



## Liquor licensing restrictions to address alcohol-related violence in NSW: 2008 to 2014

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### 1. Introduction

The issue of alcohol-related violence, and in particular violence occurring in and around licensed premises, has been at the forefront of debate in NSW for several years. A range of measures have been introduced to tackle this problem, including those announced by Premier O'Farrell on 21 January 2014. Restrictions imposed on licensed premises under existing and new provisions of the *Liquor Act 2007* have been a major part of the reforms.<sup>1</sup> This e-brief outlines the main liquor licensing restrictions that have been introduced since 2008.<sup>2</sup> It also refers to studies that have been done on the effectiveness of certain restrictions, and it examines trends in alcohol-related assaults. This paper is an updated version of a March 2014 [e-brief](#).

### 2. Restrictions in Newcastle (2008)

In July 2007, NSW Police lodged a complaint with the Liquor Administration Board against four licensed premises in the Newcastle CBD. The Director of the Office of Liquor and Gaming and the NSW Police Force requested that a further 11 licensed premises be added to the complaint. On 14 March 2008, the Board imposed significant restrictions on 14 of the 15 premises:

The most significant of these restrictions were, effective from 21 March 2008:

1. Imposition of a lockout from 1am for all 14 hotels, whereby patrons who were still on the premises could continue to drink alcohol but no patron would be allowed to enter after the lockout; and
2. Bringing forward the closing time to 3am for the 11 premises that were previously licensed to trade until 5am, and to 2:30am for the three premises that had previously been licensed to trade until 3am.

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Eleven of the licensees subsequently appealed to the Licensing Court and on 29 July 2008, an out-of-court agreement was reached to relax the lockout and closing times by 30 minutes...

The following additional restrictions were imposed on all 14 premises:

3. Licensees were required to produce a Plan of Management within six weeks of the ruling;
4. Licensees were to arrange for independent audits to be carried out on a quarterly basis to ensure compliance with this Plan of Management;
5. Licensees were to ensure that a supervisor be on the premises from 11pm until closing with the sole purpose of monitoring responsible service of alcohol;
6. From 10pm there was to be: no sale of shots, no sale of mixed drinks with more than 30mls of alcohol, no sale of ready mixed drinks stronger than five per cent alcohol by volume, no sale of more than four drinks to any patron at one time and for there to be free water stations on every bar;
7. Licensees were to ensure patrons did not stockpile drinks;
8. The sale of alcohol had to cease 30 minutes prior to closing time;
9. Licensees were to notify all staff members of these restrictions within 14 days;
10. Each of the licensees was required to enter into an agreement to share a radio network to enable management and security of each hotel to communicate with one another.<sup>3</sup>

Evaluations have been published on the restricted closing times for these premises (i.e. the requirement to close at 3.30am). A [2010 evaluation](#) compared data on alcohol-related assaults in the CBD in the seven years prior to the restrictions with data for the first 18 months after the restrictions came into force.<sup>4</sup> Data on assaults in the CBD was also compared with data in Hamilton (a suburb located about 4 km from the CBD). The study found:

...there was a 34% reduction in assault incidence in the intervention area and a non-significant increase of 2% in the control area [Hamilton] in the same period. The relative effect, i.e. the effect of the intervention adjusting for the assault incidence in Hamilton, is given by the ratio of incidence rate ratios in the two study sites, i.e. a 37% relative reduction which equates to 33 assaults prevented per quarter...

When the data were analysed separately by time of incident, effect estimates were markedly larger for assaults occurring between 3 am and 6am (67% relative reduction) than for those occurring between 10 pm and 2.59 am (26% relative reduction). For the earlier period (6 pm to 9.59pm) there was a non-significant increase in assault incidence in the CBD and no change in Hamilton...<sup>5</sup>

On the issue of whether assault incidence in the CBD after the 3am closing was shifted to Hamilton, the study reported:

In the CBD before the intervention 27% of assaults occurred after 3am. This decreased to 12% after the intervention. In Hamilton, corresponding figures were 21% and 20%. Figure 3 illustrates this finding, suggesting that the intervention effect shown in Table 2 occurred via the anticipated mechanism of reducing the overall number of assaults in the CBD without causing displacement to nearby Hamilton after 3 am, or 3.30 am closing.<sup>6</sup>

The article noted some reasons to be cautious about the results; e.g. the presence of an effect at earlier as well as later times.<sup>7</sup> The study also suggested that further research was required to examine the effects of lockouts, noting that “these are now used widely but there is little or no evidence concerning their effectiveness”.<sup>8</sup>

In August 2010, in dealing with a disturbance complaint by a resident and the NSW Police Force, the Casino, Liquor and Gaming Control Authority (which replaced the Board) imposed 11 additional licence conditions on six licensed premises in Hamilton.<sup>9</sup> The conditions included:

- developing a plan of management for the premises;
- employing an RSA monitor after 11pm on Friday and Saturday evenings;
- restricted service of alcohol from 10pm on Friday and Saturday evenings;
- a 1am lockout on Saturday and Sunday mornings; and
- ceasing sale of alcohol 30 minutes prior to closure.<sup>10</sup>

A [2014 evaluation](#) sought to determine whether the changes seen in the first 18 months of the Newcastle CBD scheme were sustained in the following 3½ years; and also whether a lockout imposed on premises in Hamilton in 2010 was associated with a reduction in the incidence of assault.<sup>11</sup> The key findings of the study were:

In the CBD, assaults fell from 99 per quarter before the restriction to 71 per quarter in months 19-60 after the restriction was implemented. The difference is similar to that observed in months 1-18 post change. In the same periods in Hamilton, assault counts were 23, 24 and 22 per quarter, respectively, suggesting no effect of the lockout and other management strategies put in place there.<sup>12</sup>

The study concluded:

The lower incidence of assault in months 1-18 following the restrictions that came into effect in March 2008 persisted in months 19-60, that is for at least five years so far. Limitations of measurement, possible confounding by service delivery variables, and geographic and temporal displacement have previously been discussed at length and largely discounted as competing explanations for the observed changes...

