

**TO:** Liquor Law Review

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Sydney 2001

**FROM:** Kenneth & Gillian McDonald

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20/03/2016

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24 MAR 2016

Mall Room  
Castlereagh St  
Trade and Investment

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COMPLIANCE

We have lived in Potts Point for the past 22 years and offer the following views on the Lock Out laws from the perspective of residents.

### **The Neighbourhood**

The neighbourhood of Kings Cross is changing, as it has changed over the past 200 years. It has gone through periods of genteel privilege, bohemian creativity and slum landlords, as well as sleaze and raucous and violent behaviour. The laws, rules, planning decisions and regulations that govern the community necessarily change to reflect changes to the dominant culture. There is nothing pre-ordained or unchangeable in its past or present nature. Since the Sydney Olympics, half a dozen hotels have converted to apartments, reflecting the loss of tourist appeal. Another is converting now.

Its erstwhile reputation as a risqué, bohemian, creative cultural precinct has long vanished and is of interest mainly to historians. Up-market apartments have proliferated, the population has grown and the area has gentrified. Its reputation as a vibrant, if somewhat boisterous, entertainment centre has lingered longer but the decline in that has been obvious for some time. Groups of young people wandering aimlessly looking for the reputed “good time” and settling for street gatherings, increasing their vulnerability, have now vanished, at least in Victoria Street.

### **Are the Lockout Laws Killing Kings Cross?**

It is argued that the lockout laws have been responsible for the estimated fall in street numbers and thus the closure of some bars, restaurants and night clubs. The evidence otherwise may be anecdotal but is compelling. We live in Victoria Street where two young men were killed a couple of years ago. The decline in visitor numbers on Friday and Saturday nights in the following months was obvious: the long lines outside the SoHo nightclub disappeared. Following publicity of allegations of rape of a customer in the back lane it closed.

Jimmy Lik's restaurant closed recently, blaming the Lockout Laws. Meanwhile The Butler restaurant, next door to us, opened last year after the lockout laws and is flourishing. So is Ms G, opened several years ago, a few doors along. Both attract young clients. The queues outside Ms G's on a Saturday night now match those that used to gather outside the SoHo. Changes in tastes, fashions and perceptions, it seems, have greater effect on establishments than changes in the liquor laws. Jimmy Lik's had lost its mojo, not lost out from lockout laws.

Would abandonment or substantial modification of the laws reverse the decline? Probably not if the trends noted above are secular. The improvement in the amenity of the precinct has produced, if you like, a different vibe to the Cross, attracting a different crowd.

### **Have the lockout laws worked to reduce harm?**

For residents the amenity of the streets has certainly improved. More important is the evidence, which the enquiry will want to test, from police and St Vincent's hospital that the reduction in street violence and harm following the introduction of the laws appears overwhelming. This does not necessarily mean a direct relationship but rather a complex interaction between those laws, the reputation of the Cross as an entertainment precinct with edge morphing into dangerous street life, its changing nature, the decline in attraction of nightclubs, all noted above, as well as greater police presence.

### **Is the effect of the lockout laws on night clubs a reasonable trade-off with reduction in harm and safer streets?**

It is tempting to ask why nightspots did not see the restrictions coming (the example of Newcastle), change their business model to respond to the changes or negotiate more responsible liquor protocols to accommodate community concerns and the changing nature of the Cross?

The lockout laws are hardly draconian, or wildly out of line with liquor regulation or closing times in comparable countries and cultures. Being localised, they are not a manifestation of the "nanny state" but aimed at harm reduction. There is strong evidence that they work as intended.

So that begs the question: If it ain't broke, why fix it? However, if *evidence* can be produced of unintended consequences of the current laws and that harm reduction can be achieved with different laws, regulation, restrictions or enforceable protocols, some evolution of the lockout laws or the way that they are applied should not be ruled out, while respecting the changing nature of the neighbourhood.

Two handwritten signatures in blue ink are located at the bottom of the page. The signature on the left is stylized and appears to be 'David'. The signature on the right is more legible and appears to be 'G. David'.