

Dear Hon. Ian Callinan AC,

I am writing to you because of my concern over the lock out laws.

First, a little about myself. I am a 52 year woman who lives with my partner of nearly 30 years in Newtown. I have been a resident and home owner here since June 2000. Prior to that we resided in Redfern for 8 years and prior to that in various locations around the inner city and east including Surry Hills, Darlinghurst, Elizabeth Bay, Bondi and Waverton. We also own property and pay rates in Kings Cross.

I worked in bars and nightclubs in the early to mid 1980s and have been a regular patron of bars and nightclubs on Oxford St, Kings Cross, the city and Newtown since 1982. These days I don't go out as much as I used to, which for quite a few years was five nights out of seven but I still make it out about once a month and a little more often over the Mardi Gras period.

In all that time, and we're talking about 33 years of experience, I've only once seen a violent act on Oxford St. On this occasion a quite inebriated young man was trying to cross the road and lent on a bright green BMW. The owner of the BMW, another young man, ran across the road and king hit the drunk guy who collapsed into the gutter. We administered first aid, called the police and emergency services and took note of the number plate before the attacker took off. We gave the police our details and statements but it seems the guy was never charged or at least it never went to court as we were never called as witnesses despite being more than willing to do so. The victim spent the night in hospital and was pretty bruised but survived. A classic case of a coward punch but thankfully without the fatal consequences.

But apart from that single incident, that's it. In 33 years of going out til all hours. I'm not saying that violence doesn't exist as it certainly does. I've certainly heard plenty of anecdotal evidence of gay bashings on Oxford St, particularly about ten years ago as well as in the mid 1990s but it seemed to me that on Oxford St at least, things over the last five years had improved dramatically, especially after the significant number of legal changes that gave more equality to gays and lesbians.

I'm quite aware that this was not necessarily the case in Kings Cross where things did seem to get out of hand. It is not an area I frequent that often other than for dining purposes of late. However when I lived there in the late 80s, I worked shifts and came home at all hours both from work and from going out and always felt safe walking through both the main and back streets of the Cross and surrounding areas. There's real safety in numbers and it was always busy at any time of the day or night. I've never had any problem walking alone through Kings Cross or Darlinghurst.

But back to the issue of the current violence. I acknowledge there was a problem. No one should have to be worried about making it home from a night out. I feel for the families of the two boys who were killed by the coward punches, as well as for anyone who was a victim of this sort of senseless violence. However this sort of senseless violence is not instigated by people that have had a few drinks on a night out and are heading home. It is done by people that are going out looking for a fight. It seems to me that the majority of these problems have been early in the night. Sure there are occasionally fights in pubs when someone knocks over a drink or looks at someone the wrong way but at least in a pub or club, there are bouncers on hand that can stop this almost immediately and deal with the perpetrators, making being inside a club a much safer place to be as there is strong disincentives for not starting a fight inside a club, for those people so inclined to do such things.

One problem with the current reporting is that when there is a fight or an incident inside a club, a black mark is recorded against the venue. This encourages the clubs to simply eject the trouble makers rather

than hold them and have the police arrest and charge them, thus holding the individual accountable for their actions rather than putting the blame on the venue.

I really don't understand this thinking. The behaviour of the patrons is not the fault of the venue. The venue should be encouraged to stamp this out by the trouble makers being held accountable for their actions. This can't happen and won't happen when black marks are recorded against the venues. If anything they should get gold stars for running a tight ship.

If we really want to address the issue of violence, I have a number of ideas.

- Big fines for anyone throwing the first punch. Let's start with \$5000. There's plenty of security footage available in both clubs and on the streets to help identify who caused the trouble.
- Mandatory jail time for coward punches. This behaviour has to stop. I think you've gone a long way to stopping this behaviour already but we could go further.
- Education in schools and general publicity about how unacceptable violence of any sort is. Violence on the streets, violence in the homes, violence at sporting venues. There's never a reason to hit anyone.
- Introduction of an ID card of some description to keep track of trouble makers. I know this could be expensive and there are a few ways it could be achieved but it would work. If people commit one violent offence they are banned for six months from any venue. Another offence and banned for five years. Another offence and banned for life. A centrally linked data base would be too expensive but the information kept on the cards would be an easy way of doing it without impacting privacy and requiring each venue door to be linked to the internet. Each card could be uniquely barcoded with name, birthdate and photo and it has to be scanned at all venues for entry. If anyone was ejected, a simple code could be uploaded to the card. So if someone was drunk and refused service and asked to leave, this could be uploaded so the person couldn't go to another bar that night and get in. If they are in a fight, this could be noted and the police called to deal with any charges required. If they are just being unruly and argumentative then again a single night ban could easily be recorded. This will suddenly make people very responsible for their behaviour. It also means that people who don't drive don't need to take their passports out with them on a night out and I have a couple of friends in this situation.

The problem with the current approach is that everyone is suffering for the bad behaviour of a very small minority. This includes venues and even other business establishments that have nothing to do with bars and nightclubs but benefit from people just being out and about.

