season, with the silliness that goes on and the numbers of people in various areas. Paradoxically, talking to the police and paramedics at Kings Cross at the moment, they say things are wonderful down there. If that continues during the summer period, that will be good for our hospital and we would hope that the knock-on effect does not occur. We pick up the entire trauma we would expect in the whole eastern suburbs sector and if we do not see an increase but a decrease, that will be a strong message.

**CHAIR:** In one month the summer season starts—1 October. We know you are busy so thank you for coming today.

**(The witnesses withdrew)**

**The Committee adjourned at 3.33 p.m.**

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