



**Submission by WA Nightclubs Association to the Senate Inquiry:**

**“The need for a nationally-consistent approach to alcohol-fuelled violence”**

“Staggered trade is the single best feature of the WA system; NSW and QLD could study this and easily implement what is Australia’s best practice licensing system.”

WANA President [Simon Barwood](#)

*“Between 2008 and 2015, Northbridge crime dropped for:*

- *assaults – down 36 per cent*
- *threatening behaviour – down 73 per cent*
- *home burglary – down 44 per cent*
- *theft – down 25 per cent*
- *property damage – down 48 per cent.”*

[Premier, Deputy Premier and Minister for Police](#) March 20, 2016

## **Introduction**

Following is the submission by the WA Nightclubs Association (WANA) to the Senate Inquiry into “The need for a nationally-consistent approach to alcohol-fuelled violence”. It includes commentary and research against each of your criteria as detailed. The central premise of the submission is that Western Australia’s unique staggered trade system, alongside very effective policing and responsible licensee practices, have led to a substantial decrease in alcohol–fuelled violence (in the context of licensed premises and entertainment districts). WANA commends this model to other jurisdictions.

### **a) the current status of state and territory laws relating to:**

#### **i. bail requirements and penalties surrounding alcohol-related violence, and liquor licensing, including the effectiveness of lockout laws and alcohol service laws;**

##### **Bail Requirements and Penalties**

WANA does not offer commentary on “bail requirements” in this submission. It can however, outline that the work of the WA police since 2008, in particular since 2010, has been commendable. This has included a concerted effort to use their powers to arrest and move on offenders on the streets where the majority of offences were occurring. This has had a dramatic effect on turning around the law and order situation in Northbridge and crime statistics have been on a sustained downtrend in recent years. This downtrend was [outlined in 2012](#) by the Minister for Racing & Gaming (and Liquor), Terry Waldron, and [again very recently](#) by the Premier and Deputy Premier / Minister for Police.

Aside from an increase in police presence and the arrest and move-on strategy outlined above, the use of prohibition orders and barring notices has been particularly effective, again as outlined in the Waldron media release of 2012, with immediate, significant and continued decreases in alcohol related anti-social behaviour.

##### **Liquor Licensing**

The overarching position of WANA is that the WA liquor licensing system is the premier system in Australia. This is best evidenced through reviewing WANA’s key principles below. In fact WANA believes these principles should be considered as guiding principles for a national approach to liquor licensing reform given their success in WA and the juxtaposition of problems in other jurisdictions such as QLD and NSW.

## **WANA's Principles**

### **1. WA's staggered closing time system is superior to that employed in other jurisdictions**

- Its central feature is staggered closing (hotels/taverns and then nightclubs).
- This prevents a greater mass exodus of patrons onto the street that would occur under a uniform closing time model.
- Staggered closing acts as a circuit breaker to discourage patrons leaving early closing venues from continuing to consume alcohol.
- Staggered closing minimises pressures on public transport and the taxi industry.
- It is a model that has the support of stakeholders including the government, opposition, police and Taxi Council.
- Broad deregulation has been deployed in other jurisdictions (eastern states and overseas) in recent years and has essentially been a disaster as a regulatory experiment. Interestingly, there have been strong recent calls for a greater emphasis on staggered closing in Ireland and much of continental Europe uses such a model.
- In a submission to the Commonwealth, "Step Back" outlines how on a national basis, deregulation of the liquor industry has resulted in a high level of social cost. It puts the estimated social cost of harmful consumption of alcohol at more than \$15b annually on an overarching basis. "Step Back" also states that:

*"...More attention needs to be given towards amenities and alternatives to alcohol such as live entertainment. This strategy is supported by Assistant Commissioner Jamieson who stated "the reducing of vertical drinking and beer bars would greatly assist in improving public safety".*

### **The Irish Experience**

The Irish Nightclub Industry Association (INIA) cites various public order prosecution figures which demonstrate that between 2006 and 2008, when sequential trading was in place in the Garda B District in the South Central Division of Dublin (which has the highest density of licensed premises and nightclubs in the country), staggered closing had a positive impact on public order (Gurdgiev, 2009).

