



“Lockouts” (late night entry declarations) in Victoria

1. Development of the “lockout” (late night entry declaration) in Victoria

During the late 1990’s Licensing Authorities and Police could not reach agreement on whether it was preferable for all late night venues in a precinct or town to cease trading hours at the same time, or whether closing times should be staggered, in order to better address the issues related to the anti-social behaviour of some patrons leaving and/or migrating between venues.

A new insight was provided to these considerations through a trial conducted in a major NSW provincial city where the focus was shifted away from closing times to the setting of a time by which patrons were required to have entered the premises in the city regardless of the various closing times of the late night venues.

The so-called “lockout” was essentially directed to eliminating late night migration between venues and attendant anti-social behaviours.

“Lockouts” were subsequently introduced in Victoria in Ballarat (by agreement between the licensees, the City Council and the police, with the agreed “lockout” provisions having effect as license conditions), and in Warrnambool (following an application by the police and a subsequent hearing before the Liquor Licensing Panel and a decision of the Director of Liquor Licensing).

In 2003 the Minister for Police and Emergency Services initiated the “Inner City Entertainment Taskforce”, to develop recommendations for an integrated planning, policing, built environment and licensing approach to precinct design development and control to address inner-city concerns regarding late night behaviour. The report of the Taskforce included a proposal for the implementation of targeted “lockouts”.

2. The effectiveness of “Lockouts” as a licensing intervention

“Lockouts” are increasingly utilised as a licensing intervention in Queensland, Western Australia (Perth) and Victoria (Warrnambool, Ballarat & Bendigo), with some late night venues in CBD Melbourne recently implementing them on a “voluntary” basis.

The evolution of various initiatives to address anti-social behaviour in and around late night entertainment venues over 1998-2008 highlights that there is no “magic bullet” solution. Rather it is the continuing development of a suite of relevant interventions and their targeted deployment that has the best chance of success. As such “lockouts” should not be viewed as a panacea to late night anti-social behaviours.

The Ballarat “lockout” serves as the best example of the usefulness of this type of licensing intervention.

The terms and conditions of the Ballarat “lockout” were negotiated in good faith by the affected licensees (guided by AHA (Vic)), the Mayor and executives of the City of Ballarat and the Victoria Police Licensing Inspector for the region. The terms and conditions had effect as license conditions by consent.

Both the City of Ballarat and Victoria Police committed additional late night resources and infrastructure developments to complement the "lockout" provision.

The flexibility of the terms and conditions of the Ballarat "lockout" are instrumental in its success.

Conflicting opinions continue to abound regarding the value of "lockouts". The Ballarat model is generally regarded as being a success, reports from Queensland suggest that "lockouts" applying in central Brisbane are not meeting expectations, although the Queensland Government has implemented them on a state-wide basis.

"Lockouts" have the best chance of making a real contribution to a reduction in anti-social behaviour in and around late night entertainment venues when:

- The terms and conditions of the "lockout" provision, particularly the proposed "lockout" time, are negotiated in good faith between the stakeholders with the eventual "lockout" genuinely being a reflection of the needs of the particular community i.e. "local solutions to local problems";
- Complementary initiatives are developed and implemented by relevant Councils and Police to both facilitate the implementation of the "lockout" and the "fallout" from intending patrons who are refused entry to late night venues;
- Flexibility exists within the terms and conditions of the "lockout" to accommodate reasonable business operational needs and the needs of the patrons, rather than being an arbitrary "lockout" with no exceptions, and
- On-going assessment of risk and resultant responses is a fundamental component of the "lockout" model.

The conditions of the "lockout" declaration should provide a range of exemptions in regard to the prohibition on entry, for example:

- Gaming areas of venues should be exempted from a "lockout" due to the low risk posed by such activities (gaming areas are currently exempted from Victorian "lockouts");
- Hospitality workers who finish a shift after "lockout" time and are seeking a venue for an after work drink or socializing should be admitted following provision of agreed I.D; and
- Patrons who may be required to temporarily leave a venue for health, safety or personal reasons after "lockout" time and wish to re-enter should be admitted.

Effective regard should also be had to the following potential un-intended consequences;

- Late night venues may engage in a range of alcohol price-related promotions to attract patrons to their venue before the "lockout" time;
- Intending patrons may choose to consume packaged liquor in parks and public places if they cannot gain entry to a venue;
- Opportunistic and illegal late night "rave" parties, where licensing, health and safety controls are not applied, may emerge within residential and commercial/industrial precincts, and
- groups refused entry to late night venues in a precinct or city may choose to drive to other areas or cities for their entertainment with attendant road accident road risks.