

## 2011 Residents' Association Inc.

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Senate Standing Committees on Economics  
Inquiry into Personal Choice and Community Impacts  
Parliament House  
CANBERRA . ACT 2600

BY EMAIL: [committee.sen@aph.gov.au](mailto:committee.sen@aph.gov.au)

Dear Committee members,

**RE: SALE & SERVICE OF ALCOHOL (term b)**

Please find attached the Submission of 2011 Residents Association Inc in relation to the Sale & Service of Alcohol (term b).

Yours faithfully

HELEN CROSSING  
Convenor

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## PERSONAL CHOICE AND COMMUNITY IMPACTS

Senate Standing Committees on Economics: [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au)

*Alcohol abuse costs the state of NSW more than 3.7 billion dollars annually. Individual tax payers foot this bill. This to me is sufficient evidence that we need to curb the consumption of alcohol.*

The 2011 Residents' Association (2011RA), represents the Sydney communities of **Kings Cross**, Potts Point, Elizabeth Bay, Rushcutters Bay and Woolloomooloo. Therefore, we are uniquely and ideally placed to make this submission to the Senate enquiry on the *economic and social impact of legislation, policies or Commonwealth guidelines*, with particular reference to term **(b)** "regarding:

1. **the sale and service of alcohol, including any impact on**
2. **crime and the**
3. **health,**
4. **enjoyment, and**
5. **finances of drinkers and non-drinkers".**

### 1. The sale and service of alcohol

Generally, the Senate Committee must acknowledge that alcohol alters behaviour which is why it is so popular and consumed by so many. There is nothing intrinsically wrong with the reasonable consumption and enjoyment of alcohol. However, taken to excess it seriously impairs cognition to the point where at least grossly unsociable, if not criminal, behaviour can result as the worst outcome.

All other drugs with behaviour-altering capabilities, such as narcotics, if obtained legally require a prescription from a qualified medical practitioner. As alcohol is a legal drug which is so readily available, it arguably requires regulations regarding its dispensing and sale. And certainly those engaged in selling alcohol will necessarily be the least interested in any restrictions which might result in decreased sales of alcohol. It is therefore incumbent upon the government to ensure that adequate controls are in place and enforced to prevent exploitation of people by those who benefit financially through alcohol sales.

From the perspective of 2011RA there seems little point in the Committee examining whether there is too much regulation placed on the sale and service of alcohol at least in Kings Cross. The failed social experiment that saw the promotion of alcohol consumption in Kings Cross and the attendant harms to people and which culminated in the deaths of two young men is ample evidence that regulations need to remain in place. The Committee must be aware that introduction of lockouts and early closing times, along with other measures, has been and continues to be an appropriate and responsible strategy. What other evidence needs to be made available to convince the Committee that laws do need to be in place to regulate the sale and consumption of alcohol; people do not self-regulate. The implementation of lockouts and last drinks has made a huge change for the better, the efficacy of which had already been long since shown in Newcastle.

### 2. Crime

Our community witnessed the obvious and predictable reality of what a hyper-density of licensed premises, many with overextended trading hours, and attracting huge and unmanageable crowds of patrons in a micro-sized geographical area necessarily yields. For years residents and the local police and other emergency workers, including staff at St Vincent's Hospital casualty department,

complained and warned government about the potential and real dangers of the night time economy in Kings Cross, only to be ignored. Chaos was allowed to reign. Masses of patrons, as well as the government, were all under the influence of too much alcohol. The former from industrial strength drinking and the latter yielding to illegitimate influence and pressure from the AHA. Residents who did not feel safe to walk through Kings Cross, and certainly not to patronise any establishments there, were forced into a state of virtual lock-DOWN on every weekend night. Upwards of 20,000 patrons convened there on any Friday or Saturday, which figure exceeded the total population of the entire district of five suburbs.

The deaths of those two young men were simply the tip of the iceberg of the social and criminal mayhem which occurred on any weekend night in Kings Cross.

