

To The Hon. Ian Callinan AC QC and colleagues,

Thankyou for the opportunity to contribute to the Independent Liquor Law Review, a significant and important process for those of us within Sydney's late-night culture.

I write to you as a regular and engaged contributor to Sydney's music community and late-night economy. I currently program a lineup of over 50 acts annually for the charity-focused Secret Garden Festival, oversee entertainment for over 25 bars, pubs and restaurants on behalf of Solotel, and sit on the board of FBi Radio. I also work regularly as a freelance music writer and DJ, and have worked for various music venues around Sydney over the past decade.

A safe and vibrant city is something I care deeply about. I've worked proactively over the past decade, as many of my wonderful peers have, to contribute to a strong and safe late-night culture, and I've watched as that same culture has been drastically affected by the implementation of lockout laws in 2014. Our state has lost a substantial part of our venue-based music economy, which is valued at \$388 million. In real terms, this means that many of these peers have lost their jobs and businesses.

I wholeheartedly agree with and support the State Government's desire to lower violence in entertainment precincts, but I also strongly disagree with the methods used. I believe that the laws have not created a safer environment, but rather, have simply reduced the number of people in the city at night. In the process, they have missed key opportunities to have a more meaningful impact on violence and antisocial behaviour, and have caused lasting damage to the city's culture.

This is not good enough, and Sydney deserves better. Throughout this submission I will demonstrate this around a number of key points:

1. Music venues make a huge contribution to Sydney's culture and economy
2. Sydney's lockout laws have had a devastating economic impact on these venues
3. There are more effective and less destructive ways to curb antisocial behaviour and violence

The NSW Government needs to lift the 1:30am lockout measure, and work to better address alcohol-related violence. The conclusion to my submission outlines a number of suggestions in regards to how we can achieve this.

It's my belief that with a proactive, evidence-based and cooperative approach to eliminating alcohol-related violence, we can all enjoy a city that is both safer and more vibrant. This is in all of our interests as a state and as a community, and the case for this approach is outlined in this submission.

1. Music venues make a huge contribution to Sydney's culture and economy

Key Facts:

- Venue-based live music contributes \$1.21 Billion to the economy nationally, with the biggest share (32.1%/ \$388.3m) coming from NSW.ⁱ
- Research shows that when audiences within venues are engaged with communal activities (such as live music), there is a reduced tendency towards antisocial behaviour.ⁱⁱ

Music in venues, whether performed live or played by DJs, is a key part of Sydney's culture. Across all generations, genres and demographics, countless Australian musicians have entertained and shaped culture domestically, and represented Australia worldwide as they've become internationally successful. The one common thread through all of these diverse artists is that they've begun their journeys and honed their craft in music venues.

The benefit extends beyond cultural reach and enjoyment – venue-based live music adds \$388.3 million dollars to the NSW economy, the biggest slice of what is nationally a \$1.21 Billion industry. Surrounding this are countless jobs and small businesses such as promotion, management, booking, PR and marketing, technical assistance, gear hire and maintenance, and of course the musicians themselves.

Furthermore, it has been demonstrated that live music reduces the likelihood of violence and antisocial behaviour in venues. This is something that is of huge importance to the operators of music venues, who work particularly hard to foster diverse, safe and inclusive alternatives to other forms of nightlife.

2. The lockout laws have had a substantial and devastating economic impact on the arts in Sydney

Key Facts:

- Since the lockout, the Sydney CBD has experienced:ⁱⁱⁱ
 - A 40% drop in box office receipts for venues
 - A 15% reduction in spending on live music by venues
 - A 19% drop in attendance in venues licensed to use music for dance
- One of the venues in my portfolio, the Kings Cross Hotel, has had to reduce spending on bands, DJs and sound & lighting by 39.32%. This is likely to increase further.^{iv}

Live music, as well as broader music culture, exists in a precarious position in Sydney, and has since well before the lockouts. Though it makes a huge contribution to our city's international reputation, quality of life and economic output, the venues that facilitate it are often a labour of love for those that run them.

My experience within a range of venues is that the expected spend/consumption per head of a music-focused premises is far, far lower than most other licensed premises. Additionally, the overheads of hosting live music, particularly within a regulatory environment that views entertainment as an added risk, are substantial.

The end result is that music-focused premises exist on extremely tight margins, and those that contribute the most to Sydney's cultural community are often the ones most exposed to losses and closures. This situation is not uncommon throughout the arts, but is deeply complicated by substantial and unforgiving regulatory changes such as the introduction of lockout laws.

