

Liquor Law Review



Geraint Coles

To: Liquor Law Review; ↕



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3:33 PM

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The Hon Ian Callinan AC QC

Dear Sir,

I write to you in reference to the liquor laws that are currently under review, hoping to add my name to list of many that currently oppose these laws.

While I could continue, at considerable length, about the infringements on civil liberty and the stifling of creativity and business opportunity that have resulted from the introduction of the bill dubbed 'the lockout laws', I will do my best to keep my letter to a minimum. Many people more qualified than I to critically analyse these laws have done so with overwhelming success, and any person of sound mind would – in my humble opinion – need to look no further than Mr Matt Barrie's faultless analysis of the laws submitted to your Honour as a follow up to the article that was at one stage holding on to the number one spot on LinkedIn's reading list.

The evidence for the damage and destruction the 'lockout laws' have created is readily available, and the fair assessment of statistics from both camps would surely demonstrate the failure of the laws under any number of markers to the effect: foot traffic, assaults per capita, overall assaults; the list goes on.

The real heartache at the root of this for me, though, lies more in the human interest that is difficult to map or quantify. I moved to Sydney a little under three years ago, pursuing my career in hospitality in a Country that for all intents and purposes appeared to be on the cusp of some revolution and bursting with opportunity. Australian bars and restaurants were, in increasing numbers, making their way onto the global stage of recognition and conversation, and I wanted to be a part of that. Now, two years have past since the laws were introduced and many of the people I had grown to know and respect within the industry here have already left, primarily for South East Asia; and many more have plans to eject themselves from what they see as a strangulation of the many due to the misguided actions of a few. In the instance that the laws are upheld, I will count myself among them.

Without question, nobody wants to see a system that allows the violent actions that took the lives of Thomas Kelly and Daniel Christie be tolerated or excused. As a previous victim of an unprovoked attack in my hometown of Cardiff – an incident in which my ankle and jaw were

broken – I understand more than most how this type of behaviour can affect a life, and my resultant injuries pale in comparison to the effects felt by the families of these two young men. However, my instincts were never to assume the worst about the people in my hometown or the venues that operate there either. The attack, like most, happened in the street away from any licensed premise, and happened as a result of the mindset held by my assailants – no more, no less. This assessment and recognition of personal responsibility is fundamentally lacking in the current standpoint the NSW government adopts, and the ramifications of such are widespread, dangerous, and form the basis of these misguided laws. There is no black and white solution to curbing social ills, only a nuanced approach that pools resources and involves cooperation between many parties.

Without this acknowledgement of personal responsibility, the requirement for education and cultural progression is neither prioritised nor facilitated; as citizens are constantly vilified as mindless drunks incapable of recognising their own limits, intent on gorging themselves to unconsciousness or leaping into alcohol-fuelled fistfights the moment standards allow such anarchy as wines being made available by the glass, or a bar being seen to be serving shots. This lack of personal responsibility paves the way for the “alcohol-related” statistics-gathering that grossly misrepresents the cause-and-effect nature of these ultimately isolated incidents, and places ever-increasing stresses on licensees to comply to a system they only ever have a small chance to not fail at, never the ability to succeed or win.

Most damaging, in my opinion, is the eventuality that given these pressures the venue operators are reluctant to enact the civic care of duty that the laws demand for fear of retribution from the licensing gestapo. In the event that there is an incident within a venue, the safest course of action would arguably be to ensure police and paramedics are present from the earliest required and/or available opportunity to diffuse a situation, ensure public and personal safety, and ensure procedural correctness for anyone guilty of disturbing public order. Instead, a false system exists where venues are held accountable for the behaviour of their

Reply all | Delete | Junk | ... Manage a situation – Venues that may arise. It is the arguable equivalent of penalising Coca-Cola if someone bought a can of soda and then used that can to bludgeon someone.

As to what should be done, that is a wide and difficult conversation for another time about the best way to achieve maximum potential for the industry, while maintaining safety and public order as best as possible. The few items I have mentioned within are but the tip of an iceberg of issues surrounding the methodology of such, all of which need to be continually considered and updated. That which remains evident, though, is that the lockout laws will never serve to address these many issues, and haven't managed to achieve even their primary goal of reduction in violence according to an overwhelming list of independent sources, opinion polls, and any data that hasn't been intentionally misrepresented in order to drive the weight of consensus on this issue.

I would refer to your honour to such works as *'The Evolution of Everything'* by Matt Ridley in an attempt to postulate that the real solutions to these problems are born of societies themselves, if and when they are given the provisions and freedoms to evolve and develop on their own. Prohibition as policy has proven ineffective at most every juncture I can think of throughout the course of human history, and what is being witnessed here is no different. There exists an opportunity in the coming months to change the narrative on how this topic is viewed, and how Australia comes to view itself. By not demonising whole populations as guilty of part of an

'epidemic' problem of 'drinking culture', perhaps people will stop seeing the whole country as flawed, and thus tolerating or involuntarily accepting such behaviour as status quo when they see it; thereby allowing anti-social behaviour itself to be viewed as a fault of the individual, culturally reprehensible and abnormal, punished (where relevant) as such, and an undesirable mindset of the few who do *choose* to regularly drink to excess. This, I believe, starts with the ability to champion venues promoting a socially acceptable way of drinking and the ability to accept drinking as a predominantly-enjoyable pastime for the millions of people who also view it that way; which begins with the ability for such to exist under changes to licensing regulation, as put forward by The City of Sydney and Lord Mayor Clover Moore, activist groups such as Keep Sydney Open, Mr Barrie and many others who have felt the pain of these ill-conceived and ostensibly corrupt laws.

The American system scientist Peter Senge once said that "People don't resist change. They resist being changed." Both domestic and global markers have shown that drinking and violence have both been in decline for years. Perhaps its time to let the focus and creativity of my industry power the change in culture the government wants to see, instead of blaming it for two incidents that happened out of its control, with measures that by the admission of the very people responsible for their introduction would not have changed the outcome of the tragedies that befell Thomas Kelly and Daniel Christie.

I thank you for your time in reading this letter, and along with a great many people I know am putting my faith in the system to recognise that these laws have failed in their objectives, and have created a devastating atmosphere within an incredible city that deserves a lot more.

Yours truly,

Geraint Coles