Now BOSCAR crime statistics have provided the evidence to support what was so obvious to so many. While some argue that crime might only have been displaced and/or any reduction is due only to the number of patrons, it matters not overall. The formula of Kings Cross, as it was allowed to become, was dangerous, if not deadly, and socially intolerable and unmanageable and should not have to be borne by any residential community.

In addition to death and physical assaults there were also burglaries, petty theft, and vandalism associated with the influx of people into the area. The tolerance of an 'anything goes' atmosphere certainly took the brakes off many people's ability to behave in accordance with the law and civil decency.

### **3. Health**

The issue of impacts on health from the Kings Cross night time economy could not be more obvious. The warnings by staff in St Vincent's Hospital casualty about the numbers and types of injuries provide ample evidence of the harms that are done by people to themselves and others when under the influence of alcohol. And let us not exclude the risks to life and limb for the health care workers themselves, including ambulance staff, along with the demonstrations of disrespect and anti-social behaviour they endured while trying to do their jobs.

Now, the severity and number of injuries on any weekend night admitted to St Vincent's Hospital casualty are significantly down on weekend nights, especially in those late night and early morning hours when they formerly peaked.

But those refer only to the immediate or short term health costs which are costly enough in terms of both dollars as well as the injuries, if not deaths. The long term damages to health from excess alcohol abuse are well known, well documented, and indisputable. We also believe that there is a strong link among long-term excessive consumption of alcohol, domestic violence, and neglect of children. And the Committee will be aware of the rising health costs generally. So it is incumbent on the government from that point alone to act responsible in having in place appropriate control of this drug.

The health impacts from Kings Cross were not confined to injuries to patrons or their innocent victims. As residents, we endured years of constantly interrupted, disturbed and inadequate sleep on any weekend night due to all the noise generated. That was bad enough, especially given the toll it takes on one's health and well-being generally. However, it is especially poignant given that Potts Point was revealed in a SMH article to be the hardest working suburb. It is not difficult to imagine the impact on work output from chronic sleep deprivation. But that is what was enforced upon us for too long. We were simply expected to put up with it, to just endure it and think of the AHA! The

health damage from chronic sleep deprivation includes an extensive range of multi-system damage, both short and long-term.

2011RA would request that every Committee person reading this submission imagine a scenario whereby a stranger were to confront you and request that you forego a decent night's sleep every weekend night, indefinitely, so that he or she could enjoy weekend nights out. A ludicrous proposition anyone would agree. And yet, that is effectively what happened to residents in our community. The only difference being that it was not one person presuming to sabotage our nights' sleeps, but thousands and thousands of them. That is what was enforced on us against our will by government in designing the Kings Cross night time economy.

Furthermore, so many residents affected do not live in buildings which have, or can even accommodate, air conditioning. Therefore, there was no option to simply close the windows, double glazed or not, in an effort to exclude the extreme levels of noxious noise from revving cars, car horns, drunken revellers, delivery vans, and garbage trucks. The noise at an intolerable level continued all through the night and into the early hours of the morning.

#### **4. Enjoyment**

About whose 'enjoyment' does the Committee concern itself? And what does the Committee intend by the rather nebulous term 'enjoyment'? Enjoy how, what, at what costs? There are many ways of enjoying oneself and for too long and for too many people that term has only implied consuming alcohol in excess.

It is absurd to think that the 'enjoyment' of any individual or group of individuals can be promoted at the expense of the safety, enjoyment, and loss of amenity for others. The residents in the 2011 postcode area did not 'enjoy' the imposed sleep deprivation and nor did they enjoy streets full of drunken and disorderly people. There was a high level of fear and concern for personal safety as well as distress at observing the vulnerability of drunken people and violent behaviour.

Most certainly, Thomas Kelly and Daniel Christie looked forward to enjoying themselves on what was to be the last night of their conscious lives virtually terminated in Kings Cross. So whose enjoyment at whose expense?

