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The Chair  
Legal and Constitutional Affairs References Committee  
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Dear Chair

## **INQUIRY INTO THE NEED FOR A NATIONALLY - CONSISTENT APPROACH TO ALCOHOL - FUELLED VIOLENCE**

Thank you for your correspondence dated 10 February 2016 and the opportunity to contribute to the inquiry into a nationally-consistent approach to alcohol-fuelled violence.

Newcastle City Council submits the following information for consideration by the Inquiry, set out in the context of the issues, challenges and solutions that we have experienced and collaborated on in relation to the management of alcohol in the Newcastle Local Government Area.

### **1. The current status of state and territory laws relating to liquor licensing, including the effectiveness of lockout laws and alcohol service laws**

During the period 2001 to 2008, Newcastle endured a troubled period concerning alcohol-fuelled violence and related anti-social behaviour. In response to the negative community impacts of this time, Council became one of the first cities in Australia to introduce licensing restrictions, including a reduction of trading hours to 14 late night licensed premises in March 2008 in the Newcastle Central Business District (CBD). These laws were introduced by the NSW Liquor Administration Board following complaints from the local police and the community around alcohol-fuelled violence. The new laws required selected licenced venues in the Newcastle CBD to close by 3am rather than 4:30am or 5am.

The Board also imposed a venue "lock-out" at 1am. This allowed patrons to continue to consume alcohol until the venue closed; however, they were unable to enter into other premises beyond that time. Following a legal challenge in July 2008, these laws were relaxed to 3:30am and 1:30am respectively.

Importantly, licensing restrictions are only part of a broader set of initiatives. Licensees were also required to adopt plans of management, were subject to compliance audits and were required to have a dedicated *Responsible Service of Alcohol* officer from 11pm until closing. Additionally, these premises could not serve alcohol "shots" after 10pm, had to cease selling alcohol 30 minutes before closing, were to restrict patrons from stockpiling drinks, had to adopt shared radio procedures and notify all staff of these conditions.

Newcastle presented an opportunity to measure the impact of such licensing restrictions at a local level, where the neighbouring suburb of Hamilton - another popular late-night trading precinct - was not included in the initial intervention until 2010 and therefore able to act as a comparison site. In the 18 months following the introduction of restrictions in the Newcastle CBD, there was a reduction in assaults by one-third, with no indication of temporal or spatial displacement (Kypri, et. al., 2011).

In August 2010 similar restrictions were imposed on licensed venues in Hamilton - the control site used to measure displacement and efficacy of the lock-outs in Newcastle. These restrictions included enforcing a lockout of 1am and a rule of no service of alcohol to existing patrons 30 minutes prior to closing times, with closing times changed to 3:30am (previously 5am).

Evaluation indicates that the Newcastle CBD has experienced a sustained decrease in alcohol related assaults since the implementation of the reduced trading hours in 2008. However, there has been lack of change in the rates of alcohol related assaults in Hamilton since 2010, indicating that the reduction of trading hours, rather than the implementation of lock-out laws acted as a catalyst for change.

According to Kypri et.al (2014), in the 18 months following the implementation of these laws Newcastle saw a 22% decrease in assaults per hour of restricted trading and an estimated effect of a 21% decrease for the following three and a half years. These findings are very similar to a comprehensive study conducted in Norway, where, when trading hours increased, there was an average of 20% increase in assaults per additional hour of trading, and in the cities where trading hours were restricted; there was an average decrease of 20% in alcohol-related assaults. These findings have also been replicated in Western Australia and the Netherlands.

These laws were not the sole interventions implemented in Newcastle to address issues around alcohol-fuelled violence and risk. It is difficult to accurately measure the impact that additional controls such as the provision of an RSA officer or the restrictions on the service of shots has had overall given the limited number of case-studies, however, given that these measures and the lockouts were introduced in Hamilton without the reduction in trading hours and this produced no significant effect on alcohol-fuelled violence, it is reasonably likely that the reduction in trading hours from 5am to 3:30am had the most impact on reducing alcohol-fuelled violence.

Further, research has indicated that there has been no displacement of the problem of alcohol related violence to other locations within Newcastle or any other crime type according to crime data. However, this does not take into consideration social aspects of displacement including perceptions of safety, crowding of venues etc.