### **The Perth Experience**

Most importantly, as outlined in a response to a) above, crime has been in significant decline in Northbridge (between 2008 and 2015), Perth's central late-night entertainment precinct. Directly quoting the joint [Premier and Minister for Police media release](#) of 20 March, 2016:

*“Between 2008 and 2015, Northbridge crime dropped for:*

- *assaults – down 36 per cent*
- *threatening behaviour – down 73 per cent*
- *home burglary – down 44 per cent*
- *theft – down 25 per cent*
- *property damage – down 48 per cent.”*

As background, it should be noted by the Committee that whenever staggered trade has been subjected to erosion there have been consequences in its effectiveness as a harm minimisation mechanism. Indeed, WANA has long argued within WA that the rolling use by hotels of what are known as “Extended Trading Permits” or ETPs to extend their trading hours on Friday and Saturday has been damaging and should be curtailed. By way of background:

- The legislated closing time for hotels and taverns in WA is 12am.
- The clear intent of ETPs under the Act is for use in special circumstances.
- Currently ETPs allow hotels and taverns in Northbridge to trade until 2am every Friday and Saturday night of the year.
- In parts of the suburban city, those ETPs allow hotels and taverns to trade until 1am.
- The consequent mass exodus of patrons onto the street at 2am is problematic for police, the transport system and nightclub operators.
- In submissions to DRGL, the Police Commissioner (O’Callaghan, 2010) and the Drug and Alcohol Office (2010) identified that the majority of alcohol related incidents occurred in “Trouble Time” between 11pm and 3am, which the Liquor Commission had also previously identified. These submissions highlighted that the rolling use of ETPs by taverns and hotels and SFLs during 11pm to 3am “Trouble Time” as the leading causes of problems, and called for the restriction of availability of alcohol at these premises during this time.
- The Police Commissioner cited the 2010 Coakes ARIF Report in his submission, which clearly identified that 64% of incidents occurred in “Trouble Time”.
- In addition to their own statistics, the WA police report referred to studies undertaken by the National Drug Research Institute (Chikritzhs, et al., 2007) which found that extended trading hours at hotels and pubs were associated with a 70% increase in assaults.
- The Police Commissioner and the Alcohol and Drug Office have both called for the curtailing of ETPs in recent years.

It is of course essential to note that what has become known as “Trouble Time” in WA, i.e. 11pm to 3am when around two thirds of incidents occur, is before the prescribed “last drinks” legislation which will kick into effect in Queensland.

Finally, it should be noted that in summer 2009/2010 there was a lock-out trial in Perth. It was discontinued after the trial, which was essentially pointless as it did not combat the problems where they lay at the time – being hotels in trouble time trading using ETPs. Unlike other lock-out precincts such as Kings Cross or Newcastle, staggered trade meant that very few problems were occurring past 3am as hotels were shut and nightclubs with their different business model were trading. At this time, the Liquor Commission said the following:

*“...extended trading permits (hotels) and special facility licences are more likely to contribute to the alcohol related harm than the applicant’s nightclubs, which close at 6am, are smaller, charge door entry fees and control entry and are proactive in reducing the risk of alcohol related harm.”* WA Liquor Commission 2010  
WANA President Simon Barwood was [interviewed on this topic](#) recently.

## **2. Nightclubs operate a unique business model – fundamentally different to that of hotels**

- The main point of difference between hotels and nightclubs is that a nightclub’s primary purpose is the provision of entertainment; service of alcohol is ancillary to entertainment.
  - In the WA context, WANA believes the *Liquor Control Act 1988* is explicit and self-explanatory as to this point under section 42:

### **And:**

*Subject to this Act, the licensee of a nightclub licence is, during permitted hours, authorised to sell liquor on the licensed premises, for consumption on the licensed premises only, ancillary to continuous entertainment provided live by one or more artists present in person performing there or by way of recorded music presented personally by a person employed or engaged by the licensee to do so.*

WANA believes this is important for the Committee to note for jurisdictions that do not have a “legally defined” licence category as nightclubs; for example in NSW what are colloquially called nightclubs are essentially hotels trading late and playing music. The practical differences of a “true nightclub” compared to a “late trading hotel with music” include:

- Significant revenues are derived from non-alcohol sources, particularly door charges (up to \$25).
- Alcohol is often more expensive in nightclubs.
- Average alcohol consumption at nightclubs is typically less than at hotels and taverns.
  - Research published by the Irish Nightclub Industry Association in 2009 revealed that in Ireland 90% of revenue for traditional pubs arose from direct sales of alcohol, whilst for nightclubs this figure was 66% (Gurdgiev, 2009).
  - As outlined below, the WA experience is very similar.
- Nightclubs are typically themed toward a style or genre of music for dancing.
- A door charge and the provision of entertainment is less likely to attract patrons whose primary purpose is the consumption of alcohol.

