



*ATTN: Mr Dion Jackomas
A/ Director - Policy & Reform
Liquor & Gaming NSW
Hospitality & Racing*

RE: Proposed vibrancy tranche two amendments 2024

Dear Mr Jackomas,

The Night Time Industries Association (NTIA) welcomes the opportunity to comment on Liquor and Gaming NSW's proposed vibrancy tranche two amendments. The NTIA has consulted its members - which includes the Independent Bars Association - to consolidate the feedback provided below.

The NTIA's purpose is to shape the night time economy that industry wants, one that is diverse, growing, safe and accessible. The NTIA is composed of hospitality, arts and cultural institutions, live performance spaces/events and suppliers, retailers and enablers of the night. The NTIA represents these industries collectively with a membership of more than 400 venues.

Supported amendments

The NTIA supports amendments two, four, five, seven and nine. The NTIA is neutral on reforms one, three and eight as they do not materially impact members.

Proposed amendments two, four, five and seven are welcomed as a common sense approach to support greater diversity in the night time economy. In particular, the NTIA welcomes amendments. These proposals will support a simplified landscape for operators and enable a variety of licensed venues to cater to an increasingly varied customer base. NTIA's data obtained through mobility data analysis platform Pathzz has shown that in the City of Sydney LGA alone, the largest cohort of late night patrons are between the ages of 30-34 years of age. Diversifying the types of venues that can trade during special event provisions will encourage other age groups to come to their local restaurant or cafe to celebrate an Australian sporting milestone where the ambience and amenity is better suited to their tastes.

Not supported amendments

The NTIA and its members hold considerable concerns about amendment six, '*enable L&GNSW to more flexible set conditions on licences*' and do not support this proposed amendment. The NTIA is concerned that this amendment may result in operators with an ongoing history of licence compliance facing a sleuth of additional and costly requirements if licence conditions are imposed on a class of licences. Adding regulations on compliant operators is not the right approach to level the playing field. In the provided example of two venues with differing licence conditions despite close proximity, the approach taken should be to reduce the onerous regulatory burden on one



venue rather than duplicate it across both venues. A more appropriate approach would see the Secretary able to remove outdated liquor licence conditions across a licence class but not impose additional conditions. Further, the ability for the secretary to impose new conditions at any time will only exacerbate concerns about the stability and viability of the night time economy. In any heavily regulated industry, uncertainty surrounding regulator positions and the unpredictability of decision making is anathema to capital market investment. After years of excessive regulation the night time economy is finally attracting investment in new spaces and venues. Increasing uncertainty through unbridled regulatory powers for the Secretary may have the unintended consequence of deterring those investors at a time when industry needs them most. Amendment six is not supported by the NTIA.

Thank you for your consideration of this submission. Should you have any further questions or seek additional input or commentary please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mick Gibb'.

Mick Gibb
Chief Executive Officer | Night Time Industries Association