

**Submission
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SYDNEY'S NIGHT TIME ECONOMY

Organisation: Keep Sydney Open

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**UNLOCKING THE POTENTIAL OF
SYDNEY'S NIGHT-TIME ECONOMY AND CULTURE**

**Submission by Keep Sydney Open to the
Joint Select Committee on Sydney's Night Time Economy**

July 2019

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SUMMARY

The 'lockout laws' have deeply impacted Sydney's cultural and economic landscape since they were introduced in 2014. Some of the effects, such as to the earnings of a business owner or taxi driver, are quantifiable. Other impacts are harder to measure, like to the city's reputation and sense of pride.

The last five years have also seen a reduction in assaults within the lockout precinct, however, this has been met with increased violence in neighbouring precincts and a wholesale emptying of the streets at night.

To say that repealing the lockouts would see a return to the same levels of assaults as in 2008 is to ignore the improvements made to night-time safety by local and state governments over the last decade; the evolution of the venues industry as well as the continued trends in tastes and behaviours, particularly among younger adults.

Regardless of whether we *needed* the lockouts in 2014 or not, we shall prosecute that the laws no longer reflect the Sydney of today and certainly not of tomorrow. Keep Sydney Open believes that being known as "the city with lockouts" is so damaging to the city's psyche, that nothing but a full repeal of the lockout laws will restore any sense of confidence in Sydney's night-time economy.

The Joint Select Committee has not just an opportunity to review a piece of legislation, but a chance to usher in a new era of Sydney as a 24-hour global city.

KEY RECOMMENDATIONS

Licensing reform

- **Repeal the 1.30am lockout.**
- **Reward well-run venues with extended trading hours, including 24-hour licences.**
- Remove the liquor licence freeze, which blocks the diversification of nightlife.
- Create a **new class of licence** with lower fees and compliance costs for venues offering cultural and performance space.
- **Streamline** liquor licensing approvals and development consent processes.
- **Replace the 11pm curfew on takeaway liquor sales** with a sensible licensing regime for late-night packaged liquor as in Victoria.

24-hour transport for a 24-hour Sydney

- Trial **24-hour transport** Thursdays to Sundays.
- Conduct a public **scoping study into a permanent 24-hour transport network**, coordinated across public, private and rideshare operators.

More effective and collaborative policing of entertainment precincts.

- **Remove ID scanning from venues.** The effectiveness of ID scanning is extremely low in proportion to its inconvenience and damage to participation in nightlife. It has the added effect of reinforcing the false idea that Sydney is unsafe.
- **Conduct regular stakeholder roundtables** to foster stronger working relationships between police, liquor licensees and local businesses, and greater transparency and

oversight of licensing police.

- **Take violent troublemakers off the street** rather than just moving them on, with trials of 'drunk tanks' and other 'proclaimed places' where antisocial drunks can sober up off the streets.
- **Invest in best-practice security** with a focus on harm-minimisation, inclusivity and preventative measures to avoid intoxication.

Remove oppressive and outdated regulation to allow the creative sector to flourish

- Work with city councils to scrap development applications for **small-scale and temporary cultural projects**.
- **Remove oppressive and outdated licensing conditions and security requirements** that stifle creativity.

Respect the value of the night-time economy

- Establish an **independent NSW Government 'night-time office'** as a focal point for leadership, coordination and accountability for stakeholders of the night-time economy.
- Establish a **Ministry of Culture, Music and Nightlife** for a seat in Cabinet.
- Develop a **State Government vision** for nightlife and culture to which the Government can be held accountable.
- A targeted **marketing and promotion campaign to rebuild the confidence and reputation** of the state's nightlife and cultural offering.

ABOUT KEEP SYDNEY OPEN

Originally formed by the music industry in response to the 2014 amendments made to the Liquor Act 2007 (Act), Keep Sydney Open (KSO) has since evolved into the peak advocacy group working to replace the lockout laws with global best-practice management of the night-time economy (NTE).

KSO represents people who value nightlife and culture in NSW. We also fight in the interests of creative, hospitality and entertainment industry stakeholders, small businesses, startups and workers concerned with the night-time economy. While our strongest support comes from people aged between 18 and 40 years of age, more than 20% of our supporters are aged over 40.

Drawing on the expertise of our stakeholders and a global network of academics, policy makers and experts, we work to propel a smarter, safer and more vibrant Sydney into the top tier of global 24-hour cities. KSO has participated in the NSW Government's NTE roundtable; have been consulted by Liquor and Gaming NSW on 'small bar' legislation; gave testimony at the Music and Arts Economy parliamentary inquiry and have been consulted by other state MPs and the City of Sydney.

Election Results

Propelled by the wave of frustration surrounding Sydney's lockout laws, festivals regulation and the 'nanny state' among other issues, Keep Sydney Open formed a political party in the most difficult state to do so. At the time of the 2019 NSW State Election, the Keep Sydney Open Party had been registered for a little over

one year and ran in 42 Lower House seats. Among the best performing seats were Coogee (4.8%), Heffron (9.1%), Macquarie Fields (4.6%), Manly (5.1%), Newtown (7.1%), North Shore (4.2%), Rockdale (6.0%), Summer Hill (5.7%) and Vacluse (8.0%).

KSOP also received 81,508 first preference votes in the Legislative Council. This was one of the best debuts for a political party in NSW history and confirmed Keep Sydney Open as a movement.

Activism

Keep Sydney Open had primarily acted behind the scenes, connecting venues with government and gathering support among the communities most affected. This changed when KSO staged a rally on February 21, 2016 in Hyde Park. Attended by 15,000, it is one of the largest protests ever held in Sydney.

On May 12, 2016 a hand-signed petition of over 10,000 signatures was presented to NSW Parliament by Greens MP Jenny Leong on behalf of Keep Sydney Open. It forced a debate in the Legislative Assembly.

The second Keep Sydney Open rally was held on October 9, 2016 at Taylor Square, which was noted for being supported by Australian rock icon Jimmy Barnes via a recorded message including the quote: "The lockout laws aren't working. We've got to help keep music alive and keep Sydney alive. Let's find a better way to do it."¹

In January, 2017 a third rally was set to take place in Kings Cross but was challenged by the former Police Commissioner Andrew Scipione in the Supreme Court. The Court upheld the Commissioner's appeal, giving way to concerns about civil liberties in NSW and the right to public assembly. The story received coverage in The Guardian², ABC News³, SBS, Nine News and Business Insider⁴.

A rally outside Parliament House was held on October 25, 2018 to coincide with a bill presented to the NSW Legislative Council by Robert Borsak MLC.

In December, 2018 Keep Sydney Open organised for 20 venues across NSW to turn off the music at midnight and address punters about the continued damage caused by the NSW Government to the venue and music sectors.

KSO has also rallied its supporters on numerous occasions to write to parliamentarians, make submissions to government inquiries and DA exhibitions, as well as taken part in roundtables, panels, and meetings with the government and other parliamentarians.

¹ Keep Sydney Open, October 7, 2016: '[Jimmy Barnes for Keep Sydney Open](#)'

² The Guardian, January 20, 2017: '[Lockout laws protest successfully shut down by police after 11th-hour legal action](#)'

³ ABC News, January 21, 2017: '[Keep Sydney Open protest march cannot go ahead, court rules](#)'

⁴ Business Insider, January 20, 2017: '[Police shut down Saturday night's rally against Sydney's lockout laws for 'safety''](#)'

DISCUSSION

Justification for the introduction of and ongoing support for the Liquor Act amendments of 2014⁵ typically finds refuge in supposed improvements to public safety. For more than five years now, the discussion has been locked into a false narrative of *safety versus fun, lockouts versus no lockouts*. This framing is inaccurate, divisive and has thrust public debate down an unhelpful and unhealthy dead end.