- There are less than 50 nightclubs operating in WA and over 1500 hotels and taverns. It does not require many nightclubs to generate an effective staggered system.
- The WA Liquor Commission has clearly supported the effectiveness of nightclub business models in recent years from a harm minimisation perspective.
- Consumers and the broader WA public benefit from this harm minimisation, including on a public cost basis.
- As outlined above, nightclubs offer a fundamentally different product offering (and industry role) to consumers, being entertainment with alcohol as an ancillary, adding choice and value to the WA market.
- Ultimately, this difference underpins WANA's core principle which is that the continued integrity of WA's unique staggered closing times is the most effective tool against alcohol related incidents and therefore should be adopted nationally.

### **Primary Research on Alcohol Consumption in WA Nightclubs**

In late 2009, surveys were conducted in both Rise (now Air) and Connections. These surveys revealed that for Rise (Coakes 2010 b), 61% said entertainment (music and dancing) was the reason for visiting the venue, and only 3% said that consuming alcohol was the prime reason. Only 1% of Connections' patrons nominated the consumption of alcohol (2010 a). Across the surveys, it was apparent that patrons were consuming around one drink per hour for a three to four hour stay.

Further (as per our principles above), WANA has always maintained that the purpose and format of a venue have a direct role to play in whether patrons abuse alcohol, or consume it as an *ancillary* to the purchase of entertainment.

In summary, WANA possesses a strong faith in the business model adopted by most nightclub licensees of focusing on entertainment with substantial door charges rather than relying solely on liquor revenue. Indeed, we believe it logical that venues/licence categories specifically designed to sell alcohol ancillary to entertainment should be encouraged to flourish and that the adoption of a legally defined "true" nightclub category in other jurisdictions could be nationally advantageous.

### **WANA's Commentary on Small Bars**

Following the creation of the small bar licence in 2007, Western Australia has seen an explosion in the amount of small bars trading in Perth; their popularity with the public is unquestionable and they are clearly a policy reform success. WANA is supportive of the growth of small bars and their part in the hospitality and entertainment mix, but does proffer to regulators and legislators the importance of keeping them to core hotel hours and not eroding staggered trade. We are aware that small bars have also prospered in other states and believe that this business model is preferable to "beer barn" establishments, but again wish to highlight to the Committee that clear, un-eroded staggered trade is the premier harm minimisation model. For all its merit, the small bar business model still derives the vast bulk of its revenue from alcohol sales and is generally not equipped with extra security measures such as ID Scanning.

### **Other Notable Aspects of the WA Liquor System**

We are unable to offer commentary on many aspects of other jurisdictions' laws and policing, however we can say that other effective aspects of the WA liquor laws, as outlined in the separate submission of WANA President Simon Barwood, include:

1. Sensible regulation of licence and outlet density;
2. The avoidance of alcohol being a "loss-leader" for gaming (and therefore heavily discounted;
3. The WA Director of Liquor Licensing has a long established set of explicit guidelines disallowing for the utilisation of cheap or discounted drinks.

- b. **the effectiveness of the current state and territory:  
training requirements of persons working within the hospitality industry and  
other related industries, and**

As per the [Department of Racing, Gaming and Liquor's site](#), the following training regime exists in WA, with the present support of WANA:

**Mandatory Industry Training**

Responsible service of alcohol is one of the most crucial tools in providing consumers with safe, responsible venues that are committed to practising harm-minimisation techniques.

**Licensees and Approved Managers**

Unless the Director of Liquor Licensing determines otherwise, each licensee and primary approved manager must complete a course in the Management of Licensed Premises conducted by an approved and accredited training provider.

**Supervisory and Other Staff**

All other supervisory and bar staff must complete the **Provide Responsible Service of Alcohol** course conducted by an approved and accredited training provider.

- i. **educational and other information campaigns designed to reduce alcohol-related violence;**

As WANA's vice-president, Tim Brown, expressed when giving evidence to the 2010 Health and Education Standing Committee's (WA) *"Inquiry into the adequacy and appropriateness of Prevention and Treatment Services for Alcohol and Illicit Drug Problems in Western Australia"*; WANA supports a significant increase in the role of education as a tool against alcohol abuse and related social harm.

*"...we are not in a position to educate youth on how to behave under the influence of alcohol. All we can do is refuse supply or ask them to leave when that becomes a problem. We need to get it at the front end."* WANA Vice-President Tim Brown



- c. **the viability of a national strategy to ensure adoption and delivery of the most effective measures, including harmonisation of laws and delivery of education and awareness across the country, and funding model options for a national strategy;**

#### **Education**

It is logical that such an initiative as outlined above under “b) educational and other information campaigns” be a national one.

