

**Submission  
No 385**

## **SYDNEY'S NIGHT TIME ECONOMY**

**Organisation:** Oxford Art Factory

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To the Chair,

The Joint Select Committee on Sydney's Night Time Economy.

It has been five long, hard years since the lockout laws were implemented. Much has occurred in that time, and while some changes have been positive, the majority has been negative; and this regression can be directly traced to the lockout laws themselves. Its indiscriminate authority has caused the birth of a ghost town in a city once revered internationally for its daytime and nighttime metropolis. The Oxford Art Factory adamantly supports this inquiry, for without change the future of this great city and its culture will be irreversibly damaged.

Since 2014, Sydney has been further shaped to reflect a healthier, egalitarian, contemporary society. People are drinking (and smoking) less, antisocial behaviour and public nuisances are called out upon more than ever, and equality and inclusivity is defended and celebrated by the majority. The inclusion of these social reforms into our daily lives has helped create a more respectful environment, allowing people to exist with more community and social awareness. Toxic masculinity is being exposed, the seeds of which are being questioned with greater public scrutiny every day. We argue strongly that these positive, evolutionary changes were already being formed in Sydney well before 2014, along with the rest of the world. They are still evolving now, the drive to be a better, more socially harmonious being is part of our social consciousness — people can act in unity without overregulation. We must never forget that with each generation turning eighteen and looking adulthood in the eye, there's a new wave of better educated young people entering, carrying with them more knowledge about social "do's and don'ts" than their forebears. They know full well the deadly side effects that come with smoking or drinking in excess, they also know the antisocial outcomes that binge drinking can create. For each new generation that enters a night time economy, there's another leaving it. We must work with this in mind, as it's the future generations who stand to lose the most if they are not considered worthy of our trust and having an educated opinion. Overreacting with overregulation shows signs of the 'too hard basket', we must come together and entrust the people to see a way forward.

If you are talking about maintaining and enhancing community safety, you firstly have to have vibrant and diverse business foundations — foundations that encourage both creative output and freedom of expression, all done with the best intentions for the community in mind and always in harmony with its cultural heritage, its residents, and the governing authorities.

This was Oxford Street, and this is what was lost in March 2014.

In order for the OAF to submit a document that comprehensively addresses the terms of reference, while providing an insight into one of the final bastions of live music in the CBD, we need to outline our beginnings.

The Oxford Art Factory opened its doors in August 2007 to a city lacking in diversity of hospitality. Olympic-era Sydney saw an influx of licenses being granted to help enhance the city's image as one of a host. This inundation was poorly planned and executed by local and state governments from the start, and once the games were over, the city was left with an unchanging landscape of nightclubs highly competitive for capital and the control of the crowd, and would achieve so by any means necessary. The primary recipient, Kings Cross, was under-policed, overpopulated, and when combined with this homogenous offering, drew an antisocial and often troubled crowd, disconnected from the community and culture, and for some, toxically masculine toughness and booze were the only attraction to venture into the streets that offered them anonymity... an inherent lack of respect with deadly violence the result.

Our venue in Oxford Street intended to break up this dull and dangerous monotony, encouraging a bloom of creative expression, aided by our like-minded peers in the new small-bar industry and the LGBTIQ+ nature of the strip; this flower of diversity offered the public engagement in culturally enriching, diverse activities which were rarely visible before. The crowd felt connected and boosted by this positive and creative environment, and rather than focusing solely on alcohol consumption, Oxford Street brought live music, performance art, and a more responsible attitude to the consumption of alcohol to the forefront — something we consider vital in a safe, successful, and vibrant night time economy.

Oxford Street was the growing antithesis to the toxicity and uniformity of the Cross, and with music venues such as Spectrum and the OAF; historically LGBTIQ+ spaces such as the Midnight Shift, Arq, Stonewall, The Phoenix Bar, Palms, The Columbian, and the Oxford Hotel; new small-bars such as The Lounge, Shady Pines, Pocket, the Commons, Ching-a-Lings, and Low 302; and hotels such as the Beresford, Kinsella's, The Gaslight, The Brighton, The Q Bar/Exchange and the Courthouse, Oxford Street truly revealed itself as the cultural center of the CBD. We witnessed this precinct grow only further and further over the next seven years of trading. It was a unique destination of bohemian utopia, and in March 2014, we witnessed it all come crashing down.