The analysis we present is not controlled by comparison with a site unaffected by the intervention as in our previous evaluation so there is less protection against economic and other large-scale drivers of drinking and socialising behaviour. The estimates for Hamilton do show, however, that there was a fairly stable assault trend in a nearby entertainment precinct, which works against such explanations for the changes observed.

The imposition of a lockout and other outlet management elements in Hamilton, without a mandate of earlier closing, allows tentative conclusions to be drawn about the contribution of lockouts to the changes observed in the Newcastle CBD. Our findings show that there was little or no change in assaults after the imposition of restrictions in Hamilton, suggesting that the

active ingredient in the Newcastle CBD intervention was probably the restriction of trading hours from 5am to 3/3.30am.

The three previous Australian studies along with the analysis reported here do not support the effectiveness of lockouts, and there remains a need for further evaluation of these commonly used interventions...<sup>13</sup>

### 3. Freeze on 24-hour trading & violent venues restrictions (2008)

On 30 October 2008, then Premier, Nathan Rees, announced “a package of new measures to crack down on anti-social drinking and alcohol-related violence”.<sup>14</sup> One of these measures was a freeze on granting 24 hour liquor licences. Legislation was passed in November 2008, which inserted into the *Liquor Act 2007* a special licence condition that applied to any licence (or extended trading authorisation) granted on or after 30 October 2008.<sup>15</sup> It provided that liquor must not be sold on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours. The 6 period was to be from 4am to 10am unless the Independent Liquor and Gaming Authority approved a different 6-hour closure period.

Another measure was the introduction of special licence conditions on 48 licensed premises which had the highest numbers of violent incidents reported to or detected by police in the period between July 2007 and June 2008. Initially these conditions were introduced by regulation, which came into force on 1 December 2008, but shortly thereafter, the scheme was added as Schedule 4 in the *Liquor Act*.<sup>16</sup> The special conditions were:

1. A mandatory 2am lockout of patrons (except for registered clubs).
2. No glass containers to be used after midnight.
3. No shots and drink limit restrictions after midnight.
4. Ten minute alcohol sales time out every hour after midnight or active distribution of water and/or food.
5. Cessation of alcohol service 30 minutes prior to close.

In October 2009, BOCSAR published a [study](#) on the impact of the scheme, which analysed data in the period up to June 2009. It concluded:

The results do show a significant decline in the recorded incidence of assaults and glassing attacks on licensed premises. The decline in assaults, however, was not restricted to the 48 licensed premises on which restrictions were imposed. Nor did it coincide with the imposition of restrictions on the top 48 licensed premises. The decline in assaults on licensed premises appears to have started around March 2008 and was evident across all of the 100 premises listed on the BOCSAR website. There is no evidence that the decline in assaults on the top 48 licensed premises accelerated after the imposition of restrictions after midnight. There was no difference in the rate at which common and aggravated assault declined. There is no reason to believe that the fall in assaults on licensed premises came about because staff on licensed premises became less willing to report assaults to police.<sup>17</sup>

The review then considered three possible reasons why the restrictions on the most violent premises did not exert any measurable effect:

The first is that the restrictions themselves...were inherently incapable of producing a reduction in assaults.

The second is that effects of the restrictions were 'swamped' by the combined effects of increased publicity surrounding the BOCSAR listing of the 'top 100' licensed premises and increased enforcement activity by OGLR and the NSW Police after March 2008...

The third is that the owners and managers of licensed premises anticipated or feared the imposition of restrictions and took precautionary measures that helped reduce the incidence of assault before the restrictions came into effect...

It is impossible to determine which of these explanations is correct. It would seem likely, however, that some combination of adverse publicity and more vigorous liquor licensing enforcement played a key role in bringing down the incidence of assault on licensed premises...<sup>18</sup>

In December 2009, the scheme was revised by creating two categories of premises: Level 1 (19 or more assaults in a year) and Level 2 (12 to 18 assaults in a year).<sup>19</sup> Level 1 premises were required to comply with all of the special licence conditions, including a new requirement that the licensee implement at least one additional security measure (such as providing security staff in or about the premises). Level 2 premises were required to comply with three of the special licence conditions: namely conditions (2), (4) and (5) listed above. The list of Level 1 and Level 2 premises has been updated twice each year after new data has been released. Round 12 of the scheme commenced in December 2014.<sup>20</sup>