This has been demonstrated throughout Sydney's CBD in the aftermath of the lockout laws, and the effect has been devastating. Our city has lost numerous venues of cultural significance, such as Flinders Hotel, Q Bar, Hugo's, Goodgod, Goldfish, Spectrum, The Backroom, Spice Cellar, Soho, and many, many more. All of these venues had a cultural focus, and all of them are no longer employing staff, contractors and artists. They are no longer supporting Sydney's arts, and are no longer providing a safe, creative late-night experience.

I've personally experienced the lockout's effects in a couple of venues. When they were first implemented, I was the booker at Goodgod Small Club, a culturally vibrant venue that operated without incident and attracted a strong worldwide reputation for its programming. I saw first-hand how challenging the laws made running a venue of this ilk. The line between profit and loss became fine, the amount of work needed to maintain an audience increased to an unsustainable level, and we were forced to become more conservative and less daring in our programming decisions. This scenario was a substantial factor in my decision to move on to a different role. The venue has now closed, with the space taken on by new operators.

In my current role, I oversee entertainment for the Kings Cross Hotel. A robust trade outside of our late-night hours has meant that we remain open, but the impact has nonetheless been huge. As a direct result of the lockouts, we now spend almost 40% less on entertainment annually – including musicians, DJs and sound & lighting. Over a six-level venue, this is a substantial reduction in spending. This trend has increased over time, and my expectation is that we will have to make further cuts.

As unfortunate as these reductions are, they are only a small slice of a very large problem – countless neighbours of ours have been forced to close, and there are a number of other culturally significant venues that have also made cuts and exist in a precarious position. APRA's research has shown a massive 40% drop in box office receipts (ie ticket income/door entry) in CBD venues as well as a 15% reduction in spending on live music by venues across the city. For musicians and those who earn a living working within the live music industry, these losses are immense.

3. There are more effective and less destructive ways to curb antisocial behaviour and violence

Key Facts:

- Since the lockout, the Sydney CBD has experienced a substantial drop in late-night foot traffic^v, including:
 - A 58% drop in peak pedestrian counts in Kings Cross, Friday nights 10pm-4am
 - A 55% drop in peak pedestrian counts in Kings Cross, Saturday nights 1am

- An 82% drop in peak pedestrian counts on Oxford St, Friday nights 4am
- A 70% drop in peak pedestrian counts in CBD South, Friday 4am
- Since the lockdown, the Sydney CBD has seen a 20.3% reduction in non-domestic assault, with a 45.1% drop in Kings Cross^{vi}
- Non-domestic assault in NSW was falling steadily for five years in the lead-up to the implementation of lockdown laws^{vii}

While violence has been an ongoing concern, a significant factor in the move towards a lockdown was the deaths in 2012 and 2013 of two young men in Kings Cross. They were horrifying examples of violence in Sydney's CBD, something that needed, and still needs to be, addressed and eliminated.

In light of the decision to proceed with lockdowns, however, it's important to look at whether these measures have been an effective way to prevent further violence and deaths.

It's important to remember that both attacks happened around 9-10pm - long before the time of lockdown, and in fact, before many clubs even open. Both also happened on the street, which many, including myself, consider a far more dangerous environment than a licensed premises. Such a scenario is unacceptable and needs to change.

While it's important that the significance of these tragic deaths isn't undermined, and that the overall issue of violent incidents later at night remains a focus, it's our responsibility as a community to ensure that the measures we take moving forward actually stop these incidents from happening again, and that we work proactively to make people safer.

It is true that violence overall has reduced within the CBD, and that is a welcome and important result. But the bigger picture needs to be considered. Firstly, we need to note that violence was already going down, steadily, for five years before the lockdown laws were introduced. Secondly, these incidents have not stopped in Sydney – as evidenced by another tragic one-punch death late last year in Waterloo.^{viii}

Thirdly, we need to be mindful that late-night patronage around the CBD has been substantially reduced – by many estimates, by larger margins than incidents. Rather than tackling the violence itself, I believe that the lockdown laws have simply discouraged people from going out at all.

For those who do go out, my personal experience is that the streets of Sydney feel no safer. I've been a resident of King Street, Newtown for over six years now, and have seen the way that our weekend streets have become busier and arguably less friendly as a result of a displaced nightlife. Newtown was not intended to be a late-night precinct in the same way that Oxford St, the CBD and Kings Cross were, and the infrastructure has not caught up – meaning that basic services such as transport and even licenses for food vendors are insufficient. It's also impacted important demographics unique to Newtown such as the LGBTI community and young families. While crime statistics show a small rise, they don't reveal the full extent to which people now feel unsafe.

