

**Submission
No 12**

MEASURES TO REDUCE ALCOHOL AND DRUG- RELATED VIOLENCE

Organisation: Big Beat Australia Pty Ltd trading as Home The Venue
Name: Mrs Susanah Page
Date Received: 7/08/2014



Thursday, 7th August 2014

Director, Committees, Legislative Assembly,
Parliament House, Macquarie Street
Sydney NSW 2000

SUBMISSION FOR CONSIDERATION OF WHETHER THE "INQUIRE INTO AND REPORT ON THE EFFECTIVENESS OF RECENT MEASURES TO REDUCE ALCOHOL AND DRUG VIOLENCE IN THE SYDNEY CENTRAL BUSINESS DISTRICT"

TO WHOM IT MAY CONCERN,

I am the Sole Director and owner with my disabled husband, of Big Beat Australia Pty Ltd trading as Home Nightclub and Tokio Hotel. We have been the owners of Big Beat Australia Pty Ltd since 2005, the venue has been trading for 16 years. Our previous business was Sublime Nightclub also located in the Sydney CBD which we started in 1996. We have been in the industry for over 18 years.

What I believe has been the most effective result of the new legislation is the feeling of fear, discrimination and defamation for the people that work in the hospitality industry in the Sydney CBD and Kings Cross areas.

The statistics from my venue show that the violence has not changed. I would go as far to say that as a percentage to patronage, the violence has increased although it is being reported as less due to the fact that there are no where near as many people coming into the city. Kings Cross is a great example of this where it was reported that 27,000 people frequented the area on a Friday and Saturday night, now it has been reduced to just 5,000 people. That shortfall of 22,000 people is massive. Unfortunately there are no statistics available for the Sydney CBD area but the decrease in turnover of our business and our neighbouring businesses makes it very apparent.

When I say there is a feeling of fear I mean the loss of income due to shorter trading hours. For example our venue on a Friday night would have had seven entertaining rooms open at the same time prior to the new legislation but now due to the lack of people coming into the city we have reduced this down to two rooms. That is a loss for entertainers of 8 hours per room, total 40 hours per night and for our bartenders, bussers and security guards that is a loss of approximately 190 hours. This doesn't include the flow on effect on our contracted companies such as the cleaners and our suppliers.

The loss of jobs or lesser hours is a reality. The legislations is creating unemployment and underemployment for a large sector of the workforce mainly the young, vibrant students, travellers and musicians.

Home The Venue
T101, 1 Wheat Road, Cockle Bay Wharf, Darling Park NSW 2000
Phone (02) 9266 0600 Fax (02) 9266 0611 Email events@homesydney.com



The Premier's declaration of Sydney as a violent city has successfully informed the global community that we are an unsafe city. We have even had tourists that come to Tokio Hotel (which is primarily a tourist bar in Darling Harbour) question my staff about the safety of Sydney. In time this could become a real problem for our city.

By discrimination, I mean the loss of being able to compete on an even playing field with my competitors. For our venue it's very apparent, only 500 metres on the other side of Darling Harbour the restrictions do not apply. Even though we are in the same liquor accord and have the same incident statistics for the area. My competitors outside the zone are advertising their advantage of NO LOCKOUTS and NO RESTRICTIONS. They are given the advantage of attracting not only patrons but also large-scale events and functions (especially in the corporate sector) that would have previously considered my venue.

By defamation, being labeled a "violent venue" or "high risk venue" can only mean the legislation considers the responsibility for these crimes are on the business owners and their employees. The legislation has made us all look and feel like criminals. I, (nor any of my staff to my knowledge) have never assaulted anyone. I do not condone alcohol related violence nor do I endeavor to get people to spend as much as possible on alcohol without any thought to the consequence. I have multiple measures in place to ensure my venue is one of the safest most comfortable places as it is only with this feeling of security that we see return patronage. My venue is a well-established mature business that has always traded within the law. I have always followed Police instruction and my staff members are trained to contact them whenever any incident occurs. I have always focused on the safety of any people involved or surrounding an incident whether or not they are my patrons or just in the area. This does not, to me, translate to being "high risk" or "violent". Previously I have been very proud that the Police have used my Harm Minimisation Plan widespread across the state. We have also received an Award for Patron Care.

There is a huge disconnect between the legislation and the crime itself. The perpetrators committing these crimes are getting away with it. The legislation has not given businesses enough powers to ensure that these perpetrators can't just leave the crime scene. As we cannot detain them, they leave prior to the Police attending with the end result being only the venue punished. I believe that most of these crimes have gone uncharged. Other incidents occur when the involved parties do not press charges yet it is still considered a mark against my venue. One example is when I had an incident where a standing male punched a seated male twice in the head because he would not stand up for his female companion. The security guards were there instantly to remove both parties and the police called. The CCTV clearly showed the incident occurring and the actions soon after. However, neither party wanted to charge the other so the Police sent them home in taxis. Without a victim, there is apparently no crime. It stands to question then, is the venue the victim in this case? How can a business and its employees be responsible for the actions of an individual and even more so how can they be punished when the individual is not?

