

Rebecca Wright

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29 March 2016

Attention: Hon. Ian Callinan, AC

RE: Independent review of the impact of liquor law reforms

Dear Hon. Callinan

My husband and I have lived in [REDACTED] for nearly 16 years. We have been witness to, and deeply affected by the social devolution which was allowed, if not encouraged, by government to occur in Kings Cross over many years and prior to the introduction of the 'lockout laws' there (I will not comment on the CBD area as I have no experience of that). Therefore, I feel well qualified to comment and appreciate this opportunity to make a submission.

The difference between the state of the alcohol-saturated night-time economy in Kings Cross which prevailed prior to the lockout laws and the overall improvement in our community since their introduction is as stark as night versus day. There is every good reason to maintain them or, alternatively, extend them across the entire state of NSW. To relax or even consider any unwinding, would defy all logic, common sense, scientific evidence and certainly fairness regarding our community. Any reversion to the pre-lockouts Kings Cross state would demonstrate irresponsible governing and simply herald a return to the dangerous, deadly mayhem and all the attendant antisocial and criminal behaviour which previously occurred. I must add that I am not a "wowsers" or abstainer from alcohol myself. In fact, I drink regularly but moderately. However, unlike any other such legal drug which affects the mind, alcohol does not require a prescription from a doctor. Therefore, it requires regulation and that falls to government.

The statistics from St Vincent's Hospital A & E department, demonstrating a reduction in serious alcohol-related injuries, as well as the BOSCAR statistics showing reduction in crime would seem adequate enough justification for continuing with the lockout laws, albeit so belatedly-introduced, despite their proven effectiveness in Newcastle long before. The antithesis of a "knee-jerk" reaction.

That said, those statistics only confirm what St Vincent's staff and other medical experts, the police and other emergency workers and, certainly, residents had been complaining about and warning government about for years and years regarding Kings Cross. We were all ignored. With its political donations and all the power that resulted in their most unhealthy alliance with government, the liquor lobby had exclusive access to the 'ear' of government.

That was realised in concession after concession being granted them by successive governments. Then, in late 2007, City of Sydney Council introduced 'late night trading area' in Kings Cross which saw, from early in 2008, a stream of development applications for licensed premises being approved.

That was despite consistent and strong objections by residents. Rarely, Council would refuse such a D.A. in what would seem to have been only to be seen to be listening to residents, while fully cognisant of what would be the final outcome. That is, the applicant would inevitably challenge it and the D.A. which would be re-considered in the Land and Environment Court. Their jurisdiction excluded any regard for resident concerns. In fact, its attitude towards residents who would attend such hearings as an almost disciplinary one; a virtual slap-on-the-wrist approach. How dare we complain!

Basically, the prevailing mindset of government regarding Kings Cross was one of 'too many licensed premises are never enough' and the more extended the trading hours, the better. Kings Cross became a living nightmare with a virtual 24/7 running alcohol tap and the fallout was felt far and wide amongst the 2011 community.

And so it went. Residents endured extreme noise from both patrons as well as the vehicular traffic which typically was at its worst after 1:30 a.m. on Saturdays and Sunday mornings. An endless stream of cars and motorbikes were trying to enter the district from everywhere else in Sydney and beyond where pubs and clubs ceased trading at a reasonable hour.

Specifically, on Macleay Street, [REDACTED] there was a continuous cacophony of noise from, often deliberately exhaust-enhanced vehicles, honking horns despite the traffic being log-jammed. There was also extremely loud music, as well as yelling and shouting. It was intolerable and made more so, just as in Kings Cross itself, on account of the narrow street lined with blocks of units on either side; a canyon effect. Many residents eventually tried to take matter into their own hands, throwing things from unit windows or balconies. As well, any taxis attempting entry to Kings Cross were caught up in the same immovable traffic. So any chance of a proper night's sleep was precluded on every weekend night.

For our own part, north of Kings Cross, some relief came from the weekend closures by the police on Cowper Wharf Road for 3-4 hours from midnight, "supported by Council", says a 'minute' written by the Lord Mayor, Clover Moore, on 23 November 2009, ITEM 3.1. :

***"The closure responds to serious community concern about early morning noise from unlawfully-modified cars, anti-social driving behaviour and traffic congestion in the area.***

***Noise pollution is a serious issue. It affects quality of life and can contribute to hearing loss or health problems such as cardiovascular disease and suppressed immune systems, associated with stress, sleep disturbance and sleep deprivation.***

***The managed closure has achieved its aim, with many residents telling me that they had their first good night's sleep on a weekend for many years.....***

***...There is significant" traffic congestion late at night in Darlinghurst Road and Macleay Street, where taxis double parked to pick up passengers. This adds to the noise impacts on residents, with banked up vehicles playing loud music and sounding their horns."***

I have bothered to include the above extract because it confirms the reality and severity of the impact on residents as a result of all the noise generated by the alcohol industry in Kings Cross. Of course these repercussions applied even more so to those living at the epicentre in Kings Cross. The road closure provided no relief for them, most of whom lived in older buildings which did not, and could not, have air conditioning. Therefore, closing windows and attempting to block out some of the

extreme noise was not an option unless excluding all fresh air. How could such an imposition on residents be justified?

Basically, all the objections being made about the changes in Kings Cross, are founded on a misconception by the liquor industry there their virtual monopoly on the night time economy was owed to them, untouchable, immutable and enduring; written in stone. Is there any industry that has or deserves that? As it turned out, there was a dominance and density of licensed premises that was unwarranted and uncontrollable on all levels.

