REVIEW OF AMENDMENTS TO THE LIQUOR ACT 2007 (NSW)

Reviews under clause 47 to Schedule 1 of the Liquor Act, clause 50 of the Liquor Regulation 2008, and at the request of the Executive Government

Volume 2
Appendices

Dated 13 September 2016

I D F CALLINAN AC
Level 11
Inns of Court
107 North Quay
Brisbane QLD 4000
Contents

Appendix 1 Meetings

Appendix 2 Submitters

Appendix 3 Oxford Art Factory Correspondence

Appendix 4 Comparative International Arrangements

Appendix 5 Correspondence: The Night Time Economy

Appendix 6 Correspondence with a Musician

Appendix 7 Mr Koh's Evaluation of Key Evidence and Responses from BOCSAR, Professor Kypri and St Vincent's Health Network
## Appendix 1

### Meetings

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Attendees</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10 March 2016</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW / ACT Alcohol Policy Alliance</td>
<td>Mr Michael Thorn</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Royal Australasian College of Surgeons</td>
<td>Dr John Crozier FRACS</td>
<td>Chair, Trauma Committee</td>
</tr>
<tr>
<td>Liquor Stores Association (NSW)</td>
<td>Mr Michael Waters</td>
<td>Executive Director</td>
</tr>
<tr>
<td><strong>24 March 2016</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St Vincent’s Hospital</td>
<td>Professor Gordian Fulde</td>
<td>Director, Emergency Medicine</td>
</tr>
<tr>
<td>Centre for Program Evaluation (CPE) – NSW Treasury(^3)</td>
<td>Ms Claudia Solomon</td>
<td>Director, CPE</td>
</tr>
<tr>
<td></td>
<td>Ms Eugenia Marembo</td>
<td>Policy analyst</td>
</tr>
<tr>
<td></td>
<td>Ms Shann Hulme</td>
<td>Policy analyst</td>
</tr>
<tr>
<td>Australian Medical Association (NSW)</td>
<td>Ms Fiona Davies</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>Mr Andrew Campbell</td>
<td>Legal adviser</td>
</tr>
<tr>
<td></td>
<td>Mr Lachlan Jones</td>
<td>Media adviser</td>
</tr>
<tr>
<td></td>
<td>Mr Andrea Cornish</td>
<td>Editor NSW</td>
</tr>
<tr>
<td></td>
<td>Dr Tony Grab</td>
<td>St Vincent’s Hospital</td>
</tr>
<tr>
<td>Restaurant &amp; Catering NSW</td>
<td>Mr John Hart</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>Ms Carlita Warren</td>
<td>Policy Director</td>
</tr>
<tr>
<td>2011 Residents Association</td>
<td>Ms Helen Crossing</td>
<td>Convenor</td>
</tr>
<tr>
<td></td>
<td>Ms Carole Ferrier</td>
<td>Kings Cross resident</td>
</tr>
<tr>
<td><strong>12 April 2016</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hon Timothy Anderson QC</td>
<td>Reviewer, Liquor Licensing Act,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>South Australia</td>
<td></td>
</tr>
</tbody>
</table>

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Mr Horton QC also met Ms Solomon, Ms Marembo and Ms Hulme (along with Ms McIntyre) on 18 April 2016.
<table>
<thead>
<tr>
<th>Organisation</th>
<th>Attendees</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Australian Government</td>
<td>Mr Dini Soulio</td>
<td>Commissioner for Consumer and Business Services, South Australia</td>
</tr>
<tr>
<td>18 April 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW Department of Justice</td>
<td>Mr Giles Felgate</td>
<td>Principal Policy Officer, Crime Policy</td>
</tr>
<tr>
<td>Tourism Accommodation Australia</td>
<td>Ms Carol Giuseppi</td>
<td>National CEO, Director NSW</td>
</tr>
<tr>
<td>NSW Taxi Council</td>
<td>Mr Roy Wakelin-King AM</td>
<td>CEO</td>
</tr>
<tr>
<td>Keep Sydney Open</td>
<td>Mr Tyson Koh</td>
<td>Campaign Manager</td>
</tr>
<tr>
<td>Transport for NSW</td>
<td>Mr Anthony Wing</td>
<td>Executive Director, Transport Policy</td>
</tr>
<tr>
<td></td>
<td>Ms Jessica Linsell</td>
<td>A/Program Manager, Transport Services Policy</td>
</tr>
<tr>
<td>19 April 2016</td>
<td></td>
<td></td>
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<tr>
<td>NSW Department of Health</td>
<td>Dr Jo Mitchell</td>
<td>Executive Director, Centre for Population Health</td>
</tr>
<tr>
<td>National Drug and Alcohol Research Centre (NDARC)</td>
<td>Professor Michael Farrell (Director)</td>
<td>Director</td>
</tr>
<tr>
<td></td>
<td>Professor Anthony Shakeshaft</td>
<td>Deputy Director</td>
</tr>
<tr>
<td>Kings Cross Licensing Accord Association</td>
<td>Mr Doug Grand</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Independent Liquor and Gaming Authority</td>
<td>Mr Michel Brodie</td>
<td>CEO</td>
</tr>
<tr>
<td>4 May 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sydney Business Chamber</td>
<td>Hon Patricia Forsythe</td>
<td>Executive Director, Business Chamber</td>
</tr>
<tr>
<td></td>
<td>Mr Luke Aitkin</td>
<td>Manager, Policy</td>
</tr>
<tr>
<td>Royal Prince Alfred Hospital</td>
<td>Dr James Edwards</td>
<td>Acting Director, Emergency Department</td>
</tr>
<tr>
<td>Council of the City of Sydney</td>
<td>Right Hon Clover Moore</td>
<td>Lord Mayor</td>
</tr>
<tr>
<td></td>
<td>Ms Monica Barone</td>
<td>CEO City of Sydney</td>
</tr>
<tr>
<td></td>
<td>Ms Kate Murray</td>
<td>Manager, Safe City Of Sydney</td>
</tr>
<tr>
<td></td>
<td>Ms Ann Hoban</td>
<td>Director, City Life</td>
</tr>
<tr>
<td></td>
<td>Mr Larry Galbraith</td>
<td>Policy Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Andrew Thomas</td>
<td>Strategic Planning and Urban Design</td>
</tr>
<tr>
<td>Office of the Advocate for Children and Young People</td>
<td>Mr Andrew Johnson</td>
<td>Advocate</td>
</tr>
<tr>
<td></td>
<td>Mr Gregor Macfie</td>
<td>Director</td>
</tr>
<tr>
<td></td>
<td>Ms Brunella Abdul-Rehim</td>
<td>Cahir, Youth Advisory Council</td>
</tr>
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</table>
I met others on our inspection and during our discussion. I have set out the main participants only.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Attendees</th>
<th>Position</th>
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</thead>
<tbody>
<tr>
<td>Aboriginal Affairs</td>
<td>Mr Jason Ardler</td>
<td>Head</td>
</tr>
<tr>
<td></td>
<td>Mr Antony Seiver</td>
<td>Principal Policy Officer</td>
</tr>
<tr>
<td>Music NSW</td>
<td>Professor Julian Knowles</td>
<td>Chair</td>
</tr>
<tr>
<td></td>
<td>Mr Emily Collins</td>
<td>Executive Officer</td>
</tr>
<tr>
<td>16 May 2016</td>
<td>Mr Gerard Byrne</td>
<td>Operations Manager, Recovery Services</td>
</tr>
<tr>
<td>Salvation Army</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 May 2016</td>
<td>Mr Chris Downy</td>
<td>General Manager External Affairs</td>
</tr>
<tr>
<td></td>
<td>Mr John O'Neill AO</td>
<td>Chairman</td>
</tr>
<tr>
<td></td>
<td>Mr Greg Hawkins</td>
<td>Managing Director</td>
</tr>
<tr>
<td></td>
<td>Mr Andrew Power</td>
<td>General Counsel</td>
</tr>
<tr>
<td>Star Casino</td>
<td>Mr Andrew Scipione APM</td>
<td>Commissioner of Police</td>
</tr>
<tr>
<td></td>
<td>Mr Murray Reynolds</td>
<td>Superintendent</td>
</tr>
<tr>
<td></td>
<td>Mr Geoff McKechnie</td>
<td>Deputy Commissioner, Field Operations</td>
</tr>
<tr>
<td></td>
<td>Mr Brendan Searson</td>
<td>Chief of Staff, Acting Deputy Commissioner</td>
</tr>
<tr>
<td></td>
<td>Ms Mary-Louise Battilana</td>
<td>Director, Office of the Commissioner</td>
</tr>
<tr>
<td>NSW Police Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 May 2016</td>
<td>Mr Peter Cox</td>
<td>Acting Director, Policy</td>
</tr>
<tr>
<td></td>
<td>Mr Sean Goodchild</td>
<td>Director, Compliance</td>
</tr>
<tr>
<td>Liquor and Gaming NSW</td>
<td>Mr Tyson Koh</td>
<td>Campaign Manager</td>
</tr>
<tr>
<td>Keep Sydney Open</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 May 2016 (Newcastle)</td>
<td>Mr Tony Brown</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr Michael Christie</td>
<td></td>
</tr>
<tr>
<td>10 May 2016</td>
<td>Mr Doug Grand</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Kings Cross Licensing</td>
<td></td>
<td></td>
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<tr>
<td>Accord Association</td>
<td></td>
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<tr>
<td>24 August 2016</td>
<td>Mr Andrew Thomas</td>
<td>Strategic Planning and Urban Design</td>
</tr>
<tr>
<td>Organisation</td>
<td>Attendees</td>
<td>Position</td>
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<tr>
<td>----------------------------------------------</td>
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</tr>
<tr>
<td>Ms Kirsten Morrin</td>
<td>Principal Lawyer</td>
<td></td>
</tr>
<tr>
<td>Ms Louise Kerr</td>
<td>Executive Manager, Development</td>
<td></td>
</tr>
<tr>
<td><strong>25 August 2016</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kings Cross Licensing Accord Association</td>
<td>Mr Douglas Grand</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Iris Capital (Bourbon and Empire Hotels)</td>
<td>Mr Rod Lawson</td>
<td>Group General Manager (and also Chair of the Kings Cross Licensing Accord Association)</td>
</tr>
<tr>
<td>Keystone Group (Sugarmill Hotel)</td>
<td>Mr Simon Barbato</td>
<td>Operations Manager (and also Chair of the City North Accord)</td>
</tr>
<tr>
<td>The World Bar</td>
<td>Mr Greg Turton</td>
<td>General Manager, Operations</td>
</tr>
<tr>
<td>Solotel (Kings Cross Hotel)</td>
<td>Mr Ben Stephens</td>
<td>Operations Manager</td>
</tr>
<tr>
<td>Solotel</td>
<td>Mr Bruce Solomon</td>
<td>Managing Director</td>
</tr>
<tr>
<td><strong>2 September 2016</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kings Cross Liquor Accord</td>
<td>Mr Douglas Grand</td>
<td>Chief Executive</td>
</tr>
</tbody>
</table>
Appendix 2

Submitters

A
A [Anonymous]
Abercrombie, Charles
Abi-Saab, Maxine
Ackland, Felix
Adair, Kieran
Adams, Dominic and Araceli
Adams, Odette
Addy, Mark
Ainge-Roy, Tom
Aberman, Bob
Akhurst, Brendan
Alexander, James
Alexander, Jonathan
Alexander, Nick
Alexander, Teaghan
Alexander, William
Allam, Paul
Allard, Ben
Allen, Robbie
Altavilla, Darcy
Amin, Kiros
Amopiu, Tony
Amos, Glenda
Anderson, Ann
Anderson, Bradley
Anderson, David
Anderson, Jayden
Anderson, Kevin (Member for Tamworth)
Anderson, Lynnette
Anderson, Mal
Anderson, Nikki
Anderson, Rebecca
Andrea, Drew
Andrews, Matt
Anthes, Connie
Antonelli, Raye
APRA AMCOS
Archambault, Richard
Archibald, Grace
Ardas, Julian
Arena, Daniel
Arkell, Matt
Armstrong, Diane
Armstrong, Felicity

Armstrong, Kate
Armstrong, Kevin
Armstrong, Sally
Aryal, Nischal
Ashbolt, James
Ashley, Trevor
Ashton, Anne
Ashton, Michael
Association of Artist Managers
Atmane, Laila
Atron, Gav
Auerbach, Uri
Australasian College for Emergency Medicine
Australian Drug Foundation
Australian Hotels
Association (NSW)
Australian Medical Association (NSW)
Australian Sex Party
Australian Taxpayers' Alliance
Avenell, Patrick
Avery, David
Avgenicos, Catherine

B
Baczynski, Romuald
Badcock, Rebecca
Bailey, Helen
Bailey, Ric
Baker, Christian
Ballard, Ann-Maree
Bangma, David
Bankes, Liz
Banko, Travis
Barber, Dylan
Barber, Peter
Barley, Ian
Barlow, Michael
Barrett, Tracey
Barrie, Matt
Barron, Sarah
Bartlett, Peter
Barton, William
Bateman, Philippa