#### **Laws**

As outlined very clearly in our response above to a), WANA believes that there is an overwhelming package of evidence that the Western Australian [Liquor Control Act 1988](#) is the premier Act / system in the country. Packaged with enhanced policing, management practices and security systems, it is why WA has been able to be the only jurisdiction to liberalise its laws and allow for more trading (extension on Sunday nights) in recent years as alcohol fuelled violence has retreated. It would be logical to deploy aspects of this system nationally.

We also believe the WA police approach over the last five or six years has been particularly effective (as outlined above in terms of prohibition notice, barring orders, move on orders and high community presence).

Again, as outlined in Barwood’s submission, in WA the Liquor Enforcement Unit (LEU) as a dedicated arm of the WA police to liquor, is responsible for policing licensed premises and licensees. There are wide ranging powers under sections 64 and 95 of the Liquor Control Act 1988 (WA) that police can use to place restrictive conditions on licences including the power to close offending premises in extreme circumstances. In WA this is done through the Director of Liquor Licensing and/or the Liquor Commission. WANA believes that this kind of action can only be taken to the “regular courts”, in this case the Supreme Court, upon appeal.

WANA has no comment on national funding models.

- d. whether a judicial commission in each state and territory would ensure consistency in judgments relating to alcohol-related violence in line with community standards; and**

Western Australia has the long standing “Liquor Commission” as referenced above which in general terms has broad support of the industry. To the extent other jurisdictions do not have such a commission, WANA believes it may be worthwhile reform.

- e. any other related matter.**

**ID Scanning and other effective licensee initiatives**

In a widely read recent article by [culture blog “Pilerats”](#) ID scanning was raised by WANA President Simon Barwood as another area where WA leads the way:

*“The community should also be informed that licensees have been very proactive in WA in addressing harm minimisation. For example, ID scanning has been in operation for around five years here, whereas it’s only being mooted now in Kings Cross. “*

WANA is a strong advocate of the broad application of ID scanning; its members have found it to be very effective as a deterrent against anti-social behaviour as patrons realise misbehaviour will be captured and they will be held accountable for their actions with significant consequences. The personal submission by WANA President Simon Barwood details the effectiveness of ID scanning in more detail. Amongst many benefits of the system detailed by Barwood is that of a “shared database” where licensees are able to see patrons who have been flagged at other premises, often leading to refusal of entry.

Barwood also touches upon other areas of good practice by licensees including the cooperation with police in regard to CCTV. This combined with the abovementioned “move-on notice” issued by police often results in the avoidance of escalation. Finally, he mentions regular bag searches and the use of polycarbonate drinkware, both of which are effective industry safety practice.

## **Closing notes on WANA**

WA Nightclubs Association (WANA) is not affiliated with the AHA or any other industry body either in WA or interstate. It represents around 55 holders of a nightclub licence across the state (around 45 of which are presently trading). Its fundamental concern is the integrity of the WA licensing system, based upon its unique staggered closing arrangement and its very clear distinction between the services and roles offered by hotels and nightclubs. It believes this structure is the premier system in Australia.

## Appendices

[www.irishtimes.com](http://www.irishtimes.com)

The Irish Times - Tuesday, December 16, 2008

### Calling time on the nightclub?

KITTY HOLLAND

It was meant to reduce alcohol abuse, but nightclub owners say the Intoxicating Liquor Act 2008 is threatening the future of the industry and has led to an increase in trouble on the streets.

IT'S A SATURDAY night in Dublin in the lead-up to Christmas. At 1.30am the Kings of Leon can be heard blaring from the Gaiety Nightclub on South King Street. A steady stream of stylish, well-groomed young things make their way from the adjoining box office to the club front door, having paid €15 for their tickets.

The night should only be starting. For their €15, however, the revellers will get just one hour in the venue, with its two bands, several bars and a number of DJs, until they are asked to leave at 2.30am. The night is, in reality, almost over.

Until July 31st these clubbers would have been able to stay dancing until 3.30am. However, the enactment of the Intoxicating Liquor Act 2008 changed all that.

Under the terms of the Act, which aims to restricts the "availability and visibility" of alcohol and to provide "for more effective enforcement to deal with the consequences of alcohol abuse", nightclubs and late bars must close their doors at 2.30am from Monday to Saturday and at 1am on Sunday.