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In 2008 Nathan Rees the then Premier of NSW declared the Casino exempt from the original changes to the legislation due to its capacity. Why now, does it seem that the Premier is declaring our capacity to be the problem? With 16 years of trading, a capacity of 2100 people and only one breach to our venue's license, how are we deemed "High Risk"?

The legislation is not appropriate to only two areas of a city. These two areas are well set up, established entertainment precincts. Our venue has ample procedures in place to ensure fun, safe trading. Although the transport isn't ideal, it is safer and more substantial than suburban Sydney and the areas where these patrons are spreading out to in order to avoid the legislation. Violence is everywhere and it is not necessary alcohol related. It is only personal responsibility and education that is going to make the whole city a safer place. What other situation has allowed parliament to divide an industry and only legislate for a percentage of that? If anything, it should be at least state wide.

Legislation in this instance is not changing people's drinking patterns, behaviour or attitude towards alcohol or social situations. If the government really wanted to solve this problem they would legislate "Personal Responsibility". Instead they have taken on the concept of the Kindergarten Theory, when one person does wrong, the whole class gets punished. This approach has created a punishment that is bigger than the problem.

Yours Sincerely,

Susanah Page
Owner / Director Home The Venue

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TO WHOM IT MAY CONCERN,

I am the licensee of a Home The Venue in the Sydney CBD Entertainment Precinct. I have been licensee of this venue for around 4 years, and have worked here for 9 years.

Prior to the lockouts there was a clear change in social climate with an increase in more violence. I believe it is a combination of a sad lack of respect and very little personal consequence that is leading Australian youth to behave badly. Previously people respected themselves, and their friends, a lot more than what they do today. That said, with the scheme to regulate licensed premises with high levels of assault and other violent incidents, Home began on Level 1 (the most violent) and swiftly worked it's way down to Level 2, Level 3, then completely off the scheme. Most of this was achieved by crowd control, installing a strict Dress Code and turning away upwards of 300 – 400 potential patrons a night based on their attitude towards door staff or other patrons. It is also worth mentioning that I worked incredibly closely with our Police LAC. We trialed (and usually maintained) every idea or practice they suggested and they were incredibly supportive of the proactive measures we were taking to help reduce alcohol related violence.

Since the new legislation has been in effect Home's incidents have increased back to Level 1 with over 19 assaults in a year period. This is for dual reasons.

Firstly – the business suffered from the new legislation and restrictions meaning we were required to take on more events from unknown promoters in order to maintain our weekly income. These events have helped keep us above break even and keep the venue open. One of these events in particular, were a crowd that we would usually avoid due to their aggressive nature. After the first two events (and five incidents attributed to the venue) we put practices in place to manage the crowd as safely as possible. In the past, we would have sacrificed the income for the best interest of the venue. Now however, there is a need to supplement the lost income and any repercussions of being on level one have been subdued because it is now legislation anyway.

Secondly – the quality (for lack of a better word) of the patrons making the effort to come into the city has reduced substantially. We have found that the people with less violent tendencies or friendlier attitudes are attending events outside the precinct. This could be because of the effort it now takes to have a night out in the city (especially with transport concerns) or because of the reputation that the government has put out saying the city is a place of violence. This means, again, in



order to sustain a break-even income we are required to accept people we would have previously refused. Due to the lack of transport options and the general uneasy feeling on the streets in the precinct after 1:30am lock out, Home has decided on Saturday nights to remain open until 4am. Whilst the extra hour is a pure expense with no potential to recoup any costs over the bar, it ensures our patrons have an extra hours safe and secure within a venue prior to organizing a way home or waiting for public transport to begin again.

Finally, there is an unjust punishment of venues that are just trying to trade a legal business. Besides from the obvious that the creation of a precinct not only questions our constitutional rights as a business but challenges the notion of discrimination there is no doubt that being inside a well set up, well licensed venue is the most secure option for a patron. We have ample CCTV, a huge security presence and highly trained staff and as many procedures in place as required to ensure safe trade. This trade is not illegal. Our core business is not the supply of alcohol but one of late night musical entertainment. We are being treated as though we are criminals after numerous years working along side the Police to help the social issues we are now being labeled the cause of the social issues.