To subject our precinct to these lockout laws was to murder the antidote to the antisocial behaviour they sought to stop. Oxford Street should never have been included in the map. As was widely reported by the Bureau of Crime and Statistics, a lockout free Oxford Street precinct saw a massive 40% drop in alcohol related violence between the years of [2008-2012](#), yet nothing was done by the government to properly look at the cause and capitalise upon this positive trend. We would argue that this had everything and more to do with the diversity and inclusive nature of the precinct than any regulatory measures imposed on it. Seven years on from 2012, the lockout laws' effectiveness is being questioned not only by this inquiry and the Callinan review, but also by [Sydney University](#).

The 2014 lockout laws grouped together the most flourishing precinct with the most mishandled, and pulled the carpet out from underneath both. The lockout is a blunt, inexact instrument - a chemotherapy so invasive it eventually destroys the cells it was supposed to protect, causing irreparable damage to the life of the patient. It harks back to the prohibition days of the USA, which saw sweeping liquor regulation foisted on its people, only to make them turn to bootlegging and crime with ever more fervour and gusto, eventually turning even the most ardent supporters into covert by-night hypocrites, all the while sowing the seeds for future organised crime — the likes of which so deeply entrenched into society, that the ramifications and corruption it carries are still being felt to this day.

Sydney living under the Lockout Laws will be remembered for all eternity as dark years, when the common good in all people was all but ignored, and replaced by ancient and outdated laws that treated everyone as guilty until proven innocent.

Sydney must be allowed to grow its own identity once again. Its people need to be empowered to be able to have a say in the decisions which affect their daily lives. Our people are decent, good people, they come from multiple cultures, all rich in offerings and artistic ingenuity. Give us back our freedom, so that we can stand together and proudly sing the praises of this city to all and sundry around the globe. When one personally hears of world renowned Sydney artists participating in Dark Mofo, praise the fact they are so grateful to be in a free city like Hobart, a city where they are able to work with artistic freedom compared to the boring and over regulated locked out Sydney - that's when you know that we are losing our reputation on such a scale that one shudders to think what will happen if nothing is done to replace the dark cloud that is the Lockout. The virtues of telling people that you live and work in Sydney are fading away every day, every week and every year that goes by whilst this dark cloud hangs over the city.

In five years we have seen so many good businesses go to waste, lost forever. Innocent victims of an unfair ruling that doesn't discriminate. They represented the very cultural opportunities which provided an antidote to anti social behaviour. Instead empty streets abound and the ghost town keeps on growing in reputation. Famous restaurants are closing on a regular basis. Secondary attempts proving unsuccessful, with honeymoon periods that don't sustain, uncertainty creeping ever more into the workforce and the community. There are no new live music

venues opening in Sydney's CBD, only old ones being given a new life, with the hope that all the costs and investments will somehow be rewarded.

The Oxford Street precinct prior to the Lockout saw a flourish of venues include Live Music into their business model, only to see it all disappear in five years, leaving OAF and a couple of others to fend for themselves. The city is not only losing venues, it's also losing culturally significant daytime retail businesses. Our critical cultural mass is migrating to other countries, it's moving to suburbs across Sydney and other cities in Australia like never before. We are losing valuable assets in the very people who could help build and maintain a prosperous, safe CBD. [Analysis](#) by Deloitte Access Economics says that we are missing out on \$16 billion in revenue due to the underdeveloped night time economy the lockout laws have created. These figures must not be ignored when discussing the future economy and well-being of our city. They toll the bell on who has lost the race to a unique, and culturally significant economy.

*"A more innovative workforce is built on exposure to the arts and culture, and the richness of a city's arts sector is crucial to attracting and retaining talent,"*

— Kathryn Matthews, Deloitte Access Economics.