The 2016 Callinan Review was similarly flawed, neutered by terms of reference that asked the wrong question: *'Have the lockouts made our streets safer?'* Had the Government asked *'Are the lockouts the most cost effective way to make our streets safer? What are our options?'* Sydney may have been spared the worst of the economic, cultural and reputational damage of the past few years.

There was a failure to understand the issues that beset the Kings Cross precinct prior to 2014. Roughly 27,000 people would cram into the area on a regular Friday or Saturday night – more than what the venues combined could accommodate. Yet, where were the road closures? Where were the scaled up transport options and first aid stations that are rolled out for similar sized sporting and cultural events? Why was there not more scrutiny of individual licensees? Why were police directed to leave intoxicated troublemakers on the street?

Authorities failed the area and its patrons, but the response has been to transfer the blame and cost onto venues, small businesses, artists, workers and punters. As a result, the identity of our city has suffered.

Eschewing far less impactful measures when Sydney was among the world's safest cities⁶ has led many to cast doubt on the State Government's concerns around safety. This is not helped by the absence of casinos⁷ and sporting stadiums⁸ from the 'violent venues list' – particularly with The Star being 10 times more violent than NSW's most violent pub⁹.

Regardless, falls in hospitalisation and assaults statistics are attributed to the regulatory reforms and offered up as proof that 'the lockouts have worked'. To oppose the lockouts is to oppose safety. To remove the lockouts is to return to the 'carnage' of the bad old days leaving opponents with 'blood on their hands'. To oppose the lockouts doesn't mean you don't care about safety; it just means that you'd rather get there through other, less damaging means.

It would be a major achievement of the current Committee process and a sign of genuine leadership and progress if it were to succeed in reframing the discussion away from simplistic binaries – *safety vs nightlife/fun* and *lockouts vs no lockouts* – towards a mature discussion of the many alternatives that can create a diverse, vibrant and safe night-time economy.

⁵ The Liquor Amendment Act, 2014, taking effect on February 24, 2014, including: 1.30am lockouts at hotels, clubs, nightclubs and karaoke bars in the Sydney CBD Entertainment Precinct and Kings Cross; 3.00am last drinks; efforts to prevent designated 'troublemakers' from entering most licensed premises; a freeze on new and approvals for existing liquor licences across the Sydney CBD; a continuation of the existing freeze in Kings Cross; a ban on takeaway alcohol sales after 10.00pm across NSW.

⁶ Destination NSW, October 11, 2013: ['Sydney world's safest and friendliest city'](#)

⁷ Sydney Morning Herald, April 20, 2015: ['Star casino may be the most violent venue but exempt from restrictions'](#)

⁸ Sydney Morning Herald, May 25, 2018: ['New face tops Sydney's most violent venue list'](#)

⁹ ABC News, November 1, 2016: ['Star Casino violence three times worse than official crime statistics, leaked report says'](#)

As the toll of the lockouts began to mount, we were told that all this was the ‘price of safety’, as if there weren’t less costly and damaging alternatives. When it comes to managing our roads, authorities target high-risk behaviours, penalise non-compliance severely and invest heavily in education and prevention. Yet when managing late-night precincts, targeting and nuance give way to indiscriminate blunt-force trauma.

Don’t ask whether things are safer. Ask whether similar or better results can be achieved at a lower economic, cultural and reputational cost. The answer is unequivocally: ‘yes’.

Did lockout laws ‘work’?

A paucity of data, particularly on foot traffic, and sensitivity to assumptions about underlying historical and statewide trends make estimates of the lockouts’ impact on night-time safety highly contestable.

The University of Sydney has published preliminary findings questioning the effect of the laws on the CBD.¹⁰ Keep Sydney Open has produced analysis¹¹ highlighting a failure to consider any fall in non-domestic assaults against a pre-existing downward trend.¹² Data from St Vincent’s Hospital has been questioned.¹³

Assaults have risen by up to 17% in proximal and distal precincts like Bondi, Double Bay, Pyrmont and Newtown.¹⁴ This may not be considered statistically significant, but other findings are. 7 News received information through a GIPAA request that revealed a 42% increase in assaults around the Oxford Street precinct between September 2016 and September 2017.¹⁵ This is especially noteworthy as the rise was found within an area where the lockout laws are in effect.

We also cannot ignore that parts of the state had achieved the same declines in assaults as Kings Cross *without lockout laws* as a result of amendments to the Liquor Act in 2007 and other licensing reforms.¹⁶ As recorded by the NSW Bureau of Crime Statistics and Research (BOCSAR), these include Penrith (46%), Gosford (46%), Sutherland Shire (45%) and Campbelltown (43%).¹⁷

In any case, other interventions such as improved transport and street amenities¹⁸ taking effect around the commencement of the lockout laws ensures that any favourable result in assault levels is impossible to attribute to the curfew alone.

The Committee will hear conflicting evidence on the efficacy of the lockout laws, but what is apparent is that if they have ‘worked’, it has been by causing damage on a number of fronts.

¹⁰ Centre for Translational Data Science, University of Sydney: [Data-Driven Analysis of the Impact of The Liquor Amendment Act 2014 \(The Lockout Laws\) on Non-Domestic Assaults](#)

¹¹ Keep Sydney Open: [Evaluating the Effect of Sydney’s 2014 Liquor Law Reforms: a Sobering Assessment of the Data](#)

¹² Menendez, Weatherburn, Kypri and Fitzgerald, April, 2015: [‘Lockouts and Last Drinks: The impact of the January 2014 liquor licence reforms on assaults in NSW, Australia’](#)

¹³ Barrie, M: [The death of Sydney’s nightlife and collapse of its night time economy](#)

¹⁴ ABC News, March 6, 2017: [‘Sydney’s lockout laws: Assaults down in Kings Cross, but spreading outside inner-city zones’](#)

¹⁵ See 7 News Sydney television report: <https://www.facebook.com/watch/?v=2213057402051714>

¹⁶ Weatherburn, 2016: [‘What Does Research Tell Us about the Impact of Recent Liquor Licence Restrictions on Violence in New South Wales?’](#)

¹⁷ NSW Parliament, November 26, 2013: [‘Report on the statutory review of the Liquor Act 2007 and the Gaming and Liquor Administration Act 2007’ \(Section 6.3\)](#)

¹⁸ news.com.au, July 5, 2013: [‘Lights, camera and action at Kings Cross’](#)

IMPACTS OF THE LOCKOUT LAWS

Where the bloody hell is everyone?

The estimates on the fall in foot traffic from the years preceding the lockouts to now vary anywhere between 40–80%.¹⁹ This is an extraordinary reduction in people, in atmosphere – in *life*. It's the lifeless, eerie streets of Sydney at night that make many feel like they live in an incomplete city. Architecture critic and columnist, Elizabeth Farrelly, eloquently describes the phenomenon as “a ring of day-dead suburbs around a night-dead CBD”.²⁰

It's not just the streets at night that are being deserted. The Australian Bureau of Statistics reports Sydney has experienced the highest “net internal migration loss”, with 27,300 more people moving to other parts of Australia than arrived from other parts of the country.²¹ Melbourne and Brisbane are the main beneficiaries of this trend.^{22 23}

Keep Sydney Open is not suggesting that the lockout laws are responsible for the exodus – the main driver is affordability, and particularly housing affordability.²⁴ However, a decision to relocate is ultimately based on a multitude of factors, and we cannot discount the lockout laws as a motivator, particularly for young people, creatives and musicians.

