

04/04/2016

Dear Sir,

I write to you in response to the current lock out laws imposed on licensed venues in Sydney. I am one of the owners of Gelato Messina and represent my partners and my 300+ staff who strongly oppose the current laws and the way in which this issue of 'alcohol fuelled violence' has been dealt with.

As an individual, I have had the great privilege of working in quite a diverse range of industries/areas during my adult life. This includes working at St Vincent's Hospital as a Physiotherapist for 4 years (6 months of which was spent working in intensive care), working as a professional DJ and promoter for close to 20 years, and also as a small business owner in and around Sydney. I've seen every side of this debate personally and up close. I don't pretend to know exactly what the solution is, but I do know that stifling the late night entertainment economy of Sydney has more deleterious effects than one might expect. The knock-on effect for businesses and individuals in unrelated areas is dramatic and unnecessary. I also write to you as a lifelong resident of this city and ask that you bring some sense to this argument by being an impartial arbiter who's goal is bring about sensible and meaningful solutions in order to minimise alcohol fuelled violence whilst maintaining the cultural integrity of this city. I implore you not to politicize the debate and to make recommendations based on fact rather than emotion.

As a business, we have been affected in many varied and unexpected ways by these laws. I will endeavour to elaborate and clarify in this submission and hopefully highlight some of the unforeseen issues at play here. To clarify, we are a business that sells gelato. We do not sell alcohol or remain open past 11pm on any given night. We are however one of the better known, busiest and well regarded independent food businesses in Australia. We have stores in areas within the lockout zones, in areas outside the lock out zones, and one within The Star Casino. We have a rather unique take on the impact these lock-out laws can have on all sorts of businesses and individuals. Many people would probably think that as owners of gelato bars, the lock out laws would benefit us and we'd be pleased. Such is not the case.

Both our Darlinghurst and Surry Hills stores (located within or close to the lockout zones) have seen a significant decrease in turnover since the lock-out laws have been implemented. Foot traffic in these areas has been markedly reduced and we simply see less people visiting our stores. We're not complaining or crying poor, we still do well. Luckily we have a strong business that can weather the storm during lean times. Our concern is for those businesses that have failed and or have been inadvertently affected as an indirect and unintended consequence of these laws. It's not just clubs and pubs being put out of business. It's completely unfair that any business should be destroyed as a result of anti-social behaviour of certain individuals, let alone the draconian laws haphazardly implemented to supposedly prevent such behaviour. In particular, those businesses that have nothing to do with the sale of alcohol.

In addition, we have seen a once vibrant and culturally diverse area deteriorate into a ghost town, devoid of any sort of cultural heartbeat. I doubt this was the intended result of these laws. No doubt we can all acknowledge and agree that Sydney should be an internationally recognised city, on par with some of the greatest cities in the world. Cities such as Shanghai and Paris actively promote themselves as cities that come alive at night, cities that never sleep. Instead of promoting and encouraging our late night entertainment, we've decided to turn it off. At least 70-80% of our workforce are from overseas and almost all have remarked on how limited there options are for late night entertainment in Sydney. Many of them don't stay their full 6-month term anymore, and many have moved to Melbourne as an alternative. We may well have a very different drinking culture to other countries such as China or France and perhaps those comparisons are not entirely relevant, but Melbourne is a great example of a city that manages the same issue without shutting the doors of inner city venues.

Our store at The Star Casino has not been affected in terms of trade. But we've most certainly been affected. We have definitely had an increase in reports from our staff re: drunk and unruly customers attending that store. It's become quite clear that The Star Casino complex has not only become the only place in Sydney

where people can continue to drink in the early hours of the morning, but it's also simply busier all the time. As a result, we get a more concentrated mix of intoxicated customers and far less families at this store, as parents don't feel comfortable navigating their way through inebriated party goers at night. Again, I should emphasise that we do not trade past 11pm at the latest, but we still find the general atmosphere has changed significantly. It didn't used to be like this. The Casino has become a concentrated hotspot for drinking and the atmosphere has become quite different.

We've been accused of supporting a corrupt relationship between the Star and The NSW Government simply because we have a store in The Star Casino complex. We've had hate mail and numerous heated exchanges on our social media platforms that are somewhat misdirected but rather nasty none-the-less. The problem here is the blatant preferential treatment of the Casino and what is seen to be 'special dispensation' based on how much money is at stake. I have no doubt that the reason the exemptions exist is because The Star has very strict rules surrounding RSA and security, but why not then impose similar rules and requirements on other licensed venues and allow them to continue to trade with similar hours? At least they would have a chance of surviving. Policy makers forget, or have little regard for the fact that these venues are owned by people who have invested money, and blood sweat & tears into these establishments. They also employ vast numbers of people such as students who need to find paid work outside of normal work hours. I fear we are 'throwing the baby out with the bath water' and creating a blanket solution to a complex social problem that needs to be addressed at its core. This is a cultural issue that needs to be dealt with by encouraging and enforcing the concept of personal responsibility, not by telling everyone what time they need to be tucked up in bed.

The concept that we would direct all late night drinkers into an environment which included 24hr gambling is also abhorrent. In a recent interview on the ABC's 'Q&A' programme, Gordian Fulde defended the lockout laws within the Kings Cross area and subsequently stated that people who wanted to drink alcohol past 1.30am could do so freely at home or at The Casino. I was quite appalled to be honest and astonished at his response. It felt like his attitude was one of 'If its not in my backyard, its not a problem'. Perhaps he's forgotten what it's like to be young and what its like to have a social drink and dance with friends. Or perhaps he's forgotten what the huge effect that problem gambling has on our society. Gambling and alcohol are not a great mix and advocating this as an alternative to clubs, live music venues and bars is absurd and irresponsible. Especially coming from the 'Senior Australian of the Year'!

We'd also like to see more thorough examination and interpretation of available statistical data. We take exception to the way in which statistics have been used (quite inaccurately) to bolster and justify these laws imposed by the NSW Government and supported by powerful stakeholders who's interests are firmly rooted in continuing the current restrictions. There is a raft of example's that will no doubt be submitted independently, but I would direct you to the submission and articles written by Matt Barrie in recent times. The most disturbing of which is the blatant misrepresentation by Gordian Fulde and other medical practitioners of data in a completely flawed, supposedly 'scientific' paper looking at the effects of lockout laws on serious emergency department admissions at St Vincent's Hospital.

<https://www.linkedin.com/pulse/death-sydneys-nightlife-economic-collapse-its-night-time-matt-barrie>

By all means let us collect useful statistics and make decisions based on data. But statistical data can be interpreted in many ways and manipulated to appear to support an argument when in fact the opposite is true. I would implore you to gather and digest data and have it examined impartially in order to make recommendations that work for everyone. There is clearly some questionable interpretations of the currently available data and this is the perfect opportunity to give both sides of this debate clear and useful information so that we can collectively make laws which benefit all parties involved.

I thank you for listening and I hope that you will do your best to make decisions that benefit the greater community and not just the most powerful and vocal parties in this debate.

Regards

Declan Lee