I hear that the newsagent near Taylor Square closed recently after 83 years in business. Obviously one reason is the downturn in people buying newspapers and magazines but they also did a roaring trade in chewing gum, snacks and soft drinks and even lottery tickets when people were on their way home after a night out. People that just aren't there any more. People that also don't go to restaurants for a meal before a night out. I honestly can't believe that both Jimmy Licks and Hugo's Pizza have shut down. Surely this was not your intention when you put these laws in place.

But was it your intention to close pubs and clubs? And if so, why? If not, you should be helping these businesses not helping them to go out of business. Some of my very favourite venues have closed. The Exchange hotel where a generation of young gays and lesbians came out and made their first gay friends and where I met my partner over 30 years ago, Site that had some of the best club nights in the late 80s and early 90s and the Flinders, a small, more intimate pub with many fun nights. I may be reminiscing on their glory days but all three had working business models prior to the lockouts and are now closed.

Yet the casino is thriving. Profits up over \$100M in the last year alone. And violent incidents tripled too. But no action here. No lockouts, no last drinks, no finishing at 3am. Better yet, they get a very public recommendation from Gordian Fulde on Q&A to go drink there if you want a late night drink. Advice from one of the greatest supporters of the lockout laws to go drink at the single most violent venue in Sydney. The home of gambling and all the associated problems that go with that addiction. The place where the victims of assault don't end up in St Vincent's emergency. Oh, and the place that donates quite generously to St Vincent's. And finally, the current workplace of the ex-president of the NSW liberal party. Do you ever wonder why 90% of Sydney is so cynical about these lockout laws? People are not stupid and are quite aware of how donations work in politics.

I go to Europe every two years or so for the summer and spend a lot of time in Spain where alcohol is cheap and plentiful and they even sell beer and cocktails on the beach. I never see people there drunk to the point that they want to hit someone. I rarely see people drunk there at all despite nightclubs being open all night and patrons being able to wander freely between venues, often with a drink in hand. There are no lockouts, no restrictions on the number of drinks you can buy and the clubs close when it gets quiet and everyone has gone home. Prohibition never solves a problem. I actually wonder if it's not the high taxes and high cost of drinks that is not half the problem. It costs close to \$10 for most drinks in city bars and clubs these days. If these only cost \$5 instead, would there be the need to pre-fuel and arrive at a bar already drunk like so many kids do? If all the drinking was done in the bars, where the people serving have RSA certification and bouncers are watching their behaviour and they could afford to have leisurely drinks all night instead of just a couple in quick succession to then last the night, would it not make a difference to our drinking culture?

As I said earlier, I now live in Newtown and have done for nearly 16 years. Until the lockouts started it had been a fantastic place to go out on the weekend with a very laid back and inclusive attitude. But post the lockouts, the vibe has changed quite dramatically on Friday and Saturday nights. Thankfully it's still the same during the week but on Friday and Saturday nights, it's like we get invaded. There's always been an element of the tourists arriving on the weekend but in the past it was just for people looking for a nice and cheap dinner. Now the crowd is very different. It's young people in large groups looking to get pissed and have a big night out. I don't really have a problem with that but their attitude is the issue.

Last year one of my friends from the dog park, who is in his 60s, was assaulted by three teenage girls in front of the IGA supermarket. He was in their way so was pushed to the ground from behind and kicked and abused. Thankfully there were locals around who helped him and detained the girls until the police arrived. One of the girl's father was a lawyer and they all got off with a good behaviour bond. This is a fine example where the perpetrators of violence get off scot free and are not accountable for their actions. My friend has never really gotten over it and it shocked him greatly as well as being physically injured. Yet for these girls, there's no incentive for them to not do it again. There was no punishment, no fine, no nothing. Yet bars all over Sydney have to bear the brunt of their actions with ridiculous laws applied to their businesses regardless of how they manage their patrons either now or in the past.

I want to now address the individual laws.

1.30am Lockout: This is the one that affects me most and annoys me most. When I go out, I go out to dance. Different bars have different DJs so I move around to hear them play their sets. On a typical night on Oxford St I might have dinner somewhere, go to Slide, then go to the Columbian, then go to Palms and then finish at the Midnight Shift, as it closes last. These movements were based on where the crowds were, who would be playing, where my friends might be or what was open. Typically I would have left

Palms between 2am and 3am and moved to the Shift. At that time Palms was slowing down and the Shift would be building up. I'd probably leave the Shift anywhere between 3am and 5am depending on what it was like. During this time I'd probably average a drink an hour. I'm not really one to get completely pissed but like to be happy and have a laugh. I've never been thrown out of a club or asked to leave in 33 years. Now with these laws, it just makes things difficult. You have to be in your final club by 1.30am so there's a rush to get in and quite often queues which weren't there before. This creates extra hassle for the doormen and creates hassles in the queue, especially if people are trying to queue jump which they often do. So problems have been created that weren't there before. Additionally, once people are in, they feel like they have to stay. So while before there was a natural attrition and movement from about 1am, now everyone wants to stay and it's harder to get to the bar after everyone has rushed in, again creating more hassle. When the bar closes, everyone leaves at 3am, right on cab changeover time, making getting home more difficult.