Before the change in the law, venues with live music or a DJ (whether clubs or bars) could apply for an annual theatre licence for €270 per year, and serve alcohol until 3.30am seven nights a week. With drinking-up time, it could be 4am or later when people poured on to the streets. Now the clubs, like late bars, have to apply for each individual extension to 2.30am to serve drink, something which costs in the region of an annual €150,000, (€410 a night) in legal fees.

The new legislation followed various reports over the years showing that Ireland has a spiralling alcohol-abuse problem. A Government-appointed Alcohol Advisory Group study found an increase of 76 per cent in the hospitalisation of intoxicated people between 1997 and 2002 (when alcohol consumption peaked) and an increase of almost 70 per cent in the number of off-licences and mixed-trading premises authorised to sell alcohol between 2001 and 2007.

Those opposed to restrictive club hours argue that the changes have done nothing to reduce alcohol abuse and that the new law is killing nightclubs. They also claim that earlier closing has led to an increase in public order issues, with everyone leaving clubs and late venues at the same time.

Before the new legislation, those in the late bars left at 2.30am and those in the clubs left at 3.30am, staggering the impact on the streets. It is argued that the new law won't stop people who want to abuse alcohol. They will do so at home or in a pub rather than pay a door fee into a club.

According to figures from the Irish Nightclub Industry Association (INIA), the average per-capita consumption in nightclubs is two and a half drinks. Barry O'Sullivan, chief executive of the INIA, predicts hefty job losses and nightclub closures across the State in the New Year.

David Morrissey, owner of one of Dublin city centre's most popular nightclubs, Lillie's Bordello, says that all a club now offers, over and above a late bar, is a dancefloor and a better lighting system. And punters are being asked to pay up to €20 for that.

David Carroll, junior manager of the Sugar Club on Leeson Street, also laments the earlier closing times. "Town isn't what it was a year ago," he says. "It has lost something".

ON SATURDAY NIGHT, Dublin lacks the buzz one might expect in a European capital in the run-up to Christmas, though matters are not helped by the sub-zero temperatures and the recession. Penelope Martin (23), from Co Laois, on her way into the Gaiety club, is "disgusted" by the earlier closing.

"It messes up my whole regime," she says. "We're used to staying at home until 11.30pm and then going out. We expect to get a night out of it. You used to be able to stay out dancing until 4am, a proper night out. Now you're kicked out just as you're getting going. You wouldn't come into town to go to a club as often now."

Erica Southern, from Dublin, is in her 30s and is smoking a cigarette outside Renards at about 2am. She feels that the new laws are the wrong way to try and curb drinking.

"We are responsible adults who have good jobs, who work hard and want to just go out and have some fun at the weekend," she says. "We're in our 30s and we respect these clubs."

The clubs visited by The Irish Times are busy but not jammed, though a number of people who spoke to this reporter were obviously intoxicated, swaying and slurring their speech.

Out on the streets, dancing Santas, young women telling a group of tourists they "love, love, love the Brits", and a giggly row between two girls outside Burger King over who ended up with the most beer in their hair, sets the tone for some of the post-club life.

There are a few ugly scenes, including a punch-up involving about six men on Middle Abbey Street at about 2.45am, which ends only when a Garda van arrives on the scene. There is also the sight of a young man lying on his side on Westmoreland Street at 3am, making one worry that if he isn't moved soon he will die of hypothermia.

A group of three men shove a fourth up against the shutters of a shop on Westmoreland Street. Fast-food outlets are very busy, with long queues at branches of McDonalds, Rick's and Supermacs. There are a lot of gardaí on duty and fleets of Nightlink buses lined up around College Green and Westmoreland Street.

At the taxi rank at College Green, a group of about 60 people queue in sub-zero temperatures shortly after 3am.

By 4am the streets are almost clear, the busiest being Leeson Street, where a large crowd seem to be involved in one big conversation as they drift off gradually in twos and threes towards the taxis that are on their way back into town for the last few fares of the night.

Robbie Fox, owner and manager of Renards, says the new Act has "destroyed" Sunday-night trading to such an extent that he no longer opens on Sunday night, while business overall is down about 50 per cent.

The manager of the Gaiety nightclub, Seán O'Connor, says business is down about 40 per cent since July. While he acknowledges the impact of the economic downturn, he insists that the Act had an "immediate" effect.

Like Fox, he says the hour between 2.30am and 3.30am used to be the "most profitable" in terms of drink sales and that it is not matched by sales between 1.30am to 2.30am.