#### 4. Freeze on new licences in parts of City of Sydney (2009)

On 25 June 2009, Premier Rees announced that the Government would introduce a 12 month freeze on the issuing of new liquor licences in three parts of the City of Sydney local government area: Kings Cross, the Oxford Street/Darlinghurst precinct, and parts of the southern CBD.<sup>21</sup> Legislation giving effect to the licence freeze was passed in September 2009.<sup>22</sup> During the freeze period, the Authority was not to grant a new licence (or extended trading authorisation) if it was satisfied that to do so would be likely to result in an increase in the number of persons who enter the precinct principally to consume alcohol. Low risk venues including licensed restaurants, cafes, and cinemas were generally exempt from the freeze. Laws passed in 2012 also exempted "small venues" (up to 60 patrons) from the freeze.<sup>23</sup>

The temporary freeze was extended a number of times over the years. In January 2013, the freeze was lifted in relation to parts of the southern CBD in order to trial the effectiveness of a new software program for assessing liquor licence applications, the Environment and Venue Assessment Tool (EVAT).<sup>24</sup> The EVAT was developed by the Allen Consulting Group as part of research into the cumulative impact of licensed premises in NSW. It was to be trialled for new liquor licence applications in the City of Sydney and the City of Newcastle local government areas for a period of 12 months commencing in early 2013.<sup>25</sup> The O'Farrell Government has extended the Oxford Street/Darlinghurst licence freeze until June 2015; and the Kings Cross licence freeze until December 2015.<sup>26</sup>

#### 5. Liquor Precinct Accords & controls on trading hours (2010)

In March 2010, the Keneally Government released an action plan to reduce alcohol-related violence in some of the most popular entertainment districts



in NSW.<sup>27</sup> Legislation to implement measures in the plan was passed in June 2010.<sup>28</sup> These included providing for the establishment of Precinct Liquor Accords in Central Sydney, Manly, Parramatta, Newcastle/Hamilton, and Wollongong; and creating a new process for regulating trading hours.

Under the new laws, the Director-General of Communities NSW was given the power to approve Precinct Liquor Accords in designated precincts. These accords are a set of measures to minimise or prevent alcohol-related violence or anti-social behaviour in the precinct; and to protect and support the good order or amenity of such a precinct. Licensed premises selling liquor after midnight are, on being notified in writing by the Director-General, subject to a licence condition that they participate in the accord, including complying with it (the Director-General can also subject other licensed premises in the precinct to the accord). The NSW Office of Liquor and Gaming's [website](#) provides links to the Precinct Liquor Accords.

The legislation also gave the Director-General new powers to regulate trading hours. The Director-General can impose conditions on a licence prohibiting the sale of liquor after 11.00pm and before 10am, or restricting the trading hours of, and public access to, the licensed premises. The Minister noted that these powers “mirror the director general's existing powers under section 81 of the Act in relation to disturbance complaints”.<sup>29</sup> These new powers apply throughout NSW.

### 6. The “three strikes” disciplinary scheme (2011)

In October 2011, the O'Farrell Government introduced legislation providing for a “three strikes” disciplinary scheme for licensed premises.<sup>30</sup> Under the scheme, strikes can be imposed in respect of a licence when a licensee or approved manager of licensed premises is convicted of one of a range of the more serious offences under the *Liquor Act*. Different disciplinary action can be taken depending upon how many strikes have been incurred. The way in which strikes can be incurred is outlined below:

- A first strike is automatically incurred if a prescribed offence is committed;
- A second strike is incurred if a prescribed offence is committed; one strike has already been incurred; and the Director-General decides that a second strike should be incurred because of the seriousness of any harm that may have resulted from, or been associated with, the commission of the offence;
- A third strike is incurred if a prescribed offence is committed; two strikes have been incurred; and the Liquor and Gaming Authority decides that a third strike should be incurred taking into account: (i) the seriousness of any harm that may have resulted from, or been associated with, the commission of the offence, and (ii) any other matter that may be prescribed by the regulations

If one strike is incurred, the Director-General can impose conditions on the licence relating to a range of specified matters (e.g. the use of plans of management and incident registers in respect of the premises). If two strikes are incurred, additional conditions are available, including the implementation of security measures on the premises and the prohibition of

the sale of liquor after 11pm. If three strikes are incurred: conditions can be imposed on the licence; the licence can be suspended for 12 months or be cancelled; and the licensee can be disqualified.<sup>31</sup>

The NSW Office of Liquor and Gaming maintains a [register](#) of licences that have incurred strikes under the scheme. According to the register (as at 8 April 2015), 119 licences had incurred one strike, 13 licences had incurred 2 strikes, and 2 licences had incurred 3 strikes. Three strikes resulted in the Box Karaoke Bar at Belmore having its licence cancelled, while Restaurant Bon Ga at Eastwood had its licence suspended for 2 weeks.<sup>32</sup>

### 7. Kings Cross Precinct restrictions (2012-13)

On 15 August 2012, Premier O'Farrell announced that the Government intended to introduce a range of special licensing conditions on licensed premises in the Kings Cross Precinct to reduce alcohol-related violence.<sup>33</sup> In November 2012, legislation was passed which broadly defined the Kings Cross Precinct and prescribed conditions to which licensed premises situated in that precinct were subject.<sup>34</sup> Some of the conditions applied to Friday and Saturday nights after midnight:

- certain drinks prohibited: e.g. shots and any ready to drink beverage with an alcohol by volume content of more than 5%;
- no more than 4 alcohol drinks or the contents of one bottle of wine may be sold to the same person at any one time;
- two responsible service of alcohol (RSA) marshals must be on duty for Class 1 venues (one RSA marshal for Class 2 Venues);
- if premises are authorised to trade after 2 am, the licensee must cease selling liquor on the premises one hour before it is required to cease trading (if premises are authorised to trade 24 hours, liquor must not be sold between 4 am and 5 am).