At least 20,000 patrons invaded that tiny district on any weekend night in what was the most densely populated area in Australia. Kings Cross itself is only 17 hectares and the majority of licensed premises were confined within an even smaller area, along a few blocks only of Darlinghurst Road and a few side streets. A recipe for disaster with that number of patrons if sober. Add excess alcohol in the mix, especially when many had already consumed more than adequate amounts before they arrived, and the situation was obviously volatile, dangerous and generally unmanageable.

For anyone to suggest that the problems could have been solved or contained by more police is a gross oversimplification. The police worked as hard as they could, or should be expected to, in order to maintain some control and order when the situation on weekend nights was always at tipping point. Besides, one must question how much of tax dollars should be dedicated by way of police and emergency services and health costs and clean-up to support one industry which lines the pockets of a relatively small number. Such taxpayer dollars could be much better spent. From a residents' perspective, the police were our only ally in the ongoing battles in this "war zone", as Kings Cross was so accurately described by Malcolm Turnbull.

Similarly, many complain that a lack of adequate public transport was the problem. Seriously, who goes anywhere, especially at night, without a plan for getting home? Besides, City of Sydney instituted buses and patrons did not use them.

Furthermore, while the Cowper Wharf Rd closures made it easier for taxis to access the Cross, many taxi drivers did not want, and still do not want, to pick up drunken patrons from Kings Cross. My husband and I often take taxis. He invariably asks the driver about how he handled Kings Cross patrons. Many admit that they simply refused to go there or would not turn on their lights, being very selective. Too many have picked up patrons travelling long distances and not been paid at the end. Alternatively, they have been abused or their taxis have to be taken off the road for some time in order to be cleaned, having been fouled by the passengers. Can you blame them? In fact, just a couple weeks ago a taxi driver told us that even now "come midnight on any Friday or Saturday night 1000 taxis will be off the road" to avoid the risks involved.

There has also been much hyperbole about the transition state of Kings Cross post-lockouts. It is alleged that Sydney is a "ghost town" and that our international reputation is irretrievably blighted. I wonder how, then, there has been an increase of 7% of international visitors to NSW as at December 2015, with an increase in the number of nights and overall tourist dollars spent. ([http://www.tra.gov.au/documents/ivs/International\\_Visitors\\_in\\_Australia\\_December\\_2015\\_Results\\_of\\_The\\_International\\_Visitor\\_Survey.html#State](http://www.tra.gov.au/documents/ivs/International_Visitors_in_Australia_December_2015_Results_of_The_International_Visitor_Survey.html#State)).

In fact, Kings Cross is alive and well and thriving. As you might be aware from other submissions the number of new businesses since the lockouts far exceeds those who allege they have been forced out of business. There is a great sense of relief and certainly an increased sense of safety. We feel comfortable to access our own local business district.

Furthermore, Kings Cross has changed repeatedly over history and it is in a state of transition again. And why wouldn't it be, given the irony that while the government was, simultaneously, giving free rein to the liquor industry it was approving D.A.'s for the development of a number of blocks of quality home units.

Some argue that the decrease in crime is due solely to the decrease in foot traffic due to the lockout laws. However, patron numbers had already started to drop prior to the lockouts. Perhaps the bad reputation which Kings Cross was earning itself, particularly after the death of Thomas Kelly made patrons question whether a night out in Kings Cross was worth risking one's life. Regardless, the reality is that the maximum foot traffic/number of patrons is probably now what it should only ever have been allowed to reach.

The other factor which influences a downturn in patron numbers is that, just like every other industry in the 21<sup>st</sup> century, clubs and pubs have been affected by the electronic world in which we live. Many would-be patrons 'meet people' on social media and do not go out to pubs and clubs. Instead they now stay home and drink. Clearly, many find it less expensive to do so.

Finally, other major "global" cities used as examples of having thriving and unregulated night time economy areas, such as London and Amsterdam, are actually undergoing the same sort of transition as in Kings Cross. That is, a "gentrification" process is occurring with residential developments being built. However, in Kings Cross the term 'civilisation' would be more apt.

The other suggestion that because of the decrease in foot traffic Kings Cross is now more unsafe is nothing short of absurd. What about all the other communities where there is very little pedestrian traffic at night and in the early morning hours?

Regarding the "massive" job losses, are not most of those employees just as likely to have simply changed jobs? Certainly the popularity of alcohol has not waned just because of lockouts. Patrons are simply drinking elsewhere in other places which will create jobs to take up the slack.

My favourite non-argument is the supposition that the crime has been displaced which has not been shown statistically. By some holey logic, the anti-lockout brigade seem keen to prove that has occurred. Seemingly, that would mean the lockout laws should be reversed and the crime should all be brought back to our community. It is OK –apparently- to have it in occur in Kings Cross. Which demonstrates well how Kings Cross is branded in the minds of too many!

Finally, it must be acknowledged that at least as far as over-intoxicated patrons are concerned we must adapt policies and regulations to accommodate what seems to be a changes 21<sup>st</sup> century human. For whatever reason, there is less ability to deal with face to face contact and, certainly, anger and frustration. We did not used to have road rage (which happens just as often when someone is sober) and certainly not coward punches or glassings.

Finally, such a formula as was cultivated in Kings Cross should never again be forced upon any residential community; not in our backyard, not in anybody's backyard. Here in the 2011 community we have well and truly 'done our time'. Let this cup pass from us forever.

Thank you again for this opportunity.