

Submission: Liquor Law Review

Janelle Rees [REDACTED]

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To: Liquor Law Review <liquorlawreview@justice.nsw.gov.au>;

Dear Sir,

I am writing to express my disagreement with the liquor law reforms that are the subject of this review. In summary, my view is that:

- 10pm cessation of takeaway alcohol sales is appropriate and I have no issue with it
- 3am cessation of alcohol sales is appropriate and I have no issue with it
- 1:30 am lockout is inappropriate because it negatively impacts business and trade; negatively impacts arts and culture; is being applied in a way that is not consistent across different business types; is being applied in a way that promotes gambling; and, in Kings Cross in particular, negatively impacts the amenity of long-term residents for the benefit of new residents
- Australia, as a whole, including NSW, needs to implement programs that decrease the negative impact of alcohol on our community, however the lockout laws are not an appropriate way to engender cultural change, but rather drive the problem out of one arbitrary geographic area.

Specifically:

Impact on arts and culture: In Sydney's CBD and in Kings Cross, there is a long-running late night subculture of arts and music that is being negatively impacted by the lockout laws. In my opinion it is not the role of government to legislate the times of day that people may access music venues, or transition between venues. Alternative forms of expression should be encouraged and fostered as part of Sydney's position as a multi-cultural global city. While some may argue that the Kings Cross region in particular has what some may perceive as a 'shady' history, this history is part of the rich tapestry of Sydney and should not be systematically dismantled as a result of a limited number of people who cannot control their behaviour.

Inconsistent application of the laws: The laws are being applied on the basis of arbitrary geography – i.e. where the Department or the Government determined the 'line' should be drawn. If the Government is genuine in its beliefs in the importance of these laws, then the laws should be consistently applied to all liquor venues across either NSW or at least greater Sydney. Wealth, influence or a happenstance of geography should not determine whether or not a business is impacted by laws that are impacting other like businesses. In my view this is anti-competitive at best, and corrupt at worst – for who determines where the line is drawn, and on what basis? Why can I drink at The Star until sunrise – under 1km from the CBD - but not in Kings Cross – further than 1km from the CBD - or not across Darling Harbour on Sussex Street? If the Government was genuine in its belief of the importance of these laws it would apply them without exemption across the state. If the Government was genuine in its belief that the laws do not negatively impact commerce it would apply them without exemption across the state. Yet if the Government is not genuine about these two core beliefs, then it should not implement policy that negatively impacts both residents and business within an arbitrary geographic zone.

Promotion of gambling: The 1:30 am lockout law is being applied in a way that promotes gambling. A significant number of the venues that have been granted exemptions are venues that feature gambling capabilities (i.e. pokie machines), and a specific condition of the exemption is permission for patrons to use gaming facilities after lockout and after the cessation of alcohol service. These venues have been denied the opportunity to provide any other types of entertainment except for gambling – the clause reads ‘No entertainment is to be provided during the lock out period (other than gaming or background entertainment)’ This essentially legitimises gambling as a government-sanctioned late night form of entertainment and promotes it as more appropriate than other entertainment such as live music or DJ venues. Gambling is an addictive form of entertainment that ruins lives. I fail to see on what grounds the ability to access gaming after lockout is a priority over safer and more culturally diverse forms of entertainment such as music and performance based entertainment. I am also of the view that if patrons are not ready to go home after 1:30 am, and for whatever reason have departed their original place of entertainment, the lockout laws essentially channel all patrons, after 1:30 am, into venues that focus on gaming. In my view this is not responsible public policy – in addition to contributing to the cultural homogenisation of our city by diverting all patrons into establishments with a specific focus.

Prioritises the amenity of few at the expense of many: The 1:30 am lockout is a perfect example of ‘not in my backyard’. The NSW Government is prepared to permit venue changes and continued alcohol consumption after 1:30 am and 3am respectively, provided that it is not in the confines of the arbitrarily determined zone. Essentially, ‘whatever you do is fine, just don’t do it here’. This highlights the hypocrisy that sits at the very heart of the policy. This policy improves the amenity of residents in a small section of Sydney at the expense of cultural and artistic diversity; and at the expense of making opportunities for entertainment available to residents of broader Sydney, and the national and international tourist community. With particular reference to the Kings Cross area, this may lead to increased desirability of residential property in this area, increasing property prices and rents and creating a culturally homogenous zone of gentrified wealth in what was previously a diverse and multicultural space.

As I stated at the outset, I am not disputing that Australia has a problem with alcohol consumption that needs to be addressed at both a local and national level – however pushing the problem out of one geographic area, at the expense of arts, culture, commerce and the rights of the residents of our broader city, is not how to best address this problem.

I look forward to hearing about the outcomes of your review.

Yours sincerely,

Janelle Rees

