

## Institute News

### Courses in the Noahide laws

The Institute has now run two courses on the "World view of the Noahide laws" to students both in Australia and overseas, via a live internet interactive connection. A DVD of the classes, which elucidate the course text, *Perspectives on the Noahide laws*, is now available and may be purchased from the Institute. Those interested in joining a rerun of the course, please contact the Institute

### Volume 8 of the Journal of Judaism and Civilization

Volume 8 of the *Journal of Judaism and Civilization* has gone to press. It contains articles critiquing the legislation in the Victorian Parliament over the turbulent legislative year 2008 which overturned basic social norms; on "disability" from a Torah perspective; on the teaching in schools of art, literature and music with religious content; and on Torah perspectives on key areas of philosophy. Contact the Institute for publication and order details.

## Forum: Legislative principles for town-planning A culture of values or libertarianism with damage control?

### A question for Parliament

At a recent hearing before the Victorian Civil and Administrative Tribunal (VCAT), a permit was refused to an applicant for a large drinking locale. A major community response was expressed at the hearing, which essentially related to the destructive effect the locale would have on the tone of community life in the area. The judgment rejected the permit on grounds of disproportionate "intensity" of the locale in terms of its impact on the area, not on grounds of the character and *cultural* impact of the "tavern" *per se*. Whilst it also noted a variety of moral objections to the locale, it stated that its judgment was based on purely technical criteria in the existing town-planning legislation and council guidelines: *not* upon values criteria, which were essentially matters for State Parliament and legislation. This last point is an important statement. It is Parliament via legislation which, by commission or omission or simple default, is responsible for the future of values in society. Below the question is discussed by David Vorchheimer, Vice-President of the Planning Institute of Victoria (Victorian Division) and Rabbi Shimon Cowen



### Solutions not Excuses

#### David Vorchheimer, Vice-President, Planning Institute of Australia (Vic Div)

Not a week goes by without yet another heart-wrenching story of alcohol-fuelled violence on our streets. While the State Government is declaring it is all too hard, the community is saying it does not want Hummers, or red and

yellow cards, but real solutions including more police, greater accountability of club operators, and increased restrictions on the hours and patron numbers for licenses premises.

In recent times much has been said about the continued increase in alcohol related violence in Melbourne and its suburbs. The State Government and police have been quick to blame licencees, whilst licencees have pointed the finger at a lack of police. Meanwhile the community has attempted to see through the 'blame-game'.

Deregulation of liquor laws in Victoria has resulted in increased access to alcohol focusing on identifying the cause of the problem, which many believe is the relaxation of licencing laws over the last decade., by allowing a greater range of venues to sell alcohol, including hairdressers and cafes, and easing trading restrictions after 11pm. As a result over the past ten years the number of licensed premises in Victoria has risen dramatically, and venues have been allowed to trade for longer hours with increased patron numbers. Melbourne now has a glut of licensed venues, including 'super-clubs' catering for thousands of patrons, 24 hours a day seven days a week.

The State Government's relaxation of alcohol laws was sold as the 'metropolitanising' of Melbourne. Under the relaxed regime licencing of venues is largely controlled by town planning regulations. However, until recently the relevant planning controls did not consider the cumulative effect of concentrating pubs, clubs and bottle-shops, leading to present day 'hot spots' like King and Queen Streets. But deregulation of liquor licencing did not have lead to our current predicament. Rather the present impasse is a result of bad town planning and insufficient resourcing of police and licencing inspectors to oversee licensed premises, leaving the bulk of the burden with local Councils, who lack necessary legislative powers and manpower.

However the news is not all bleak. Contrary to what the State Government would like us to believe, there are solutions at hand. The answer is not a civilian force of licencing inspectors but rather a combination of measures. Firstly, the community must be given the opportunity to comment on and direct the location and concentration of licenced premises, including bottle-shops, their hours of trade and patron numbers. Areas such as local shopping strips surrounded by residential uses should be 'off limits' to bars, clubs and pubs which operate after 1am. In other areas where bars, clubs and pubs are considered acceptable in a strategic planning sense, the number of venues, their combined patron capacity and hours of trade must be considered 'as a whole' rather than on an individual premise by premise basis. Secondly, decisions on individual licences should be vetoed by authorities including local police, Councils and emergency services to ensure that there is sufficient capacity to oversee and manage licensed venues. Furthermore, venues need to be staffed at a level where staff can adequately supervise all the patrons and thus avoid intoxication and violence occurring. Finally and most importantly, police, Councils and Consumer Affairs Victoria must be adequately resourced by State Government through funding and appropriate legislative tools to enforce existing liquor licences, including being provided with the ability to suspend, cancel and amend licences as necessary.