Live Music

Nightlife and a thriving live music scene are major drawcards for creatives and mavericks in various industries. Musicians in particular are entirely dependent on the strength of a city's venues and cultural vibrancy, and there is a palpable sense that many musos have moved or are considering moving to Melbourne.^{25 26}

Sydney had already suffered setbacks to the live music sector since the introduction of pokies to pubs^{27 28}, but the lockout laws have been even more devastating. The parliamentary inquiry into The Music and Arts Economy in New South Wales heard that there has been a net loss of 176 licensed premises inside the lockout precinct²⁹, as recorded by Liquor and Gaming NSW. Key performance venues such as Spectrum and The Basement were among those shuttered.

The ramifications range from less paid work for musicians and DJs to fewer spaces taking on more daring programming, experimental bands, and less experienced acts for them to hone their craft in.

¹⁹ City of Sydney, Urbis, Austraffic, January, 2016: 'Late Night Management Areas Research: Phase 4'

²⁰ Farrelly, E, February 24, 2016: '[A sanitised city locks us out from more than just nightclubs](#)'

²¹ Australian Bureau of Statistics, March 27, 2019: '[3218.0 - Regional Population Growth, Australia, 2017-18](#)'

²² Australian Bureau of Statistics, April 3, 2019: '[3412.0 - Migration, Australia, 2017-18](#)'

²³ Australian Financial Review, April 24, 2019: '[Sydney, Melbourne swallowing more than 2000 extra residents a week](#)'

²⁴ 10 Daily, April 10, 2019: '[The Simple Reason So Many People Are Leaving Sydney](#)'

²⁵ Tone Deaf, February 15, 2016: '[How Sydney's Lockouts Are Actually Impacting Aussie Music](#)'

²⁶ Sydney Morning Herald, June 1, 2019: '[Sydney CBD's entertainment precinct is a live-music wasteland](#)'

²⁷ Taylor, S, February 1, 2015: '[Lost Venues, Long Nights: An Introduction to Historical Maps of Live Music in Sydney and Melbourne](#)'

²⁸ Giffin, B, May 31, 2016: '[The Rise and Fall of Pub Rock: Live Music in Australia 1976 – 1995](#)'

²⁹ NSW Legislative Council, Portfolio Committee No. 6: '[The music and arts economy in New South Wales \(Section 3.6\)](#)'

The 12 months following the introduction of the lockout laws also saw a “40% drop in live performance revenue at venues within the Sydney CBD lockout area”.³⁰

Business

Foot traffic is vital for any business with a shopfront to survive. Central commercial and entertainment precincts that once enjoyed business from visitors travelling across the city and state now rely mostly on locals, which has resulted in countless business closures. In essence, the inner-city has been relegated to activity more on par with suburban precincts, and in many cases even less so.

This is hardly surprising given that the lockout laws were essentially designed to deter people from travelling into the CBD.

The Darlinghurst Business Partnership surveyed over 200 businesses in the lockout precinct in 2015³¹ and again in 2018. It found that venues experienced a 31% fall in turnover after the lockouts were introduced, however, other business types *including those that trade during the daytime* fell by 24.3%. This has led to a decrease in employment hours generated, as well as a decrease in full-time (39%) and part-time (22.5%) staff employed.³²

While other cities are expanding their night-time economies (see: Global Case Studies), Sydney’s is fighting for survival. If Sydney were to realise its potential after dark, an extra \$16 billion could be added to the NSW economy each year.³³

Going Underground

Inevitably, people have sought alternative ways to go out, socialise and enjoy music.³⁴

An “increased frequency in warehouse parties”³⁵ has kept a small corner of the electronic music community happy, but this phenomenon has its limitations.

The scene around alternative parties is fragile due to police shutdowns, with the unpredictability making it difficult for organisers to earn a living. Promoters have far less security than they would in a legitimate venue and creatives often provide services without remuneration.

Also, being out of plain sight, the vibrancy of the scene has no bearing on the rest of the city’s vibrancy. Cities lose their edge when subcultures lack visibility.

³⁰ Live Music Office, February 19, 2016: [‘Sydney CBD sees drop in live performance revenue since introduction of lockout laws’](#)

³¹ Darlinghurst Business Partnership: [‘2015 Survey into the Economic Effects of Sydney’s Lockout Laws’](#)

³² Darlinghurst Business Partnership: [‘2018 Lockout Law Survey’](#)

³³ Deloitte, 2019: [‘ImagineSydney – Play’ \(Chapter 2 – Night time economy, p.34\)](#)

³⁴ news.com.au, March 16, 2016: [‘Outrageous law sending Sydney parties underground’](#)

³⁵ Sydney Morning Herald, June 2, 2019: [‘No creeps hitting on the girls’: Why Sydney’s nightlife has gone underground’](#)

Reputation & Confidence

“Leave the bar after 1.30am and you can’t get back in? That’s the one. I saw that and I thought, ‘You leave the bar after 1.30am and you can’t get back in again?’ I’ve been everywhere. That law doesn’t exist any other place.”

– US talk show host Conan O’Brien³⁶

A city’s confidence is difficult to measure, but the blow to Sydney’s confidence is perhaps the most profound consequence of the lockout laws. This impacts everything from small to large scale businesses, to the pride we have in our hometown. We know our city is naturally blessed, but those charms fade when faced with the realities of our daily cultural lives.

Keep Sydney Open is of the view that there is always something to do and that Sydney is not ‘dead’, as has been a common refrain in recent years. There will always be those determined to put their creativity on display and provide entertainment for audiences. We are, however, a long way from believing that we are in any way defined by art, music, freedom and cutting-edge culture.

One way to assess the effect on Sydney’s reputation that is driving its lack of confidence is to look at the coverage it has received. Major news outlets all over the world have covered Sydney’s nightlife, including: the BBC³⁷, CNN³⁸, the New York Times³⁹, Huffington Post⁴⁰ as well as foreign language press in Hong Kong⁴¹, Switzerland⁴² and other countries.

“I used to come to Sydney and Melbourne, like all the time... and then they had the lockout and then um...I’m just saying, it’s better to party in Melbourne now.”

– Jamaican sprinting champion Usain Bolt⁴³

International lifestyle outlet Time Out ranked Sydney 39th out of 48 cities, citing lacklustre nightlife as a key setback⁴⁴, while style and global affairs bible Monocle also has fixed on its description of Sydney a reference to the lockout laws.⁴⁵

The net result is that Sydney – a city that was once so thrilling it compelled David Bowie to live here⁴⁶ – is now famous for oppressive regulation and forced bedtimes.

Because the lack of confidence in Sydney’s night-time economy is so entrenched, we believe that *nothing short of a complete removal of the 1:30am lockout* will convince Sydneysiders to engage with the city at night once more. We argue that it is also necessary to send a clear signal to our friends across the globe.

³⁶ The Guardian, February 20, 2019: [‘Conan O’Brien in Australia: ‘No shots after midnight? Are you putting up with that?’](#)

³⁷ BBC News, February 23, 2017: [‘Sydney’s controversial bar curfews: Have they worked?’](#)

³⁸ CNN, March 30, 2016: [‘Sydney nightlife goes from wild to mild’](#)

³⁹ The New York Times, October 24, 2018: [‘In Sydney, a Feud Over Night Life Intensifies’](#)

⁴⁰ Huffington Post, December 6, 2017: [‘Hey Sydney! Your Lockouts From an Outsider’s Perspective’](#)

⁴¹ WeMedia01, April 18, 2018: [‘11點後無酒賣 悉尼人夜不想眠 籲設夜間市長叫醒沉睡城市’](#)

⁴² Tages Anzeiger, April 18, 2018: [‘Nightlife-Aufstand in Sydney’](#)

⁴³ Resident Advisor, September 8, 2017: [‘Usain Bolt takes a swipe at Sydney’s lockout laws’](#)

⁴⁴ Time Out, March 13, 2019: [‘Sydney rated the tenth worst city in the world in the latest Time Out Index’](#)

⁴⁵ Monocle: [‘The Monocle Travel Guide series – Sydney’](#)

⁴⁶ Sydney Morning Herald, January 16, 2016: [Bowie Down Under: star hooked on Sydney](#)

WHAT ELSE HAS CHANGED?

