

FEEDBACK ON LOCKOUT LAWS

I am still a regular nightclub-goer, although I am now 57. I therefore write from the perspective of an older, responsible person who works full-time for a national association of personal injury lawyers, has an unblemished record and is a law-abiding citizen, but who (importantly) is still regularly out and about after 3am. Let me say categorically at the outset that I deplore what's happened to the clubbing scene but, more broadly, to Sydney in general as a result of what I believe to be these unnecessarily draconian lockout laws.

- 1. I would argue that in Australia our fundamental problem is with violence, not alcohol.** Alcohol can fuel violence, certainly, but the root cause is not alcohol or its availability but other, much more complex social factors that cannot be solved by the bandaid solution of prohibition (or any of its watered down guises, such as the current lockout laws). Compare Australia's statistics for alcohol-related violence with Germany, for example, where access to alcohol is completely unrestricted, day or night, in whatever setting – in clubs, in public places both indoor and outdoor.
- 2. The lockout laws are a disproportionately excessive response to relatively isolated instances of violence.** Leaving aside the fact that the overall trend in violent personal attacks was going down even before the laws were imposed, these laws are anachronistic in a mature and healthy democratic society which values individuals' civil rights and freedoms and accordingly bestows a certain degree of personal responsibility on its citizens. In a nanny state where people are not trusted to behave responsibly, the logical extension is to ban any potentially dangerous activity. Cars are dangerous, so should we ban driving too?
- 3. The current lockout laws are illogical for many other reasons.** First, the violence that they are designed to prevent generally happens on the streets, not inside the venues (and not necessarily in the early hours). Most respectable and responsible venues have efficient security staff; any problems with unruly or violent patrons are dealt with inside the venue. On the streets, it's another matter. The 1.30am lockout is a bizarre response to this reality.
- 4. The current laws are killing Sydney as a late night destination, both for locals and tourists.** There are dreadful statistics about the decline in late-night trade, with all the implications for employment, lost revenue from unrenewed commercial leases and properties in the Cross and elsewhere now lying empty, the haemorrhaging of the tourist dollar, etc (note the joint Qantas/Melbourne City ad bragging 'Come to Melbourne! We're open all weekend!'). The failure to publicise the relevant figures here is probably best explained by the very one-sided mainstream media coverage of this debate. As a civil libertarian, I am appalled by such heavy-handed intervention by the state government into all our lives. Most of us are responsible adults, and it seems completely disproportionate to punish the many for the transgressions of the few. Despite all the fearmongering rhetoric, I suspect the fundamental issue is actually *not* about public safety at all; deals have no doubt been struck behind closed doors between the NSW state government and major developers, now poised to swoop on the many empty properties in the Cross and elsewhere in the lockout zone. Developers have wanted to line their pockets by sanitising and gentrifying the Cross for at least 50 years, if not longer, and it would seem that the lockout laws are finally going to deliver them this golden goose, at the expense of one of our most vibrant and characterful entertainment precincts and the huge economy and social diversity it supports.
- 5. The laws as they currently apply appear to be ridiculously inflexible and unreasonable.** Here's an example of what I'm talking about, which I personally witnessed at Home nightclub (Darling Harbour) a couple of months ago. A patron, in the roped-off VIP area, was a bit the worse for wear with alcohol. He had actually been annoying (though not

aggressive) all evening, barging past me, my husband and everyone else in his path every time he wanted to get to the bar to get a drink. At around 1.30am, several security personnel decided he'd overstepped the mark and tackled him to the ground, right in front of us. They managed to knock him out, and he lay there, inert, for a couple of minutes. A pulse monitor to his forefinger registered 0 for what seemed like minutes, but was probably 30 seconds. A friend of ours, who is a paramedic by training and profession, helped to revive the collapsed patron. After our friend saw the man into an ambulance, security would not allow him back into the club, because it had just gone 1.30am! What madness, especially since he had possibly saved a man's life and had admirably and effectively discharged the security's duty of care for them. Apocryphal stories abound of international DJs nipping outside for a cigarette, only to be barred entry back into clubs to play their own sets, or being denied entry following late-night arrivals at the international airport terminal, because admission after 1.30am is forbidden. It is hardly surprising, then, that not only tourists but international DJs and their promoters and booking agents are now being warned off Sydney.