Finally, research indicates that there has been an increase in the number of licensed premises in the five years after these restrictions were introduced in 2008. This increase has been primarily driven by growth in small scale venues and licensed restaurants; reflecting a change in the city's nightlife culture. Of the 14 premises subjected to the conditions in 2008, 13 are still in operation, with a number of these premises refurbishing and re-badging to reflect a change in business model.

It is clear that the reduction in trading hours has played a key role in reducing alcohol-fuelled violence in Newcastle.

However, the lock-out laws facilitate the flow of late-night patronage to minimise the risk of large groups of people in public spaces and their impact on the community. Additionally, the economic impact of these licensing restrictions, whilst significant, has paved the way for a cultural change regarding the consumption of alcohol and the night-time experience within Newcastle.

## **2. The effectiveness of the current state and territory educational and other information campaigns designed to reduce alcohol-related violence**

Newcastle City Council has implemented a number of programs designed to address this matter and assist with the regulation of licensed premises and managing risks around licensing. Of particular focus are programs which have been created and implemented in partnership with local police, relevant government agencies, liquor accords and other community organisations with attention to the local area.

### ***The Licensed Premises Reference Group***

The Licensed Premises Reference Group (LPRG) was established by Newcastle City Council in 2009. The group has agreed terms of reference and meets on a monthly basis to consider development proposals that include the sale and / or distribution of alcohol. In attendance are representatives from Council's strategic planning unit, development and environmental assessment units, as well as representatives from the Newcastle Police Local Area Command (LAC), the NSW Office of Liquor Gaming and Racing and NSW Hunter New England Health.

One of the primary factors driving the success of this group is the shared knowledge of the agency representatives on the subject matter and on the nuances of the Newcastle Local Government Area. For example, the extent of the impacts of existing alcohol related developments on densely populated areas, existing licensed premises, current operating patterns and procedures of the licensees etc.

All alcohol-related Development Applications submitted to Council come before this group for discussion, and the development of consent conditions and plans of management can be imposed to reduce the risk of any issues associated with the application and the impact of the development on the community.

This has been highly successful in assisting Newcastle in managing licensed premises and ensuring that any risk associated with new and existing licensed premises developments are managed appropriately. Additionally, it allows the stakeholders to "future-proof" developments to ensure that a change-over of management in one premise will be unlikely to result in a poor outcome for community safety.

### ***Walk Smart Initiative***

In partnership with Newcastle Police LAC, Newcastle City Council established a series of safe walking routes through the CBD to assist pedestrians in navigating the city at night in 2009. These routes featured increased lighting and opportunities for passive surveillance in line with Crime Prevention through Environmental Design (CPTED) Principles and it was agreed through a Memorandum of Understanding that Police would task staff to monitor these routes regularly during peak times.

Data provided by Newcastle Police LAC indicates that from 2009 to 2014, the number of incidents including assault, malicious damage, robbery, sexual offences, steal from person and street offences has decreased by 40.2% as compared to the rest of Newcastle City Command which decreased 29.2% and NSW as a whole which decreased by 23.9% in the same incident categories.

These figures provide sound evidence that through the careful design and management of public domain areas, positive community safety outcomes can be achieved.

### ***Street Safe Partnership***

In partnership with the Salvation Army, Newcastle Police LAC, Newcastle City Council has introduced a Street Safe night-time outreach program on Saturday nights within the Newcastle City Centre to provide direct assistance for intoxicated patrons at-risk of alcohol and other drug related harms. This program was modelled on the City of Sydney's *Take Kare* Ambassador Program.

The Street Safe program has been operational for 5 months and has received positive feedback from the community as well as partnership members and stakeholders. The Salvation Army team have had 171 significant engagements since the beginning of the program and have distributed over 1,128 bottles of water to patrons in the night time economy of Newcastle. This program is in pilot phase and will be evaluated and reported to Council upon completion.

Following the evaluation of the program consideration will be given to expanding its scope to include other areas of the CBD.