Sydney has changed over the last five years, and so have we. Many of the conditions that led to a spike in assaults in 2008 have either been addressed or no longer exist. There was already a clear downward trend prior to the lockout laws being introduced, suggesting that shifts in behaviour, the urban landscape and less disruptive changes to licensing policy are highly effective in mitigating violence.

That significant change has taken place over the last half-decade makes a return to 2008 assault levels all but impossible.

Kings Cross

The infamous former red-light district has been the focus of the lockout laws debate and undergone the most change in recent years. Prior to 2014, 27,000 people used to cram into Kings Cross on a regular night of the weekend. The closure of venues such as The Backroom, Piano Bar, Trademark, Beach Haus, The Tunnel and Sapphire Lounge have greatly reduced the entertainment offering in Kings Cross, and consequently the attraction to the area. In the case of the Crest Hotel and Goldfish, an apartment tower and Woolworths has been built where those venues once stood.⁴⁷

The density of venues, and therefore the density of people, is widely viewed as a driver of alcohol-related issues⁴⁸, and the lockout laws have ensured that the density of venues in Kings Cross is no longer as pronounced.

For the venues that remain, their quality has arguably improved. Many have introduced food services, mitigating the effects of alcohol consumption⁴⁹, and become more 'family friendly'. Led by changes in the market, venues in the area now host theatre and comedy nights.⁵⁰

The elevated sophistication is reflected in everything from the decor of spaces to venue management systems. It's a far cry from the days when licensed premises were controlled by people linked to the criminal underworld, that in turn was allowed to occur because of nefarious conduct by police.⁵¹

Make no mistake: Kings Cross has changed and it will never be the same again.⁵²

Getting Home

The lack of late-night train services was exacerbated by a taxi changeover period that left thousands of people stranded while intoxicated.

⁴⁷ Greenland Australia, November 5, 2018: ['Woolworths opens as anchor tenant at Omnia'](#)

⁴⁸ Livingston, Chikritzhs and Room, September 26, 2007: ['Changing the density of alcohol outlets to reduce alcohol-related problems'](#)

⁴⁹ Jones and Jönsson, July, 1994: ['Food-induced lowering of blood-ethanol profiles and increased rate of elimination immediately after a meal'](#)

⁵⁰ Time Out Sydney, April 11, 2017: ['Hidden Sydney'](#)

⁵¹ Wood, May 1997: ['Royal Commission into the New South Wales Police Service'](#)

⁵² eye grasp, May 18, 2019: ['Kings Cross Sydney Nightlife? 2019 - Nothing to See Here! \(HD\)'](#)

The introduction of UberX to the Sydney market has alleviated much of the pressures on late-night transport that had existed prior to the lockout laws. The ridesharing service has stated that it transported 50,000 people out of the lockout zone on Friday and Saturday nights after midnight in the year after the lockouts were introduced.⁵³ This would have certainly had an impact on the reported reduction in alcohol-related violence in Sydney commonly attributed to the lockout laws.

Changes to the taxi license system addressing the shortage of cabs during the changeover period have also been positive.⁵⁴

Alcohol Consumption

The hysteria around the drinking habits of today's young adults is a myth.⁵⁵

Data shows that alcohol consumption among young Australians has been in decline⁵⁶, at its lowest levels since the early 1960s.⁵⁷

The proportion of 14–19 year olds consuming five or more drinks at least monthly significantly declined between 2013 and 2016 (from 25% to 18%), more than halving since 2001 (39%).

Support for the lockout laws has rested somewhat on the accusation that younger people are more irresponsible, particularly around alcohol. The evidence shows that this kind of generational finger-pointing is unjustified.⁵⁸

Drugs

The lockout laws debate has largely disregarded the role that illicit substances play in violent behaviour. For many, this was an 'elephant in the room' during the public discourse on alcohol-fuelled assaults, particularly methamphetamines, which were particularly popular in 2008 when assaults were at their peak.

Methamphetamine consumption has reduced over the past five years, from 2.1% of the population in 2013 to 1.4% in 2016.⁵⁹ During the same period, lifetime use of ecstasy decreased for people in their 20s from 22.1% to 18.7%.

Use of cannabis among young people has halved since 2001, and cocaine use has fallen by one-third.⁶⁰

⁵³ Uber, May 7, 2015: '[One Year, One Million Rides](#)'

⁵⁴ Sydney Morning Herald, June 30, 2012: '[Council tackles 3am taxi drought to save city nightlife](#)'

⁵⁵ The Conversation, May 21, 2015: '[Don't believe the hype, teens are drinking less than they used to](#)'

⁵⁶ Australian Institute of Health and Welfare, 2017: '[National Drug Strategy Household Survey 2016](#)'

⁵⁷ Australian Bureau of Statistics, May 6, 2015: '[4307.0.55.001 - Apparent Consumption of Alcohol, Australia, 2013-14](#)'

⁵⁸ The Conversation, January 23, 2018: '[Young Australians are drinking less – but older people are still hitting the bottle hard](#)'

⁵⁹ Australian Institute of Health and Welfare, December 13, 2018: '[Alcohol, tobacco & other drugs in Australia](#)'

⁶⁰ Australian Institute of Health and Welfare, 2017: '[National Drug Strategy Household Survey 2016](#)'

Behaviour: Staying In

People are staying home in greater numbers than ever before. This is cited anecdotally by young adults⁶¹ ⁶², restaurateurs⁶³, and is backed up by research⁶⁴. It is a global trend exacerbated in Sydney by the lack of a strong nightlife offering.

As many as 24% of people belonging to Generation Z order home delivery on a weekly basis, compared with 21% of 'Millennials', 17% of 'Gen Xers' and only 6% of Baby Boomers.⁶⁵ Young people have traditionally driven activity in the night-time economy.

The convenience of food delivery apps also coincides with a slew of dating apps and an unprecedented array of home entertainment services such as Netflix, Stan and iView, making a night in even more attractive.

Affordability

It's difficult to blame people for passing on a night out, with affordability being a key deterrent.⁶⁶

Factors such as housing⁶⁷, cost of living – Sydney is in the top ten most expensive cities to live in⁶⁸, education⁶⁹ and sluggish wage growth⁷⁰ mean that young Australians have become deprived of discretionary spending.

With pressures such as these, nightlife didn't need much to slow down engagement, much less a curfew.

Public Sentiment

In the time since Keep Sydney Open formed, the conversation around the lockout laws has shifted from only being about safety to being more nuanced, accepting the losses to Sydney's vibrancy and international standing. This is evidenced by the terms of reference for this very committee.⁷¹

Newspapers have softened their positions on the laws, pushing more balanced reporting.