The first step in recovering from the current 'alcohol epidemic' is for the Government to alter its mindset and acknowledge, as the community have, that selling alcohol is not a right, but rather a privilege to be tempered against appropriate community and social standards. Only once this mindset is changed and the sorts of measures outlined above are introduced will we start to get our streets back.

**Page 2: Rabbi Shimon Cowen: Nightclub culture**

## ESSAY

### NIGHTCLUB CULTURE

A local community's representation to an Administrative Tribunal



Rabbi Dr Shimon Cowen

The issue of social values raises the deepest question of what a human being is. Traditional cultures for thousands of years have stated that the human being has a dual character: an instinctual, a passion-driven self and also a reflective, higher moral self. Ideally these merge: human feeling and passion drive morally valuable ends. When a society, however, relativizes and loses the sense of the higher self, it opens to the social consequences of the deregulation and exploitation of simple appetites.

The following paragraphs are the substance of a submission made on behalf of a local religious Jewish community at the VCAT hearing. It called precisely for a proactive consideration of the protection of values, rather than a social policy which is reactive in protecting solely against social damage.

#### The cultivation of anti-social behaviours

The proposed nightclub wants to promote drinking, (as originally understood, also gambling) and nightclub interactions between young men and women. Our community does not prohibit drinking. Indeed the Sabbath is ushered in by a blessing on wine. Our values do not prohibit gambling: buying a lottery ticket is an innocent enough activity. Nor do they prohibit the meeting between young men and women as a general introduction to marriage. What it opposes is a culture of drinking, a culture of gambling and a culture of promiscuity, which when developed by commerce and its profit motive panders to, and cultivates, the worst in people. The press has enough stories of binge drinking amongst Australian youth, about the terrible

devastation caused to thousands of families and their livelihoods by problem gambling and we now have a major abortion industry, which services, amongst other things, youth promiscuity. All of these trends, when promoted by business, undo society. In terms of our tradition, and indeed the historical tradition of Australian society, these excesses are deemed contradictory to civilization, to the peaceful and settled inhabitation of the world. The issue here is not one of "values enforcement" through the banning of locales in society which permit these behaviours. Rather the question is whether they should be glamorized and have a right to centre stage. Already a casino was made the centrepiece of the city of Melbourne. Policies are afoot to make alcohol pervasively available to "metropolitanize" Melbourne, on the view that drinking is chic. Similarly the suggestion that nightclubs geared at youth should be placed in residential areas with strong family values, proposes an act which cultivates, commercializes and industrializes, the non-cultivation of society, where this is least wanted. Figures have 26% of twelfth graders in Victoria involved in binge drinking. This includes 18 year olds who can be admitted to a bar or nightclub. It is estimated that some 20,000 abortions are carried out yearly in Victoria, many presumably the result of adolescent promiscuity. In 2001, 18,000 young people between the ages of 18 and 29 were described as problem gamblers (24% of all "at risk" gamblers). In short, what is wrong with a locale like the proposed "tavern" is that it cultivates all these anti-social phenomena.

We do not want, nor should have to tolerate, such an example as this in the heart of a district, where thousands of families seek to have their children educated against these values. We should not make the unexemplary exemplary. We should not give it centrality in our community. If such places have to exist, let them exist elsewhere - not as a glamorized amenity in our midst.

#### The protection of community religious and cultural identity

The Victorian Charter of Rights and Responsibilities makes possible an authentic value when it states under section 19 ("Cultural rights"):

"(1) All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy his or her culture, to declare and practise his or her religion and to use his or her language."

A culture and a religion "lived in community with other persons of that background" is not lived only inside one's house. It is lived in the street, in the community environment. If it is not lived outside, it will cease to be lived inside: religious culture is an integral moral and cultural lifestyle, which walks on the street as well as sitting at home. Many people and many institutions have long worked to create a culture of morality and decency which is a credit to themselves and a benefit to the broader society. The right of a community to assert and model, and thereby *maintain*, its values-standards in its physical local environment is integral to religious and cultural freedom.

The libertarian attitude, bolstered by simple commercial gain, which stops short only at serious social damage, is an ideology which competes to fill the human living space. The legislative "spirit" which has lost or renounced the *moral* judgment that to be drunk, to be captured by a gambling fever, to be excited by promiscuity are all essentially worthless things, has given up the struggle for higher values.

By forfeiting a sense of positive values, this legislative attitude allows, in a market place, which has much profit to make from this, the headlong exploitation of the opposite. The fallback position of the legislation is then solely to limit the damage. Thus, having glamorized gambling by making a casino the centre of a world city, and faced by consequences of new problem gambling, its response is simply to manage the damage with gambling help lines. The lesson for legislation is that town planning - as brought out in the case of this nightclub application - must include not simply the limiting of negative impact, but also consistency with the positive values which a community wishes to model to its constituents.

This issue kindly sponsored by  
Mr Nissan Zinger