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13 May 2010

The Hon Barry O'Farrell MP  
Leader of the Opposition  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Opposition Leader

### **Alcohol-Related Crime and Violence**

I write to seek support for amendments to the Liquor Act that would address the widespread concern about alcohol-related crime and violence.

The Sydney Central Precinct established under the Hassle Free Nights project includes George Street south, Kings Cross, Oxford Street and The Rocks precincts, all of which experience significant violence and anti-social behaviour. Action is vital to protect public safety and amenity and to protect adjacent residential safety and amenity.

Long term, sustainable solutions require legislative amendment, and I propose the following changes:

#### **Cumulative Impact Precincts**

Amend the *Liquor Act 2007* to enable the establishment of Cumulative Impact Precincts. This would enable local government and the Office of Liquor Gaming and Racing to limit new licensed premises in areas deemed to be at saturation.

Precedents for this approach operate in New York City, Paris and the UK. The City of Sydney has carried out research confirming these impacts in inner city entertainment areas, and Council's Development Control Plan identify criteria that could be used for this purpose.

#### **Late Trading Licensing Permit**

Amend the *Liquor Act 2007* to create a licensing permit system for late trading licensed premises. Initially, for a three year trial period, licence hours beyond core hours would be granted via a permit. Extended operating hours are then granted as a privilege based on a record of proven good management. Non-compliant, violent and regularly infringed premises would face cancellation of their extended trading permit.

The Queensland Office of Liquor Gaming & Racing introduced a similar system in January 2009, and New York City also has a permit system for night trading.

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### **Extended Hours Precincts**

Amend the *Liquor Act 2007* to remove provisions allowing automatic extended trading hours for the CBD, The Rocks and Pyrmont, Kings Cross and Oxford Street, in the *Liquor Act 2007* section 49(3a) and (3b), and repeal the definitions of these areas from Schedule 2 and 3.

The continuing inclusion of a provision that allows 24 hour trading by hotels in these areas sends the message that greater availability of liquor is encouraged, contrary to the aims of the Hassle Free Nights and the liquor freeze. Removal of this exception would bring the issuing of hotel licences in these areas into line with other areas, and remove the concept of 24 hour trading being a standard condition.

### **Update Definitions**

Amend the *Liquor Act 2007* section 4 and the *Liquor Regulation 2008 – Part 7* to include definitions for “social impact”, “social detriment”, “cumulative impact” and “saturation”. These definitions would provide criteria under which liquor license applications could be assessed and guidance for applicants and appeals.

### **Exclusions**

Amend the *Liquor Act 2007* section 77 provisions for “Non-voluntary exclusion of persons from licensed premises”, to enable an escalation of the penalties for people responsible for more than three offences.

Patrons who are responsible for repeated problems in licensed premises should receive escalating penalties reflecting the seriousness of the matter. This would provide guidance for licensees and greater powers to deal with recidivist behaviour.

### **Banning Orders**

Amend the *Liquor Act 2007* section 78 Banning Order provisions to include information about the minimum length of any banning order. This would provide guidance for licensees.

### **Small Bars**

Amend the *Liquor Act 2007* to include a definition of a “small bar”, based on a numerical cap of 120 patrons.

This definition was included in my *Liquor Amendment (Small Bars and Restaurants) Bill 2008*, and would provide a clear definition, and help prevent venue “morphing” to bypass controls based on risk.

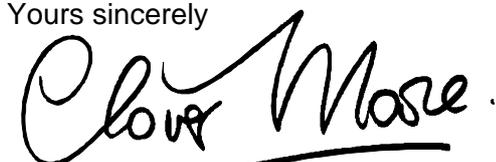
### **Disturbance Complaints**

Review the *Liquor Act 2007* section 79 ‘Disturbance Complaint’ system, which requires three residents or more to lodge a complaint, and does not appear to be operating effectively.

A more efficient complaint system, incorporating an integrated complaint system between state and local government, would reduce administrative barriers to making an effective complaint. A review of the time required to process complaints through the Office of Liquor Gaming & Racing and the Casino Liquor and Gaming Control Authority should also be undertaken.

I look forward to hearing your response to these concerns and my proposals.

Yours sincerely



Clover Moore MP  
**Member for Sydney**