⁶¹ The Guardian, March 24, 2016: ['I'd rather chill in and relax': why millennials don't go clubbing'](#)

⁶² Vice, June 12, 2016: ['Millennials Have Discovered 'Going Out' Sucks'](#)

⁶³ Sydney Morning Herald, March 10, 2019: ['Get out, socialise, connect': Red Lantern co-founder's recipe for lively Sydney'](#)

⁶⁴ Mintel, June 5, 2018: ['The stay-at-home generation: 28% of Younger Millennials drink at home because it takes too much effort to go out'](#)

⁶⁵ International Foodservice Manufacturers Association (IFMA) and the Center for Generational Kinetics, November, 2017: ['The Next Generation: An Exploration of Gen Z's Eating Habits'](#)

⁶⁶ Sydney Morning Herald, January 6, 2019: ['Why the cost of a night out in Sydney makes it 'pretty compelling' to stay at home'](#)

⁶⁷ Domain, November 28, 2018: ['Sydney still critically unaffordable for large proportion of renters, index shows'](#)

⁶⁸ Forbes, March 19, 2018: ['The Cities With The Highest Cost Of Living'](#)

⁶⁹ ASG, April 6, 2018: ['Total cost of university degrees set to soar'](#)

⁷⁰ Gilfillan, Parliamentary Research Paper, April 9, 2019: ['The extent and causes of the wage growth slowdown in Australia'](#)

⁷¹ Parliament of New South Wales, May 29, 2019: [Joint Select Committee on Sydney's night time economy – terms of reference](#)

AM radio broadcaster Alan Jones, whose audience may be regarded as mostly mature and conservative, has attacked⁷² the lockout laws⁷³ on numerous occasions⁷⁴, calling into question why venues have been made responsible for deficiencies in policing.⁷⁵

With the evolving conversation still making headlines five years on, the issue of nightlife is now mainstream, with people of all age groups now acknowledging the importance of the city's vibrancy after dark.

MAKING SURE SYDNEY'S BEST NIGHTS ARE YET TO COME

Another way to frame the purpose of the Committee is for it to ensure that Sydney's night-time economy, and therefore Sydney itself, reaches its full potential.

Keep Sydney Open believes that we deserve and need to be one of the world's greatest 24-hour cities. More importantly, we believe that it is entirely possible. Sydney nightlife will never replicate the wild and naive ways of years gone by, but our city after dark can be something altogether different – something potentially *better*.

Sydney is more culturally diverse than ever before, and in the digital age, we are more connected to each other and to the rest of the world. The role of the NSW Government is to stimulate inspiration, talent and hard work so that society is shaped in ways that government itself dare not dream. Unfortunately, the State Government has earned the perception that it stifles this kind of 'bottom-up' momentum. This paternalism is unbecoming of a city as brimming with promise as Sydney is, and needs to change.

The impacts of the lockout laws discussed in this submission have been so great that the Committee must also see as its function the need to rebuild some of what has been lost. There is an urgent need not just for policy impetus but also significant investment to unshackle local creativity and entrepreneurial talent.

We will expand on some of our key recommendations and introduce other initiatives that will enable Sydney's night-time economy to not just survive, but thrive.

Diversify the offering.

A more vibrant and diverse nightlife is a safer one.

Encouraging more food and retail, as well as museums, galleries and theatres to stay open late will make nightlife less dependent on alcohol and gambling.

The City of Sydney has made commendable ground with their recent changes to the 'Late Night DCP'.⁷⁶ The plan, adopted by Council earlier this year, includes a 24-hour city centre and a host of provisions. These are

⁷² Sydney Morning Herald, March 11, 2019: '[Alan Jones opens fire on Mike Baird over lockout laws and amalgamations](#)'

⁷³ 2GB, March 29, 2018: '[Closure of iconic Sydney music venue another victim of the lockout laws](#)'

⁷⁴ news.com.au, May 29, 2019: '[Alan Jones unloads as committee could spell the end of Sydney's lockout laws](#)'

⁷⁵ Keep Sydney Open, November 3, 2016: '[Alan Jones calls for end of the lockout laws](#)'

⁷⁶ City of Sydney, May 13, 2019: '[Post Exhibition - Sydney Development Control Plan 2012 Amendment - Late Night Trading 2018 \(Not Liquor Licensing\)](#)'

intended to encourage more diverse late-night trading, performance, shops and businesses to attract a wide range of people and create a more balanced and safe night-time economy.

The NSW Government should work with the City of Sydney to make 'late-night shopping' every night of the week. It makes no sense that shops and department stores are open until 9pm on a Monday in Vancouver, where the population is less than 700,000, and not in Sydney with its 4.6 million residents.

24-hour transport for a 24-hour Sydney.

Modelling shows that extending late-night public transport is more effective at reducing alcohol-related harms than venue lockouts.⁷⁷

Sydney needs better late-night transport options to get people off the street and back home where they want to be, rather than fighting over buses and cabs. A coordinated 24-hour transport solution would provide the infrastructure on which a vibrant nightlife and night-time economy can grow. Melbourne is already miles ahead with its now permanent all-night transport on weekends.⁷⁸

KSO urges the Committee to recommend 24-hour transport on key train and bus services from Thursdays to Sundays, alongside an open, public scoping study into a permanent 24-hour transport network strategy incorporating increased taxi, rideshare, bike-share and emerging technologies.

Remove ridiculous, prohibitive and outdated red tape.

Oppressive regulation has woven red tape around our creative industries and nightlife and stifled vibrancy.⁷⁹ The development consent process for venues seeking to host live music and other cultural activities is prohibitively complex, costly and inflexible. Liquor licences contain unnecessarily restrictive conditions⁸⁰ on the use of space and duplicate or even contradict development consent processes.

To allow the creative sector to flourish, regulatory and compliance responsibilities must be drastically loosened and simplified. Low-hanging fruit includes scrapping development applications for small-scale and temporary cultural projects, removing outdated and unnecessary licensing conditions and security requirements, and streamlining liquor licensing approvals and development consent processes.

⁷⁷ Scott, Hart, Wilson, Livingston, Moore and Dietze, June, 2016: '[International Journal of Drug Policy, Vol 32 – The effects of extended public transport operating hours and venue lockout policies on drinking-related harms in Melbourne, Australia: Results from SimDrink, an agent-based simulation model](#)'

⁷⁸ ABC News, April 22, 2017: '[Melbourne's all-night weekend public transport services here to stay](#)'

⁷⁹ Sydney Morning Herald, November 29, 2018: '["Wildly mad": Call to cut red tape and boost Sydney's cultural heart](#)'

⁸⁰ news.com.au, March 19, 2019: '[Nanny State NSW: Sydney bar defies 'crazy' mirror ball ban](#)'

Lower fees for venues with live music and performance.

Slower drinking rates and lower alcohol-related risks in live music and cultural spaces justify a different approach to licensing. A separate class of licence for live music venues should be introduced, with lower fees and fewer compliance burdens.

In an industry of wafer thin margins, reducing compliance and operating costs⁸¹ are an effective way to breathe new life into the live music scene in NSW and encourage the growth of badly needed small and medium-sized cultural spaces.

Research shows that around one in two restaurants and cafes, and one in five hotels and bars would stage live music if it was subsidised.⁸²

Licensing Reform

Removing the 1.30am lockouts and ending the liquor licence freeze in the Kings Cross and Sydney CBD Entertainment precincts are a priority but by no means the end game. Both have had damaging and counterproductive impacts on venues seeking to provide cultural output. By blocking the opening of a gallery or theatre that wants to serve drinks to patrons, the liquor freeze stands in the way of a more diverse nightlife.

NSW needs to overhaul its liquor licensing to better target high-risk venues while rewarding good management. Well-run venues are the cornerstones of a vibrant nightlife and should be encouraged and supported. We would like to see lower licensing fees and award trading extensions past 3am and up to 24 hours to venues that have a proven track record of good management – in Sydney and across NSW.

If you finish work at midnight and want a glass of GSM with your dinner, you should be able to buy a bottle on your way home. In Melbourne, several bottle shops are open past 3am⁸³ and the sky hasn't fallen in.⁸⁴ We urge the Committee to consider the benefits of a balanced licensing regime for late-night packaged liquor similar to the one in place in Victoria⁸⁵ over the current discriminatory and patronising ban on takeaway alcohol sales after 11pm.