3am close: As mentioned above, all the bars are now closing right on 3am. Now everyone gets chucked out at the same time whereas before everyone left at staggered intervals over the whole night. It's always been a bit of a hassle getting a cab at 3am and there's always been a few clubs, like Palms that shut at 3am. But now they all do. To make it even worse, the takeaways now can't open past midnight. Until recently, I'd usually go to one of the kebab shops and get something to eat after coming out. Gave us a bit of time to recap the night, have some laughs in a venue where we could hear each other talk and it also meant we missed the worst of the fighting for cabs. It also meant that after a night of dancing we could replenish energy. Now we can't even do that. I don't know who thinks this stuff up but with each new revision of the laws, it actually makes it worse, not better. It is a little bit beyond me why anyone would think closing the takeaways is a good idea. Apart from those hours being probably their busiest and most profitable, they also provide safe spaces that are well lit, warm and staffed by people that can help someone in need if necessary.

Shots and rounds: I only drink beer in clubs so the shots thing doesn't affect me but once again, these laws are flawed. I can understand why you would want to discourage people drinking shots but I hardly think you need to regulate it. All bar staff are legally required to have RSA certification. Surely they are in the best position to decide if shots are OK or not. I fail to see what the time has to do with it. Bars could just restrict it to one round of shots only and they can see what's going on and who is involved and what their state is. If people come in pissed, they shouldn't get any shots but people could come in after finishing work and not be able to even have one shot. The other major problem is the definition of a shot. If people are doing Jagarbombs or Cocksucking Cowboys, it's pretty obvious they are shots but if someone is having a single malt whisky, then surely this can't be considered a shot – yet it is. I haven't been to the Baxter Inn (A specialist whisky bar) for a while but does this mean they have to serve all their single malts with coke? It's a joke. And what is the difference between a nip and a nip with a mixer. It's the same amount of alcohol and if it's not a shot as such, it usually takes the same time to drink it. Surely the bar attendant can be trusted to use their judgement around this rather than a blanket law like this. With the rounds, what difference on earth does it make as to who buys the drinks? We are Australian. We buy our drinks in rounds with our mates. People shout people drinks. It's part of our culture. When you're in a shout with four people and it's your turn and you can only buy two drinks, it makes you look like a dick. Seriously. So instead of one person buying four drinks, two people have to go up and get two drinks each both paid for by the one person. It just creates more hassle at the bar, takes twice as long for the bar attendants to ring up two lots of two beers instead of four, take and give change twice for the exact same effect of four people still getting a drink each. Seriously, is the government just trying to send everyone insane?

Bottle shops closing at 10pm: I have a 200 dozen bottle cellar so this law doesn't affect me personally as I'll never run out of wine but once more I fail to see the logic in this. There are plenty of people that like to pick up a bottle on the way home or on the way to a friend's place for a late dinner or even a hook up or whatever. I don't see how this has improved safety in any way. It has just affected bottle shop's bottom line and inconvenienced people. I've also witnessed people rushing in to bottle shops just before or right on 10pm and being turned away and getting angry. More unnecessary angst that just wasn't there before.

So this has been quite a long ramble but I'm really not happy with the current situation regarding these laws. I don't think they've been applied with any real understanding of the clubbing culture and the impact it has had on so many people. For me it is mostly inconvenience and losing the ability to stay out past 3am when I would be quite happy to stay out longer. For other friends though, it has had a much more serious impact. I am friends with a number of DJs and their livelihoods have been severely affected. One friend moved to Melbourne as there is just not enough work in Sydney anymore. Another has had to take a part time job as she now can't earn enough money through DJing alone. Others are struggling to pay bills. So many other people have lost their jobs completely as nightclubs have closed. Every taxi I get into, the driver reports a massive decrease in fares and work. Before there were a lot more people out and they moved around a lot and went home at different times. Now there are less people and they all want a cab at the same time so they get one fare which may be long or short and then there's no more until the airport rush starts a few hours later. Takeaways that used to have a thriving business now can't even open, even if they wanted to service the smaller numbers and were still in business.

What I don't think the government realises is that the night time economy is an industry. The federal government was successful in shutting down the car industry and now the state government is trying to do the same thing in Sydney for the night time economy. For a Liberal government that usually prides itself on supporting small businesses and have less government, this seems like a very strange strategy.

Finally, that the casino, including the new one at Barangaroo when it is finished, are outside the lockout zones just beggars belief. It reeks of cronyism and has delivered a windfall to the casino whilst other businesses in the inner city are dying or have closed. I wouldn't leave Sydney as it is my home but Melbourne is looking very attractive these days.

I hope my opinions are taken into account for this review and the 1.30am lockout is discontinued and takeaway shops are allowed to trade past midnight at the very least. I really don't like being treated like a child and being told what time to go home and go to bed and I don't think it's fair that businesses bear the brunt of the bad behaviour of a few individuals who should be dealt with more severely.

Yours sincerely,

Kris Goman

[REDACTED]

[REDACTED]

[REDACTED]