### ***Activation of Public Spaces - Crime Prevention through Environmental Design***

As part of Newcastle City Council's Community Strategic Plan *Newcastle 2030*, Council aims to provide safe and vibrant public spaces to encourage positive activation and interaction, particularly within the Newcastle City Centre. Council delivers a range of community events and facilitates or contributes in kind to external events providers so that the community can enjoy the safe and legitimate use of public spaces during the day and night.

Additionally, Council contributes directly to the design and upgrade of public spaces in the Newcastle LGA with an extensive capital works program based on Crime Prevention through Environmental Design principles.

### ***Feral Behaviours - Awareness Campaign***

In May 2016 Newcastle City Council will introduce an awareness campaign titled *Feral Behaviours* in the Newcastle Local Government Area aimed at patrons of licensed premises. This campaign was developed by Maitland City Council and draws patrons' attention to their behaviours whilst on a night out, encouraging them to think before consuming too much alcohol and to behave considerately and responsibly. This campaign received positive feedback when introduced in the Maitland Local Government area.

### **Newcastle After Dark: Safe and Vibrant Night-Time Economy Strategy**

The *Newcastle After Dark* (NAD): Safe and Vibrant Night-Time Economy Strategy is currently in development by Newcastle City Council. This strategy will replace Council's *Alcohol Management Strategy 2010-2013* (AMS), giving consideration to the large strides made in decreasing alcohol-related behaviour in Newcastle since the delivery of the AMS. This strategy will be released in May 2016 and focuses on the Newcastle City Centre and its night-time economy, recognising that night time community safety can be improved through the creation of a diverse range of business and community opportunities.

#### ***Additional Initiatives***

Additional factors contributing to the improved safety of Newcastle's visitors and residents into the night time economy include the provision of Secure Taxi Ranks around the city, the introduction of "Consequence Policing" by Newcastle Police LAC, the introduction of ID scanners and barring / banning orders and Liquor Accord voluntary restrictions of the sale of certain types of alcohol.

#### ***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***

It was the local factors taken into consideration to formulate a tailored response to alcohol fuelled violence in Newcastle that made a significant contribution to the sustained reduction in alcohol-fuelled violence and the ability of Newcastle to positively change the culture and business distribution models. These factors included the city's urban form, culture, climate, legislation and history. Given these factors and the potential for variation around Australia, the need for a nationally consistent approach to alcohol-fuelled violence could be counter-intuitive to addressing the often idiosyncratic needs of the local community.

However, there is a need for a federal framework that provides best practice alcohol management guidelines and a multi-faceted community awareness program to address anti-social behaviours associated with the consumption of alcohol. The development and implementation of such a framework should be mindful of the diverse issues faced at the local level and it is recommended that federal funding be accessible to local governments, relevant agencies and community groups to contribute to its development and implementation. Such a framework should be developed in collaboration with relevant stakeholders to ensure the development of a flexible framework.

Given the strong evidence presented through multiple case studies both domestically and internationally that examined the efficacy of reduced trading hours on alcohol-fuelled violence, it is recommended that this particular aspect should be given significant consideration with regard to implementation of a nationally-consistent framework. It is recommended that this be a priority area rather than restrictions on the provision of operating premises and late night entertainment venues.

Further, Newcastle City Council supports recent calls for alcohol taxation reform, including those developed by the Federal Government Public Budgetary Office (2015) for a consistent price / volume rate across various alcohol products and categories.

It is believed that addressing comparative pricing variations and anomalies through a consistent price / volume taxation would introduce a clear price signal that would influence consumption behaviours with flow on effects in reductions for alcohol-related violence.

The results of the Newcastle licensing restrictions have seen a significant shift in the anti-social culture that was associated with Newcastle's night time economy. It is through carefully considered and measured regulation that Newcastle has established itself in renewed light, as a safe and vibrant night time economy. The key to the success of the Newcastle Approach has been twofold. First, the introduction of a restriction of trading hours for late night licensed premises, and second, the partnership with different levels of government, local agencies and organisations to develop and implement community safety programs which have contributed to increasing safety overall within the local government area. It is clear that this form of collaboration produces positive outcomes associated with collective decision-making and avoids the risk of duplication of initiatives by different levels of government.

#### References

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Yours faithfully

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