More collaborative and effective policing.

Policing strategies to deal with public intoxication were found wanting in the years leading up to the lockout laws and remain out of touch with community expectations. On the opposite end of the spectrum, raids, sniffer dogs and riot trucks looming over punters creates an environment where people are discouraged from sustained engagement with the city at night.

⁸¹ APRA AMCOS, February, 2016: '[Investment initiative to cultivate the Australian contemporary music industry](#)'

⁸² APRA AMCOS, February 11, 2016: '[Offset your tax bill with more live music](#)'

⁸³ Time Out Melbourne, July 3, 2018: '[Late-night bottle shops in Melbourne](#)'

⁸⁴ EarthTV: '[Live Melbourne Webcam](#)'

⁸⁵ Victorian Commission for Gambling and Liquor Regulation: '[Late night packaged liquor licence](#)'

Heavy-handed enforcement by licensing police, including the high frequency of inspections and disproportionate fines have led to numerous venues closing for minor incidents and an unhealthy relationship between licensees and regulators.

We urge authorities to foster a more collaborative and effective model of policing entertainment precincts, involving regular roundtables between local police, businesses and licensees to strengthen working relationships, synchronise strategies, communication, training and planning, and provide greater community oversight of licensing police and their operations.

We also want to see police take any person found to be violent off the street rather than just move them on.

Get serious about funding.

In 2017–18, the NSW Government provided a mere \$800,000 to contemporary music – a pittance compared with the \$22 million over four years invested by the Victorian Government.⁸⁶ With so much catching up to do, state funding for contemporary music and culture in NSW needs to be scaled up drastically.

Investing in live music makes economic sense: for every dollar invested in live music, three dollars circulate back into the economy through food and beverage consumption, audio visual hire, wages, hotel stays and more.⁸⁷

As recommended by the NSW Parliament’s Live Music Inquiry, funding can be sourced from a ‘Community Benefit Fund’ that uses revenue from pokies taxes to support contemporary music and culture.⁸⁸ With the right commitment, the Government could easily inject hundreds of millions of dollars into live music and culture, reinstilling confidence and changing expectations throughout the sector.

In recognition of the reputational damage done over the past five years, we also see the need for a targeted marketing and promotion campaign to rebuild confidence in the state’s nightlife and cultural sectors.

Encourage engagement with a ‘Culture Pass’.

There is now an entire generation of young Sydneysiders who have grown up with lockouts as the norm. These are formative years where patterns of engagement with culture are defined.

To encourage the ‘lockout generation’ – those aged 18–24 – to consume culture and support the creative industries, we call for a ‘Culture Pass’ with free access to live music, performance, theatre, galleries and other cultural events and institutions. Similar schemes have been successful in New York⁸⁹ and France⁹⁰.

⁸⁶ Creative Victoria: [Music Works](#)

⁸⁷ Live Music Office: [‘The Economic and Cultural Value of Live Music in Australia 2014’](#)

⁸⁸ NSW Legislative Council, Portfolio Committee No. 6: [The music and arts economy in New South Wales \(Section 3.112\)](#)

⁸⁹ Brooklyn Public Library, New York Public Library and Queens Public Library: [Culture Pass](#)

⁹⁰ The French Ministry of Culture: [Pass Culture](#)

Stocktake and protect culturally significant venues.

Up against the commercial real estate market, culture is consistently undervalued, ignored and, ultimately, priced out. In such a climate, the failure of government to protect cultural heritage is at odds with community expectations.⁹¹ If regulation can limit what can be done to a building's facade, why not its purpose?

A stocktake of venues should be undertaken, with audits conducted every two years to identify sites across NSW of community value and cultural heritage. Then, steps should be taken to protect the use of these venues.

It sounds radical, but this very approach has been adopted in the UK Government to protect pubs.⁹² Meanwhile, London City Hall conducts audits of grassroots music venues and has devised a strategy to protect them.⁹³

Soundproof and insulate: Gentrification and density done smart.

It's simple: if you move in or build next to a pre-existing venue, it's up to you or the developer to soundproof your property.

The Committee should consider how to embed the 'agent of change' principle⁹⁴, which makes the more recent arrival subordinate to existing venues. We would like to see new developments within 100 metres of established cultural venues be responsible for noise attenuation measures. It is especially important during these times of high density development within entertainment precincts.⁹⁵

The State Government needs to be far more active in this space. A 'Soundproofing Fund' providing matched grants⁹⁶ to retrofit venues threatened by noise complaints would be a good start. There's also considerable scope to simplify how we manage noise complaints.

If we can sort out residents, barking dogs, garbage trucks and the noisy reality of urban life, we should be able to sort it out between residents and venues.

Create new entertainment and cultural precincts.

Some areas have long been mainstays of Sydney's nightlife, such as Kings Cross and Oxford Street, while others have the potential to become new areas of cultural vibrancy, such as Alexandria, Marrickville and underutilised pockets of the CBD. The Committee should promote the identification of specific 'cultural precincts' where residential land use is subordinate to entertainment use.

⁹¹ Domain, April 26, 2018: ['Paddington residents protest against plans to sell Four in Hand Hotel as a house'](#)

⁹² gov.uk, January 26, 2015: ['Coalition ministers change the law to protect the Great British pub'](#)

⁹³ London City Hall, October, 2015: ['London's Grassroots Music Venues Rescue Plan'](#)

⁹⁴ Music Victoria: ['How To: Agent of Change'](#)

⁹⁵ The Shout, February 20, 2019: ['Sydney pubs hammered by noise complaints'](#)

⁹⁶ Music Victoria: ['Good Music Neighbours'](#)

Govern with vision.

Sydney's night-time economy lacks the representation worthy of a sector that contributes \$30 billion a year and almost a quarter of a million jobs⁹⁷ to the NSW economy. From taxi drivers and sex workers to small businesses owners; from nightclub operators to late-night retail and hospitality workers – stakeholders of the night-time economy are a veritable broad church. Just as diverse are the activities that thrive on nightlife: creative industries, retail, hospitality, music and the arts, tourism, startups trying to attract global talent, amongst others.

The presence of a single focal point for advocacy, planning, coordination and accountability for stakeholders of the NTE is globally recognised best practice. Over 40 cities around the world have a Night Mayor or something similar. A dedicated state government NTE office for Sydney, alongside a Ministry for Culture, Music and Nightlife, would move us some way towards a whole-of-government approach to cultural, economic and planning policies that affect nightlife. It would encourage regulators across all levels of government to work more collaboratively together and with 'end users' – businesses, licensees, artists etc. – to minimise regulatory burden on night-time activities.

A clearly articulated state government *vision* for the night-time economy, live music and performance in NSW is also needed to provide strategic direction, improve policy coherence and provide a benchmark to which government would be held accountable.

GLOBAL CASE STUDIES

Learning from our international and local peers.

Every city is different. They all bring a unique spirit and approach to night-time culture. But there are some universal themes and ideas, in particular: extended opening hours, access to transportation, integrating the NTE into the lives of residents, multiple nightlife precincts distributed across the city and governments at pains to balance vibrancy with safety. These themes show up time and time again in every major, iconic destination.

We explored the effect of lockouts specifically, as well as other elements influencing the NTE in each city.