Baxter, Sean
Bayne, Sebastian
Bays, Stephanie
Beattie, Garry
Beatty, Doug
Beilby, Vivien
Bell, Craig
Bell, Jo
Bell, Margaret
Bell, Matt
Belo, Silvestre
Ben
Bennet, Georgia
Bennett, Amanda
Bennett, John
Bennett, Laurie
Bennett, Michelle
Bennett, Mitchell
Benson, Linda
Bent, David
Berger, Adam
Berry, Evelaine
Berry, Jim
Berry, Tristian
Best, Adam
Best, Ja
Best, Mark
Betts, Greg
Bhat, Arjun
Bhatia, Tushar
Bhula, Shaan
Bicket, Matthew
Binns, Joshua
Birch, Alan
Birch, Ian
Bird, Elizabeth
Birley, Michael
Birrell, Amy
Bisco, Joe
Bishop, Sian
Bishops, Jeremy
Blake, Luke
Blaxland, Oscar
Blood, Ken
Blower, Ursula
Blows, Jo
Boardman, Ted
Codyre, Dan
Coffey, Carol
Coffey, David
Coleman, Oscar
Coles, Geraint
Coles, Rhys
Coller, Marise
Collins, Alan
Collins, Ben
Collins, Joan
Collins, Meg
Collins, McKee
Collins, Ryan
Collins, Sean
Collum, Neil
Committee for Sydney
Compound Sydney
Conigrave, Kate
Connor, Rachel
Connor, Therese
Conroy, Suzanne
Consunji, Leah
Conway, Dan
Coogan, Ed
Cook, Jaye
Cook, Mary
Coombe, Elma
Cooper, Adele
Cooper, Julia
Cooper, Peter
Coppola, Robert
Coquet, Remy
Cornish, Carol
Cosgrove, Brendan
Cosgrove, James
Costain, Matt
Coughlan, Peter
Coulter, Carole
Coulter, Gregory
Coulthish, Rebecca
Coxall, Damien
Coyle, Sinead
Crammond, Chris
Crawford, Tracey
Cripps, Stephen
Croad, Bryce
Crocetti, Daniel
Croft, Julian
Cross, Enić and Philip
Crossing, Helen
Crotty, Brendan
Cunningham, Anthony
Cunningham, Jacqui
Cunningham, Katie
Curtis, Tim
Cutler, Luke
Dal, Mike
Daniels, Emma
Daniels, Timothy
Darwen, Jonathan
Darwish, Bekie
Dash, Alacoque
Davidge, Mary
Davidson, Shane
Davie, Hamish George
Davies, Franca
Davies, Marc
Davies, Mitch
Davis, Mandy
Davis-Low, Marion
Davison, Paul
Dawson, Jane
Dawson, John
Day, Sean
De Caires, Daniel
de Groen, Sandra
de Hass, Sebastian
De Vitis, Mary
De Vries, Oscar
Dm, Francesca
Dean, Karen
Dean, Michael
Delaney, Bronson
Della ca, Michael
Delpopolio, Marco
Denison, Erik
Dennis, Jeff
Desborough, Aaron
Desmond, Daniel
Devonport, Susan
Diageo Australia
Dial a Drink
Diamond, Carolyn
Diaz, Joshua
Dickson, Kate
Dickson, Ken
Dignam, Paul
Dimou, Peter
Dimou, Sue
Dion, George
Dirckze, Luke
Distilled Spirits Industry
Council of Australia Inc
Dixon, Tim
dijjacbookings
Dobbie, Bruce
Dobbin, John
Dodds, Kevin
Dogulin, Chris
Doherty, Emily
Doherty, John
Doherty, Kate
Don, Warwick
Donkin, Delores
Donnelly-Links, Jade
Doran, Jackson
Dorrington, Chris and
Karen
Doutney, Irene (Councillor)
Down, Michelle
Downey, Ciaran
Doyle, Bob
Doyle, Sean
Drew, Helen
Drew, Russ
Drew, Russell
Driscoll, Peter
du Chateau, Myles
du Plessis, Eugene
Duffey, John
Duffy, David
Dumas, Daisy
Duncan, Andrew
Dunlop, Kate
Dunn, Graham
Dunn, Tony
Durant, Louis
Duroux, Joshua
Dwyer, Maddy
Dykes, Krystal
East Sydney
Neighbourhood Association
East, Benedict
Eastaugh, Marien
Eastaugh, Pete
Ebzerly, Taylah
Goss, Alicia
Gough, Mark
Gover, Adrian
Gowland, Brent
Grabham, Bruce
Grace, Steven
Graham, Jeremy
Graham, Umi
Graham, Warren
Grant, Thomas
Grant, Tim
Gravino, Albert
Gray, Jennifer
Gray, Stuart
Green, Carolyn
Green, Jennifer
Green, Jenny
Green, Councillor Jenny
Green, Johnny
Green, Philippa
Green, Rhonda
Greene, David
Greenhalgh, Lani
Greening, Peter
Greenwich, Alex (Member for Sydney)
Greer, Andrew
Greive, Geoff
Grevler, Jodi
Griffiths, Reece
Grivas, Alexis
Gronow, Thomas
Groombridge, Tim
Groves, Alison
Gryning, Jessica
Guitera, Jean-Marie
Gulliver, Graeme
Gunja, Naren
Gunn, Nicholas
Gunning, Justin
Guvenkaya, Barry
Guy
Guy, Scott
Gyory, Stephan

H
Hack, Christian
Hackney, Beth
Haege, Alexander
Haines, Trevor
Hall, Bryan
Hall, John
Hall, Mel
Hall, Robyn
Halley, Tabitha
Hammer, Dean
Hands, Mark
Hannam, James
Hanse, William
Hanson, Kevin
Hardiman, Kayleen
Harding, Lauren
Harding, Ralf
Hardwick, Andy
Hardwick, Mark
Hardy, Dr David
Hargreaves, Andrew
Harley, Tim
Harrington, John
Harris, Dan
Harris, Dan (2)
Harris, Renee
Harris, Zackary
Harvey, Jim
Harvey, Raylene
Harvie, Margaret
Hawkes, Roger
Hawkins, Carly
Hawkins, Sean
Hawksford, Andy
Hawron, Victoria
Hayes, John
Heads, David
Heath, Louis
Heffernan, Alexandra
Heffernan, Therese
Helper, Stephen
Henderson, Linda
Herbert, Kyro
Herps, Adam
Herrmann, Chris
Herrmann, Simon
Heysmand, Maureen
Hick, Ian
Hickson, Noel
Highfield Hotel
Hing, Stephen
Hinkley, Georgina
Hobbs, Travis
Hodgson, Barnabas
Hogan, Ayrton
Hogan, Stefan
Hokin, Sharyn
Holden, Dr Joshua
Holder, Jo
Holder, Robyn
Hollins, Phill
Holt, Riley
Hooper, Geoffrey
Hooper, Jonathan
Hoorweg, Carla
Hopper, Elaine
Horne, Kevin
Horsley, Joanna
Horton, Samantha
Horvai, Marcia
Hosking, Tom
Hotel, Gunnedah
Howard, John
Howe, John
Howe, Peter
Howes, Alan
Hudson, Jonathan
Huggett, Tom
Huggins, Jason
Hughes, Andrew
Hughes, Greg
Hughes, Jenny
Humphries, Owen
Hundt, Daniel
Hunt, Jaime
Hunter, Kiah
Hunter, Paul
Huntsman, Rhonda
Hurst, Sandra
Husak, Charles
Hutchins, Bronwyn
Huxtable, John
Hyland, Robyn
Hyslop, Daryl
Hywood, Greg (oral only)

I
Ing, Jen
Ingleton, Sophie
Inthavong, Anno
Ireland, Jo
Irving, Jon
Iselin, Louise
Israel, David
Jackson, Ronit
Jacob, Clovis
Jacobs, Sarah
Jacobson, John
Jacobson, Steven
Jacobsz, Khosaan
Jaffray, Penelope
James, Demitri
James, Jared
James, Peter
Janenko, Margeaux
Jenkins, Will
Jeremy
Jimmy Brings
Joey
Johns, Christopher
Johnson, Christine
Johnson, Greg
Johnson, Matt
Johnson, Matty
Johnson, Mike
Johnson, Patricia
Johnson, Ray
Johnson, Susy
Johnston, Aminath
Joiner, James
Jolina, Jolina
Jones, Geoffrey
Jones, Laura
Jones, Luke
Jones, Mark
Jordan, Suzy
Josh, Louise
Jowieihan, Hadi
Joyce, Karly
Judge, Paul
Judges, Samantha
Juka, Mirjana
Jung, Jasmine
Junkee Media
Kains, Luke
Kalantzis, James
Kallimanis, Elvera
Kalocsay, Klara
Kamal, Imran
Kanakis, Dean
Kane, Owen
Kanik, Ian
Karmanioulos, Steven
Kassabian, David
Kearney, James and Susan
Keating, Ari
Keayes, Sam
Keep Sydney Open
Kell, Tristan
Kelly, Boris
Kelly, Georgia
Kelly, John
Kelso, Malcolm
Kennedy, D
Kennedy, Daniel
Kennedy, David
Kennedy, Di
Keogh, Elizabeth
Ker, Anne
Kernot, Bunny
Kerr, Jason
Kershaw, Alice
Kervella, Joel
Kessenich, Klaus
Kestel, Steve
Keys, Erin
Khoo, Rebecca
Kiernan, Teresa
Kilic, Filiz
Kilic, Murat
Kilka, Gaby
Killen, Barney
Killen, Chelsey
Kilvington, Nigel
King, Donna
King, Geoff
King, Marcus
King, Wal
Kings Cross Liquor Accord
Kingsmill, John
Kirby, Rebekah
Kirkwood, Ellen
Kirralee
Kirrsmith, David
Kiruna, Shane
Klimova, Dr Aleksandra
Klimova, Luba
Kobrali, Mariam
Koch, Christopher
Kos, Rowan
Kotey, Shannon
Kougellis, Marie
Kouremenos, Andreas
Kouzmin, Anton
Kovacs, Csaba
Krishnaswamy, Jessica
Krumins, Eden
Kuiper, Katie
Kumar, Pranit
Kumar, Ravin
Kung, Carmen
Kypri, Prof. Kypros
Kyto, Anitta
Lac, Andrew
Lambert, Shaun
Lanagan, Tanya
Lane, Joe
Lang, David
Larsson, Cindy
Last Drinks Coalition
Law, Bonnie
Lawless, Lyndal
Lawrence, Alan
Lawson, Kyla
Lawson, Stroma
Lay, Rodney
Layton, John
Lear, Scott
Lebon, Patrick
Lee, Jaime
Lee, Timothy
Lees, Peter
Leichhardt Council
Leighton, Adrian
Lelliott, Jayne
Lemasson, Emilie
Lennie, Caroline
Leong, King
Leplastrier, Aero
Leppan, Oscar
Leung, Tracy
Levy, Tasha
Lewarne, Michael
Levicki, Simon
Lewis, Adam
Lewis, Danielle
Lewis, Jonathan
Lieblhardt, Aba
Lightfoot, Belinda
Liley, Alexa
Lines, Christian
Lionatos, Gina
Lipman, Edward
Lipman, Stephanie
Liquor Marketing Group
Liquor Stores Association (NSW)
Liron
Live Music Office
Livingston, Eric
Livingston, Peter
Lloyd, Sam
Lloyd-Phillips, Julian
Lockwood, Hannah
Lott, Tony
Loughnan, James
Loughnan, Mitch
Lovell, Simon
Lovett, Graham
Low, Chris
Low, Kimberley
Lowe, Andrew
Lowenstein, Ruby
Lu, Yingna
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Lublow, Blair
Lumley, Roger
Luu, Albert
Lyons AM, Catherine

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Macdonald, Callum
MacFarlane, Ewin
Macgregor, Karlie
Macguire, Nathan
Mack, Emmy
Mack, Peter
Mackay, Lachlan
Macleod, Ken
MacLeod, Lachlan
Macpherson, Sholto
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Maher, Dylan
Maher, Eoin
Mahoney, Marc
Mai, Oliver
Majernik, Samantha
Makeham, Michael
Makenen, Patrick
Mallawaratchi, Michael
Manfredi, Isabella
Mangan, Jess
Mangelsdorf, Melinda
Manidis, Stefan
Manly Council
Mann, Robert
Mann, Simon
Manners, Bob
Manson, Ian
March, Lyn
Marcinkowski, Peter
Marconi, Kristen
Marcou, Annelise
Margieson, Craig
Margules, Jessica
Manning, Kate
Marr, Tony
Marsden, Greg
Marsh, James
Marsh, Lois
Martin, Hannah
Martin, Samuel
Martine, Paris
Martinez, Alex
Marty, Kim
Maruda, Dorian
Matheson, Duncan
Matheson, Erin
Mathews, Dr Rebecca and
LeGrand, Dr Tim
Matkovic, Andre
Matthews, Carl
Matthews, Owen
Matthews, Philip
Mavety, James
Maxwell, Timothy
May, Benjamin
Mayahi-Biti, Jamileh
Maycock, Kelly
McAdam, Thomas
McBeath, Ben
Mccaig, Steve
McCarthy, Chris
McCarthy, Janet
McCarthy, John
McCarthy, Steven
McCuailey, Jay B
McCloskey, Douglas
McConnell, Keith
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McCormick, Michael
McCrae, Beverley
McCrae, Iain
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McGee, Mike
McGill, John
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McGregor, Fae
McHugh, Paul
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Mehta, Rakesh
Menzies, Darryl
Mercurella, Felice
Meredith, Meaghan
Merivale Hotel Group
Ogilvy, John
O’Halloran, Brian
Ohana, Georges
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Ohlson, Jacob
Ohtaras, Chris
O’Keefe, Dr Kim
O’Keefe, Laura
O’Keefe, Brian
O’Leary, Daniel
O’Leary, Tully
Olaya, Juan
Oliver, David
Olsen, Andreas
O’Meara, Patricia
O’Neill, Peter
Onji, Fadi
Onji, Gabi
Onji, Hanna
Onslow, Tim
Orell, Lauren
Ormesher, James
Ormsby, Lily
Orr, Xavier
O’Ryan, Zachary
Osburg, Vanessa
O’Shea, Diane
O’Sullivan Forde, Louise
O’Sullivan, Cassidy
Owen, Jon
Oxford Art Factory
Oxford, Cheyne

P
Paauw, Arjan
Paddison, Lindy
Page, Emily
Page, Hugh
Paine, Janet
Paino, Frank
Palmer, Helen
Palombi, Luigi
Palombi, Vanessa
Panigiris, Craig
Panucci, Ben
Pardey, Alexandra
Parker, Adam
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Parkinson, Kerry
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Paul, Mark
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Pelekanos, Alex
Peltz, Tim
Pembrey, James
Penny, James
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Perrett, Roger
Perry, James
Petersen, Mary
Phara, Angelic
Phelps, Helen
Philips, Daniel
Philips, Gary
Phillips, James
Phillipson, Tom
Piekalns, Rubi
Pigott, Mark (1)
Pinniger, George
Pinniger, Yvonne
Pinter, James
Pippard, Jonathan
Pirie, Adrian
Pitcher, Edith
Pitt, Peter and Vivien
Plant, Matt
Platt, Tom
Player, Penny
Plumridge, Wayne
Podmore, Graham

Pointing, John
Police Association of NSW
Polivka, Stephanie
Pollak, Irit
Polson, David
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Porter, George
Porter, Margo
Potts Point Partnership
Potts, Jordan
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Powrie, Axel
Poynton, Anthony
Prasad, Ash
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Prentice, Brett
Prestage, Garrett
Price, Graham
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Prichard, Carolyn
Proctor, Bruce
Proctor, Dallas
Psaltis, Aidan
Psaltis, Alex
Psaltis, Gareth
Public Health Association
of Australia
Pugh, Denise
Purcell, Dean
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Q
QikID Pty Ltd
Quach, Michael
Quay, Susan
Queensland Coalition for
Action on Alcohol
Quick, Peter
Quilter, Associate Professor
Julia & McNamara,
Professor Luke
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R
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Sloan, Lee
Smaller, Daniel
Smart, Phil
Smith, Alec
Smith, Emily
Smith, Gerard
Smith, Matthew
Smith, Nathan
Smith, Peter
Smith, Robyn
Smith, Tim
Solomon, Ray
Solotel Hospitality Management
Solvyns, John
Somerville Glover, Ella
Southam, Peter
Southcott, Nick
Spadina, Nikola
Sparkes, Susen
Speak, Oscar
Specialist Alcohol Management Services
Spelling, Peter
Spiteri, Joanne
St Vincents Health Australia
Stagg, Marc
Stanar, Wayne
Stanley, Andrew
Stanovsek, Jack
Stansfield, Peter
Starkey, Michael
Starley, Drew
Starling, Karen
Starr, Andrew
Steel, Joel
Steele, Rhonda
Steer, Barbabra
Stein, Deidre
Stephen, Jim

Stephens, Larry
Stevens, Michael
Stevens, Will
Stevenson, Mark
Stevenson, Patrick
Stevenson, Sydney
Stew, M
Stewart, David
Stewart, Natalie
Stiger, Andrew
Stiles, Christopher
Stockdale, Jason
Stone, Russell
Stopa, Robert
Story, Rohan
Street, Kate
Streeton, Dean
Strzina, Hayden
Stuart, Natasha
Stucken, Katie
Sudrajat, Yasmin
Sullivan, David
Sullivan, Fiona
Sullivan, James
Sullivan, Larissa
Sun, Nathalie
Surry Hills Liquor Accord
Susie Henke
Sutherland, John
Sutton, Lisa
Swanson, Brad
Sweet, Keiran
Swift, Robert
Sydney Business Chamber
Sykes, Amelia
Symeonakis, Chrissy
Symons, Gary
Szabo, Albert

T
Tagg, Josh
Tallis, Iain
Tamworth Regional Council
Tan, Rachel
Tang, Wai Chee and Tan, Mavis
Tapscott, Nick
Tarpis, Sera