Other conditions applied to every night of the week:

- after midnight, glasses, glass bottles and glass jugs are prohibited;
- after midnight, licensed venues must maintain a digital closed-circuit television [CCTV] system covering entries and exits, the footpath immediately adjacent to the venue and all publicly accessible areas;
- an incident register must be maintained at all times;
- venue managers must immediately notify police of any violence causing injury and preserve the crime scene;
- licensees must not admit, and must remove, any person displaying the name or colours of a listed motorcycle gang;
- licensees must promote late night transport options for patrons.

In October 2013, legislation was passed to implement a second stage of the Government's plan of management to reduce alcohol-related violence in Kings Cross.<sup>35</sup> The legislation contained two major measures. The first provided for the issue of banning orders. Police were given the power, in certain circumstances, to issue a person with a temporary banning order,

prohibiting the person from entering or remaining in licensed premises in the Kings Cross precinct for up to 48 hours. In addition, the Commissioner of Police could apply to the Independent Liquor and Gaming Authority to issue a person with a long-term banning order, prohibiting the person from entering or remaining in a “high-risk” venue for up to 12 months. The second, related measure was establishing a Kings Cross precinct ID scanner system and requiring “high risk” venues to scan a patron’s ID with a scanner linked to this system before admitting entry to the premises.

### 8. Small bar licences (2013)

The *Liquor Act 2007* introduced a new licence category (the general bar hotel licence) for bars that do not operate gaming machines or sell takeaway alcohol. It was intended that this would “help to stimulate diversity, resulting in a greater variety of licensed venues, including small bars”.<sup>36</sup> In March 2013, legislation created a new licence category for “small bars”, which is similar to the general bar hotel licence but is limited to 60 patrons.<sup>37</sup> Minister Souris explained:

The Liquor Act currently requires small bars to operate under a general bar hotel licence. There were 89 of these licences as at 15 February 2013. Many of these general bar hotel licences apply to smaller venues that cater for fewer than 120 persons. Under the current arrangements limits on patron numbers are generally a matter for local councils and the planning process having regard to factors such as individual premises size, building code requirements and fire safety.

Other than these factors there is nothing to prevent a general bar licence also being utilised for a nightclub or other type of licensed venue. The Government believes creating a specific new small bar licence category will provide clarity about what a small bar constitutes thereby helping to prevent the venue morphing that currently occurs...This smaller more intimate entertainment venue is associated with lower risks than large-scale venues. It will prompt investment in a different business model for licensed venues in New South Wales, encouraging more diversity in how liquor is sold and supplied and how licensed venues are operated.<sup>38</sup>

The Minister said that this would help to reduce alcohol-related violence.

### 9. Review of Liquor Act (2013)

In November 2013, Michael Foggo presented to Minister Souris the [report](#) of the statutory five-year review of the *Liquor Act 2007*.<sup>39</sup> It made over 90 recommendations across a range of areas. Here the focus is on the review’s conclusions on restricting trading hours and imposing restrictions on licensed premises that engage in late-night trading.

In response to submissions calling for the “Newcastle solution” to be trialled on a state-wide basis, the report stated (in part):

The current multi-faceted regulatory approach with escalating responses in dealing with alcohol-related problems is supported by many of the submissions, and by the review. Provided this is enhanced with a better co-ordinated regulatory system (as detailed elsewhere in this report) and alcohol-related crime and incidents continue to trend downwards, the review supports the current approach.<sup>40</sup>



The report's recommendations in this section included that "the current strategy of applying a targeted approach to reducing alcohol-related problems associated with licensed premises is supported and should continue"; and that "the adoption of a standard set of conditions to be applied to all existing late trading venues is not supported".<sup>41</sup>

### 10. Sydney CBD, Kings Cross and other restrictions (2014)

#### 10.1 The restrictions

On 21 January 2014, Premier O'Farrell announced a package of measures to tackle alcohol-related violence including liquor licensing restrictions, "one punch" fatal assault laws, mandatory minimum sentencing for these and other serious assaults, and community education.<sup>42</sup> Parliament was recalled on 30 January to implement most of the legislative measures. The *Liquor Amendment Act 2014* introduced the following:

- Creation of the new Sydney CBD Entertainment Precinct;
- 1.30am lockouts enforced at hotels, registered clubs, nightclubs and karaoke bars across the Sydney CBD Entertainment and Kings Cross Precincts;
- 3am cease service of alcohol in those venues across the Sydney CBD Entertainment and Kings Cross Precincts;
- Introduction of temporary banning orders for troublemakers in the Sydney CBD Entertainment Precinct;
- A freeze on new liquor licences and approvals for existing licences across the new Sydney CBD Entertainment Precinct; and
- A ban on takeaway alcohol sales after 10pm across NSW.<sup>43</sup>

These provisions came into force on 24 February 2014.