When 'enjoyment' means depriving others of their safety and rights to amenity of the greater community, it has gone too far. Far too frequently the very real concerns about alcohol-related issues, harms and costs to society are dismissed by criticising those who complain as being wowsers and spoil sports. In a democracy, enjoyment needs to be for all – not one party at the expense of another.

#### **5. Finances**

It is unclear as to what area and/or to whom the Committee is specifically referring.

If it regards costs incurred by the government (read: taxpayer dollars), the amount of money to support the format of Kings Cross was astronomical in terms of policing and other emergency workers, hospital staffing and facilities, daily clean-ups, and re-routing of road traffic.

However, if it refers to costs incurred by licensees by way of complying with regulations then that must be regarded as a necessary business cost. Once again, the 'product' being marketed is a behaviour-altering drug and, therefore, restrictions must apply.

On the other hand, if it refers to loss of income which has allegedly resulted since the introduction of lockouts, earlier closing times and other measures, that is another thing. The Committee must not be deceived into thinking that, what is after all a small minority of owners/licensees of pubs and clubs in Kings Cross had some inalienable, enduring and exclusive entitlement to the night time economy. They neither earned nor deserved that. Indeed, there is discussion about a class action being made by some of those. The same sort of case could have been launched long since by the remainder of pub and club owners in Sydney who were excluded from what was a virtual monopoly on the night time economy for so many years by licensees in Kings Cross.

Furthermore, why would the alcohol industry be granted so much special consideration by government? Given the rapid changes taking place in the 21<sup>st</sup> century which have affected all manner of business that would seem grossly biased. For example, over the past years we have read on several occasions of various businesses or total industries in NSW being forced to close down or go offshore due to their ongoing high costs of manufacturing their products here in Australia. We read about those and feel badly about what are real job losses which are not easily, or sometimes ever, replaceable.

As well, scores and scores of retail businesses have had to adapt or simply shut down due to online shopping. Every suburb has empty shops in its vicinity. Once again, we accept that as an unavoidable sign of the times. Businesses adapt in whatever ways they can or not.

Alternatively, in the liquor industry in Kings Cross, there has been so much hyperbolic narrative as individual licensees refuse to adapt to the changing environment and make any alterations to their business models. That is ironic given that they have an immediate local population of patrons almost equal to the numbers they attracted with previously very limited format.

Therefore, all the talk about the loss of jobs due to changes in Kings Cross is inconsequential when compared to job losses and expenses incurred in other industry sectors as a result of changing regulations and economic pressures. The alcohol and the hospitality industry generally will endure and so will its employment opportunities. The night time economy devoted to alcohol sales does not have to be the exclusive domain of Kings Cross or any other single community. There are now new businesses opening up that employ people and there is a better balance among the night time and day time economies – not one at the expense of the other.

The legislation does not force licensees to close at 1:30am: it mandates that they refuse entry to further patrons. Last drinks at 3:00am means nothing more than a two hours hiatus until the 5:00am opening time of many licensed establishments. Plenty of premises still have extended trading and some continue to remain open for 24 hours. The only restriction is a brief window of two hours in which alcohol sales are prohibited.

The other financial consideration is the impact on individuals and their families regarding the percentage of income that is consumed on regular nights of binge drinking both directly and indirectly. The immediate and long-term impacts would be best understood by longitudinal studies conducted by researchers from recognised Universities.

## **Conclusion**

Kings Cross is belatedly undergoing a rebranding where sanity and civility are becoming the norm. The daytime economy is becoming more viable all the time and there are fewer empty shopfronts than in many other Sydney districts.

The legacy of those two young men's deaths as well as of the assaults and other harms done to people over the course of what was a disastrous social experiment will stay with our district, our city and our state forever. We need to and want to move on. Kings Cross is first and foremost a village with a diverse community. It is this that we want to see preserved and fostered.

*Licence to drink to excess - Not in our backyard. Not in anyone's backyard – not ever again.*