"In any industry, to reduce trading hours by 25 per cent is going to be a serious matter. In practice, customers will be in a bar until it stops serving and will drink up until about 1am. They don't get to us until about 1.30am."

Falling takings at the door and the bar have already led to job losses in the industry, and O'Connor predicts more in the new year.

"We can't pay people for doing nothing," he says.

Fox says tourists are "absolutely flabbergasted" and cannot believe that the entire country is restricted to going home at 2.30am. This, he adds, will inevitably hurt the weekend tourism industry.

Sunil Sharpe, spokesman for the Give Us the Night lobby group, representing workers in the music industry, says DJs, visual artists, dancers and promoters have all "felt the pinch" with many staff losing shifts, and DJs on reduced fees.

As a rationale for pulling back licensing hours, the Alcohol Advisory Group cited a fourfold increase in criminal proceedings for abusive and threatening behaviour in the decade between 1996 and 2006. It argued that if the streets were cleared sooner, there would be less scope for trouble.

However, Supt Joe Gannon, of Pearse Street Garda Station in Dublin, who oversees weekend-night policing in the busiest night-life district in the State, says he has seen no reduction in levels of disorder since the new Act came into force.

"The difference is the streets are cleared earlier," he says. "When we had the theatre licences one lot were coming out of bars at 2.30am and another lot coming out of the late clubs at 3.30am, so there were people on the streets until about 5am."

"Now they are all coming out together at 2.30am. The fast-food places don't have the capacity for them all, so a lot head straight home."

"If it is staggered, there is less volume at once, which is easier to deal with. There is less potential for volatility on the streets."

Tommy Gorman, president of the National Taxi Drivers' Union, says the change has also led to the old problem of people not being able to get taxis. His members are getting maybe two fares in the rush at 2.30am before it all dies down. Previously, they could have been busy until about 5 am.

BARRY O'SULLIVAN, of INIA, is hoping the forthcoming Sale of Alcohol Bill, due before the Oireachtas early in the new year, according to the Department of Justice, will include a specific nightclub licence to differentiate his members' establishments from pubs.

"If it leaves club closing hours at 2.30am though, it will do nothing to address our concerns about jobs and the industry as a whole," he says. "I think a closing time of 3.30am or 4am is realistic."

### **Intoxicating Liquor Act: main provisions**

Pubs can open until 11.30pm from Sunday to Thursday and until 12.30am on Friday and Saturday nights.

Special exemption orders allow a bar to stay open until 2.30am. Theatre licences, which previously allowed a club where there was a live performance to remain open until 3.30am, have been abolished.

Alcohol can be sold in off-licences between 10.30am and 10pm from Monday to Saturday and between 12.30pm and 10pm on Sundays. On St Patrick's Day, Sunday hours are applicable.

The Act empowers gardaí to seize alcohol from minors and to take drink from people if they feel there is a risk of public disorder.

There are increased fines for those who break the law on alcohol sales. Publicans or off-licences found selling alcohol to minors face orders for closure.

There is now a special court application process for those seeking a licence to sell wine.

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## Appendix



**Hon Terry Waldron MLA**

### **Barring notices prove their worth**

*Wednesday, 20 June 2012*

- **270 barring notices issued by WA Police**
- **37 people charged for contravening barring notices**

Eighteen months after barring notices came into effect the latest figures for Northbridge are showing a drop in all key indicators of antisocial behaviour.

Racing and Gaming Minister Terry Waldron said the State Government had given considerable attention to the issue of alcohol-fuelled antisocial behaviour, particularly in our entertainment district.

“That led to the introduction of police barring notices in January 2011, enabling us to directly target troublemakers rather than penalise the vast majority who enjoy alcohol responsibly,” Mr Waldron said.

The Minister said the introduction of prohibition orders three years ago had served as a tool to remove the worst offenders from licensed premises with more than 130 prohibition orders issued to the worst offenders, including those involved in serious glassing assaults.

“Prohibition orders require show cause proceedings and therefore take time to put in place so in 2010, I introduced legislation to establish police barring notices as a less harsh and more efficient means of targeting the less serious incidents of antisocial behaviour,” he said.

As at the end of April this year, a total of 270 barring notices had been issued by WA Police.

A comparison of crime statistics in Northbridge for the 12 months prior to the introduction of barring notices, with the 12-month period after their introduction show there has been a considerable reduction in the number of offences for common assault, threatening behaviour, disorderly conduct and other liquor licensing offences.