In direct reference to the terms of this inquiry -

**(a) maintain and enhance community safety;**

- Venues such as OAF provide culturally significant platforms that benefit not only our performers, but all in the community. Our model gives more than it takes, and in doing so helps to achieve the best outcomes possible for the community safety of Sydney. The OAF believes that this practice enhances both our business and our social impact equally. We think that venues and stakeholders from all across the CBD must play a role in maintaining and enhancing community safety. Simply put, what you give is what you get. We would like to see more confidence returned to the Live Music sector of Sydney, so that venues, entrepreneurs, and investors alike, will see Live Music and Performance once again as a viable business proposition. In order to achieve this the government needs to assist the sector by investing significant funds into arts and culture. A healthy art and music scene guarantees safe and positive community outcomes.
- The OAF recommends that the NSW Government look to the 'Best Practice Venue Guidelines' as found in Victoria and the UK, as well as gender wellbeing projects such as "Your Choice" and "Ask For Angela" and Human Rights campaigns that deal with racial discrimination for inspiration and future incorporation into its existing RSA and Intoxication guidelines. Current guidelines, while adequate, go only part of the way to ensuring everyone's safety is catered for when they enter a venue - it takes more than passing an online test for staff and security personnel to be able to properly deal with people in ways that are non discriminatory and acceptable with current social norms and community standards. This will help diversity and inclusivity to form part of a venue's commitment in its operation manuals, thereby guaranteeing that all sectors of society can always feel safe, welcomed, and engaged with the venue.
  - The OAF has always pro-actively sought to address and include all of the above, one such way was by incorporating the Three Cheers or [SASH](#) program into its operations.
  - The OAF participated in a 12 month trial conducted by Prof. Peter Miller of Deakin University, which ended in January 2019. The positive results were outstanding for a venue with a large capacity and after hours trading, as can be seen in the [report](#).
- The OAF would like to see Liquor Accords reflect a more contemporary attitude. Currently, we don't believe that they provide an open forum that allows direct discussion and action, which works to resolve issues or

find ways to improve upon the amenities and safety of the area. Given that in recent times we have seen a more open and willing attitude from the Police to collaborate with the accord, the time is now ripe for new attitudes and standards to enter the realm of Liquor Accords. More inclusive and committed liquor accords can go a long way to provide community safety whilst also enhancing the diverse activities and culture that the accords seek to represent.

- Prior to 2014, the Surry Hills Liquor Accord held regular meetings to discuss important matters. Since the lockout laws were implemented, this regularity has decreased immensely. Without regularly held meetings, we cannot expect to collectively and effectively deal with pressing issues that affect our businesses and the community.

**(b) maintain and enhance individual and community health outcomes;**

**(d) enhance Sydney's night time economy; and any other directly relevant matters.**

- As previously stated, community safety is only maintained and enhanced through a range of diverse and culturally engaging offerings being made available to visitors and residents alike. Rightfully, they include a wide spectrum of offerings, including, but not limited to: live music and performance venues, and nightclubs; restaurants, bars, takeaways and cafes; nighttime retailers and book stores; cinemas as well as art galleries and pop up creative spaces. This can only be achieved through the implementation of new, progressively-minded regulation which puts culture and the arts at the forefront. By having a wide variety of offerings in the mix, we are ensuring that no one particular offering can ever dominate, allowing for a generous mix of non-licensed premises to coexist alongside licensed premises, creating safe areas for all to come and enjoy.
- The recent steps regarding late night trading that the City of Sydney Council have worked to introduce into its DCP are a great step in this direction. The NSW government must support this initiative and work hand in hand with the City in order to make this initiative a reality for Sydney. The City has already done much in this regard, and has expressed a willingness to work with the state government. In turn the government must do its part and look at providing the necessary additions that are under its control, such as 24/7 public transport — something most cities already benefit from. With the impending launch of the light rail approaching this year, the OAF believes that this is the prime time to test and introduce such an important concept.

**(c) ensure existing regulatory arrangements in relation to individuals, businesses and other stakeholders, including Sydney's lockout laws, remain appropriately balanced;**

- The OAF wants to see the lockout laws' restrictions lifted. The OAF also strongly believes that restrictions should be based on a venue's own record of incidences — an idea echoed by other major stakeholders in the industry.
  - A review of the Three Strikes license system is needed to ensure that it measures and calculates new values in accordance with a lifting of the late night lockout restrictions. Venues should have their incidences ranked according to severity and prevalence.
- Blanket restrictions serve only to hurt those businesses that are in fact doing good for the community. Good business practices be rewarded, they should be looked at as a template for other businesses providing the same offering, so that bad practices are done away with.

- A review of ownership regulation be looked at. The intent, character and background of individuals or companies be scrutinised and investigated same as licensees, so their good standing and purpose can be ascertained.
- The OAF believes that it is necessary for the creation of a local and state government led round-table panel of industry leaders — including peak bodies, stakeholders, industry associations, neighbourhood groups, community and youth representatives, as well as police and health representatives and the controlling authorities — to jointly work on alternative measures to achieve appropriate balance. We see the removal of the lockout as absolutely necessary for community fatigue and lack of business confidence to be turned around and grown again.

In conclusion,

The Oxford Art Factory is pleased to be given the opportunity to provide a submission to this ever so important inquiry, for that, we'd like to thank the NSW government and all the members of the joint select committee.

Yours Sincerely,

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