Tasker, Carol
Tat, Jed
Taylor, B Garth
Taylor, Dave
Taylor, Georgina
Taylor, John
Taylor, Michael
Teale, Lance
Tebbatt, Katharine
Tedeschi, Virginia
Tekin, Felicia
Terrell, Barbara
Terrell, Barbara
The Lobo Plantation
The Socialites
The Star
The Strand Hotel
The World Bar
Theodis, Rebekah
Thomas, Christian
Thomas, Joanne
Thomas, Karl
Thomas, Peter
Thomas, Rohan
Thomas, Troy
Thompson, Jonathan
Thompson, Nick
Thornton, Liz
Thornton, Malcolm
Thorpe, Richard
Thorpe, Thorpe
Thorup, Nicholas
Tierney, Karen
Timebender Music
Tindale, Dean
Tobin, Bernadette
Tokic, Nicholas
Tong, Gene
Tonks-Trinder, Christopher
Torbett, Dimity
Torrance, Rona
Tougher, Jacqueline
Towells, Anja
Towle, Paul
Townsend, Tony
Tozer, Brent
Train, Alex
Trajkovska, Ane
Tran, Annie
Trethewy, Rhys

-16-
Trevenar, Karen
Tringas, Stan
Tritton, Lindsay
Truswell, Graham
Tse, Maggie
Tsiantopoulos, Shannon
Tsioulos, John
Tuckfeld, Karl-Heinz
Tuckwell, Harry
Tulloch, Gavin
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Tylr, A
Tyrril, Gary

U
Uber
Unver, Bulent
Usher, Ann and Rev. Geoffrey

V
Vaile, Jemma
Valatiadis, Michelle
Valencia, Jose
Valentine, Anthony
Valiance, Jim
Van Dijken, Nicole
Van Hagen, Robert
Van Nickerk, Veisinia
Vanden Berg, Iris May
Vankersteren, Cornelis
Varcoe, Shane
Varitmos, Mark
Vawdrey, Josh
Vazey, Margaret
Vazques, Benji
Veitch, Brad
Vella, Lauren
Velozo, Juan
Verandah Bar and Bistro
Verzar, Jordan
Vignes, Robinson
Villafranca, Antony
Villain, Gregory
Vogl, Bernadette
Voormeulen, Adrianus

W
Waern, Jennifer
Wagner, Paul
Wake Up Foundation
Waldron, James
Walford, Katie
Walke, John
Walker, Chris
Walker, Gayle
Walker, Ian
Walker-Catchpole, Brian
Wallace, Margaret Anne
Walsh, Edmund
Walters, Daniel
Walters, Lynne
Walton, Andrew
Waltz, Michele
Wang, Belle
Wanna, John
Want, James
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Ware, Margaret
Warner, Susan
Warr, Jennifer
Warren, Adam
Warry, Vaughan
Waterer, Cameron
Waterman, Jackie
Watkins, Anwyn
Watkins, Charles
Watkinson, Ian
Watts, Glenda
Wawn, Jeremy
Webb, Elizabeth
Webb, Steve
Webster, Ian
Webster, Tim
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Weldon, Johanna
Wells, Dr Edward
Wells, Jennifer
Wells, Ross
Wesley-Smith, Oskar
West, Amanda
West, Bryan
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West, Patricia
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Westaway, Michael
Westdorp, Grace
Westen, Samuel
Westenberg, Alexander
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Whalan, Gav
Whare, Tatiana
Wheelton, Simon
Wheel, Jayne
White, Anthony
White, Greg
White, Harry
White, Sam
Whitehead, James
Whiting, Paul
Wigmore, Jon
Wilcox, Peta
Wilkinson, Cassandra
Wilkinson, Elisabeth
Willenborg, Brendan
Williams, Adam
Williams, Matthew
Williams, Paddy
Williams, Rachel
Williams, Robert
Williams, Stefan
Williamson, Amy
Willis, Dale
Willis, Rob
Wilcox, Nick
Wills, Murray
Wilson, Toby
Windley, Linda
Winer, Conrad
Appendix 3

Oxford Art Factory Correspondence
To the Hon. Ian Callinan AC QC,

I write to you as the Licensee of the Oxford Art Factory ('the OAF'), located in the basement of 36-46 Oxford Street, Darlinghurst regarding your report into the Liquor Act, 2007. We previously wrote to you on the 4th of April. That submission detailed our experience with the lockout and liquor cessation periods ('the lockout').

We understand that the release of your report has been delayed in order to review the recent Supreme Court decision Stuart v O'Connor as Acting Deputy Secretary of the Department of Justice and State of New South Wales [2016] NSWSC 1179 ('the Smoking Panda decision'). This further submission relates directly to the Smoking Panda decision, as the OAF is subject to the lockout by way of a declaration of the kind the subject of that case.

The day following the Smoking Panda decision, the OAF was issued the attached letter from Liquor and Gaming NSW (L&G NSW) dated 26th of August noting that the provisions under which it was declared a High Risk Venue were found to be invalid by the Supreme Court.

It is clear that at the present time the lockout provisions do not apply to the OAF. However, the Compliance Unit of L&G NSW and NSW Police Force have threatened to prosecute the OAF if it fails to observe the lockout. The Police and Compliance Unit attended the venue separately on Saturday the 27th of August seeking to extract assurances under the threat of prosecution that the OAF would continue to abide by the illegal declaration.

It must either be the case that the Police and Compliance Unit do not understand the ramifications of the Smoking Panda decision, or if they do, they are misrepresenting the decision. Neither is acceptable for a Statutory Authority. The purpose of this further submission is to put this behaviour on the record.

Prior to the Smoking Panda decision, the OAF lodged an application with L&G NSW seeking a conditional exemption to the lockout. Contrary to the position of the Compliance Unit and NSW Police, L&G NSW state the lockout does not apply, so there is no purpose to the exemption application. L&G NSW has put the exemption application on hold (see attached email). The significant expense of carefully preparing the exemption application has been wasted, with the threat of prosecution on one hand and a stalled application on the other.

-20-
The absence of an ability to enforce the lockout provides no comfort. The ease at which Police or the Compliance Unit may prosecute for an offence, such as failure to include a single incident in the Incident Register under cl. 53ZE, and the heavy penalties associated with non-compliance in the form of a strike, mean that it is simply not worth the risk.

The OAF has always been a well-run premises with minimal levels of adverse impacts and assaults, notwithstanding its popularity, young demographic and late trading hours. As a theatre, it was never intended to be subject to the lockout.

It was my opinion at the time of the declaration that L&G NSW and the Police were intent on extending the ambit of the lockout beyond that legislated by Parliament, by including premises that were intentionally excluded. The Smoking Panda decision confirms that suspicion was correct, which in the absence of legislative support they now seek to enforce through intimidation and threats.

Should you have any questions arising out of the above, please do not hesitate to contact me to discuss on

Kind Regards,

Mark Gerber
'The Boss'
Oxford Art Factory/ Anita's Theatre Thirroul
GM/Licensee/Bookings
38-46 Oxford Street, Darlinghurst 2010
N.S.W Australia.
T: +61 2 9332 3711 F: +61 2 9332 3211
OXFORDARTFACTORY.COM
FACEBOOK.COM/OXFORDARTFACTORY
TWITTER.COM/THE_OAF
INSTAGRAM: @THE_OXFORDARTFACTORY
Dear Mr Gerber

The Secretary of the Department of Trade & Investment issued a notice to you dated 17 March 2014 (copy enclosed) declaring either the whole or part of the premises Oxford Art Factory to be CBD subject premises for the purpose of the 1.30am lock out and the 3am cease service of alcohol.

On 25 August 2016 a decision was made in the Supreme Court NSW in the matter of Stuart v O'Connor as Acting Deputy Secretary of the Department of Justice and State of New South Wales [2016] NSWSC 1179. The effect of the Supreme Court decision is that the declaration made in relation to your venue on 17 March 2014 may be invalid. The Court did not make negative findings against the regulations’ policy intent or the Secretary’s delegate in making the declarations.

The Government has lodged a notice of intention to appeal the decision and is further considering other options. You are strongly encouraged to continue to comply with the lock out and cease service provisions, as applicable to your venue, until the appeal is considered or the Government response is implemented.

Liquor & Gaming NSW compliance officers will continue to attend venues across the CBD to assess risks of alcohol-related harm. There are a range of provisions under the liquor laws which allow 'or action to be taken, in the form of statutory conditions or directions, in circumstances where there is a risk of alcohol related harm. These powers are unaffected by the Court’s decision and Liquor & Gaming NSW will use those powers as required.

Should you require further information on this matter, Mr Paul Drohan, Manager Compliance, Liquor & Gaming NSW can be contacted at paul.drohan@olgr.nsw.gov.au or on 9995 0865.

Yours sincerely

Sean Goodchild
Director Compliance Operations
26 August 2016
Dear Mark,

I was contacted by David Rippingill, Design Collaborative yesterday, requesting that your application for Oxford Art Factory’s exemption from the lock out proceed. I have advised David that the application is currently on hold while L&GNSW considers its position following the Supreme Court decision. Once we have a clearer understanding of the situation, we will make a decision as to how to proceed with the application. We will keep you updated on the progress.

If you have any questions in the meantime, please feel free to contact either myself or John Coady, Manager Compliance on 02 9995 0883.

Regards

Sarah Green | Compliance Program Coordinator
Compliance Operations
Liquor & Gaming NSW | A Division of the NSW Department of Justice
Level 6 | 323 Castlereagh Street | Haymarket NSW 2000
GPO Box 7060 | Sydney NSW 2001
T: (02) 9995 0565 F: sarah.green@olgr.nsw.gov.au

Our website has changed. Please update your bookmarks with our new address: www.liquorandgaming.justice.nsw.gov.au

Thanks Sarah.

Could you please provide me the details for the person responsible for the decision? I would like to confer with them directly.

Regards,

David Rippingill - Associate
Design Collaborative
Level 3 225 Clarence St Sydney NSW 2000
Ph: (02) 9262 3200
Fax: (02) 9262 3601

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From: Sarah Green (mailto:sarah.green@olgr.nsw.gov.au)
Sent: 31 August 2016 16:56
To: David Rippingill  
Subject: OAF application for exemption

Dear David

Thank you for your call earlier. The OAF application for exemption is on hold while Liquor and Gaming NSW considers its position. Once we have a clearer understanding of the situation we will make a decision as to how to proceed with the application.

I will keep you updated.

Regards

Sarah Green | Compliance Program Coordinator  
Compliance Operations  
Liquor & Gaming NSW | A Division of the NSW Department of Justice  
Level 6 | 323 Castlereagh Street | Haymarket NSW 2000  
GPO Box 7060 | Sydney NSW 2001  
T: (02) 9995 0565  E: sarah.green@olgr.nsw.gov.au  

Our website has changed. Please update your bookmarks with our new address: www.liquorandgaming.justice.nsw.gov.au

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## Appendix 4
### Comparative International Arrangements

<table>
<thead>
<tr>
<th></th>
<th>Population (million)</th>
<th>Drinking age</th>
<th>On-premises availability</th>
<th>Off-premises availability</th>
<th>Lockout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>4.8</td>
<td>18</td>
<td>3am&lt;sup&gt;1&lt;/sup&gt;</td>
<td>10pm</td>
<td>1.30am&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Melbourne&lt;sup&gt;3&lt;/sup&gt;</td>
<td>4.3</td>
<td>18</td>
<td>24/7</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Auckland&lt;sup&gt;4&lt;/sup&gt;</td>
<td>1.4</td>
<td>18</td>
<td>4am</td>
<td>9pm</td>
<td>No</td>
</tr>
<tr>
<td>London&lt;sup&gt;5&lt;/sup&gt;</td>
<td>8.5</td>
<td>18</td>
<td>24/7&lt;sup&gt;6&lt;/sup&gt;</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Glasgow</td>
<td>0.6</td>
<td>18</td>
<td>Up to 3am&lt;sup&gt;7&lt;/sup&gt;</td>
<td>10pm</td>
<td>No&lt;sup&gt;8&lt;/sup&gt;</td>
</tr>
<tr>
<td>Paris&lt;sup&gt;9&lt;/sup&gt;</td>
<td>2.2</td>
<td>16 (Wine)</td>
<td>2am (later for nightclubs)</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Berlin</td>
<td>3.6</td>
<td>16 (Wine)</td>
<td>24/7</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Dublin&lt;sup&gt;10&lt;/sup&gt;</td>
<td>0.5</td>
<td>18</td>
<td>Fri – Sat 12:30pm; Mon – Sat: 10.30am to 10pm; Sun - Thursday: 11:30pm&lt;sup&gt;11&lt;/sup&gt;; Sunday: 12:30pm to 10pm</td>
<td>No&lt;sup&gt;12&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>Barcelona</td>
<td>1.6</td>
<td>18</td>
<td>24/7</td>
<td>24/7</td>
<td>No</td>
</tr>
</tbody>
</table>

### NOTES
1. In the CBD and Kings Cross Precincts.
2. In the CBD and Kings Cross Precincts.
5. Licensing Act.
6. Licensing authorities have the power to restrict the sale of alcohol between 3am and 6am if the licensing authority considers it necessary for the promotion of the licensing objectives: Licensing Act 2003 (UK) s 172A.
7. Varies by establishment. The City of Glasgow Licensing Board’s Licensing Policy Statement restricts service of alcohol to 3am for entertainment based and later opening premises in Glasgow city centre only. Otherwise a 2am cease service applies to these venues.
8. In Glasgow, a 12.00am lock out known as ‘curfew’ was introduced in 1993. It was gradually increased to 2am in the late 1990s, before being discontinued in 2004 after safety had improved in the city centre.
10. Intoxicating Liquor Acts.
11. In Dublin, popular nightclubs and late night bars generally trade until 2.30am by seeking special exemption orders from the District Court. Otherwise, an earlier cease service applies.
12. Varies by venue. In Dublin, there is a ‘drinking up’ time where venues must cease service 30 mins before closing. Entertainment (e.g. music) must not be provided during this time.
<table>
<thead>
<tr>
<th>Country</th>
<th>Distance</th>
<th>Hours</th>
<th>P.M.</th>
<th>A.M.</th>
<th>24/7</th>
<th>Late Licence?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madrid</td>
<td>3.2</td>
<td>18</td>
<td>24/7</td>
<td>24/7</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Rome</td>
<td>2.6</td>
<td>18</td>
<td>2am</td>
<td>12am</td>
<td>2am</td>
<td>No</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>7.2</td>
<td>18</td>
<td>24/7</td>
<td>24/7</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Singapore</td>
<td>5.5</td>
<td>18</td>
<td>12am</td>
<td>12am</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Seoul</td>
<td>10</td>
<td>19</td>
<td>24/7</td>
<td>24/7</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Chicago</td>
<td>2.7</td>
<td>21</td>
<td>Mon-Sat: 4am; Sun: 5am</td>
<td>Mon-Sat: 2.00am; Sun: 3am</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Los Angeles/San Francisco</td>
<td>3.9/0.8</td>
<td>21</td>
<td>2am</td>
<td>2am</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>New York</td>
<td>8.5</td>
<td>21</td>
<td>4am</td>
<td></td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>New York Liquor and Wine</td>
<td></td>
<td></td>
<td>Sun: 12pm - 9pm; Mon - Sun: 8am - 12pm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington D.C.</td>
<td>0.66</td>
<td>21</td>
<td>Mon-Fri: 2am; Sat - Sun: 3am</td>
<td>12am</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Montreal</td>
<td>1.65</td>
<td>18</td>
<td>3am</td>
<td>10pm</td>
<td>24/7</td>
<td>No</td>
</tr>
<tr>
<td>Vancouver</td>
<td>0.6</td>
<td>19</td>
<td>3am</td>
<td>11pm</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Toronto</td>
<td>2.6</td>
<td>19</td>
<td>2am</td>
<td>11pm</td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

13 Alcohol is generally only available in supermarkets until 10pm, but takeaway alcohol can be sold later with a licence.
14 In defined precincts only.
15 Alcohol Control (Supply and Consumption) Act.
16 Dutiable Commodities (Liquor) Regulations.
17 Can apply for extension of trading hours.
18 Varies by venue. For 'late licence' venues in Chicago only; otherwise a 2am (Mon - Sat) and 3am (Sun) cease service applies.
19 Or 24/7 with late night permit (see Alcohol Beverage Control Law s 99).
20 See Liquor License Regulations. Liquor can be sold until 3:00am on New Year's Day.
21 Alcohol Beverage Control Law.
Appendix 5

Correspondence: The Night Time Economy
24 July 2016

Ms Kate Murray
Manager City Business and Safety
City of Sydney
Town Hall House
156 Kent Street
SYDNEY NSW 2000

By email: kmurray@cityofsydney.nsw.gov.au

Dear Ms Murray,

Liquor Law Review: The Night Time Economy

Many of the submissions made to me refer to the Night Time Economy in the context of suggestions that the laws requiring the cessation of service of alcohol at 3am and a lockout from 1.30am adversely affect that economy. It has been suggested that this economy has 'collapsed' with the imposition of the lockout and associated laws.

