



# ANZSOG Case Program

## Melbourne's 2am lockout (B: Epilogue)

2016-93.2

At the end of August 2008, the Victorian Government announced that the policy to refuse entry to licensed premises after 2am would not continue beyond the three month trial period. Premier Brumby – who had recently accompanied police on a street tour of Melbourne's nightclub precincts – believed that the lockout had delivered some positive benefits including curbing alcohol-related violence. Consumer Affairs Minister Tony Robinson conceded that the exemptions meant that the trial wasn't as successful as it might have been but said that anecdotal evidence from police suggested that it had worked.<sup>1</sup> A few months later, in early November, the Brumby Government announced that the blanket lockout policy had been officially abandoned. Instead it was to pursue a range of alternatives, including extra police patrols, a new risk-based liquor licensing system and a crackdown on problem venues. Another development was the introduction of a 'time-out zone' where drunks were given the opportunity to sober up before making their way home.

An evaluation of the lockout by KPMG consulting struggled to reach conclusive findings regarding its effectiveness. Limited data, as well as the numerous exemptions, hampered efforts considerably. From the available information, the evaluation concluded that assaults had decreased overall (compared to the same period in 2007) in two municipalities: City of Melbourne and City of Port Phillip. However, the overall number of reported assaults between 12am and 4am actually rose during the trial, as did the number of weekend emergency presentations for alcohol-related problems.<sup>2</sup> The report noted however, that lockouts could be effective, especially when carried out in conjunction with key stakeholders:

experience in other jurisdictions where permanent Lockouts have been implemented does suggest that, particularly, when undertaken as part of a broader suite of initiatives to address alcohol-related issues over a sustained period of time (in excess of one to two years), a Lockout can be a useful tool to address the complex issues of alcohol-related violence, antisocial behaviour and amenity issues.<sup>3</sup>

This epilogue was written by Marinella Padula, Australia and New Zealand School of Government from publicly available records for Professor John Alford, to conclude discussion of the case study 2016-93.1. The use of teaching materials is restricted to authorised persons.

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<sup>1</sup> Draper, M. 'Vic: Government admits 2am lockout was not a roaring success' AAP 31 August 2008.

<sup>2</sup> KPMG, 'Department of Justice Evaluation of the Temporary Late Night Entry Declaration' Victorian Government November 2008, pp.5-7.

<sup>3</sup> Ibid, p.9.

For their part, venue operators were relieved the trial was over, declaring it a failure that had not only negatively impacted their business but the business of other late-night traders. The KPMG evaluation lacked the data necessary to assess those claims but did find some evidence to suggest that patrons left smaller venues early in order to make the curfew. There was, however, no evidence to suggest that the Lockout had displaced rowdy or violent patrons into other areas.

Meanwhile, in late 2008, new City Mayor Robert Doyle declared his intention to work with nightclub owners and the Australian Hotels Association to address alcohol-fuelled violence, stating that he did not want the city 'to become a bogan magnet'.<sup>4</sup> A few months later, the State Government announced that the moratorium imposed on issuing late night (after 1am) liquor licences in inner Melbourne would extend to the end of 2009. The Government was also to install a new Compliance Directorate in June 2009 to enforce and monitor liquor licensing and intended to amend the Victorian Planning Provision so local councils could place greater restrictions on licensing. However, lockouts hadn't been abandoned completely and remained an option for Liquor Licensing under the new provisions of the 1998 Liquor Control Act. Problem venue QBH found itself subject to a 2am lockout order in March 2009 after another major brawl. Liquor Licensing also moved to prevent the use of glasses and restrict the sale of spirits at the club.<sup>5</sup>

Liquor Licensing Director Sue Maclellan continued to be a controversial figure, especially once the Government's new risk-based licensing fees came into effect. Live music, for example, was considered a high risk activity and many venues complained that they wouldn't be able to afford the increases. Iconic band venue The Tote claimed that it had been unfairly targeted by Maclellan and would have to shut its doors due to new licensing arrangements, leading to widespread industry protest and outrage amongst many prominent musicians. Other examples surfaced of venues or traders deemed 'high-risk' despite having few problems with antisocial behavior. They were given few options except to pay the licensing fee and hope for a re-classification next year. In May 2010, at the expiry of Maclellan's term as Director, the Government announced the appointment of new Liquor Licensing Director, Mark Brennan. The former Small Business Commissioner had previously worked on projects involving liquor, tourism, retail industry reform, including the liberalisation of retail trading hours.

In 2011, the Government passed the *Victorian Commission for Gambling and Liquor Regulation Act 2011* (the Act) which established the new Victorian Commission for Gambling and Liquor Regulation (VCGLR). The independent statutory body commenced operations in February 2012 and incorporated the roles and functions of the Victorian Commission for Gambling Regulation, the Director of Liquor Licensing, the Liquor Licensing Panel and Responsible Alcohol Victoria. Under the Act the VCGLR also had the power to undertake liquor disciplinary actions, replacing the role of the Victorian Civil and Administrative Tribunal in relation to liquor matters.

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<sup>4</sup> 'New Lord Mayor Robert Doyle fears city becoming a "bogan magnet"' *Herald-Sun*, 1 December 2008. A bogan, in Australia and New Zealand, is an unsophisticated or ill-mannered person whose typical behaviours include excessive alcohol consumption, fondness for aggression and risky driving habits.

<sup>5</sup> Dowling, J. '2am lockout for troubled nightspot QBH' *The Age* 25 March 2009.