The legislation also provided for other conditions to be prescribed in regulations for premises situated in the Sydney CBD Entertainment Precinct. A Plan of Management for the Sydney Precinct was released on 28 May 2014, and included the following measures:

- Drink restrictions after midnight.
- Up-to-date responsible service of alcohol training for bar staff.
- Requirements for licensees to maintain around-the-clock incident registers and preserve violent crime scenes.
- Banning patrons wearing outlaw motorcycle gang colours from venues.
- Banning party boats from picking up or dropping off patrons in the CBD after midnight.
- Highly visible police within and on the fringes of the CBD and Kings Cross precincts.
- Trialling the Sydney Sobering Up Centre where police can take intoxicated people off the streets to get sober.
- Police enforcement of alcohol consumption bans on trains and buses to reduce pre-fuelling.

- Installing 10 new CCTV cameras to improve responses to criminal incidents.<sup>44</sup>

The 2014 Act also made provision for the regulations to introduce a periodic and risk-based licence fee scheme in NSW, as recommended by the 2013 review report. Regulations implementing this scheme were made in May 2014. All liquor license holders in NSW are required to pay an annual risk-based licence fee. This fee is calculated using two factors:<sup>45</sup>

- a base fee indexed to the Consumer Price Index, ranging from \$100 to \$2000; and
- risk-based loadings that reflect the level of risk posed by a venue and its operation.

Risk-based loadings are calculated according to authorised trading hours, compliance history, patron capacity, and venue location. Examples of loading costs include:<sup>46</sup>

- \$5000 if a venue is authorised to trade after 1.30am;
- \$8000 if a venue's patron capacity exceeds 301 persons; or
- \$9000 if a venue committed 3 or more prescribed offences or breach of licence conditions in the previous calendar year.

Only the base fee and the trading hours risk loading are payable in 2014/15. All applicable risk loadings are payable from 2015/16 onward.

### 10.2 Legislative Assembly Committee Inquiry

In November 2014 the NSW Legislative Assembly Committee on Law and Safety completed its [\*Measures to reduce alcohol and drug-related violence: Preliminary Inquiry\*](#) (2014 NSW Legislative Assembly Inquiry). The Committee was tasked with reviewing the impact of the 2014 restrictions.

While acknowledging that its review was limited pending detailed data from BOCASR, the Committee made the following finding:

Early indicators suggest that the measures to reduce alcohol and drug-related violence provided for in the Liquor Amendment Act 2014 are having the desired effect of reducing violence and anti-social behaviour in the Sydney CBD and Kings Cross areas. The Committee considers that continuation of these measures is justified at this time.<sup>47</sup>

The Committee made a total of 14 recommendations. These included development of a common statistical boundary to measure alcohol and drug-related assaults in the Sydney CBD Entertainment Precinct, strategies to resolve potential safety issues arising when patrons are refused re-entry to venues during the lockout period, and improved security and lighting at taxi ranks throughout the Sydney CBD Entertainment Precinct.<sup>48</sup>

Having regard to concerns from patrons, business owners and other stakeholders about financial impacts arising from the 2014 restriction, the Committee also recommended that:

...the Government initiate an independent review of the *Liquor Amendment Act 2014* and the *Crimes and Other Legislation (Assault and Intoxication) Act*

2014, to take place as soon as data from the Bureau of Crime Statistics and Research for the summer of 2014-15 becomes publicly available.<sup>49</sup>

Following criticism over a proposed June 2015 review of the restrictions,<sup>50</sup> Premier Mike Baird stated that the 2014 laws will not be reviewed prior to the 2016 statutory review.<sup>51</sup>

### 10.3 BOCSAR review

In April 2015 BOCSAR released its [review](#) of the 2014 liquor licence reforms. Using the monthly count of non-domestic assaults recorded by the NSW police between January 2009 and September 2014, BOCSAR assessed whether the 2014 restrictions were reducing assaults in Kings Cross and the Sydney CBD.

BOCSAR outlined factors that would indicate the success of the 2014 restrictions, including whether crime was being displaced (moved outside the target areas) or diffused (reduced in both the target areas and surrounding areas):

Because four out of the five reforms apply only in the target areas, we would expect any reduction in assault in the target area to be larger than the reduction in assault in the rest of NSW. If the reforms result in a displacement of assault to [nearby suburbs or nightspots], we would expect to see an increase in assault or, at the very least, a deceleration in the downward trend in assault in one or both of these areas. If there is an increase in assault in the [nearby suburbs or nightspots], we can assess the size of the problem by comparing the increase in assault in these areas to the increase in the target area. If a diffusion of benefits occurs we would expect to see a reduction in assault in one or both the [nearby suburbs or nightspots].<sup>52</sup>

The review found that, following the introduction of the 2014 restrictions, the Kings Cross Precinct saw an immediate 32 per cent drop in assaults. With regard to the Sydney CBD, although there was an existing downward trend in the three years prior to the 2014 restrictions, this trend increased after January 2014, with a 26 per cent drop in assaults. Across the rest of NSW, there was a smaller, yet statistically significant, 9 per cent reduction in assaults.<sup>53</sup>

With one exception, BOCSAR found little evidence that assaults were displaced to other areas near the Precincts. The exception was The Star casino, where the number of assaults increased from an average of 3.5 per month between February and September 2013 to 6.3 per month during the same period in 2014.<sup>54</sup> However, BOCSAR noted that this increase was smaller than the overall decrease in assaults in the Sydney CBD and Kings Cross:

... even if we take the apparent increase in assaults at The Star casino at face value, the increase in absolute terms (i.e., 2.8 per month) was much smaller than the decreases in the Kings Cross (from 39.3 in 2013 to 24.6 in 2014) and Sydney CBD Entertainment (from 151.8 in 2013 to 125.3 in 2014) Precincts (41.5 assaults per month across the two Precincts).<sup>55</sup>