Some estimates are that the Australian Night Time Economy comprised sales revenue in 2014 of $108 billion (up from $90 billion in 2009) and was responsible for the employment of more than one million people. The Sydney Local Government Area has been estimated to have a ‘core’ Night Time Economy in its central district in the order of $3.536 billion.

I have also seen suggestions that the Night Time Economy has not, perhaps until recently, been viewed as an economic sector.

Some submissions urge me to take into account the effect that the laws I am reviewing have on the Night Time Economy. In order that I might better understand what comprises the Night Time Economy and its vulnerability or otherwise to the amendments to the Liquor Act with which my review is concerned, I would welcome any answers you might have to the questions set out below.

1. What are the components of the total sales revenue of the Night Time Economy?

2. Is there any accepted definition of what constitutes that economy?

3. Is there any reliable means available for separating sales and other revenue that businesses derive in the ‘night-time’? If those means exist, please state what they are. I ask this question because I am not aware of any reporting required of businesses that might permit an assessment to be made of the proportion of
revenue that is derived during the night time.

4. Are any of the Night Time Economy sales revenue amounts that would form part of the day time economy if, for one reason or another, the activity did not take place after hours?

5. Is it true that take away food outlet sales are regarded as part of the Night Time Economy? If so:
   a. is it possible to excise from take away food sales generally, that portion of meals that are sold at night? Has this been done in any analyses on the topic to date of which you are aware?
   b. to what extent can take away evening meals for households, whether after 6pm or some later time, properly be regarded as forming part of the Night Time Economy?

6. Has any assessment been made of the costs associated with Night Time Economy Sales revenue? Costs that have been attributed to the Night Time Economy include government services, hospital services, policing, public transport and security. It may be also that there is an additional cost of labour outside of ordinary working hours. I am interested to know what, if any, assessments of these costs have been made.

7. Are the figures estimating the size and nature of the Night Time Economy reliable in a statistical or numerical sense?

8. If the figures are reliable, what is the degree of reliability they possess?

9. What degree of confidence can be attached to the claim that the components of the Night Time Economy are, in truth, part only of it and not of the day time economy? I am aware, for example, that revenue from amusement parks and gambling are commonly included in the figures for the Night Time Economy. I am unclear if sales revenue derived by such businesses during the day has been (or can be) reliably excised from the assessments of the Night Time Economy.

To the extent that you can, would you please consider these questions in relation to Sydney as well as generally.

I would appreciate any assistance you might be able to offer in response to the questions above.

Yours sincerely,

I D F Callinan AC

cc: Ms Claudia Solomon
    Director, Centre for Program Evaluation
    NSW Treasury
Dear Justice Callinan,

Liquor Law Review: The Night Time Economy

I understand your Inquiry have not yet had an opportunity to review the information provided following our meeting on 4 May. This information will address many of the questions you have. I hope to clarify, where possible, your specific questions.

In the absence of localised data collection of economic activity by the Australia Bureau of Statistics (ABS), the City of Sydney (and since, other local Councils and international government bodies) have had to use their own models to measure and estimate the extent of the night time economy. Due to the constraints of the existing data, the reports are not as comprehensive as we would like and only enable us to monitor trends. This has been the bases for our continued recommendation to the NSW Treasury over many years to establish a benchmark and conduct regular surveys to estimate the economic impact of liquor legislation. This was also part of the City's formal submission to this review. We have previously offered, and continue to offer technical, floor space and employment data to support such an initiative.

1. **What are the components of the total sales revenue of the Night Time Economy?**

Please see attached the summary of Data Sources and Methodology included in The Australian Night Time Economy 2009-2014 Report (refer section 3, Appendices A and C).

Sales data are sourced through ABS data and are therefore subject to ABS definitions. Two constraints of the current data include the lag in the availability of data, with the latest data (released in 2016), relating to 2013-14; and, the data for the Office of Liquor Gaming and Racing (now Liquor and Gaming) only relates to licenced premises.

2. **Is there any accepted definition of what constitutes that night time economy?**

The City engaged TBR (UK based) to conduct a study in 2009. TBR are one of the world’s leading research agencies in this area, having undertaken significant work in UK and Australia over the last decade.

TBR separate the night time economy (NTE) into two components, the core and non-core:

- Core NTE - establishments which directly provide the consumer services at the point of demand, such as food led, drink led and entertainment led activities
- Non-Core NTE - establishments that comprise firms and other organisations that deliver supply line services which support the Core NTE
Non-Core includes public and private transport; hotels and other forms of overnight accommodation; retail services; public services such as policing, health services, parking; lighting and refuse collection; private services such as advertising and wider business services.

Total economy is also summed by the inclusion of all the other activities taking place within the identical time frames. The Core and Non-Core components are compared with the total economic activity in the economic geography so that the proportionate NTE role may be understood.

3. Is there any reliable means available for separating sales and other revenue that businesses derive in the ‘night time’? If those means exist, please state what they are. I ask this question because I am not aware of any reporting required of businesses that might permit an assessment to be made of the portion of revenue that is derived during the night time?

Unfortunately, there is none existing.

The City is aware of a number of ad hoc research studies that have considered this, for example, research into the impact of live music sales. These have been undertaken in cooperation with hotel/entertainment traders, however, these are limited studies and generally have a purpose specific to the organisation who commissioned it.

Increasingly, relevant local governments are looking at obtaining data on hours of operation (either in conjunction with land-use surveys or as stand-alone surveys). It is unlikely that these will differentiate sales revenue by hour, rather they will rely on models to calculate likely sales depending on co-operation with traders.

4. Are any of the night time economy sales revenue amounts that would form part of the day time economy if, for one reason or another, the activity did not take place after hours?

With current data sources, yes, as the information available is not granular enough to estimate this precisely. Similarly, there may be sales revenue generated in the evening by companies who predominately trade in the day time that are not accounted for in the night time economy estimates. For this reason, estimated values provide baseline figures only, to monitor trends rather than provide absolute figures.

5. Is it true that take away food outlets sales are regarded as part of the night time economy? If so:

Yes.

a) Is it possible to excise from take away food sales generally, that portion of meals sold at night? Has this been done in any analyses on the topic to date of which you are aware?

Generally no. The only possible exception would be a survey of Food Truck sales.

b) To what extent can take away evening meals for households, whether after 6pm or some later time, properly be regarded as forming part of the night time economy?
Takeaway food-led companies are included in the Core-NTE definitely and are therefore included in the estimates. Whilst the food is consumed at home, the purchase and when it is consumed is at night time and therefore included in the estimates.

6. Has any assessment been made of the costs associated with the night time economy sales revenue? Costs that have been attributed to the night time economy include government services, hospital services, policing, public transport and security. It may be also that there is an additional cost of labour outside ordinary work hours. I am interested to know what, if any, assessment of these costs have been made.

Yes, in 2009 the City commissioned the 'Sydney Night Time Economy – Cost Benefit Analysis' report (see attached). UK based consultants TBR, MAKE Associates and Dr Phil Hadfield were engaged along with Sydney based economist Michael Lester to undertake the report.

The report provided the first overview of the relative scale of Sydney's night time economy (2007-2009). It was not a traditional cost benefit analysis as the economic costs are entangled with a related social context. This work was partly driven by the City's objective to understand and manage the secondary impacts of the night time economic activity.

The report concluded that overall the benefits of the night time economy to Sydney substantially exceed the negative externalities, (based on the available data and resources attributed to the study). Researchers noted that they did not believe that the report was an appropriate way of assessing or measuring findings, rather that this first impact measurement of the city's night time economy would allow Sydney to benchmark its current position and then to work to both reduce its negative externalities around crime, health, environmental degradation, while increasing the identified benefits of wealth creation, employment and city reputation.

7. Are the figures estimating the size and nature of the night time economy reliable in a statistical or numerical sense?

The data on the size of the night time economy should be seen only as approximate order-of-magnitude estimates. Their principal value (to the City) is to indicate trends in total and components over time and place. That is, they are treated as benchmark indicators against which changes in the night time economy can be measured, in relation to specified City strategies including Sustainable Sydney 2030 and OPEN Sydney.

8. If the figures are reliable, what is the degree of reliability they possess?

Reliability currently depends on the quality of information collected and provided by the ABS. The ABS has a high international reputation in data provision but can only be as reliable as the limitations of the original data source.

9. What degree of confidence can be attached to the claim that the components of the night time economy are, in truth, part only of it and not of the day time economy? I am aware, for example, that revenue from amusement parks and gambling are commonly included in the figures for the night time economy. I am unclear if sales revenue derived by such businesses during the day has been (or can be) reliably excised from the assessment of the night time economy.
As noted, due to the lack of localised data collection of economic activity by the ABS, the City (and other stakeholders) have used their own models to measure and estimate the extent of the night time economy. This has, for the City, provided baseline information to inform interventions and activities based on trends.

The goal of measuring the night time economy is to provide some estimate of the extent and trends/changes in it, and ultimately, the success of actions to the hours of operation of the City’s economy, for the benefit of:

- Residents/workers – shops/restaurants, convenience;
- Businesses – places to complete discussions, trade and deals;
- Tourists/visitors – cultural and entertainment institutions/shops & restaurants/food;
- Economic capacity – capability to expand economic activity within existing built environment and floorspace;
- Transport system – spreading the maximum load and extending peak times;
- Resource utilisation – improve the constancy of flow of energy required to maximise efficiency and productivity

**General Comments**

The City has consistently advocated for the need for better data to measure the economic impact of liquor legislation. However, the NSW Government review emphasis has been focussed on the violence/crime impact, with the economic impact only as a subsidiary activity to be undertaken.

The current data is the best available but it is limited. It can be improved by specific information being obtained about:

- (a) Hours of operation of individual businesses;
- (b) Surveys of time-line of sales during weekdays and weekends; and,
- (c) Allocation of an evidence-based night time intensity ratio to each detailed industry group (this may necessarily need to be localised).

The City is preparing to undertake its next regular five yearly census of all businesses in our local government area in 2016-17.

The City remains willing to work collaboratively with the NSW Government to achieve an improved set of metrics on the night time economy.

Thank you for your consideration of this information and please contact me if I can provide additional information or further clarity on the information supplied on 9265 9480 or kmurray@cityofsydney.nsw.gov.au

Yours sincerely,

Kate Murray
Manager City Business & Safety
City of Sydney
24 July 2016

Ms Claudia Solomon
Director, Centre for Program Evaluation
NSW Treasury
52 Martin Place
SYDNEY NSW 2000

By email: claudia.solomon@treasury.nsw.gov.au

Dear Ms Solomon,

Liquor Law Review: The Night Time Economy

Many of the submissions made to me refer to the Night Time Economy in the context of suggestions that the laws requiring the cessation of service of alcohol at 3am and a lockout from 1.30am adversely affect that economy. It has been suggested that this economy has ‘collapsed’ with the imposition of the lockout and associated laws.

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To the extent that you can, would you please consider these questions in relation to Sydney as well as generally.

I would appreciate any assistance you might be able to offer in response to the questions above.

Yours sincerely,

IDF Callinan AC

cc: Ms Kate Murray
    Manager City Business and Safety
    City of Sydney
Dear Mr Callinan,

Liquor Law Review: The Night Time Economy

Thank you for your letter of 24 June 2016 seeking Treasury's advice on the use, definition, and measurement of the term Night Time Economy.

Please find below responses to the specific queries you raised. In sum, the term night-time economy is not often used by economists, and in general is not a criterion sought in data collection practices (for example, by the ABS) as it is total economic activity that is usually of interest. In addition, there are many challenges, and judgments made, in deciding which particular industry sectors should be considered night-time.

**Q1. What are the components of the total sales revenue of the Night Time Economy?**

It cannot be stated with certainty which industries/sectors constitute the Night Time Economy as it is subject to interpretation.

The $108 billion figure for 2014 that you have mentioned in your letter comes from the report “The Australian Night Time Economy 2009 – 2014 Federal, State and Key LGAs” commissioned by the National Local Government Drug and Alcohol Committee (NLGDAAC). This was comprised of turnover data from the ABS for all businesses under a selection of ANZSIC codes (see Table 6 on page 20 of the report).

The table below lists all ANZSIC codes that were assumed to be part of the “core” night time economy in the report. It appears that for each ANZSIC industry/activity classification, the total turnover value has been used, rather than attempting to apportion that part which most likely relates to the night time. This is a significant limitation, as many of these industry sectors clearly have large daytime sales (for example, health, fitness and gym).

<table>
<thead>
<tr>
<th>Core Night Time Economy Sub-Sector</th>
<th>Activity</th>
<th>ANZSIC</th>
<th>Turnover 2014 (A$m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drink</td>
<td>Liquor Retailing</td>
<td>4123</td>
<td>5,966</td>
</tr>
<tr>
<td></td>
<td>Pubs, Taverns and Bars</td>
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**Core Night Time Economy Total**: $108,239


(Note, the name of the underlying ABS dataset is the “Counts of Australian Businesses, including Entries and Exits” and this series gives the turnover amounts).

Q2. Is there any accepted definition of what constitutes that economy?

There appears to be no standard definition of what constitutes the night-time economy and few publicly available reports that attempt to measure it.

Night-time hours is not generally a characteristic captured in data collection for the purposes of measuring economic activity, employment, or prices at either the Commonwealth or State level. At the macro level, economic activity, as measured by Gross Domestic Product, reflects expenditure, income or production by different entities (consumers, business, government), and economic activity is considered on these bases, not by time of day or day of week.

At the micro level, individual businesses and government (local and State) would have an appreciation of the relative importance between day and night activity levels, but there is no requirement for data to be provided on this basis. Moreover, there does not appear to be any published databases that seek to present a day/night split.

The lack of an agreed definition, or a widely accepted definition, means that the night-time economy may mean different things to different stakeholders, and may be interpreted differently in the context of what is perceived as normal business or normal business hours, or be perceived differently by different industry sectors or different demographic cohorts of individuals or communities. This, and similar classification issues, are discussed in section 4.2 in the 2011 report “Sydney Night Time Economy: A Cost Benefit Analysis” prepared for the City of Sydney Council.
Q3. Is there any reliable means available for separating sales and other revenue that businesses derive in the "night-time"? If those means exist, please state what they are. I ask this question because I am not aware of any reporting required of businesses that might permit an assessment to be made of the proportion of revenue that is derived during the night time.

No – ABS data is based on information from ATO Business Activity Statements (BAS) – BAS forms only require businesses to report their total revenue (turnover) in aggregate.

