

Forum Feature

Sydney's Lockout Laws: Cutting Crime or Civil Liberties?

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The catalyst for the Institute of Criminology's Forum on 'Sydney's Lockout Laws: Cutting Crime or Civil Liberties?' was a rising tide of concern that measures introduced by the New South Wales ('NSW') Government in 2014, primarily designed to reduce alcohol-related violence, may have misjudged the balance required to simultaneously deliver on two community expectations: that residents and visitors in places like Kings Cross and the Sydney CBD should have access to a dynamic entertainment scene supported by a healthy night-time economy and that those same residents and visitors should be, and feel, safe from violence.

This special feature on the Forum gives readers access to important evidence, and a rich array of perspectives on the consequences and effects of the lockout laws — both intended and unintended (and, depending on your views, desirable or undesirable ones).

By way of introduction to the evidence and insights that follow from Don Weatherburn, Kane Race, Kate Conigrave and Murray Lee I set the scene by reminding readers about several features of the context out of which the lockout laws emerged.

First, there is an important back-story to the lockout laws — the focus of current scrutiny. Governmental concern over the relationship between alcohol consumption, liquor licensing and violence has a long history. In the past decade alone, NSW governments of both persuasions have amended licensing laws with the goal of reducing violence and anti-social behaviour. For example, between 2008–10 the then Labor Government: introduced the Violent Venues Scheme, including provision for 2 am lockouts (*Liquor Amendment (Special License Conditions) Act 2008* (NSW)); put a 12-month freeze on new liquor licences in the Sydney CBD/Kings Cross and Darlinghurst precincts (*Liquor Amendment (Temporary Licence Freeze) Act 2009* (NSW)); and developed Liquor Accords with powers to regulate trading hours (*Liquor Legislation Amendment Act 2010* (NSW)). In 2011, the O'Farrell Coalition Government introduced the 'Three Strikes' disciplinary scheme, enabling the Independent Liquor and Gaming Authority to restrict, suspend or cancel licences (*Liquor Amendment (3 Strikes) Act 2011* (NSW)).

Second, in the 18-month period between the tragic death of Thomas Kelly in July 2012 and the January 2014 lockout laws, the NSW Government introduced what can fairly be described as a multi-faceted policy program response to tackle alcohol-related violence (Quilter 2015). Indeed, it was under enormous community and media pressure to do so. The 10-point plan for 'Cleaning up the Cross', announced by O'Farrell (2012), resulted in *seven* different pieces of legislation including licensing reforms such as a freeze on new liquor licences; restrictions on drinks sold after midnight on weekends; and a small bar licence to 'promote diversity'. Allied initiatives included improvements to taxi ranks, expanded late-night bus services, and support for the Kings Cross Festival encouraging a diversity of people and ways of using the Cross. Sure, some aspects of the Government's response had the 'law-and-order' hall-marks that have been all too common in NSW for many years (for

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example, the new ‘one punch’ offences added to the *Crimes Act 1900* (NSW), s 25A: see Quilter 2014). On the whole, however, the Government could not be accused of a crude ‘knee-jerk’ policy response.

Third, it is important to recall the palpable and widely felt anxiety and outrage that emerged when Thomas Kelly’s killer was sentenced to six years’ imprisonment for manslaughter in November 2013 (a sentence later increased to 10.5 years: *R v Loveridge*) (see Quilter 2014). Right or wrong, the view that dominated mainstream media for weeks during the 2013–14 summer was that *more* needed to be done to stop alcohol-related violence. Thomas Kelly’s family was prominent in the campaign, as were Daniel Christie’s and Michael McEwan’s families. It was also aggressively supported by both major Sydney newspapers with *The Sydney Morning Herald* and *The Daily Telegraph* calling for the introduction of ‘Newcastle-style’ 1 am lockout measures. This was the pressurised environment in which the NSW Parliament moved swiftly, during a single sitting day on 30 January 2014, to introduce the new ‘one punch’ law and reforms contained in the *Liquor Amendment Act 2014* (NSW) — now widely known as the lockout laws. The ‘one punch’ law certainly attracted significant criticism (Quilter 2014), but, at the time of introduction, the lockout laws did not — at least, not publicly. Anxiety about ‘alcohol-fuelled violence’, and resolve to stop it, so dominated the political climate and media discourse of the day that there was little or no space in which to ventilate concerns about the merits of the Government’s strategy. The lockout laws were widely applauded for what they symbolized, and for the tangible crime-prevention benefits they promised.

More than two years on, governments, researchers and community advocates have the opportunity — and the space — to engage in a more ‘sober’ and evidence-based assessment of the effects of the broad range of measures introduced over many recent years in pursuit of the laudable goal of reducing violence. It is hoped the current *Callinan Review* (Grant 2016) will play an important part in this reassessment.

The evidence and opinions that were discussed at the Institute of Criminology’s Forum, and are summarised in the pages that follow, represent a valuable contribution to the important processes of debate, evaluation and continuous policy improvement.

Case

R v Loveridge [2014] NSWCCA 120 (4 July 2013)

Legislation

Crimes Act 1900 (NSW)

Liquor Act 2007 (NSW)

Liquor Amendment Act 2014 (NSW)

Liquor Amendment (3 Strikes) Act 2011 (NSW)

Liquor Amendment (Special Licence Conditions) Act 2008 (NSW)

Liquor Amendment (Temporary Licence Freeze) Act 2009 (NSW)

Liquor Legislation Amendment Act 2010 (NSW)

References

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