BOCSAR commented that its findings were consistent with previous evidence showing that restrictions on liquor trading hours were an effective means of reducing alcohol-related violence. However, it noted that other

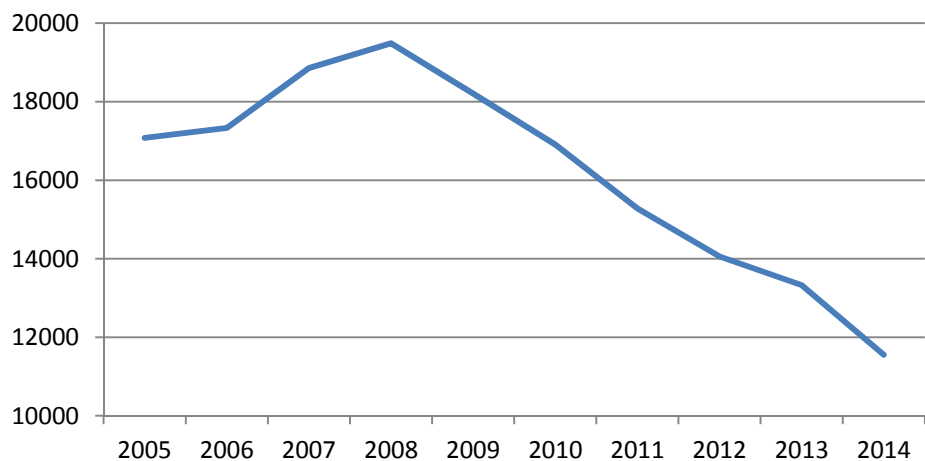
restrictions introduced in 2014, including banning orders, may have played a role in reducing assaults.<sup>56</sup> Citing business and transport data, BOCSAR stated that adverse publicity from the deaths of Thomas Kelly and Daniel Christie may have also discouraged people from travelling to the Kings Cross and Sydney CBD Precincts, with fewer people in these areas reducing the overall rate of assault.<sup>57</sup> It concluded:

It is still too soon to examine these issues in any detail. The follow-up period in the current study is quite short. Further monitoring will be necessary to assess the durability of the effects reported here and to obtain sufficient data to conduct a detailed analysis of changes in the temporal patterning of assaults on and off licensed premises.<sup>58</sup>

### 11. Trends in alcohol-related assaults

The [latest figures](#) for non-domestic alcohol-related assaults in NSW are shown below. Figures for the State show a significant downward trend between 2005 and 2014 for alcohol-related assaults, both in licensed premises and outdoors or other public places.

**Total number of alcohol-related non-domestic assaults (NSW): Jan 2005 – Dec 2014<sup>59</sup>**



**Number of alcohol-related non-domestic assaults (NSW) by location: Jan 2005 – Dec 2014<sup>60</sup>**

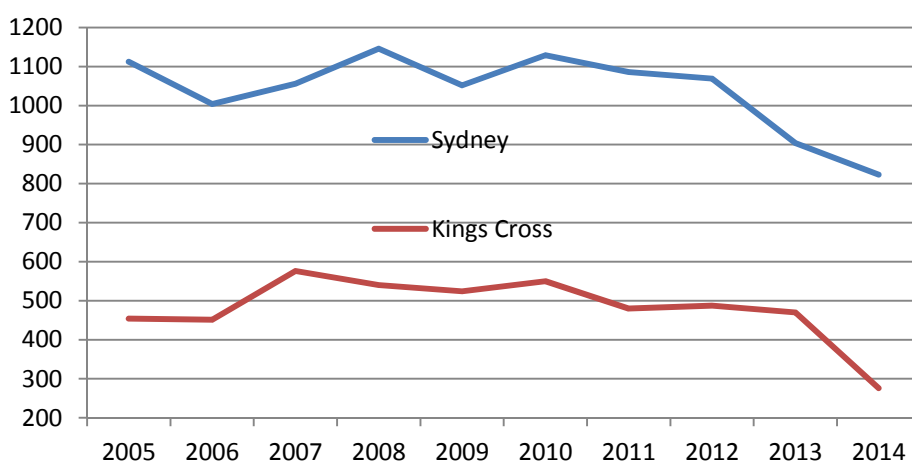
Year	Licensed premises	Outdoor/public place
Jan - Dec 2005	5,482	5,496
Jan - Dec 2006	5,569	5,515
Jan - Dec 2007	5,915	6,337
Jan - Dec 2008	5,896	6,648
Jan - Dec 2009	5,190	6,169
Jan - Dec 2010	4,824	5,758
Jan - Dec 2011	4,432	5,068
Jan - Dec 2012	4,080	4,511
Jan - Dec 2013	3,959	4,163
Jan - Dec 2014	3,534	3,467
2yr trend and av. annual % change	-10.7%	-16.7%
5yr trend and av. annual % change	-7.5%	-11.9%
10yr trend and av. annual % change	-4.8%	-5.0%

Figures on non-domestic alcohol-related assault in the Sydney CBD and Kings Cross Police Local Area Commands between 2005 and 2014 are provided below. Note that these figures differ from the data used in BOCSAR’s review of the 2014 liquor licence reforms in two respects:

- The LAC time period extends until December 2014, compared to September 2014 for the review; and
- The Sydney CBD and Kings Cross LACs have different boundaries than the Kings Cross and Sydney CBD Entertainment Precincts.