Note that page 47 of the NLGDAAC report states that:
"There is almost no economic data on the subject of the hourly incidence of [night time economy] NTE receipts. Even though we base our figures for economic performance on an appropriate group of activities this still does not fully identify when the businesses in those activities are actually open and trading. Recent research by the reporting consultants in the UK suggests that 45% of NTE revenue may be received between the hours of 6 p.m. and midnight whilst 20% is collected from midnight to 6 a.m. and a further 25% from midday to 6 p.m.

The remaining 10% indicates that some ‘NTE’ businesses transact from 6 a.m. to midday. This data was gathered by survey within a specific and unusually concentrated NTE geography and we cannot say that this pattern would be repeated in other locations. We can say that this is an aspect of information provision which needs to be improved."

Q4. Are any of the Night Time Economy sales revenue amounts that would form part of the day time economy, if for one reason or another, the activity did not take place after hours?

This is possible, though there is no reliable data source to quantify such possible shifts.

We did receive qualitative feedback in our stakeholder consultations in 2015 and 2016, and in our online surveys of licensed premises in the CBD precinct, that a number of businesses have sought to modify their business practices to target different patron markets, and this includes targeting more daytime trade. However, it is also recognised that some business models are more suited to such adaptation than others.

Q5. Is it true that take away food outlet sales are regarded as part of the Night Time Economy?

The NLGDAAC report has included Takeaway Food Services (ANZSIC code 4512) as part of the core night time economy.

If so:

a. Is it possible to excise from take away food sales generally, that portion of meals that are sold at night? Has this been done in any analyses on the topic to date of which you are aware?

This is not possible based on the way that ABS collects turnover (i.e. in aggregate from Business Activity Statements)
b. To what extent can take away evening meals for households, whether after 6pm or some later time, properly be regarded as forming part of the Night Time Economy

As there is no standard definition for the Night Time Economy and what it constitutes, this requires further research and consideration.

Q6. Has any assessment been made of the costs associated with Night Time Economy Sales revenue? Costs that have been attributed to the Night Time Economy include government services, hospital services, policing, public transport and security. It may be also that there is an additional cost of labour outside of ordinary working hours. I am interested to know what, if any, assessments of these costs have been made.

We have not made any such assessment as this was outside the scope of our report. We have only looked at the costs directly related to the implementation of the Plan of Management (e.g. additional Liquor and Gaming compliance officers, provision of secure taxi ranks), not the marginal costs related to the additional infrastructure/services required to support a night time economy.

A 2011 report prepared for the City of Sydney Council (Sydney Night Time Economy: A Cost Benefit Analysis) estimated the principal costs of activities related to supporting, managing and reducing the negative social externalities of the night time economy in Sydney in 2009 at c$125 million. This was broadly made up of:

- Policing costs - $24.8 million
- Health costs - $4 million
- Transport costs - $64.8 million
- Other public service costs - $31 million

The detailed methodology is presented in section 5.3 of that report.

Q7. Are the figures estimating the size and nature of the Night Time Economy reliable in a statistical or numerical sense?

There are two issues to consider regarding potential limitations of the night-time economy estimates calculated in the NLGDAAC report.

Firstly the calculations are based on assumptions about which industry sectors/activities are core and non-core elements of the night time economy. While the assumptions used are detailed in section 3 (Report Context and Methodology) of the report, these assumptions are matters of judgement.

Secondly, turnover is only provided in aggregate, but not all turnover can be reliably attributed to the night time economy.

Q8. If the figures are reliable, what is the degree of reliability they possess?

See response to question 7.
Q9. What degree of confidence can be attached to the claim that the components of the Night Time Economy are, in truth, part only of it and not the day time economy? I am aware, for example, that revenue from amusement parks and gambling are commonly included in the figures for the Night Time Economy. I am unclear if sales revenue derived by such businesses during the day has been (or can be) reliably excised from the assessments of the Night Time Economy.

See response to question 1.

I hope that the above responses are of assistance to you. Please don’t hesitate to contact me (Claudia.Solomon@treasury.nsw.gov.au or 9228 4774) if you have any further questions.

Yours sincerely

Claudia Solomon
Director, Centre for Program Evaluation
Appendix 6

Correspondence with a Musician
Dear Mr Callinan,

Thank you again for the response, and apologies that it has taken me some time to reply. Below, I have answered your questions. Please feel free to email or call me if you'd like to discuss them further. I'd certainly welcome the opportunity. I will add that some of the information below, you will already be aware of, so I will mark the paragraphs that I believe may be particularly helpful in conveying new information, and information specific to my industry and experience, in bold.

My attention has been drawn by the Premier's office to a submission that you have made with respect to the 2014 amendments to the Liquor Act.

As you may be aware, I have been asked by the Hon Troy Grant, Deputy Premier, to make an independent review of those amendments pursuant to clause 47 of Schedule 1 of the Liquor Act and some related matters. Mr Horton QC has been engaged to assist me in that task.

It has been suggested that it might be of assistance if Mr Horton QC were to discuss with you some of the matters that you have raised.

Before doing that, however, would it be possible for you to provide me with some details of matters that you have raised with the Premier's office?

1. You state that tens of thousands of people have been affected in a negative way, especially financially by the laws. I have certainly had others make submissions to me of detrimental financial effects. Do you, however, have any statistical basis for what you say is the number of people adversely affected financially? No numbers that I have seen so far would support tens of thousands of people as the number.

I must clarify. Tens of thousands of people have most certainly been adversely affected by the Lockout Laws. That, I will base on a few core industries that have been affected, specifically my own industry, music, and one with which I am closely associated and have formerly worked in, hospitality. In addition to this, the 15000 protestors that marched in the Keep Sydney Open rally were a palpable display that workers of these industries, advocates and supporters of the industries, venue patrons and others who feel their civil rights have been violated, feel afflicted by the lockouts, and this is where I derive my figures from. As far as the financial losses, they are most immediately recognisable in the core industries of live music & entertainment, and hospitality. I am sure there are many more industries, groups and communities that we are both aware of, but I am merely speaking as a representative of those that I am intimately familiar with.

I am a singer and DJ by profession. There are approximately 2500 music professionals in the Greater Sydney area, as well as dancers and other entertainers, many of whom make a living off Sydney's nightlife. They/I have worked incredibly hard at our skill set, spent just as much money on education (whether it be private lessons, music and associated degrees, or other tertiary education pertaining to our industry) as any other professional in any industry, and all of this because there was a certain availability of, and
potential to work in our industry. The two major ways that the lockouts have hindered our earning potential are as follows:

1. Many venues that formerly invested in live music as part of their business model and identity, no longer have the revenue to afford this exercise. This means:

   a) Cutting back to cheaper and smaller music lineups (which lessens the available work for players who may have been part of a 5 piece band, but are made redundant when the venue can only afford a duo). This has happened with several of my gigs.
   b) Booking DJs instead, which further lessens available work for musicians.
   c) The income loss for licensed venues with the 1:30am lockout, 3am last drinks and several other laws on shots and doubles have basically meant many venues can’t afford entertainment anymore. The Lockout Laws undermine many venues’ initial business models, causing them to lose money, close down or completely change their business model to a venue who’s sole focus is on selling drinks and staying afloat. What does this mean? When a venue can’t make the money it used to based on less available hours to earn the money, they stay afloat however they can. Needless to say this means the proper enforcement of RSA becomes secondary to staying afloat. These are the realities that I have become privy to after conversations with numerous venue owners and managers, entertainment bookers and agents. They aren’t making this up. We didn’t have these issues 3 years ago. We didn’t have these issues 10 years ago. The lockouts have been implemented, and this is the price that my industry is paying. Personally, I have lost an average of two gigs per week, which equates to on average, $500 per week. I am left with around two gigs a week on average (which just covers my basic rent, car and necessities), and I have to work incredibly hard to keep these gigs, and necessarily and relentlessly chase new work, even when venues aren’t making enough money to make live music sustainable, and many have stopped it altogether: I began when I realised that my singing gigs were not financially sustainable by themselves, and this was after 10 years in the workforce, where they had been easily enough.

   2. Perhaps the most poignant point, and that with a directly visible link to the lockouts is as follows. Formerly, many licensed venues employed several shifts of live music and DJs. I was playing at Trademark with a band, then at Goldfish These shifts would start at 8pm and finish around 3am. DJ gigs would finish even later. These are two venues in Kings Cross which have closed down. I can’t name a single venue besides The Star, that has more than 1x3 hour slot (the standard length of a covers gig) for live music now, because the venues aren’t open for that second slot to happen.

Many musicians have turned to other forms of income as a priority, many leaving the music scene all together. I can’t imagine any government would advocate the deterioration of a city’s culture, a decrease of our cultural/artistic/musical exports, and for people who had spent many years and a great deal of money training for their career, to have to give that up to make sure they can pay rent. I am not ignorant to the fact that all industries have their ups and downs and that this is not a unique plight to the music industry. However, most industries’ downturns do not rest on a government law such as this.

In conclusion on this particular point, I cannot speak absolutely for all industries that have been affected by the lockouts, but I can say that the entire live music scene has encountered many financial struggles, which have had negative impacts on our lifestyle, ability to work and find work. They have also greatly impeded the sustainability and growth of our music industry, dampened support and cultivation of our musical exports, left very little incentive for the next generation of musicians, and handicapped our international footprint on the music scene. It is noteworthy that our biggest current musical exports, Sia, Flume, Flight Facilities, Alison Wonderland, The Presets (the list goes on), as well as heritage acts like Cold Chisel and John Farnham, built their careers by playing shows in bars and clubs. In fact, most of the aforementioned artists have written open letters to Mr Baird, stating just that. That is how these acts were developed, that is how they exposed their music, and that is how they earned their fans. How can we expect our music scene to birth or develop any new talent, to have any prominence internationally, let alone exist, when there are so many fewer opportunities to play live shows, earn money, expose our music, and connect with fans? Our industry relies on live performances, especially with the significant financial hit it has taken in the age of digital downloads, as our industry currently makes less than 50% of what it did Pre-2000, on music sales.

There are several industries which rely on nightlife for their existence. Industries employing thousands of people. The night hospitality industry not only creates thousands of jobs, but it facilitates and encourages live music, theatre, dancing, and a sense of culture and identity. Vivid was the most brilliant celebration of Sydney’s identity, beauty, physical landscape and nightlife. It attracted 2.3 million people, which markedly represents the economic value of both the arts and Sydney’s nightlife. Why celebrations like this aren’t more frequent, and why the premier would deplete an industry with the facility to support and create such brilliant events, is beyond me. We should be building and supporting the creative industries and taking pride in how they represent our city and country.

However, the night hospitality industry also encourages drinking and gambling, and alas, drinking and gambling are the elements that the government should be trying to curb the culture of. Instead, gambling has been given a huge boost due to the casinos’ lockout immunity, and sixteen Sydney pubs have been exempt from the 1:30am entry law, because they have poker machines. Additionally, no entertainment is allowed to be supplied at these venues other than the pokies as per the conditions of this exemption. The condition is ‘No entertainment is to be provided during the lockout period (other than gaming or background entertainment)’. How have we become a city that glorifies and encourages gambling? Additionally, it is absurd that gambling is considered a more appropriate option than many safer and more culturally enriching and wholesome forms of entertainment?
As far as the drinking culture, it has very seldom been addressed either. I will go into one way that I believe this can be done a little later in my email, but I will without doubt, say that a blanket and indirect solution like lockouts can't be the answer.

2. I would also like to see any suggestions that you may have as to the way in which the law could or should be adjusted to enhance the arts and entertainment. There is evidence that sales of alcohol subsidise live entertainment. Do you have a view about that and the appropriateness or otherwise of it?

I certainly do. Thank you for the opportunity to share these. I would very much like for the law to be adjusted to benefit the live entertainment industry, and equally, to increase venue/licensed premises/bottle shop responsibility for the sale of alcohol and management of their patrons, and simultaneously assist with the battle against alcohol fuelled violence. Here are several ways that I believe this can be achieved.

1. A percentage of gambling revenue, or a percentage of the fee for having gaming/pokies should be mandatorily used to fund live entertainment, either at the venue, or in the community.

2. 1.30am lockout should be completely removed. As I have mentioned above, this can only cause hundreds of alcohol-affected individuals, to crowd on the street together, where there is no security or authority with an agenda so as to ensure their safety, and the safety of their environment.

3. 3am last drinks should be completely removed. This should be handed down on a case by case basis to venues which police can prove (with evidence and sound reasoning) would benefit from closing early. There are certain industries which do not have a choice but to operate during the night. This includes live music, which can only take place and make money when people are free to watch it, which is not during business hours. For university students that study during the day, they need to work at night. Some people need a day and a night job to earn enough money for their families. I need not go on, but am essentially asserting that as long as there is an ample security presence and RSA is employed properly, we can very easily be a city that flourishes and thrives day and night, that fuels the economy day and night, that stands on the global map as a tourist attraction for our sites, our arts, our music, our spectacular geography, and our bars, clubs and nightlife.

4. All licensed premises should incur stricter penalties for breach of RSA. Venues have been dealt a real blow, especially financially, with the lockout laws. If the laws are removed, there needs to be responsibility taken that venues will not abuse the rights they have, and will enforce RSA correctly. This means stricter fines especially for:

   a) Serving an intoxicated patron in a licensed venue.
   b) Not safely removing an intoxicated or antisocial patron from a venue. This must include a plan for how to do this and how to ensure the patron’s safety as well.
   c) Liquor stores that serve alcohol to intoxicated customers.
   d) Letting an intoxicated person into their venue in the first place.

I have witnessed all of these breaches happen whilst working at venues as both an ex-doorman and entertainer. I believe that correct enforcement of RSA is the BEST and most DIRECT combatant to alcohol fuelled violence. I have witnessed enough incidents in similar circumstances, due to breaches, to be confident of this. I believe that whilst this seems like an obvious solution, it has not been discussed nearly enough and it’s ramifications have not been felt by venues or by patrons. Venues must be aware of fines, perhaps a 3 strike policy and other legal ramifications of breaching RSA. This needs to trickle down to their staff as well, as staff are the main perpetrators of these indiscretions, but only as a result of instructions by management and venue owners. Patrons must be aware of the consequences for their actions prior to entering a venue, during their time at the venue, and after leaving the venue. Whether it be stricter fines, arrest or other consequences, this needs to be seriously promoted with the same force and exposure that the lockouts were.

The other suggestions I have to contest alcohol fuelled and late night violence are as follows.

   a) Increased security presence at bars, clubs and other licensed venues with a history of violence and antisocial behaviour.
   b) Increased police presence on the street to deter violence and potential offenders, and more effectively diffuse undesirable and violent situations that are already happening.
   c) Trains that run 24 hours, at least from the CBD, Kings Cross and Newtown, outward. Potentially, they could be free or at a reduced night rate, at least on a trial basis. This would need to be partnered with security to ensure the safety of this method of transport. Perhaps only a certain allocation of carriages would be made available to correlate with the smaller number of potential passengers during the late night hours and to reduce the cost of security. This will deter drunk drivers as well as undesirable situations caused by masses of immobile and intoxicated individuals in popular nightlife locations. The current 1.30am lockout drives masses of intoxicated people onto the street at the same time, which can only cause more antisocial behaviour and violence. Again, in a bar/club, it is in the venue’s interest to prevent and diffuse this behaviour so you have people working FOR the solution, which is paralleled with their job and intentions to keep the venue safe.