1. Melbourne: Where the lockouts lasted just three months.

The Victorian capital was the first big city to introduce lockout laws, all the way back in 2008. However, the public outrage was so great that the State Government had to dump the incredibly unpopular laws just months later.⁹⁸

The former Lord Mayor of Melbourne summed up the failure of the laws like this: **“Melbourne is a complex, vibrant, 24-hour city. Over the years we have tried initiatives, such as two am lockout laws in 2008, that did not suit our city, our businesses or our people.”**

⁹⁷ Deloitte, 2019: '[ImagineSydney - Play](#)' (Chapter 2 – Night time economy, p.29)

⁹⁸ news.com.au, February 9, 2016: '[Melbourne lockout laws were dumped in months, while Brisbane looks to trial laws modelled on Sydney](#)'

Well-known local publican, Augusto Briadotti, commented in 2008 that: **“The move [to bring in lockout laws] will mark the end of Melbourne’s CBD as a 24-hour city and hand to Sydney the opportunity to copy our successful formula – one large cities go to great lengths to develop.”** Wise words that sting with their prophetic irony.

Where Sydney is now ranked last on Time Out's Global City Index for nightlife, Melbourne is ranked 2nd on the overall list. Where Sydney's brand and reputation has been tarnished and damaged, Melbourne's reputation as a night-time destination has been emboldened.

“We already knew that Melbourne had more live music venues per resident than any other city on Earth, but the Time Out Index proves we’re obsessed: one in four Melburnians went to a concert in the last week.”

– Time Out

With Sydney's night-time offering crippled by its lockouts, Melbourne now has clear space to consolidate its position as Australia's primary night-time destination. This is also allowing Melbourne's brand to be supplemented by its more diverse and vibrant cultural offering⁹⁹, which is subsequently luring many from Sydney's creative and startup industries to emigrate. Our local arts industry and live music talent drain has been Melbourne's long-term gain.

Supported all the way from the top, Melbourne's ambition was captured cheekily by Premier Daniel Andrews with an opportunistic tweet last year.¹⁰⁰

2. Brisbane: Tested lockouts but decided to ditch them.

The Queensland State Government trialled lockout laws but soon found that there was "no noticeable drop in assaults or hospital presentations".¹⁰¹ Further to this, researchers from Griffith University, QUT and UQ found the introduction of the laws "directly led" to a rise in people 'pre-loading' alcohol before they visited late-night precincts.¹⁰²

Sampling over 1000 punters, the research identified that before the lockouts, locals had been arriving at venues with a BAC (blood alcohol content) of 0.07 per cent. This climbed dramatically after the introduction of the lockout trials to a BAC of 0.09 per cent.¹⁰³

“When you start restricting alcohol you make it intrinsically more valuable, and that’s why people are drinking more.”

– Associate Professor Grant Devilly, Griffith University

⁹⁹ The Guardian, September 13, 2018: [‘Sydney drinkers recover from lockout blues, while Melburnians turn to food’](#)

¹⁰⁰ Twitter, October 9, 2018: [“Look, I don't think advertising belongs on the Opera House either. But if they're going to, they may as well give Victoria a plug...”](#)

¹⁰¹ ABC News, January 23, 2017: [‘Queensland's lockout laws wound back’](#)

¹⁰² Devilly, Hides and Kavanagh, June 20, 2019: [‘A big night out getting bigger: Alcohol consumption, arrests and crowd numbers, before and after legislative change’](#)

¹⁰³ Brisbane Times, June 19, 2019: [‘Queensland lockout laws led to rise in 'pre-loading'’](#)

As well as confirming no statistical drop in assaults, the study found a drop in those entering a venue sober, after the commencement of the lockout trial. At 20 per cent before the laws, the sobriety of those entering venues dropped to 10 per cent when the laws came into place. “People are coming in later, they’re coming in more drunk, there’s fewer people that haven’t drunk.”

With little evidence to justify a rollout of the laws, Premier Palaszczuk ordered mandatory ID scanners at 244 venues across the traditional night-time precincts of Fortitude Valley, the CBD and Coxon Street. These have proved an enormous cost to venues, for barely any gain. Fewer than 0.004 percent of IDs scanned identified a banned patron. That is, 1 in 26,000 IDs scanned. Punters are now vacating these traditional night-time precincts for alternative venues without these invasive ID scanners.^{104 105}

“If I said the last 12 months of ID scanning were a nightmare, that would be a huge understatement. It has been so costly and detrimental to our business. It’s scary. It makes me worried for the future of my family’s hotel.”

– Alex Farquhar, General Manager of the Caxton Hotel

3. Los Angeles: Early closing times, but no lockouts.

Subject to Californian state legislation, Los Angeles has closing times of 2am for most venues. Whilst the last drinks bell rings at 1:30am and most venues close at 2am, there are no lockouts.

However, this closing time is under review with a view to extend the hours of service.¹⁰⁶ Over the last 12–24 months there has been a strong movement toward extending trading hours for venues across California from 2am–4am, under a 5-year pilot program¹⁰⁷. There is a belief that early closing times limit the economic value and opportunity of many iconic cities in the state including Los Angeles, San Francisco, Sacramento, and Palm Springs. The bill, SB 58, which passed earlier this year, if written in, will go into effect January 2021.

“California’s century-old, rigid 2am closing time — which applies equally in large urban areas and small farm towns — stifles our night-time economy.”

– California State Sen. Scott Wiener

LA is cited as the only other example of a major city with an early curfew, however, the city has a dynamic after-hours scene extended well past the official 2am closing time.¹⁰⁸

“While LA isn’t known for boasting the 6–7am end times like Manhattan or Barcelona, it does have a mix of clubs and after-party spots where you can continue to dance the night away with your best friends.”¹⁰⁹

Most of these parties are in the Arts District of downtown LA. The city and community have established a precinct for these venues to stay open, well into the early hours of the morning — with no lockouts.

¹⁰⁴ Broadsheet, October 16, 2018: [‘Queensland ID Scanners Are Catching Barely Any Banned Drinkers’](#)

¹⁰⁵ ABC News, October 15, 2018: [‘Queensland ID scanners catch fewer than 500 banned drinkers’](#)

¹⁰⁶ CBS Sacramento, March 13, 2019: [‘Pushing Last Call Back Two Hours Moving Through Legislature’](#)

¹⁰⁷ SF Weekly, December 20, 2018: [‘Wiener’s 4 a.m. Last Call Bill Gets an Encore’](#)

¹⁰⁸ The Face, April 23, 2019: [‘Going off-grid on LA’s after-party scene’](#)

¹⁰⁹ Discotech App website: [‘Best LA After-Hours Spots’](#)

4. London: A night-time economy prioritised.

To maintain its position as one of the world's top cultural destinations, London Mayor Sadiq Kahn stated last year that "our night-time economy was integral to London's success but for too long had been an afterthought". Innovative regulations are rolling out in London, where it aims to "plan for the night (6pm to 6am), in the same way it plans for the day."

After years of negotiation, London opened its first Night Tube in August 2016. The plan is to have all Underground lines open all night on weekends, by 2025. In 2017, the Night Overground was opened to the public too. Swooping on this momentum, London is now exploring 'Night Rider' fares that enable passengers to switch between the Tube, trains and buses at no extra cost.¹¹⁰

Utilised by over 8.7 million customers in 2017/2018, the night network employs over 4000 people. The Night Tube alone is expected to add £1.54 Billion (AUD\$2.7 Billion) to London's economy, over the next 10 years.¹¹¹ Research shows that 24-hour transport on weekends is one of the strongest tools leaders have in reducing night-time injury, helping to eliminate loitering.

"Our restaurants, theatres, cinemas, music venues, clubs and bars are world famous and a huge attraction for everyone who lives or works here. They also attract millions of international visitors each year and are growing faster than the wider economy."