“These are significant improvements. While it would be naive to solely credit barring notices for these outcomes, this evidence suggests they have had a very positive impact,” Mr Waldron said.

“Police have, to date, laid 37 charges for persons entering licensed premises in contravention of a barring notice. So this is a great result from a good policy and this Government will continue to explore effective policies that contribute to a healthier and safer community.”

### **Fact File**

- **Comparing the 12 months prior to barring notice introduction with the 12 months since they were introduced**
  - **Common assault (non-domestic) down by 9%**
  - **Threatening behaviour down by 37%**
  - **Disorderly conduct down by 44%**
  - **Liquor licensing offences down by 82%**

Minister's office - 6552 6100

## Appendix

### Pedal patrols back as Northbridge crime drops

Sunday, 20 March 2016

- **Marked reduction in key crime areas in Northbridge**
- **Dedicated WA Police Bicycle Patrol Group formed for Northbridge and CBD**

The State Government today announced Western Australian police officers will reintroduce dedicated pushbike patrols to the CBD and Northbridge to help continue drive down crime.

Premier Colin Barnett said there had been a significant reduction in key crime areas in Northbridge since 2008 and declared the hospitality and entertainment precinct was once again a desired destination for West Australians.

"People and families are coming to Northbridge in droves thanks to the State Government's investment in policing, activating public space and encouraging a fantastic range of restaurants and bars to open up in the area," Mr Barnett said.

"Events like the Fringe World Festival had brought Northbridge to life."

Deputy Premier and Police Minister Liza Harvey said this change in culture would now be built on with a dedicated Bicycle Patrol Group.

Mrs Harvey said the Bicycle Patrol Group could bypass traffic issues to respond quicker, easily access areas where vehicles could not go, would be highly visible helping deter crime and would help promote greater community engagement.

"Not only are local police keen to conduct bike patrols, this has been something which has consistently been raised at our community forums and by local businesses as something they'd like to see," she said.

Mrs Harvey said the bike patrols would help continue to reduce crime in Northbridge.

Between 2008 and 2015, Northbridge crime dropped for:

- assaults - down 36 per cent
- threatening behaviour - down 73 per cent
- home burglary - down 44 per cent
- theft - down 25 per cent
- property damage - down 48 per cent.

"These figures are particularly encouraging considering the substantial population growth we have had since 2008," Mrs Harvey said.

"We won't ever stop trying to further reduce crime in the area, we built the \$93 million Perth Police Centre based in Northbridge and now these bike patrols will enhance police engagement with the local community."

#### Fact File

- **Bike patrols will start by the end of April 2016**
- **The state-of-the-art \$93m Perth Police Centre was opened in Northbridge in July 2013**

Premier's office - 6552 5000

Deputy Premier and Police Minister's office - 6552 5900

## Appendix

### That time Perth trialled lockdown laws and decided against it

A look back at Perth's brief dalliance with lockdown laws, and why they never came to pass.

[Posted By Troy Mutton 22 days ago](#)

2016 has been the year that lockdown laws have really come under fire following a plethora of sobering [pieces on the subject](#), [musician backlash](#), the [introduction of the laws in Queensland](#), and [one very ill-advised foray into the world of Facebook from Sydney Premier Mike Baird](#).

Sitting over here in WA it's been heartbreaking to watch - plenty of us in the office have a strong affinity for Sydney's nightlife, and of course being in this industry it's been sad to watch a once-incredible nighttime vibe reduced to a ghost town.

One of our writers [went along to the massive Keep Sydney Open rally last weekend](#), but we wanted to find some meaningful way to contribute to the conversation beyond sharing words from [people more involved than us](#), and [petitions trying to help the cause](#).

And then it occurred to us – *hadn't Perth gone through this before?*

And it turns out we did, in 2009, when a six-month lockdown trial was implemented that called for nightclubs to shut an hour earlier (from 6am to 5am), and stop letting people in an hour before close i.e. 4am.

With this in mind, we reached out to Simon Barwood, head of the [WA Nightclub Association](#), to get a bit more history on how and why Perth hasn't joined states like NSW and QLD in bringing in lockdown laws.

For reasons those of us that [haven't forgotten what it's like to enjoy going out for a few drinks with your friends](#), why they didn't go beyond a trial stage are pretty obvious: "The lockdown trial was ineffective firstly because blanket lockdowns are bad policy. Most alcohol related incidents do not occur on licensed premises – premises are highly regulated and scrutinised and licensees are highly incentivised to take harm minimisation measures to prevent assaults and other alcohol related incidents on their premises," Barwood explains.