I am sure your research and investigation of the lockouts have led you to acknowledge the benefits of these potential solutions and more, but I do hope my illumination of these ideas further solidifies their validity as potential solutions to late night violence, alcohol fuelled violence and as an alternative to the lockout laws,
I have not been directly affected by the negative consequences on hospitality workers, but as an entertainer in hospitality venues, it has certainly affected me indirectly. From the many friends I have in these industries however, I can relay the following information.

a) Bars/Clubs are not making as much money due to limited operational hours. This has resulted in many friends and colleagues getting less shifts as bartenders, barbacks/glassies and managers. Several of my colleagues have owned or managed bars which have closed, and they have cited 'not being able to earn enough to stay in business/make business profitable', as the reason. These venues were Backroom (Kings X), Soho and YU (Kings X). There are numerous other venues that have closed, also citing lockouts as the main reason, though I had no personal affiliations with these venues.

b) Entertainment bookers and managers have been made redundant as one of the first steps in redundancies due to declining revenue. This has led to entertainment being cancelled exclusively in some scenarios, and downsized in others. With inexperienced entertainment bookers (managers and licensees that have adopted the role), entertainment quality is suffering as well.

Basically it just comes down to less revenue yielding less jobs, people being left in the financial lurch and businesses that have been built over many years having to close down due to inability to make enough money to stay afloat. Sure, it is a possibility that venues need to adopt a new business model to be profitable under these laws, but I have not been privy to any model that has maintained the same income as they did prior to the lockouts yet, and frankly, when venues are hit with a law like this without a substantial preparation period, it is very hard to transform your business model without scrambling to stay afloat, if it is possible at all.

On a final note, even after helplessly accepting the Lockout Laws, and the negative impact they have had on my own finances and quality of life, I am still troubled by one very sad reality. I am left wondering what Mr Baird has actually done to curb alcohol fuelled violence, coward punches and associated behaviour/incidents in our city. It seems like an insult to the two men who's tragic deaths were apparently the catalyst for the laws, that there have been few visible government initiatives to directly combat these issues. There were some TV commercials at the time of implementation by boxer Danny Green (which may I add, I thought was a very effective campaign, and one that more celebrities, particularly boxers/MMA fighters etc should get behind), but aside from the actual laws changing, there wasn't much public exposure, nor government driven campaigns to actually combat the issue. In recent times, I can't recall any efforts that have continued in an effort to re-educate or curb the drinking and violence cultures in Australia. The problem of late night and alcohol fuelled violence was definitely not solved just because the lockouts were put into place. There have been several coward punch attacks since, including one at McDonalds, but the positive efforts for change seem to have stopped. At least I am unaware of any, in which case, their promotion and implementation has been minimal and/or ineffective.

In summary.

1. The Responsible Service of Alcohol (RSA) is frequently undermined in licensed venues. RSA is the only way to directly combat alcohol fuelled violence, as it represents the rules that govern the process by which people are sold alcohol in the first place.

2. The live music scene has lost many opportunities to flourish and exist, hindering the earning potential of those within it.

3. Gambling is being promoted as a result of the lockouts. This is certainly not a good thing, especially as an alternative to live music/entertainment.

4. The lockouts contribute to the decline of our city's identity, entertainment scene and entertainment options, and discourage current and future generations from embracing and progressing in the cultural and artistic industries that make up the cultural fabric of our society.

Thank you for giving me the chance to voice my opinions, suggestions and concerns, pertaining to the Lockout Laws. Please feel free to contact me via email or phone, to discuss further.

If you wish to discuss this matter you could telephone Counsel Assisting, Mr Jonathan Horton QC on (02) 9230 3254.

Yours sincerely

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Appendix 7

Mr Koh's Evaluation of Key Evidence and Responses from BOCSAR, Professor Kypri and St Vincent's Health Network
An evaluation of key evidence submitted to the independent liquor law review

Table of Contents

1. Assaults ........................................... p. 1
2. Star Casino’s exemption ......................... p. 10
3. Hospital data ...................................... p. 13
4. Supplementary statistics and anecdotal evidence from St Vincent’s Hospital .... p. 15
5. How strong is the evidence from Newcastle? .................................................. p. 16

Public commentary and submissions from the supporters of the 2014 liquor reforms rely heavily on St Vincent Hospital and NSW crime statistics to allege causation between the regulatory reforms and a measured reduction in injuries and crime. Falls in assaults and injuries are quoted in isolation, without proper statistical treatment of the broader historical and statewide trends, and the even larger falls in foot traffic that underlie these declines. Once these factors are taken into account, the data evidence the failure of the reforms by describing i) an intensification of violence across Sydney, particularly alcohol-fuelled violence, and ii) displacement of violence, most notably towards Pyrmont (Star Casino).

It is worth noting from the outset that the evidence can only be used to estimate the joint impact of the measures. Any attempt to draw conclusions or act on particular measures in isolation is not grounded in the data.

1. Assaults

Assault numbers peaked across NSW in the year to March 2008, and were on a downward trend in all of Sydney’s entertainment districts in the 6 years prior to the reforms, and would likely have continued to fall in the absence of any regulatory changes (Chart 1).

In April 2015, Menendez et al. (2015) estimated a 32% reduction in non-domestic assaults in Kings Cross and 26% fall in CBD under lockouts. Results were inconclusive on the matter of displacement—whether patronage and violence were being pushed to other precincts exempt from the lockouts. A subsequent update (BOCSAR, 2016) drew on additional data to June 2015 to find that, since Jan 2014, assaults had

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1 As contained in the Liquor Amendment Act, 2014 and imposed by the State Government taking effect on the 24th of February 2014, including: 1.30am lockouts at hotels, clubs, nightclubs and karaoke bars in the Sydney CBD Entertainment Precinct and Kings Cross Precinct; 3.00am last drinks in these Precincts; efforts to prevent designated ‘trouble-makers’ from entering most licensed premises in these Precincts; a freeze on new liquor licences and approvals for existing licences across the Sydney CBD Entertainment Precinct and continuation of the existing freeze in the Kings Cross Precinct; and a ban on takeaway alcohol sales after 10.00pm across NSW.
fallen by 45% in Kings Cross and 20% in the CBD. **These results however do not account the pre-existing downward trend in assaults.**

The BOCSAR (2016) report also finds assaults were ‘stable’ in suburbs surrounding the CBD (such as Surry Hills and Ultimo) and nightspots further afield (Bondi, Newtown, Double Bay and Coogee). It would be misleading to cite this as evidence against displacement of assaults towards these areas. Rather, given average annual declines of over 6% in both these precincts since 2008, ‘stable’ assault numbers actually implies a worsening of violence in these precincts relative to trend and hence provides evidence of displacement.

**Foot traffic:** Supporters of the liquor reforms trumpet ‘falls in crime’ with no consideration of the broader historical and state-wide context, nor the massive falls in foot traffic that underlie them. This despite the BOCSAR’s own concession that reductions in assaults in Kings Cross and the CBD may simply reflect lower visitor numbers, as supported by public transport, taxi and foot traffic data (Menendez et al., 2015).

Foot traffic in Kings Cross has **almost halved since the lockouts** (Appendix 1). 1 in 2 people now stay home, attend house parties (where drinking rates are faster than at public venues), unregulated ‘underground’ events or visit other night-time entertainment precincts (see analysis below). Alongside observed falls of 46% in Kings Cross foot traffic, a 32-45% fall in assaults suggests:

- **An intensification of violence in Kings Cross,** with a 2-24% higher likelihood of assault – i.e., assaults are more concentrated across a smaller population;
- **That the mechanism through which the reforms have affected assaults is lower visitation rather than changing alcohol consumption.**

**Latest crime statistics describe an intensification and displacement of violence**

Where Menendez et al. (2015) used only 9 months of data post lockout and the BOCSAR (2016) update 16, the latest NSW crime statistics provide a full 24 months of data which we use to compare assaults under the old and new regulatory regimes using the following framework:

1. How many assaults would there have been had reforms **not** been implemented in the summer of 2014 and, instead, assaults continued trending down as per their historical trend?
2. How does this counterfactual compare with assault numbers with reforms (i.e., latest data)?
For example, non-domestic assaults fell an average of 7% per year in Kings Cross in the 6 years to March 2014. If liquor laws remained unchanged in Feb 2014 and assaults continued to fall in line with historical trend in 2015 and 2016 (at 7% per year), there would have been ~370 assaults in March 2016 compared with 205 in the data. This suggests that assaults are 43% lower under the reforms compared with the ‘no reforms’ (business as usual) counterfactual.

This exercise is repeated for each of the 6 entertainment precincts as defined by Menendez et al., (2016). Precincts are replicated as faithfully as possible by the publically-available data. Input data and precinct mapping can be found at Appendix 2. Historical trends are estimated using a linear regression over the period 2008:03 to 2014:03 - i.e., over pre-reform data only (Chart 3). Results are presented in Table 2 and summarised below:

1. **Late night violence, particularly alcohol-fuelled violence, has intensified in Kings Cross:** Those who do venture out to Kings Cross are 2% more likely to be victims of assault and 33% more likely to be victims of alcohol-fuelled violence. That is, falls of 45% in non-domestic assault and 28% in alcohol-fuelled assaults were smaller than the 46% fall in patronage.

2. **Displacement:** There is strong evidence of displacement of total, alcohol-related and alcohol-fuelled assaults from Kings Cross and the CBD to the three alternative entertainment precincts. With reforms in place, non-domestic assaults are higher across all of Sydney’s entertainment precincts outside the lockout zones, up 12% in the suburbs surrounding the CBD, 30% in Newtown, Bondi, Coogee and Double Bay, and 30% in Pyrmont, where the CBD’s only exemption to the lockouts has been granted to Star Casino (Chart 2).

In Pyrmont, alcohol-fuelled violence has more than is more than twice as high under the new regulatory regime (120% higher). Violence in Pyrmont is now on par with Kings Cross (Chart 4) making it Sydney’s new alcohol-related violence hot spot. This is consistent with data from City of Sydney (2015) which found Pyrmont now has highest rate of antisocial behaviour in the city on Fridays.

3. **Alcohol-fuelled violence:** The lockouts, last drinks and associated measures were ostensibly brought in to address alcohol-fuelled violence. It is fairly uncontroversial then to consider ‘an improvement in alcohol-fuelled violence across Sydney’ as a primary consideration in their evaluation. On this metric, the reforms appear to have failed miserably, with alcohol-fuelled
assaults higher under the new regime in all precincts except for Kings Cross (Charts 1, 2 and Table 2).

Alcohol-fuelled assaults are over twice as high in Pyrmont, 30% higher across Newtown, Bondi, Double Bay and Coogee, 6% higher in the CBD and surrounding suburbs, and 9% higher across Sydney overall.

Well-designed measures targeting alcohol-fuelled violence would be expected to reduce alcohol-fuelled assaults more than total assaults. Yet the proportion of total assaults that are alcohol-fuelled has in fact increased under the reforms. Assaults in Pyrmont, Kings Cross and the CBD are now more likely to be fuelled by alcohol (Table 1).

4. State wide comparison: Relative to pre-lockout trends, the rest of NSW has outperformed all of Sydney's entertainment precincts outside the lockout zones. This observation holds across non-domestic, alcohol-related and alcohol-fuelled assault types.

<table>
<thead>
<tr>
<th></th>
<th>Without reforms</th>
<th>With reforms</th>
<th>Change (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rest of NSW</td>
<td>13</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>Kings Cross</td>
<td>27</td>
<td>35</td>
<td>8</td>
</tr>
<tr>
<td>CBD</td>
<td>22</td>
<td>24</td>
<td>2</td>
</tr>
<tr>
<td>Suburbs surrounding CBD</td>
<td>25</td>
<td>23</td>
<td>-1</td>
</tr>
<tr>
<td>Newtown, Bondi, Coogee, Dbl Bay</td>
<td>29</td>
<td>29</td>
<td>0</td>
</tr>
<tr>
<td>Pyrmont</td>
<td>23</td>
<td>39</td>
<td>16</td>
</tr>
</tbody>
</table>
Table 2 – Results

<table>
<thead>
<tr>
<th>Assaults (non-domestic)</th>
<th>Assaults (#s) in the year to March</th>
<th>'Effect' (Difference with reforms)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Without reforms</td>
<td>With reforms</td>
</tr>
<tr>
<td>Sydney</td>
<td>2,832</td>
<td>2,773</td>
</tr>
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<td>Kings Cross</td>
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<tr>
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<td>1,729</td>
<td>1,677</td>
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<tr>
<td>Pyrmont</td>
<td>120</td>
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</tr>
<tr>
<td>Newtown, Bondi, Coogee, Dbl Bay</td>
<td>299</td>
<td>385</td>
</tr>
<tr>
<td>Suburbs surrounding CBD</td>
<td>314</td>
<td>352</td>
</tr>
<tr>
<td>Rest of NSW</td>
<td>27.739</td>
<td>28.080</td>
</tr>
</tbody>
</table>

Alcohol-fuelled

| Sydney                  | 671              | 729           | 57       | 9     |
| Kings Cross             | 99               | 72            | -27      | -28   |
| CBD                     | 382              | 405           | 22       | 6     |
| Pyrmont                 | 27               | 60            | 33       | 12    |
| Newtown, Bondi, Coogee, Dbl Bay | 85     | 110           | 25       | 28    |
| Suburbs surrounding CBD | 78               | 83            | 5        | 6     |
| Rest of NSW             | 3,480            | 3,541         | 60       | 2     |

Alcohol-related

| Sydney                  | 1,645            | 1,483         | -162     | -10   |
| Kings Cross             | 271              | 122           | -149     | -55   |
| CBD                     | 958              | 861           | -97      | -10   |
| Pyrmont                 | 76               | 115           | 39       | 52    |
| Newtown, Bondi, Coogee, Dbl Bay | 182     | 236           | 54       | 30    |
| Suburbs surrounding CBD | 158              | 149           | -9       | -6    |
| Rest of NSW             | 8,937            | 8,847         | -90      | -1    |

Chart 3 – Comparing assaults under the 2014 liquor laws with pre-reform trends

a. Kings Cross: non-domestic assaults 45% lower and alcohol-fuelled assaults 28% lower
b. **CBD**: non-domestic assaults 3 per cent lower but alcohol-fuelled assaults 6% higher

![Graph showing trends in CBD non-domestic and alcohol-fuelled assaults](image)

- Linear trend (2008:03-2016:03)


c. **Pyrmont**: non-domestic assaults 28% higher and alcohol-fuelled assaults 121% higher

![Graph showing trends in Pyrmont non-domestic and alcohol-fuelled assaults](image)

- Linear trend (2008:03-2016:03)
d. **Distal displacement area (Newtown, Bondi, Coogee, Double Bay):** non-domestic assaults 29% higher and alcohol-fuelled assaults 29% higher

![Graph of non-domestic assaults in distal displacement area]

e. **Proximal displacement area (suburbs surrounding the CBD):** non-domestic assaults 12% higher and alcohol-fuelled assaults 6% higher

![Graph of non-domestic assaults in proximal displacement area]
f. **Rest of NSW:** non-domestic assaults 1% higher and alcohol-fuelled assaults 2% higher
Chart 4 – Comparing assault numbers with and without reforms

**Assaults (non-domestic)**

- Kings Cross
- Suburbs surrounding CBD
- Newtown, Bondi, Coogee, Dl Bay
- Pyrmont (incl. Casino)

**Alcohol-related assaults**

- Kings Cross
- Suburbs surrounding CBD
- Newtown, Bondi, Coogee, Dl Bay
- Pyrmont (incl. Casino)

**Alcohol-fuelled assaults**

- Kings Cross
- Suburbs surrounding CBD
- Newtown, Bondi, Coogee, Dl Bay
- Pyrmont (incl. Casino)
2. Star Casino’s exemption

A prominent feature of the NSW crime data considered above is the sharp increase in violence, especially in alcohol-fuelled violence, in Pyrmont – the precinct which contains the CBD’s only exemption to lockouts and closing times. The level shift in assaults in Pyrmont is driven by the Casino – all other venues in Pyrmont collectively experience fewer assaults (Donnelly 2016 and Chart 5). According to the NSW crime statistics considered above, violence in the precinct is now on par with violence in Kings Cross (Chart 4), earning Pyrmont the title of ‘Australia’s new alcohol-fuelled violence hot spot’.