If the new legislation is the solution to the problem (which there is no doubt that we have a problem as a society) then it is akin to reprimanding a small child without explaining to them what they did wrong or how they should do it in the future. We are not teaching our children how to control their anger or what is socially acceptable when it comes to losing their cool. Schools are reporting the highest level of assaults we have ever seen, without alcohol being involved – I hate to think what will happen when these children come to age.

Yours Sincerely

Sophie Page
Home The Venue - Licensee



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TO WHOM IT MAY CONCERN,

I work for Home Nightclub in the Sydney CBD Precinct. I have worked here since 2006 looking after all the repairs and maintenance.

My main concern with regards to the new legislation is that there is not as much work available to me. The lack of patrons is reducing the need for repairs or maintenance. If this continues in this way, I'm nervous that my hours will be reduced.

Yours Sincerely

A large black rectangular redaction box covering the signature area.

Jeff Thomas

A black rectangular redaction box covering contact information.

“I Just Want To Say”

Latest blog written by a Sydneysider

I Just Want To Say...

“Big Money” will be the end of Kings Cross.

I just want to say...

If you love a “Tea-Pot” at World bar at 2 am, dancing shirtless at Arq, busting moves on a packed dance floor at Home or maybe you just like dropping in with your friends to Showgirls, your days of indulging are numbered. Multi-billion dollar developments are going to result in a huge shift in the type and location of nightlife venues in Sydney and it will be at an expense of many of Sydney’s unique night spots.

Whether you are a tourist or live in Sydney you have no doubt been affected by the NSW Government introducing a raft of restrictions on the CBD nightlife and alcohol sales. We have been told the laws were needed due to “alcohol fuelled violence” following the very unfortunate deaths of two young individuals on our streets from coward punches. (New Laws (<http://www.nsw.gov.au/newlaws>))

While I support the need to remove any violent individuals from our streets and the right of us all to be safe while walking the streets (both deaths in Kings Cross occurred within eyesight of my bedroom window). I simply don’t believe that these laws and restrictions were brought in for the reasons that are being touted.

I attribute the laws to “Big Money” (Developers, multi-million dollar investors and all their associated vested interests):

- Barangaroo redevelopment is over \$6 billion, including the new casino which is about \$2 billion.
- Sydney Convention Centre redevelopment is around \$2.5 billion.
- The Star has recently gone through and \$850 million redevelopment and had proposed a further \$1 billion upgrade although I am not sure if that is still fully going ahead.
- The Central Park development which is a \$2 billion construction project is a mix of residential and commercial spaces and will include a restaurants and bars precinct.

It is great that the city is getting this level of investment, however I believe it is more than a coincidence that the boundary of the new precinct that the lock-out and new alcohol sale laws apply does not encompass any of these CBD developments.

Map of where the laws apply
(http://www.nsw.gov.au/sites/default/files/proposed_sydney_cbd_entertainment_precinct.pdf)

We can't have this level of investment in the city and not have to scratch a few backs at the other end of it. I believe that we as a State will be doing that by making Barangaroo, The Star, Darling Harbour, Central Park the Bar/Nightclub/Entertainment hub of the CBD. This is a conscious decision at the expense of Kings Cross, Oxford St and The Rocks.

Currently our night life venues are scattered around the city, which means that policing, transport and other government services like street cleaning needs to have focuses in multiple locations. By centralising into the new hub of the city, which is going to be well serviced by rail, bus, light rail, ferry and even has plenty of parking for cars, the city can consolidate transport and policing resources.

It will create a centralised hub with homogenised venues catering to mass markets owned by big business (or at the very least big business will be the landlords) and not the current diversity of venues and owners we currently have. I wouldn't be surprised if decision makers believe that by removing the nightlife venues from the Cross and Oxford St and taking venues out of the hands of the current owners (a few of which are described as "colourful identities") that they will disrupt the party drug scene and hurt/close down the strip clubs and brothels.

The NSW Government needs to be open and honest with the public about the shift of our nightlife zones that they are clearly hoping to achieve. It will take a couple of years for the laws to starve Kings Cross and Oxford St to death... but that timing sits almost perfectly with the completion of these development sites. I have no doubt that in 2020 Kings Cross will no longer be a nightlife destination, but the site of many new apartment blocks. How many years will it take before the new residential spaces that sprout up on Oxford St begin making noise complaints about the Mardi Gras?

Or maybe I'm looking too hard at the matter and it is a genuine attempt to change social behaviour... What do you think?

There is currently an inquiry on the effectiveness of the [new laws](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/FB246944940DFBFECA257D0A00078DA1?open&refnavid=CO3_1) (http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/FB246944940DFBFECA257D0A00078DA1?open&refnavid=CO3_1). You should definitely have your say!

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