In addition, due to WA's staggered approach to licensing (more on that later), only a few venues were actually affected: "The lockdowns, as imposed, were ineffective because they only applied to a small number of premises (i.e. nightclubs) at a time [of the night] when very few alcohol related incidents were taking place (i.e. after 4am)..."



*Look, it's no Oxford Street in its heyday, but it's people on the street at night having a good time.*

Around the same time, WA police had begun a “concerted effort to use their powers to arrest and move on against offenders on the streets, where the vast majority of offences were occurring. This had a dramatic effect on turning the situation around in Northbridge. Subsequently crime statistics in Northbridge have continued on a sustained down-trend.

“This is a very good news story for WA, Northbridge and WA Police, one that rarely gets told, and the [statistics are readily available](#).”

But to understand why we aren't currently going to war with our government over lockout legislation, it's important to recognise that WA “has a very different starting point from NSW and QLD due to our licensing regime, specifically staggered closing of premises,” says Barwood.

“De-regulation of liquor licensing in eastern states' jurisdictions saw all premises trading all night. In WA, taverns and hotels (which account for the vast majority of licensed premises) are legislated to close by midnight.”

These venues can apply for an Extended Trading Permit (ETP) to trade later, which were originally introduced to allow for special occasions like New Year's, “but in the early 2000s hotels and taverns aggressively sought these permits for every Friday and Saturday and achieved initially a one-hour extended period, that was followed a few years later by extending to two hours (i.e. 2am closing) in Northbridge.

“Nightclubs (around 45 operating licensed premises in WA) are a separate license category with the purpose of providing entertainment for patrons, with alcohol sales ancillary. The intention of the WA Liquor Act was that nightclubs would exclusively provide entertainment for patrons after midnight.”





*Increased barriers to entry may mean you line up for longer, but it also weeds out lesser elements.*

In addition to providing entertainment (bands, DJs etc.), there is a stronger focus on barriers to entry (ID scanners, door charges, dress codes), something that Barwood says, “naturally filters patrons and does not simply provide the next place to continue consuming alcohol.

“The hotel/tavern business model of low barriers to entry (no door charge), generic entertainment (if provided at all) and 100% focus on profit generation from bars is simply not appropriate for late night trading.”

What it essentially means for WA is that there are a whole bunch of small bars that open til midnight, some venues that open til 2am, and then nightclubs open until 5am around the Northbridge and Perth city area. This verses the “all venues trading all night” model adopted elsewhere.

“NSW and QLD are essentially now paying the price for de-regulation of their liquor licensing system. Unwinding a system that allows all premises to trade all night is going to be problematic...” says Barwood, “It’s interesting that alternative solutions now being proposed include staggered closing and the introduction of ID scanning. In this circumstance WA is, for once, years ahead of the eastern states. The conditions that are requiring such a heavy-handed approach in NSW and QLD are simply not present in WA.

“Staggered trade is the single best feature of the WA system; NSW and QLD could study this and easily implement what is Australia’s best practice licensing system.”

Even with all this in place for WA, lockout legislation is still a very real possibility to expand outside of NSW and QLD and into other states: “I’m confident that lockouts are not required in WA, however a senate inquiry into the need for a nationally-consistent approach to alcohol-fuelled violence has been announced. WANA will be making a submission but I’m not as confident that WA’s voice will be heard strongly enough. It would be ridiculous if WA was forced to adopt policies like lockouts because other states have issues resulting from adopting an inferior licensing system...

“WA really ought to be promoting our licensing system, venue management and entertainment precinct policing strategies as the best in the country.”

And assuming we *don't* re-visit the world of lockout laws once again, what's the future of Perth's nightlife? "Venues tailored to specific markets. We have seen this occurring very successfully with small bars. The days of the old-fashioned generic beer barn are over, patrons now prefer more intimate venues with a high standard of service in precincts where they feel safe. An increasing diversity of premises and experiences creates a rich and varied nightlife that is attractive to visitors and adds interest and sophistication to our city."

Please don't take this article as us Perthites bragging about our amazing nightlife - it's still got a long way to go, and we're still shaking the dreaded 'dullsville' tag. But hopefully it serves to show that you don't need to shut down entire nightlife districts to solve the problem of "alcohol-fuelled violence"; there are far better strategies out there that can help preserve our right to party. And we dearly hope the continued questioning of current methods in New South Wales and soon-to-be Queensland can arrive to similar solutions.