As illustrated by the strong and broad expression of public discontent at February’s Keep Sydney Open rally and subsequent public deliberation, the special treatment of the Casino attracts ire from vast swathes of the community, businesses and health experts alike. For its part, Star Casino claims that it is ‘one of the safest venues in the world’ while noting, in the same breath, ‘a significant uptake in gambling results’ (Dumas, 2016b). The special treatment of the Casino is not justified by official crime statistics. More worryingly, its exemption from lockouts and early closing time restrictions is driving an increase in overall alcohol-fuelled violence across Sydney; Pyrmont alone accounts for over half the rise in alcohol-fuelled violence across Sydney (Table 2).

Donnelly et al., 2016 use a simple time series approach on monthly assaults data provided by NSW Police to estimate a modest increase in assaults in Pyrmont. The 22 additional non-domestic assaults per year attributed to the lockouts and early closing times amount to an increase of around 20% of the year to March 2014 assaults. This is slightly less than the 30% increase estimated in section 2 above. The divergence can be accounted for by the following:
a. Data

There is a discrepancy in authors’ data for the year to March 2016 when compared with the latest BOCSAR figures (Table 3). The analysis should be comparing assaults per person who enter the precinct, not raw counts. Also, to use raw numbers is like comparing the number of assaults in China to New Zealand. The paper would have benefited from consideration of patronage and foot traffic.

Table 3 – data discrepancy

<table>
<thead>
<tr>
<th>Year</th>
<th>Donnelly et al.</th>
<th>BOCSAR crime tool</th>
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</thead>
<tbody>
<tr>
<td>2009</td>
<td>130</td>
<td>112</td>
</tr>
<tr>
<td>2010</td>
<td>112</td>
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<td>2014</td>
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<td>154</td>
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<td>2015</td>
<td>154</td>
<td>154</td>
</tr>
<tr>
<td>2016</td>
<td>114</td>
<td>154</td>
</tr>
</tbody>
</table>

b. Basic model diagnostics, validation and comparisons missing.

As per any modelling exercise, authors would have specified a number of different models before selecting their preferred options to report on. The justification of the chosen model specification through residual plots, model statistics and comparisons to viable alternatives is fundamental to the validity of any modelling exercise, especially when working with such volatile monthly data and small samples. Yet, Donnelly et al. do not provide:

- Even the most basic of statistics to describe the fit and significance of the model;
  - What do the residual plots look like? Are OLS model assumptions respected? How sensitive is the model to the sample start date? How did the introduction/removal of the linear trend affect model performance?
- A comparison/justification for their preferred specification ahead of other viable options.
  - Why this specification instead of others? E.g., a simple period average of pre- and post-lockout periods fits the data well (Chart 5) and finds that non-domestic assaults are up 32% in Pyrmont, almost 100% at the Casino and down 10% in the rest of Pyrmont. Results and their implications are vastly different to the authors’.
  - Is the approach illustrated in chart 5 statistically different to the authors’ approach? If not, then the above results are just as valid.

c. Positive linear trend

Donnelly et al. choose to include a linear trend dummy variable across the entire series. The direction and slope of the trend influences the coefficient of the lockouts dummy. Fitting a positive trend through the data (upward sloping line) will dilute the estimated effect of the ‘structural break’ dummy (the level shift up due to lockouts).

With this in mind and with reference to concerns raised above, it is unsatisfactory that authors have not provided any theoretical or other justification for the inclusion of a positive linear trend. This despite a declining trend of 4% per year across NSW and 4½% per year in Sydney over the same period.

d. Sample start date

When working with highly volatile monthly data, the choice of sample start and end dates can change results and interpretation.

Why have the authors chosen January 2009 as the start date? BOCSAR data is available back to the mid-90s and describes an important structural break in 2008 when assaults peaked across NSW and began trending down (Chart 1). Pyrmont saw one of its worst years of the past decade in the year to March 2009 yet this data is left out. Unsurprisingly, including this period (March 2008-2009) makes a clear difference to the pre-lockout trend — the positive trend is inverted to a negative one (Chart 6).
3. Hospital data

Fulde et al (2015) observe a reduction in alcohol-related serious trauma cases of around 25% at St Vincent’s Hospital ER and, in so doing, provide key material to supporters of the liquor law reforms (e.g., AMA 2016, RACS 2016). Yet rudimentary scrutiny of this paper reveals analytical flaws, questionable methodology and a lack of transparency that compromise the credibility and relevance of the statistics, and the conclusions drawn from them.

a. Even if taken at face value, the statistic is hardly impressive...

The 25% headline figure reflects a reduction of only 34 cases over 12 months (from 140 in the year before the reforms to 106 in the year after). That is 2.8 per month – hardly a ‘significant reduction’ within the context of the 13,000 presentations to St Vincent’s ER over the 2-years studied. Prof. Fulde’s descriptions in the media of the “war zone” and the “carnage” at St Vincent’s ER are clear exaggerations considering the numbers.

b. …and, in fact, evidence the failure of the lockouts, early ceasing of service and associated measures.

As previously noted, quoting a reduction in injuries is meaningless if foot traffic (patronage) is not taken into consideration. Alongside observed falls of 46% in Kings Cross foot traffic, a 25% reduction in alcohol-related injuries implies, at the very least, a 36% higher likelihood of ending up St Vincent’s ER since the liquor law reforms for those who do venture out.

c. When subjected to further scrutiny, the alleged reduction of 34 alcohol-related cases is found to be itself exaggerated by the inclusion of data for i) hours that are unrelated to the liquor laws; ii) accidents and other incidents unrelated to assaults; and iii) from locations unrelated to the entertainment precincts in question.

2 Even Prof. Fulde’s Senior Australian of the Year profile cites his experience working in an ‘urban warzone’ and warns of ‘the dangers of a binge drinking culture, which is overwhelmingly the main cause of injury in Australia’s emergency departments’. Neither of these statements are supported by the data in Fulde et al., 2015. http://www.australianoftheyear.org.au/honour-roll/view=fullView&recipientId=1490

3 The equivalent statistic for motor-accidents could be achieved with a similar curfew on our roads. Fewer cars on the street mean fewer accidents. Fewer night-time revellers mean fewer trauma cases. Despite motor accidents placing a far greater burden on our hospitals than night-time violence, it would be unlikely to see the same level of advocacy for an equivalent curfew on our roads, perhaps because driving is more sheltered from the moralising logic as so eloquently expressed by the AMA: “After all, nobody has died from not having a drink”. Nor has anyone they died from not stepping behind the wheel.
Despite hourly data being available, the authors report on the entire weekend as a whole (6pm Friday to 6am Sunday). No explanation is provided for why cases occurring during daytime hours are included; how lockouts and trading-hour restrictions may affect incidents occurring outside those hours, particularly during the day; and iii) why the opportunity to directly investigate late night hours is spurned.

Conflating data on late night with all other times not only prevents conclusions to be drawn on lockouts and early closing times but also obscures one of the most important findings of the paper – that, despite an overall downward trend in alcohol-related assaults since 2008 in Kings Cross, Sydney and NSW, St Vincent’s ER has observed an increase in alcohol-related injuries between 9pm-1am since the liquor law reforms due to “increased alcohol intake earlier in the evening (“preloading”)” (p.3, Fulde et al., 2015).

The issue of preloading and behavioural effects of the lockouts on alcohol consumption is a fundamental consideration for the Review. The outright dismissal of this important result – not a single sentence of discussion is offered – is disappointing and speaks volumes of the credibility of the research.

The relevance of daytime cases to the lockouts and associated measures is not explained but are nevertheless included by the authors, bolstering the headline figure. When hours relevant to the lockout are considered (1am-4am) the reduction in cases falls to 25 – around 2 per month (Chart 7).

Chart 7 – Data from Fulde et al., 2015

Alcohol-related serious injury presentations to the emergency department of St Vincent’s Hospital, Sydney, on weekends, by hour of day

The relevance of the remaining 25 cases to the liquor reforms is compromised by the inclusion of irrelevant injuries from irrelevant locations, and from private premises.

- Cause: data includes ‘those suffering serious injuries and traumas associated with alcohol (such as motor and pedestrian injuries)’.
- Location: St Vincent’s ER catchment area extends far beyond Kings Cross and the CBD entertainment precinct to a large proportion of the Eastern Suburbs. Authors fail to identify how many cases are relevant to lockout precincts while willingly counting patients from Moore Park (sporting events at the SCG and Allianz stadium are well-documented hotspots for assault), Double Bay, Bondi Junction, Bondi, Paddington and beyond.
  - Were this an attempt at evaluating displacement, then the study would have benefited from including i) a sentence or two on the matter and ii) data from Royal Prince Alfred and Prince of Wales hospitals.
Premises: authors do not differentiate between injuries occurring at private residences, licensed venues or on the street.

Fulde et al. include cases such as a pedestrian hit by an intoxicated driver in Rose Bay or a drunk man falling from his balcony in Bondi and use these ‘data’ to influence the public inquiry. What relevance do such incidents have to the liquor laws and, in particular, effectiveness of lockouts?

Data construction reliant on a sole assessor: a further concern about these data is the manner in which they were constructed. Prof. Fulde was the “sole assessor” who determined whether a case was alcohol-related or not (366.e2, Fulde et al., 2015). This raises a number of concerns about the integrity of the data and its accuracy, given the absence of systematic blood alcohol testing and subsequent reliance on case notes to determine the influence of alcohol. Recall that only 34 cases underlie the headline 25% fall in alcohol-related injuries. For Prof. Fulde to correctly identify 34 out of 13,000 cases and correctly dismiss all others as unrelated – using only someone else’s case notes – is unlikely.

Transparency: To alleviate concerns about the credibility of the evidence, anonymised data ought to be disclosed for validation. Requests for access have been made from various sources but have been refused. A basic minimum of transparency and accountability ought to be respected before these data are allowed to influence a public review of such importance, especially in light of the numerous concerns enumerated above.

4. Supplementary statistics and anecdotal evidence from St Vincent’s Hospital

- Displacement: Prof. Fulde is also the sole source of the assertion that “the lockout laws do not appear to be pushing the problem to other suburbs” and that “there were more drinkers in Newtown but in the first year we are anecdotally told there was no increase to Royal Prince Alfred” (ABC, 2015). In the absence of any supporting evidence, this remains an unsubstantiated and unverifiable assertion itself based on anecdotal evidence. Indeed, evidence of displacement in crime statistics outlined above poses a significant challenge to this claim.

Displacement is a fundamental question for the Review to consider. Ideally, evidence would have shed light on whether the reforms have encouraged i) alcohol consumption at private residences and other unlicensed venues; ii) alcohol consumption at locations exempt from lockouts and closing hours; and pre-fuelling. This would have required data from Royal Prince Alfred and Prince of Wales hospitals alongside those of St Vincent’s. It is disappointing for the Review that such information was not publically considered.

- Facial fractures: Quotes from Dr Elias Moisidis (lead researcher), Dr John Crozier (trauma surgeon and representative of the RACS) and an unnamed St Vincent’s spokesperson in newspaper reports (e.g., Robertson, 2016; AAP, 2016) cite as-yet-unpublished (unverifiable) data from the St Vincent’s faciomaxillary unit:

"Facial fractures are down from 145 in two years prior to lockout laws to 58 in the two years since. In the two years before lockouts, 82 per cent of facial injuries were alcohol related. The figure for the two years after lockouts, he said, was 64 per cent."

These numbers imply an impressive 70% reduction in facial fractures over the four years in question but the significance of this value is diluted by the following:
i. Without any information on the cause, location and time of the injuries, it remains highly speculative to attribute these results to the liquor law reforms.

ii. Data presented in two-year groups obscures meaningful analysis and cannot be validated. Chart 8 illustrates one possibility – that facial fractures were on the decline till the liquor law reforms were introduced.

iii. After taking into account a 46% drop in foot traffic, the difference falls to 27 – or around one less facial fracture a month (Table 4). The 2012-14 value is scaled by 46% to account for the lower foot traffic.

![Chart 8 - A feasible scenario described by the data](image)

<table>
<thead>
<tr>
<th>Alcohol-related facial fractures - St Vincent's 2012-14 compared with 2014-16</th>
<th>Alcohol-related facial fractures (adjusted for foot traffic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alchohol-related facial fractures</td>
<td>2012-14</td>
</tr>
<tr>
<td>119</td>
<td>37</td>
</tr>
</tbody>
</table>

5. How strong is the evidence from Newcastle?

The reduction in alcohol-related violence following the implementation of late-trading restrictions in Newcastle in 2008 is regularly cited by public health advocates as evidence of their success and that furthermore they should be adopted in other jurisdictions.

This argument should be treated with caution because the quality of the evidence supporting this claim is not strong as some publications advocate. This note presents a critique of the monograph by Jones, Kypri, Moffat et al (2009) which details the supposed success of the Newcastle experience. The note is divided into two sections, the first provides a brief overview of what constitutes strong evidence in the context of determining causation in a policy context. It then applies this lens to a critique of Jones, Kypri, Moffat et al (2009).

What is good evidence?

The exponential increase in the volume of academic literature that has been published since the turn of the century has created a daunting task for policymakers - as evidence is not created equal - how does one separate the wheat from the chaff?
Economist and MP Andrew Leigh, developed a hierarchy of evidence for use in an Australian policy context. Leigh's (2009) hierarchy - displayed below - ranks methodologies based upon their level of accuracy and rigour.

1. Systematic reviews (meta-analyses) of multiple randomised trials
2. High quality randomised trials
3. Systematic reviews (meta-analyses) of natural experiments and before-after studies
4. Natural experiments (quasi-experiments) using techniques such as differences-in-differences, regression discontinuity, matching, or multiple regression
5. Before-after (pre-post) studies
6. Expert opinion and theoretical conjecture

The Cochrane Collaboration (in medicine) and Campbell Collaboration (in social policy) have pioneered the development and publication of systematic reviews and meta analyses of interventions to search all information published on the topic to that point in order to definitively determine 'what works and what does not'. A Campbell or Cochrane review sits at the top of the evidence hierarchy and represents the current state of our knowledge on a particular topic.

Unfortunately, in Australia, most of our evidence is sourced from the fifth level of Leigh's hierarchy. The loose manner in which the term 'evidence-based policy' is used belies that fact that very few decisions in policy matters in Australia are assessed on academically strong evidence.

How strong is the evidence supporting the Newcastle study?

The article by Jones, Kypri and Moffat (2009) claims that the implementation of the licensing reforms in Newcastle represented a natural experiment - a methodology which can generate high quality results. This is not accurate.

For it to be an experiment there must be a treatment group and a control group to whom the treatment group could be compared. An example of a natural experiment was the evaluation of the NSW drug court, which was able to compare outcomes between those offenders in the drug court (treatment group) with normal court (control) and measure its impact. Since no control group was employed in the Newcastle context it is not possible to claim that it is a natural experiment.

Without a control group, the authors are simply undertaking a time series analysis of observational data which they analysed in a pre-post manner. This technique cannot definitively show proof of causation, rather it simply shows correlation. To credit the authors, they have acknowledged this fact in their discussion section, noting: “One threat to causal inference is that we had no way of accounting for external factors that could also have influenced recorded crime in the CBD area.”