6. **The lockout laws are not driven primarily by concerns about safety (whatever their proponents claim), but by an authoritarian, moral crusade.** By their very nature, activities like clubbing take place at night. Decent nightclubs and other late-night venues the world over drive and sustain a huge economy, which relies on their being able to trade until 6am (or beyond, into day clubs). In this context, a 1.30am lockout simply imposes an unreasonable and devastating straitjacket on people's autonomy to move from one venue to another and for businesses to carry out their trade in a workable and responsible manner. And the 3am cut-off point for venues to sell liquor is equally stifling, as the lifeblood for late-opening venues is their ability to sell alcohol. Just because they can continue to sell alcohol doesn't mean that the patrons they're serving are out of control – that's what the Responsible Service of Alcohol and the security in licensed venues are designed to prevent. And the reality is that if venues are unable to continue to serve alcohol beyond 3am, they will be forced by sheer economic necessity to shut down at 3am. And what does that mean? It means that at 3am patrons are all ejected onto the streets, together, potentially all chasing after a limited availability of public transport options, and at taxi-changeover time, so cabs are scarce as well. Brilliant.
7. **One of the biggest sources of discontent about the lockout laws is the infamous exemption of the Star Casino and Barangaroo.** Which venue is the most dangerous in terms of assaults in Sydney right now? Rumours are that it's the Casino, which is miraculously excluded from the lockout zone. Why? The hypocrisy of this exemption is breathtaking in its audaciousness, and is widely suspected of being explained by corruption, special favours and deals between state politicians and the owners of these facilities. Apart from being rotten to the core, this situation completely undermines the integrity of any claims that the lockout laws are genuinely driven by concerns about public safety.
8. **If preventing the dangers of alcohol-fuelled violence is genuinely the objective of these measures, isn't the logical conclusion for alcohol to be banned *everywhere, at all times, fullstop*?** Leaving aside the truisms that prohibition has no place in a civilised, democratic society (and doesn't work), statistically it's not young men at risk of king hits on the streets who are the real victims of alcohol-fuelled violence. In fact, far more women and children are at risk, in their own homes. So let's ban alcohol completely, shall we (and the government will just have to manage without the excise/duties it makes from the sale of alcohol – a small price to pay, surely, if people's safety is the paramount concern?) It's all very well for Gerald Fulde and his ilk to bang on endlessly about the reduction in emergency

admissions to St Vincents Hospital, but these statistics need to be set in their proper context – which is the dramatic decline (80+%) in foot traffic in Kings Cross and the Sydney CBD following the introduction of the lockout laws. How do the figures stack up then, when you take into account the overall decline in late night crowds? And what about alcohol/violence-related admissions in hospitals across the whole state, not just St Vincents?

9. As someone who regularly attends nightclubs, and has done so in Sydney for the past decade or more, I can tell you that **one of the main problems is the very unsatisfactory availability of decent night time public transport in Sydney**. Even so, I have noticed a considerable drop in people getting the nightbuses that regularly take me home to the Northern Beaches from the CBD since the introduction of the lockout laws – an indicator, I'm sure, of the overall decline in Sydney's night time economy and entertainment which once used to thrive and attracted visitors from far and wide.
10. **The lockout laws are the thin end of the wedge, the social engineering equivalent of bracket creep in taxation, their insidious tentacles spreading everywhere, well beyond the lockout zone and the 'alcohol problem'**. A warehouse party I attended in a semi-industrial inner west suburb last October was shut down by the police early, at 2am, for no apparent reason. Such unwarranted, heavy-handed policing has become the norm in this restrictive atmosphere. I was one of many disappointed, well-behaved patrons who had paid good money to see an international DJ play a 3-hour set, who was shut down after barely 2 hours. Many of our clubbing friends now opt to see acts in Melbourne rather than run the risk of curtailed events in Sydney. Sydney's loss is Melbourne's gain, I suppose. This trend to micromanage all our lives and restrict our individual freedoms has extended to other areas of our lives too – soon NSW will be the only place in the world where cyclists are required to carry ID...
11. Which brings me to my final point. **Measures designed to influence our behaviour are one thing; but mandatory measures that are designed to control it and are coercive are quite another**. This is totalitarianism, which has no place in a liberal, plural democracy. What's happened to us? In a kind of collective schizophrenia, our traditional perception of ourselves as a relaxed, laidback, friendly, fun-loving and egalitarian nation is now at odds with the reality. Australia has changed; and the world has noticed. International visitors are now avoiding Sydney, and who can blame them? It's expensive; we're totally over-regulated in almost every aspect of our lives (reflected by the fact that we cannot buy a bottle of wine after 10pm or drink shots after midnight – and to think we used to pride ourselves on being anti-authoritarian 'larrikins!'); same-sex couples are denied marriage equality; policing is harsh and petty (motorbike cops dishing out fines to pedestrians for jaywalking in the CBD); we treat our Indigenous people and asylum seekers so abominably and unconscionably (whatever happened to 'fighting for the underdog' and giving people a 'fair go'??) that we have become the pariahs of the international human rights community. With one of the most shameful and appalling rates of domestic violence in the western world, we nonetheless pour our resources into endless anti-terrorism measures that have effectively undermined the civil liberties of us all. I no longer recognise my own country and am no longer proud to call myself Australian. I fear that soon everything in Sydney will be banned – is this a sad reflection of a permanent and abhorrent shift in our national character, or a temporary blip borne of a particularly regressive political era? Please act before it is too late and get rid of the lockout laws.

Renee Harris