In the Sydney City LAC there was a downward trend over the past five years and a stable trend over the past two years. In the Kings Cross LAC, there was a downward trend over the past five and two years.

### Total number of alcohol-related non-domestic assaults (Sydney CBD and Kings Cross): Jan 2005 – Dec 2014<sup>61</sup>



### Number of alcohol-related non-domestic assaults (Sydney CBD and Kings Cross) by location: Jan 2005 – Dec 2014<sup>62</sup>

Year	Sydney City LAC		Kings Cross LAC	
	Licensed premises	Outdoor/public place	Licensed premises	Outdoor/public place
Jan - Dec 2005	428	449	155	205
Jan - Dec 2006	355	444	179	205
Jan - Dec 2007	393	466	198	281
Jan - Dec 2008	400	535	197	251
Jan - Dec 2009	360	496	174	277
Jan - Dec 2010	404	512	171	275
Jan - Dec 2011	382	495	159	244
Jan - Dec 2012	414	413	175	199
Jan - Dec 2013	330	374	145	240
Jan - Dec 2014	338	325	79	135
2yr trend and av. annual % change	Stable	Stable	-45.5%	-43.8%
5yr trend and av. annual % change	-4.4%	-10.7%	-17.6%	-16.3%
10yr trend and av. annual % change	Stable	-3.5%	-7.2%	Stable

A 2013 BOCSAR paper examined whether the decrease in the number of assault incidents recorded by police as occurring in licensed premises in NSW between 2007 and 2012 could be attributed to a change in staff



reporting behaviour.<sup>63</sup> This was a potential issue because of the introduction in 2009 of the scheme linking licensing restrictions to the number of recorded assaults at licensed venues.<sup>64</sup> BOCSAR concluded:

The evidence presented here suggests that there was no significant upward or downward trend in the percentage of staff reporting assault incidents over the period examined. This was true for both assault incidents occurring at venues identified in the Top 100 and for assault incidents occurring at unranked premises. From the period that trading restrictions commenced (December 2008) both series also showed no clear trend. This suggests that the fall in assault rates at licensed premises over the period from mid 2008 cannot be attributed to a change in staff reporting behaviour.<sup>65</sup>

A November 2014 follow-up study by BOCSAR, which reviewed data from 2012 and 2013, also found no significant change in police reports of assault made by staff on licensed premises.<sup>66</sup>

## 12. Conclusion

Since 2008, the NSW Government has responded to community concerns about alcohol-related violence with a range of measures including liquor licensing restrictions. Some of these licensing restrictions are particular to areas such as Newcastle, Kings Cross, and the Sydney CBD; other restrictions apply to venues in NSW with high numbers of assaults; and others apply more broadly across NSW. The evidence on the effectiveness of these restrictions is limited but growing. The earlier closing times in Newcastle were shown to be effective there. After the introduction in 2014 of various licensing restrictions in the Sydney CBD and Kings Cross Precincts there was a substantial reduction in assaults in those precincts; and there was generally no displacement effect. However, it is not clear to what extent this reduction in assaults was due to trading hour restrictions, banning orders, or to less people frequenting those areas.

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<sup>1</sup> Other measures have included: sobering up centres, new criminal laws including mandatory minimum sentencing, and education and transport initiatives.

<sup>2</sup> For a summary of reforms up to and including the *Liquor Act 2007*, see these past papers: L Roth, [Liquor Licensing Laws: An Update](#), Briefing Paper 12/2007; and J Arditi, [Liquor, Licenses and Lockouts](#), E-brief 4/2008.

<sup>3</sup> C Jones et al, [The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW](#), University of Newcastle and NSW Bureau of Crime Statistics and Research, *Crime and Justice Bulletin No. 137*, November 2009, p1-2

<sup>4</sup> K Kypri et al, Effects of restricting pub closing times on night-time assaults in an Australian city (2010) 106 *Addiction* 303

<sup>5</sup> K Kypri et al, note 4, p306-307

<sup>6</sup> K Kypri et al, note 4, p307

<sup>7</sup> K Kypri et al, note 4, p309-310

<sup>8</sup> K Kypri et al, note 4, p310

<sup>9</sup> NSW Casino, Liquor and Gaming Authority, [Final Review Decision - Disturbance complaint against numerous venues in Hamilton](#), 20 August 2010

<sup>10</sup> These and most other licence conditions were confirmed in a 2012 [decision](#)

<sup>11</sup> K Kypri et al, [Restrictions in pub closing times and lockouts in Newcastle, Australia five years on](#) (2014) *Drug and Alcohol Review* [online], 3 March 2014

<sup>12</sup> K Kypri et al, note 11, p3

<sup>13</sup> K Kypri et al, note 11, p3-4

<sup>14</sup> N Rees, [New measures to get tough with alcohol-related violence](#), *Media Release*, 30 October 2008

<sup>15</sup> *Liquor Legislation Amendment Act 2008* (NSW)

