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Submission to the review

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To: Liquor Law Review; ▾



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Saved submissions

Individual freedom and economic freedom are fundamental rights or values in a modern democracy. The lockout laws significantly curtail both of them.

Laws that significantly curtail fundamental rights or values can only be justified if the curtailment is necessary and effective to uphold other fundamental rights or values.

The fundamental right or value put forward as justifying the lockout laws is personal safety – that is, the safety of individuals who go out at night in the Sydney CBD.

Personal safety is a function of the risk *to individuals* – that is, the *per capita* probability of violent assaults or similar events occurring to those who go out at night. Personal safety is *not* a function of the *total numbers* of violent assaults. For example, Sydney's higher population will always produce higher total numbers of assaults than smaller Australian cities, but that does not make it a more dangerous place. Personal safety can only be considered on a per capita basis.

Thus, for the lockout laws to be justified, it would need to be shown that they have substantially increased personal safety – that is, that they have substantially *decreased* the risk to individuals who go out at night in the Sydney CBD.

The available evidence does not support any such conclusion. The BOCSAR and St Vincent's Hospital figures apparently show that the total number of violent assaults has decreased since the lockouts began, but the City of Sydney foot traffic figures (corroborated anecdotally by local businesses and patrons) show that the number of people going out in the Sydney CBD has decreased even more sharply.

In other words, fewer people are now being assaulted, but only because fewer people are now going out. The individual or per capita risk has not improved at all, and may even be worse.

Thus, while the lockout laws have significantly curtailed individual and economic freedom, they have not produced any countervailing increase in personal safety. The laws are therefore unjustified, and should be repealed.

The devastating impact of the laws on local bars, clubs, live music venues, liquor stores, taxis, and on the culture and vibrancy of Sydney's night life, can only reinforce that conclusion.

Dean Stretton.