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Dear Mr Callinan,

This is a personal submission to the *Independent Review of liquor law reforms*.

I am submitting this because there has obviously been substantial public comment that is both erroneous if not downright mischievous. Much of the public comment appears to have been led by people who have significant conflicts of interest and who were major beneficiaries of the earlier excessive drinking culture eliminated by the lockout laws. These same people, complaining about the lockout laws, also seemed to do very little if anything to diminish the earlier obvious excessive alcohol consumption problems and, responsibly serve alcohol in their own venues and report neighbouring venues where there was obviously irresponsible service of alcohol.

The government was forced to act because the industry itself refused to properly self-regulate.

**Benefit to law abiding citizens, peacefully enjoying their property, from the lockout laws**

I live in Surry Hills where there was previously significant vandalism and late-night loutish behaviour, shouting and screaming by people obviously inebriated walking through the suburb at 2-5 am most nights but, particularly Friday, Saturday and Sunday nights.

Since the lockout laws promulgation this has almost completely stopped. The benefit to law-abiding citizens from the lockout laws has been massive.

When I bought my house in Surry Hills in the early 1990s there was not a noticeable problem with significant anti-social drunken behaviour. The growth of the problem appears to have been post about 2000.

The nefarious criticism that has been made of the supposed connection between the lockout laws and the health of the night-time economy in the Sydney CBD, Kings Cross and along Oxford Street ignores the obvious causative factors that clearly predate those lockout laws.

**Actual connection between planning law implementation and nigh-time economy**

My original training is in architecture and, I chaired the planning committees of a city council in SA for more than a decade while I was Councillor, Alderman and Deputy Mayor.

I believe that there are two prime causes of loss of profitability of many night-time venues and, cause of anti-social behaviour and, both appear to be a direct product of poor urban planning decisions. There are two types of decisions that are apposite to the current review:

1. After 2000 the profitability of many hotels in the Kings Cross area declined to the point that many were sold and strataed into apartment redevelopments. That process also resulted in the bars and clubs on the lower levels being separately strataed and managed with no connection between accommodation on upper floors and patron behaviour around the

ground floor bars and 'clubs'. When these premises were integrated bad behaviour in the bars reflected on the occupancy of the hotel beds and there was therefore management pressure on alcohol service operations to ensure that the operation of the bars did not impact the viability of the main part of the hotel business – the provision of overnight accommodation. The stratering of the buildings and the separation of ownership and operation of the bars and 'clubs' from the accommodation above removed that restraining influence and bad, drunken, loutish behaviour and 'coward punches' became de rigour at least three nights a week.

I believe that the behaviour that led to excessive drinking, assaults and deaths was a direct result of poor planning decisions by the City of Sydney – a cause and effect relationship that is demonstrated by the temporal connection which is more than unfortunate coincidence.

2. The second criticism has been that the lockout laws have caused the destruction of many businesses in the Kings Cross area and along Oxford Street. This criticism is levelled notwithstanding the effect ascribed to the lockout laws predating the supposed cause. The problems of profitability along Oxford Street clearly started well before the introduction of the lockout laws and, was noted in the press before the promulgation of those laws.

The City of Sydney has been progressively allowing substantial food service retail development along most of the side streets through Darlinghurst and Surry Hills and dramatic expansion of existing hotels for example the massive expansion of the Beauchamp hotel, White Horse hotel, and Clock hotel.

These new retail spaces and expanded bars have usually been developed with inadequate off street loading and waste storage provision and the rental costs of these new spaces have generally been a fraction of the rents charged along Oxford Street.

The normal lifecycle of eatery businesses has therefore been interrupted by a plethora of new cheaper venues available off the Oxford Street strip shopping precinct. The closure of a restaurant or, café, on Oxford Street has not been followed by others seeking to rent that vacant space because the demand is being met by cheaper side street premises.

This decline in profitability of venues along Oxford Street and also elsewhere within the area also covered by the later lock-out laws and, their consequent closure of those premises, started before the lockout laws by several years and, should not be attributed to the lockout laws themselves.

The lockout laws should not be watered down because of the nefarious connection being drawn by those who have conflicted financial interest in seeing the laws removed, between the laws and loss of profitability of food and liquor venues in the areas over which the laws apply.

### **Effect on assaults and resultant serious injuries and deaths**

Comments from clinicians at the emergency part of St Vincent's Hospital indicates that the reduction in admissions and treatments from alcohol related incidents demonstrates that the lockout laws in Sydney have had a similar effect to those earlier legislated in Newcastle and have had the intended

effect of substantially reducing medical expenses but, that is a matter that can be better dealt with by submissions from medical practitioners and crime statistics specialists.

I also understand that there has not been a displacement effect to other suburbs.

**If the lockout laws are to be eased what needs to be altered in compensation**

- a) There should be no 24 hour licenses in NSW where there are any buildings used for residential purposes within 150 metres of the hotel's or bar's property boundaries. Every hotel should be required to be shut for at least one third of each day if licenses should not enable a hotel or bar to be open for more than 18 hours in any 24 hour period. If you are proposing alteration to the lockout laws, alteration to the maximum hours over a day that a licensed premises is allowed to open where there are residents within 150 metres of the premises, should also be considered.
- b) The closure of bottle shops after 10.00 pm for take-away liquor sales across NSW is not in need of change as this appears to be working well. If anybody is inconvenienced by a 10.00 pm closure that inconvenience can be mitigated by better self-organisation and earlier purchases.
- c) Responsible service of alcohol is designed to minimise continued service to inebriated persons. Prior to the lockout laws introduction I believe that the plethora of evidence of antisocial behaviour and assaults indicates that alcohol was not being responsibly served in many venues. Again, if you are considering weakening the lockout laws you should also compensate by introducing a regulation that prohibits service of more than one drink to any patron in any 15 minute period after midnight. This would also prohibit 'drinking schools' and buying drinks for friends who are already inebriated and the licensee citing not seeing inebriated patrons being served alcohol second-hand as a defence against irresponsible service of alcohol if all patrons had to buy their own drinks after midnight.

**Conclusions**

In summary, I submit that the lockout laws are working effectively to reduce antisocial behaviour and that the claims that the lockout laws have had unintended consequences of significant loss of the night-time economy are wrong in fact.

Most of the supposed unforeseen effects claimed to have been caused by the laws actually predate the lockout laws and have completely different causes many in the decisions related to land-use planning decisions administered by local government.

Yours faithfully,

A handwritten signature in blue ink that reads "Reg. T. Fisk" with a horizontal line underneath. Below the signature, the date "29/3/2016" is written in blue ink.

Reg. T. Fisk