Three years ago, London appointed its first Night Czar, Amy Lamé. Tasked with ensuring London thrives as a 24-hour city, her role involves championing London's nightlife both in the UK and internationally and safeguarding venues across the city. The Night Czar looks to bring together night-time industries, local authorities, the Metropolitan Police, Transport for London and the public.¹¹²

In 2018, the UK Parliament passed an amendment to the National Planning & Policy Framework (NPPF) to introduce Agent of Change laws^{113 114}, creating a more sustainable, healthy and supportive music and creative ecosystem in London and across England. Similar laws that protect both music venues and residents alike were introduced in Melbourne in 2014.

These proactive measures were much-needed, as London had lost 35% of its grassroots music venues.¹¹⁵ The Music Venue Trust was set up in 2014 to address the crisis, and in conjunction with City Hall's 'Rescue Plan for London's Grassroots Music Venues', there are signs of recovery. The last year has seen a 6% increase in the number of venues in the city.¹¹⁶

¹¹⁰ The Evening Standard, January 31, 2019: '[Call for special fare on buses and Tube to boost London nightlife](#)'

¹¹¹ The Londonist, August 17, 2018: '[It's Two Years Since The Night Tube Began... Has It Been A Success?](#)'

¹¹² London City Hall: [24-Hour London – Night Czar](#)

¹¹³ IQ, December 1, 2017: '[Delight as Agent of Change adopted in London](#)'

¹¹⁴ CityMetric, October 23, 2018: '[The UK planning system finally recognises the 'Agent of Change' principle. So now what?](#)'

¹¹⁵ Greater London Authority, January, 2017: '[Rescue Plan for London's Grassroots Music Venues](#)'

¹¹⁶ The Evening Standard, July 17, 2019: '[Live music venues in London increase in number after decade of decline](#)'

5. Berlin: A global reputation for clubbing, culture and creativity.

Venture into a Berlin club and you'll find wedding chapels, crawl-in cinemas, beds, tattoo parlours and more – this is all part of creating the ultimate in escapism. Berlin is where fantasies come to life, where you can spend 36 hours inside and be totally captivated by the experience. Each year, 10 million international visitors enjoy the nearly 300 clubs in Berlin.^{117 118} This has massive economic and creative value for the city.

A new study found that club visitors spent an average of just over €200 per day directly in nightclubs and in hotels, bars and restaurants, contributing to €1.5 billion in 2018.¹¹⁹

“Berlin is one of the few metropolises in the world where there is no closing time and perhaps the only one where 24-hour parties are a rule rather than an exception.”

Recently, the infamous techno mecca Berghain has gained “high culture” status, recognising the nightclub’s output being of cultural significance.¹²⁰ This puts it on par with the city’s museums and galleries, enabling it to be taxed at a special rate. This contrasts significantly with how authorities treat techno in NSW.

Because Berlin is a place that ignites the imagination, it’s not surprising that creative industries and creative capital flourish there. The two can’t be separated. This has become an issue for Sydney, as our nightlife has declined, we’ve experienced a creative talent drain.

“The creative industry is still Berlin's biggest [assets], and the clubs are one of its most important pillars.”

– Club Commission spokesman Lutz Leichsenring

Despite the creative and economic value of the Berlin club scene – it has not been able to avoid issues arising from gentrification – namely, noise complaints. The Club Commission is arguing for the implementation of an ‘Agent of Change’ principle. And last year “the city approved a €1 million fund to help nightlife venues pay for soundproofing and hire staff to calm their wilder patrons”.

6. New York: The city that never sleeps.

“New York City nightlife is world-renowned, and has a \$35billion economic impact”¹²¹

New York has built its reputation on the possibilities of the night. Alleyways lead to secret bars and underground venues. You see things that you didn’t during the day; the unassuming door is now lit up, waiting for you to open it, venturing into a new world where anything can happen well into the early hours of the morning.

¹¹⁷ The Local, February 13, 2019: [‘Berlin clubs brought city €1.5 billion in 2018: study’](#)

¹¹⁸ Insider/WELT, January 23, 2019: [‘SEX, DRUGS, AND TECHNO: Berlin was built on an epic club scene. But the party could soon be over.’](#)

¹¹⁹ The Local, February 13, 2019: [‘Berlin clubs brought city €1.5 billion in 2018: study’](#)

¹²⁰ The Guardian, September 12, 2016: [‘High culture club: Berghain secures same tax status as Berlin concert venues’](#)

¹²¹ The Mayor’s Office of Media and Entertainment, January, 2019: [‘NYC’s Nightlife Economy Impact, Assets, and Opportunities’](#)

“The extended hours of operation in NYC still make it one of the best places to go out.”

– NYC Nightlife Consumer

60% of people visiting NY say the nightlife was part of the decision to go.

New York is a cultural beacon, attracting artists, musicians, dreamers, and beatnik bohemian creatives. This has given rise to new forms of art and music like hip-hop, to the rhythms of jazz, salsa, disco, punk rock, to cultural and social movements such as Pride and Black Lives Matter – all of which thrive and come alive at night.

“New York has inspired artists and entertainers to push boundaries, and provided places for people to come together to find community, all of which contributes to the city’s distinctive energy.”¹

One of the main assets for NY is the pure eclecticism of the city, with something going on in every borough and every part of the city. It provides a level of flexibility, and a range of offerings from dog friendly local pubs, to full scale rooftop nightclubs.

The city believes that is worth protecting. Along with 40 other cities around the world, New York established a nightlife leadership office to coordinate and manage services, programs and initiatives to promote a safe and vibrant nightlife across NYC¹. The ‘Office of Nightlife’ was set up in 2017 and sits within the Media and Entertainment department of City Hall. Ariel Palitz is its first Senior Executive Director with over ten years experience running clubs in the city.

New York faces similar pressures to other cities, having to manage noise in residential areas and improve safety while keeping the night-time sector strong in the face of rising rents and confusing red tape.

CONCLUSION

Sydney is at a critical juncture. Five years after the lockout laws were introduced, the impacts to culture and business are undeniable, and the reputational and psychological damage has been so significant that immediate action must be taken if the city is to avoid entrenching perceptions of it being ‘dead’.

The lockout laws were successful in reducing assaults in Kings Cross and setting in motion economic and geographical forces that have changed the precinct forever. However, violence has risen in areas both outside and within the lockout precinct. All this has coincided with diminished foot traffic, vibrancy and opportunity.

Our international counterparts are far more adept at valuing and growing their night-time economies, and Sydney needs some bold leadership if we are to catch up. Our biggest competitor, Melbourne, has implemented some groundbreaking initiatives in planning and transport that must be considered in NSW.

The themes of KSO’s recommendations are collaboration, consultation and pivoting away from blanket regulations that deny well-managed businesses the chance to provide 24-hour services to a wanting market. Our recommendations are also evidence-based and borrow from global cities that face the same challenges that Sydney does. There’s no need to reinvent the wheel.

Through the years of debate, it has often been lost that the people with the greatest stake in night-time safety are the people who chose to go out. We are the ones who benefit the most from safer streets, and yet we have not had a say in how Sydney nightlife is managed. The idea that freedoms can be drastically curtailed because of a small contingent of handwringers might seem justified, but their disproportionate influence in NSW and not in other parts of the world is precisely why we are synonymous with being a 'nanny state'.

Sydney has undergone many changes in the last five years that put us in a perfect position to move forward. Improvements have already been made to transport, street security and venue management. Trends point to a statewide decline in *non-domestic* violent crime, and changes to the Late Night DCP lay the groundwork for a new chapter in Sydney's nightlife.

The Committee has an opportunity to set Sydney on a path of renewed confidence in the knowledge that a more diverse nightlife attracts people from a greater diversity of ages and backgrounds, which in turn promotes safety. We can have the food, shopping and entertainment cultures of cities like Barcelona, Tokyo and New York while maintaining the unique sensibilities that only Sydney possesses.

It's time to unshackle the night so that we can be proud of our city, 24/7.