My experiences within the CBD also feel increasingly unsafe. While violent incidents have been reduced, the loss of patronage also makes many areas of the city feel less safe. Well-populated areas feel safer, particularly late at night, and many people close to me have commented that, as they walk through now-empty city streets, they feel unsafe for the first time.

Instead of minimising the CBD's nightlife economy, there are a number of ways to address antisocial behaviour that I believe will be more effective than lockouts in reducing violence, while still allowing for a safe and vibrant late-night culture. These include effective late-night transport options, a diversity of engaging late-night options for punters, and effective policing and regulation.

I also believe that, amidst an expensive and complicated regulatory system, there is potential for state government to incentivise and reward venues that provide safe, culturally focused experiences. These venues are the solution, not the problem, when it comes to violence and antisocial behaviour.

Many cultural venues operate with a specific intention to provide safe and inclusive options within Sydney's nightlife, with a desire to contribute to a safer overall city. This was certainly true of Goodgod, where we discussed this regularly, long before violent incidents and lockdown laws made it a city-wide conversation.

As mentioned earlier in this submission, music-focused venues have been shown to reduce antisocial behaviour, and yet, are also the most likely to close when the economic environment becomes more challenging. This is the unfortunate reality of Sydney's lockdown laws – in a desire to lower violence, the legislation has destroyed many of those who actively, and effectively, worked towards the same ends.

Conclusion

The lockdown laws have been a wrecking ball for Sydney's late night economy and arts communities, and we need to be proactive in ensuring further damage isn't done. However, in a broader sense, I'm optimistic that it demonstrates a desire to work towards a safer city, and that the state government will build on the lessons learned from the past two years and work towards an even safer, and better, late-night culture.

I strongly believe that with a change in approach from the NSW State Government towards a consultative, evidence-based and nuanced approach to alcohol-related violence, we can revive Sydney's nightlife and make it safer than it has ever been. This would be a huge boost to NSW's economy, tourism, culture, quality of life, and global reputation, and I'm confident that it is achievable.

I would like to suggest the following approach moving forward:

- Lifting the 1:30am lockdown measure
- An approach that recognises the economic and cultural contributions that late-night culture makes to Sydney

- An acknowledgement that Sydney’s cultural operators (music venues, DJs, promoters, etc) also wish to see violence and antisocial behaviour reduced, often work proactively to ensure this within their venues, and are eager to work co-operatively with state bodies to foster a safe and vibrant late-night culture
- Effective late-night transportation, crowd management, policing and liquor regulation
- Incentives for venues that have a demonstrated cultural focus, as well as a proactive approach to safety
- Establishment of co-operative, regular dialogue between key stakeholders including venues, police, state government and local government

Thankyou for your time and consideration, I wish you all the best with this review process.

Adam Lewis

ⁱ Figures from FY2009-2010, Source: http://livemusicoffice.com.au/wp-content/uploads/2014/08/NationalLiveMusicResearch_Sept2011.pdf

ⁱⁱ Dr Anne Fox – “Understanding behaviour in the Australian and New Zealand night-time economies”

<http://livemusicoffice.com.au/wp-content/uploads/2015/07/Understanding-behaviour-in-the-Australian-and-New-Zealand-night-time-economies-.pdf>

ⁱⁱⁱ APRA|AMCOS - <http://apraamcos.com.au/news/2016/february/sydney-cbd-sees-drop-in-live-performance-revenue-since-introduction-of-lockout-laws/>

^{iv} Compared to the year immediately proceeding the lockouts, we reduced spending by 26% in the twelve months that followed the introduction of the laws. The following year, which brings us to Feb 2016, saw a further 16% drop – a 39.32% total drop compared to the year before lockouts.

^v City of Sydney – Late Night Management Areas Research v4

http://www.cityofsydney.nsw.gov.au/data/assets/pdf_file/0011/250202/2015-541941-Report-Late-Night-Management-Areas-Research-Final.pdf

^{vi} BOSCAR - http://www.bocsar.nsw.gov.au/Pages/bocsar_news/Lockouts-Forthcoming-Research.aspx

^{vii} Nick Evershed, The Guardian -

<http://www.theguardian.com/news/datablog/2014/jan/09/beer-related-violence-numbers-dont-always-tally-with-media-attention>

^{viii} <http://www.abc.net.au/news/2015-10-07/man-arrested-over-one-punch-death-at-waterloo-pub/6833344>