- <sup>16</sup> *Liquor Amendment (Special Licence Conditions) Act 2008* (NSW)
- <sup>17</sup> S Moffatt et al, [Liquor licensing enforcement and assaults on licensed premises](#), NSW Bureau of Crime and Justice Statistics, Bureau Brief No 40, October 2009, p7
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- <sup>19</sup> *Liquor Amendment (Special Licence Conditions) Regulation (No 2) 2009* (NSW); K Greene, *Alcohol restrictions imposed on violent pubs and clubs*, Media release, 20 November 2009
- <sup>20</sup> NSW Office of Liquor, Gaming and Racing, [Alcohol restrictions for violent venues](#), [online]
- <sup>21</sup> See [New alcohol licence ban hits Sydney](#), *Sydney Morning Herald*, 25 June 2009
- <sup>22</sup> *Liquor Amendment (Temporary Licence Freeze) Act 2009* (NSW)
- <sup>23</sup> *Liquor Amendment (Kings Cross Plan of Management) Bill 2012* (NSW). The exemption now applies to “small bars”: see *Liquor Amendment (Small Bars) Act 2013* (NSW)
- <sup>24</sup> S Nicholls, [Move to lift freeze on liquor licences comes under fire](#), *Sydney Morning Herald*, 8 January 2013
- <sup>25</sup> For more information, see NSW Office of Liquor and Gaming, [Fact Sheet - Environment and Venue Assessment Tool \(EVAT\)](#), March 2013
- <sup>26</sup> G Souris, [Oxford street/Darlinghurst liquor licence freeze extended until June 2015](#), *Media Release*, 19 December 2013
- <sup>27</sup> NSW Government, *Hassle Free Nights: Safe nights out in popular entertainment precincts*, March 2010
- <sup>28</sup> *Liquor Legislation Amendment Act 2010* (NSW)
- <sup>29</sup> J Acquilina, [NSW Parliamentary Debates \(LA\)](#), 14 May 2010
- <sup>30</sup> *Liquor Amendment (3 Strikes) Bill 2011 (No 2)* (NSW)
- <sup>31</sup> See NSW Office of Liquor and Gaming, [Fact sheet - “Three strikes” disciplinary scheme](#), March 2014
- <sup>32</sup> G Souris, [Liquor licence cancelled after third strike](#), *Media Release*, 12 February 2014; and Independent Liquor and Gaming Authority, [Notice of Decision to Incur Third Strike under Part 9A Liquor Act 2007 - Restaurant Bon Ga, Eastwood - 25 March 2014](#)
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- <sup>34</sup> *Liquor Amendment (Kings Cross Plan of Management) Act 2012* (NSW); *Liquor Amendment (Kings Cross) Regulation 2012* (NSW)
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- <sup>36</sup> G West, [NSW Parliamentary Debates \(LA\)](#), 17 December 2007
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- <sup>39</sup> M Foggo, [Report on the statutory review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007](#), November 2013
- <sup>40</sup> M Foggo, note 39, p58
- <sup>41</sup> M Foggo, note 39, p59, Recs 30-31
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- <sup>44</sup> NSW Government, City of Sydney Council, [Plan of Management for the Sydney CBD Entertainment Precinct](#), 27 May 2014.
- <sup>45</sup> Office of Liquor, Gaming and Racing, [A new risk-based license fee scheme: Factsheet](#), September 2014
- <sup>46</sup> OLG, note 45, pp 5-6
- <sup>47</sup> Legislative Assembly Committee on Law and Safety, [Measures to Reduce Alcohol and Drug-Related Violence: Preliminary Inquiry](#), November 2014, p25
- <sup>48</sup> Legislative Assembly Committee on Law and Safety, note 47, pp vii-viii
- <sup>49</sup> Legislative Assembly Committee on Law and Safety, note 47, p57
- <sup>50</sup> N Hasham, [Lockout laws: early Baird review dismays one-punch victim’s family](#), *Sydney Morning Herald* (online), 12 January 2015
- <sup>51</sup> N Hasham, [No plans to change nightspots lockout laws, Premier Mike Baird says](#), *Sydney Morning Herald* (online), 15 January 2015
- <sup>52</sup> P Menéndez, D Weatherburn, K Kypri, J Fitzgerald, [Lockouts and last drinks: The impact of the January 2014 liquor licence reforms on assaults in NSW](#), *Australia*, NSW Bureau

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<sup>53</sup> Menéndez et al, note 52, p1

<sup>54</sup> Menéndez et al, note 52, p8

<sup>55</sup> Menéndez et al, note 52, p8

<sup>56</sup> Menéndez et al, note 52, p8

<sup>57</sup> Menéndez et al, note 52, p8

<sup>58</sup> Menéndez et al, note 52, p9

<sup>59</sup> NSW Bureau of Crime Statistics and Research, [Alcohol and non-alcohol related assault data - Kings Cross, Sydney City and NSW](#), 2015

<sup>60</sup> NSW Bureau of Crime Statistics and Research, note 59

<sup>61</sup> NSW Bureau of Crime Statistics and Research, note 59

<sup>62</sup> NSW Bureau of Crime Statistics and Research, note 59

<sup>63</sup> L Snowball & S Spratley, [Is the decrease in assaults at licensed premises being driven by changes in staff reporting rates?](#), NSW Bureau of Crime Statistics and Research, Bureau Brief No 87, June 2013

<sup>64</sup> L Snowball & S Spratley, note 63, p2

<sup>65</sup> L Snowball & S Spratley, note 63, p3

<sup>66</sup> W Agnew-Pauley, [Reporting rates of assaults on licensed premises by licensed premises staff: 2012-2013](#), NSW Bureau of Crime Statistics and Research, Issues Paper No 99, October 2014, p5

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