

Submission to the Callinan Inquiry - Independent Liquor Law Review 2016

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Tue 5/04/2016 2:26 AM

To: Liquor Law Review <liquorlawreview@justice.nsw.gov.au>;

Importance: High

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To The Hon. Ian Callinan QC,

The inquiry into the NSW liquor laws is greatly applauded. I am utterly disgusted with and devastated by the impact of lockout laws, which were rushed into place for the Sydney CBD, have had on lifestyle and culture. Most notably exempting some of the most violent places, the casinos, from inclusions. Also disheartened by the continued and extremely shady misrepresentation of official data by pro-campaigners to make their cases. This raft of legislations were rushed in without much thought, without proper research, and without proper consultation from businesses or industry that would be affected; let alone psychologists and socials experts, and the patrons themselves. Despite the noise from supporters, these laws are intensely unpopular.

I have known, supported and been friends with many of the people who are and have been affected by them. This extends far beyond the seemingly wide held perception (according to many news outlets, some of which are renown for their ulterior motives and at times questionable journalism) that the only people suffering from this are those inconvenienced by not being able to drink after a certain time.

It has affected many small business owners, including restaurants, convenience stores, newsagents and others who relied on the foot traffic provided by a once burgeoning night economy. It has affected musicians, artists and creative from having an outlet to grow and cultivate their craft by the removal of options and opportunity. Having supported the arts and seen art therapy programs making a difference, I know how important it is not to stifle creative pursuits solely in favour of big business. Night workers too now have limited social options. When you work at night or shiftwork, you often must sleep during the daytime, which only leaves hours after midnight for socialising.

Whilst many of St Vincent's doctors are amazing at their jobs and see what happens in the Emergency Room, that does not automatically make them qualified experts as to what is really going on in the broader vicinity; nor give one liberty to assume that their personal opinion is doctrine - let alone a truthful picture that should become the basis for law reform based on their personal opinions of social issues at large. Just being in a profession that sees accidents as they happen, which therefore shapes their views and biases a certain way, does not mean the entire community who disagree with those views and biases are unable to make informed choices of their own. Yet many of those against the lockouts are being treated as if they are.

Respectfully, these lock out times don't affect people who choose not go out after certain times either, and they too are frankly unable to make completely informed commentary on the matter.

Many responsible people have taken great offence at being painted with the same brush by the ignorant public who generally don't go out beyond 10pm, or whom, like many of the medical staff at St Vincent's hospital, claim the only reason the anti-lockout law campaigners want these laws removed is so that they can "go and get drunk when they want after 1am" (as has been thrown about in online discussion, TV, social media posts and the like). It shows how ignorant people are. But sometimes who can blame them when they are often being told or reading things that are statistically untrue.

On Q&A episode 1 Feb 2016 (<http://iview.abc.net.au/programs/qanda/NC1603H001S00>) Dr Gordian Fulde responded to an audience member, known as "Tom from Sydney" about where people were going to go, a question about where they could go. He responded by saying "You can go to the casino," - referring to The Star in Pymont. This statistically is considered one of the most violent venues in NSW but is exempt from the Baird government's crusade to curb alcohol-related violence.

So here we have an Emergency Doctor and Senior Australian of the Year as one of many essentially saying that alcohol-related violence is bad, but seemingly ignoring the fact that gambling is an issue? Gambling addiction is a serious issue too. One that is strongly related to mental health issues and increased suicide rates, yet Australia has over 20% of the world's gaming machines. Of the 200,000 slot machines in Australia, over half - 100,308 of these are found in New South Wales.

According to the government's own Productivity Commission report (www.pc.gov.au/projects/inquiry/gamblingO2009/report) Australians spend over \$18 billion per annum on all forms of gambling or \$1500 per capita. This amount is considerably higher compared to other countries such as New Zealand (\$495 per capita), Canada (\$393 per capita) and U.S.A (\$325 per capita) (Delfabbro, 2010). Interestingly 10 per cent of all State tax revenue came from gambling - \$5 billion in 2008-09. Smart people are right to question the State government's motives for pushing people to the casinos.

From the Federal government's own website, Up to 500,000 Australians are at risk of becoming, or are, problem gamblers who often have associated mental health issues. Yet people who don't perhaps have the same lifestyle of many Baby Boomers or the time schedules of many regular 9-5 workers, those who simply want to go out and socialise peacefully after dark are being pushed to go to the State's currently most violent venue**, with little choice but to be surrounded by gambling options if they wish to do so.

I have worked on both sides and seen some of the most creative things happen after dark. For a lot of night workers, it offers a chance to meet up with other like-minded people when work is finished, which can no longer occur. A lot of my most treasured friendships were forged in the morning hours. There are some in news comment sections and on social media saying that "no one is stopping you from drinking at night, go home and do it". This is a flawed argument. People want to unwind, experience friendships in a social setting, not drink in front of late night television. Many live in apartments or share houses, or far outside of the city thanks to high cost of living in Sydney and do not have the option of relaxing at home late at night because they don't wish to disturb other occupants and neighbours.

Responsible adults who drink in moderation are no longer able to go out and see live music past a certain hour. The music scene has been stifled because of this. People mostly leave after no alcohol is served or due to not being able to get in, so owners stop putting acts on and

everyone misses out. I speak to residents in many suburbs complaining of having to put up with more noise as people have more house-parties instead of going out - where they could at least be under the watchful eye of police and security guards / systems.