There are a range of other factors which could have contributed to the decline in the number of alcohol-related assaults during the observed period, they include changes in patterns of:

- Enforcement of liquor licensing provisions;
- Bail enforcement;
- Police operations targeting known offenders;
- Visible police presence; and
- Changes in the availability of transport options.

What does this mean for Sydney?

Claims by public health advocates that both the NSW and Newcastle experience suggests that the current lock out laws are solely responsible for the decline in alcohol-related violence and should be maintained or strengthened are based on flimsy evidence.
The same technique was used by the Bureau of Crime Statistics and Research in reviewing trends in assaults in precincts affected by lockouts. We cannot claim that the current laws are solely responsible for this decline because we have no counterfactual comparator. What would have happened if these laws were not implemented? We know what assaults were already trending downward, possibly due to changes in the way in which Sydney-siders engaged with late-night transport (introduction of Uber) and the emergence of a diversification of licenced premises with the introduction of small bars legislation.
References


Appendix 1 – Estimating changes in late night foot traffic

Foot traffic in Kings Cross fell 46% between 2012 and 2015 according to chart 5.14 and accompanying data from the 2015 City of Sydney Late Night Management Areas Research Report.

Values of 55%, and ‘up to 89%’ have sometimes been used to quantify the fall in Kings Cross foot traffic but these values refer to peak differences at 1am on Saturday and 4am on Friday. Using these values to scale assaults and injuries data would risk exaggerating the ineffectiveness of the reforms.

It would be more appropriate to compare the cumulative sum of late night Friday and Saturday foot traffic for 2015 with that of 2012 – i.e., the difference between the areas under the 2015 and 2012 curves. Scraping the data from City of Sydney’s Chart 5.14 suggests that across both days, late night foot traffic is around 46% lower in 2015 (Chart 9).

Chart 9 – Estimating falls in foot traffic using City of Sydney data

Note: Comparing the cumulative sum of weekend foot traffic (peaks) suggests a 46% fall in foot traffic between 2015 and 2012. This is less than the commonly quoted peak differences of 55% and 89%.

Source data from Chart 5.14 from the City of Sydney Late Night Management Report 2015

Kings Cross pedestrian peaks 2015 vs 2012
Appendix 2 – Input data and precinct mapping

### NSW Crime Statistics: Incidents of Assault (Non-domestic assault)

<table>
<thead>
<tr>
<th></th>
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Response to “An evaluation of key evidence submitted to the independent liquor law review.”

The author of this document makes a number of criticisms of the evaluation of the so-called “lockout laws” carried out by the NSW Bureau of Crime Statistics and Research (BOCSAR). He also comments on claims about the lockout made by St Vincent’s Hospital and research related to the lockout laws conducted in Newcastle. In what follows I concentrate solely on the comments made about the BOCSAR evaluation. The criticisms of the BOCSAR evaluation may be summarized as follows:

1. The evaluation took no account of the pre-existing downward trend in assaults (p. 2)
2. The evaluation took no account of the fall in pedestrian traffic (p. 2)
3. More recent data on assaults shows clear evidence of displacement (p. 3)
4. The proportion of alcohol related assaults has increased (p.4)
5. The methods of statistical analysis used by BOCSAR were inappropriate

In what follows I deal with each of these criticisms in turn.

The evaluation took no account of the pre-existing downward trend in assault

This is simply false. Both the analysis carried out Menendez et al. (2015) and that carried out by Donnelly et al. (2016) controlled for pre-existing trends and seasonal effects. The reductions in assault attributed to the lockout laws in both studies took into account pre-existing trends.

The evaluation took no account of the fall in pedestrian traffic

This is true but misleading. Lack of data meant we were unable to take into account changes in pedestrian traffic. Far from ignoring the issue, however, we speculated that the fall in assault might be due to a reduction in visitors to the Kings Cross and CBD entertainment precincts (see for example, paragraph 2, page 9 of Menendez et al. (2015).

More recent data on assaults shows clear evidence of displacement

The claim that more recent data show clear evidence of displacement is based on the observation that the number of assaults in Newtown, Bondi, Coogee and Double Bay is
higher than one would expect from a linear extrapolation of pre-existing trends, especially where attention is restricted to alcohol-related assaults.

The problem with this argument is that it begs a central question at issue; namely whether the fall in assaults in the areas in question is linear. No basis is given for this assumption and a more common-sense reading of the data is that the number of assaults in these locations is lower than it was before the lockout laws took effect.

The proportion of alcohol related assaults has increased

The claim that the proportion of alcohol-related assaults has increased is proffered as evidence that the lockout laws have failed on the assumption that, if they were effective, the proportion of alcohol-related assaults would have reduced.

There are two problems with this claim. The first is that police recording of alcohol-related assaults is reliable. In fact the determination of whether an assault is alcohol related is made by the attending officer solely on the basis of his or her impression of the offender. No formal testing is done. That is why BOCSAR conducted its analysis on all assaults rather than just those flagged by police as alcohol-related. The second problem is that the author of the report made no attempt to test whether the apparent increase in the proportion of assaults was statistically significant (i.e. not a chance effect).

The methods of statistical analysis used by BOCSAR were inappropriate

In the main BOCSAR evaluation report all relevant model diagnostics were reported (see Table 3, Menendez et al. 2015). The report was subjected to independent blind review by the Professor of Statistics at Monash University. A positive linear trend was included in the Donnelly et al. (2016) because assaults were rising in Pyrmont prior to the lockout laws and the analysis had to take this into account. Contrary to the suggested criticism, the analysis did not involve OLS (ordinary least squares) regression. OLS regression is generally inappropriate in the analysis of time series data because successive values of the time series are not statistically independent.
17 August 2016

Hon. Ian Callinan AC
Liquor Law Review
GPO Box 7060
Sydney NSW 2001
liquorlawreview@justice.nsw.gov.au

Dear Mr Callinan

RE: INDEPENDENT REVIEW OF THE IMPACT OF LIQUOR LAW REFORMS

Further to my submission of 17 March 2016, the attached material was sent to me on 16 August 2016. I am informed that these sections of text were part of the Keep Sydney Open submission to your enquiry. I have not had time to examine the whole submission.

I usually refrain from seeking to correct misrepresentations of research within my field of expertise unless asked to do so. The attached excerpts appear to have been written by someone with expertise in the use of evidence from the health or social sciences, but perhaps not enough to reach valid conclusions in this case. Either that or they were written with the intention to deceive. On this occasion I have decided to act given the critique’s sophistication and potential to mislead an important enquiry, and offer the following observations.

(1) Selective use of evidence
The submission focuses on the BOCSAR report (http://www.bocsar.nsw.gov.au/Documents/CJIB/cjib137.pdf) which I co-authored. No mention is made of the freely available paper published the following year in Addiction (http://onlinelibrary.wiley.com/doi/10.1111/1360-0443.2010.03125.x/epdf), about which there have been numerous media stories. Addiction is the leading journal in the substance use research field and the paper was subject to extensive peer review. It was also accompanied by a commentary from a globally recognised expert, Professor Tim Stockwell, who described it as a “fine contribution to this challenging area” (http://onlinelibrary.wiley.com/doi/10.1111/j.1360-0443.2010.03222.x/epdf).

The paper explains shortcomings of the BOCSAR report and how they were addressed in the newer study. It has been cited 94 times in scholarly articles and in no case have the conclusions been seriously challenged. What I find telling is that none of the parties who dispute the conclusions have ever contacted me or been willing to appear in a radio or television debate about the research.

In addition to failing to address the key evidence of effects up to 18 months after the March 2008 restrictions, these excerpts do not acknowledge the existence of further studies demonstrating that the effects were maintained 5 (http://onlinelibrary.wiley.com/doi/10.1111/dar.12123/epdf) and 7 years (http://onlinelibrary.wiley.com/doi/10.1111/dar.12342/epdf) later.
(2) Misrepresentation of the Newcastle evidence
The submission introduces a “hierarchy of evidence for use in an Australian policy context” produced by an economist. This is similar to the hierarchies that remain controversial within the health and social sciences, mainly because of the difficult trade-off between the high level of internal validity achievable in the controlled conditions of randomised trials, and the often poor generalisability of findings to real world conditions. There is a strong push within the health and social sciences for more evidence to be generated in the ‘real world’ conditions in which interventions occur.

The submission classifies the evidence on the Newcastle restrictions as a pre-post design (low in the evidence hierarchy), claiming that there was no control series. This is false even on the basis of the 2009 BOCSAR report which allows comparison with assault rates in Hamilton, a late night entertainment precinct a few kilometres from the Newcastle CBD that was not subject to the March 2008 restrictions. That report and the subsequent paper go to lengths to critique the validity of Hamilton as a control site, concluding that it would serve as a strong counterfactual against which to assess the effects of the changes in the Newcastle CBD.

The “range of other factors” listed in the submission are explicitly addressed in the design, analysis, and reporting of the Newcastle experiment (see http://onlinelibrary.wiley.com/doi/10.1111/j.1360-0443.2010.03125.x/pdf).

(3) Failure to consider other relevant evidence
Having applied a hierarchy of evidence, which considers systematic reviews superior to natural experiments, the submission fails to consider what those reviews show. In their 2009 review, Stockwell and Chikritzhs conclude that:

“the balance of reliable evidence from the available international literature [14 studies] suggests that extended late-night trading hours lead to increased consumption and related harms.”


There have been four studies published on different natural experiments in the seven years since that review was published, which each have findings consistent with the conclusion of Stockwell and Chikritzhs (2009).

- Newcastle, Australia: restrictions associated with reduced harm
- Norway (18 cities): extensions associated with increased harm; restrictions with reduced harm (2011, Addiction)
- Central Amsterdam: extensions associated with increased harm (2014, Addiction)
- Sydney, Australia: restrictions associated with reduced harm (paper in press, Addiction)

Please feel free to contact me if you would like to discuss this (mobile 0448 898 814).

Sincerely,

Kypros Kypri, PhD
National Health and Medical Research Council Senior Research Fellow
5. How strong is the evidence from Newcastle?

The reduction in alcohol-related violence following the implementation of late-trading restrictions in Newcastle in 2008 is regularly cited by public health advocates as evidence of their success and that furthermore they should be adopted in other jurisdictions.

This argument should be treated with caution because the quality of the evidence supporting this claim is not strong as some publications advocate. This note presents a critique of the monograph by Jones, Kypri, Moffat et al (2009) which details the supposed success of the Newcastle experience. The note is divided into two sections, the first provides a brief overview of what constitutes strong evidence in the context of determining causation in a policy context. It then applies this lens to a critique of Jones, Kypri, Moffat et al (2009).

What is good evidence?

The exponential increase in the volume of academic literature that has been published since the turn of the century has created a daunting task for policymakers - as evidence is not created equal - how does one separate the wheat from the chaff?
Economist and MP Andrew Leigh, developed a hierarchy of evidence for use in an Australian policy context. Leigh's (2009) hierarchy - displayed below - ranks methodologies based upon their level of accuracy and rigour.

1. Systematic reviews (meta-analyses) of multiple randomised trials
2. High quality randomised trials
3. Systematic reviews (meta-analyses) of natural experiments and before-after studies
4. Natural experiments (quasi-experiments) using techniques such as differences-in-differences, regression discontinuity, matching, or multiple regression
5. Before-after (pre-post) studies
6. Expert opinion and theoretical conjecture

The Cochrane Collaboration (in medicine) and Campbell Collaboration (in social policy) have pioneered the development and publication of systematic reviews and meta analyses of interventions to search all information published on the topic to that point in order to definitively determine 'what works and what does not'. A Campbell or Cochrane review sits at the top of the evidence hierarchy and represents the current state of our knowledge on a particular topic.

Unfortunately, in Australia, most of our evidence is sourced from the fifth level of Leigh's hierarchy. The loose manner in which the term 'evidence-based policy' is used belies that fact that very few decisions in policy matters in Australia are assessed on academically strong evidence.

**How strong is the evidence supporting the Newcastle study?**

The article by Jones, Kypri and Moffat (2009) claims that the implementation of the licensing reforms in Newcastle represented a natural experiment - a methodology which can generate high quality results. This is not accurate.

For it to be an experiment there must be a treatment group and a control group to whom the treatment group could be compared. An example of a natural experiment was the evaluation of the NSW drug court, which was able to compare outcomes between those offenders in the drug court (treatment group) with normal court (control) and measure its impact. Since no control group was employed in the Newcastle context it is not possible to claim that it is a natural experiment.

Without a control group, the authors are simply undertaking a time series analysis of observational data which they analysed in a pre-post manner. This technique cannot definitively show proof of causation, rather it simply shows correlation. To credit the authors, they have acknowledged this fact in their discussion section, noting: "One threat to causal inference is that we had no way of accounting for external factors that could also have influenced recorded crime in the CBD area."

There are a range of other factors which could have contributed to the decline in the number of alcohol-related assaults during the observed period, they include changes in patterns of:
- Enforcement of liquor licensing provisions;
- Bail enforcement;
- Police operations targeting known offenders;
- Visible police presence; and
- Changes in the availability of transport options.

**What does this mean for Sydney?**

Claims by public health advocates that both the NSW and Newcastle experience suggests that the current lock out laws are solely responsible for the decline in alcohol-related violence and should be maintained or strengthened are based on flimsy evidence.
Dear Mr Horton,

Professor Gordian Fulde has kindly forwarded me your email seeking comments in relation to the submission to Mr Callinan by Keep Sydney Open. I would like to take this opportunity to thank you in responding to this important public health issue on behalf of Vincent's.

I would like to provide the facts of what has been seen at the St Vincent's Hospital in the period subsequent to the introduction of the alcohol laws in 2014. St Vincent's stands by the reductions of alcohol related harms we have reported in both the media and in peer reviewed journals.

Since the introduction of the lock out laws, clinicians at St Vincent's has seen a decrease in the number of patients presenting to the Emergency Department (ED) for alcohol related injuries. The ED, Intensive Care Unit (ICU), Trauma Department, Plastics, Neurosurgery and Rehabilitation Medicine Department have seen a reduction in alcohol related presentations, that is, this reduction is not negated by the corresponding drop in foot-traffic nor displacement of injuries to other neighbouring hospitals.

The St Vincent's Clinical Directors of the abovementioned department have networked with their peers at neighbouring hospitals with no peers reporting any discernible increase in alcohol-harm related presentations. If any displacement is occurring, it is not occurring at any type of rate that significantly detracts from the dramatic reductions that has been seen at St Vincent's.

Since the introduction of the new laws, there has not been a death in the ICU at St Vincent's Hospital related to an alcohol-related assault. In the two years since the new laws were introduced, there has been a decrease of 44% in trauma admissions to ICU which were specifically alcohol-related assaults (DATA: 18 patient admissions pre-new laws, 10 post-new laws).

St Vincent's Hospital supports the Plastic and Reconstructive Surgery Department's serious facial fracture study of the two years pre and two years, post introduction of the new alcohol laws which was referenced in our submission to Mr Callinan. The study showed 145 cases were operated on in the two years prior to the laws with only 58 in
the two years after. Of these 58 patients, 37 (64%) were cases related to alcohol compared to 119 (82%) of the cases prior to the introduction of the laws. This major reduction is neither negated by the relative reduction in foot-traffic nor any type of relative displacement of such fractures to any of our neighbouring hospitals.

I believe that Professor Fulde has provided you with information in relation to the reductions that has been witnessed in the ED. If you require any further information in relation to the ED, I would be pleased to provide.

Should you have any further questions or require any additional background, please do not hesitate to contact me on 8382 2083.

Yours sincerely,

[Signature]

Associate Professor Anthony M. Schembri
Chief Executive Officer

Date: 30 August 2016