The deaths of Thomas Kelly and Daniel Christie were extremely unfortunate. I like others empathise with their parents, friends and families. The irony here is that all the acts these lockout laws were supposed to curb, would likely have happened anyway. They occurred at times well before lockouts were in place, before bottle shops now shut and were crimes committed by people who were not even patrons at any of these venues in the first place! And again, those who can manage to make their own responsible choices are treated with the same stick and told to just "suck it up" as one person said in the comments of Mr Baird's Facebook post about the issue.

Psychologist and Stanford University substance abuse researcher, Dr Adrienne Heinz says "Very few people when they drink actually become aggressive." From field work, I know inherently violent people are often generally angry people and will often find a way to exercise that anger. I believe there needs to be harsher penalties for violent offenders who often get a 'slap on the wrist' by the judicial system so to speak, and therefore do not understand or care about the seriousness of their offense (coward punching someone for instance, and receiving a small sentence as has happened). These people are more likely re-offend or merely laugh it off if they aren't punished accordingly and/or rehabilitated.

There is a problem with violence. Most that I've spoken to do not deny this. But it is systemic and it needs to be dealt with on several fronts. Including starting at school. Violence is not okay. Simply telling people not to do silly things (illicit drugs being another example for instance) does not stop someone from doing that act or thing. Sometimes they need help. You also have to have a legal system that follows through with appropriate action. Open a dialogue. Combat it on many fronts. Improve the trust and communication between the public, venues and police so that they can all work together instead of alienating each other as has been happening in many ways.

Personal responsibility is highly important, and as those who don't take it should be punished, those who DO should not have to suffer because of someone else's utter stupidity. These blanket lockout laws simply treat us all as 'idiots and ruffians'. Why not punish the person/s directly responsible with stronger sentencing, proper legal process, venue bans, greater fines and other things that will make a difference, instead of crippling the entire night time economy and the democratic right for responsible adults to choose? Why not take action on the few venues that may have problems instead of the ones that abide by the rules?

It seems that reasonable questions, fears, and the justifiable request for some answers are regularly being ignored or swept under the carpet by lawmakers, as demonstrated by the responses received from emails and letters directed to members of the State government, so I welcome this open review. Statistics have quite clearly been fudged and misrepresented by the Baird Government and many others who are for the lockout laws. Businessman Matt Barrie's initial post on LinkedIn (<https://www.linkedin.com/pulse/would-last-person-sydney-please-turn-lights-out-matt-barrie>) details these clearly, so I won't repeat them.

What much of the public who have been a part of the night time economy do actually want – is being classed as lunacy by a vocal group of people who also misrepresent statistics. Many who stand to benefit from its continuance included. One example of which can be seen in the continued usage of this academic paper <http://www.ncbi.nlm.nih.gov/pubmed/26510806> by Fulde, Smith, Forster (2015) which has been poorly constructed but is often touted by those in favour of the lockouts. We who are against the lockout laws are being punished, told what should be good for us, and suddenly having our decisions made for us. That no, we cannot do

what we would like to because we cannot be trusted to make those decisions on our own. That many thousands of people should have their livelihoods turned upside down or completely miss out because of the destructive actions of a few.

It wasn't long before in late 2013 that Destination NSW was actively promoting Sydney as the "safest and friendliest city in the world" to tourists, yet all of a sudden the premier is claiming that "Violence had spiralled out of control" (according to his social media post <https://www.facebook.com/mikebairdMP/posts/1041779695950271>). So which is it, and who is being duped with untruths here - unsuspecting visitors or residents of the city?

We need to restore the once burgeoning night economy – which I fear has already been destroyed possibly irreparably, and I strongly believe that closures and restrictions should be on a case by case basis for venues. I believe the night time economy (with bars and venues trading time-wise as before the lockouts) can be reinstated with better protections in place that everyone can be happy with. I am not opposed to improvements, only draconian measures that take away our options and right to choose.

I suggest:

- abolish the 1.30am lockout, altogether
- remove the 10pm bottle shop closure or increase to 11pm at least if not back to midnight
- lift 3am drinking restrictions, BUT have stricter RSA laws that including protections that make it an offence for venue owners to reprimand staff for refusing to sell patrons a drink when clearly they've had enough
- improve inter-venue communication – such as with linked systems so the problematic person/s cannot try to enter other venues up the road
- look toward other solutions such as better targeted education for people – including teens and 18-21yr olds and starting in schools
- have more severe/more fitting punishments for the person/s responsible for violent crimes
- punish the more violent venues themselves and not the smaller bars or venues that have existed without incident
- INCREASE TRAVEL OPTIONS AND OFFER BETTER PUBLIC TRANSPORT ON WEEKENDS – a 24 hours system like Melbourne has. This has been requested for many years, to no avail.
- The consideration of a instating a night mayor as Amsterdam has would be a great idea
- A timely delivery of changes after the conclusion of this review and open communication on progress and what we can expect and when
- Better communication with a wider array of people and public on such matters, not just those with vested and financial interest whom lawmakers and big business also sets to benefit from. And not rushing legislation in without proper time for consultation.

I ask that you properly consider all sides of the argument fairly and understand that the great majority of patrons out after dark are not out to start fights or get stupidly drunk, but to enjoy themselves. I also urge you to look beyond the bias of many of the pro-lockout campaigners. Our civil liberties have been increasingly eroded for years in this state, and frankly enough is enough.

Thank you for your consideration,
M Brown

* Productivity Commission, Australia's Gambling Industries Inquiry Problem Gambling Victoria
<http://www.problemgambling.vic.gov.au>

** The Star is considered the State's most violent venue as per new figures from a Bureau of Crime Statistics and Research review