

## **Online questionnaire report**

### **Inquiry into Alcohol Consumption in Public Places (Liberalisation) Bill 2024**

Portfolio Committee 1 – Premier and Finance launched an online questionnaire for the inquiry into Alcohol Consumption in Public Places (Liberalisation) Bill 2024 to enable public participation in an efficient and accessible way.

The questionnaire was not intended as a statistically valid, random survey. Like the submission process, respondents self-selected in choosing to participate. This means that respondents were not a representative sample of the New South Wales population, but rather interested members of the public who volunteered their time to have a say.

The questionnaire was complementary to and did not replace the usual submission process. The submission portal was also available to individuals and organisations who wished to provide a more detailed response to the inquiry's terms of reference.

The questionnaire comprised 7 questions. This included background information about the respondents including their email and postcode.

A mix of multiple choice and open-ended questions sought the views of respondents on:

- Their position on the Alcohol Consumption in Public Places (Liberalisation) Bill 2024 and if they support, partially support, support with amendments or oppose the bill and why.
- Any other comments they have regarding the Alcohol Consumption in Public Places (Liberalisation) Bill 2024.

The full list of questions is at Appendix 1.

## Responses to questions

The questionnaire was open from 1 – 19 July 2024 and received a total of five responses. A sample of answers and summaries of responses are provided for each question below. The samples have been selected to represent the various viewpoints expressed in the responses.

Three of the survey respondents were local councils: Tweed Shire Council, Narrabri Shire Council and City of Sydney Council. Where relevant, the individual responses of these councils have been identified, with their consent. However, individual responses have been kept confidential, as per the resolution of the committee.

***4. The object of the Bill is to remove restrictions and prohibitions on the consumption of alcohol in public places, other than in public places prescribed by the regulations that are of cultural or religious significance, or where a person is intoxicated or disorderly. What is your position on the Alcohol Consumption in Public Places (Liberalisation) Bill 2024? Select one of these options:***

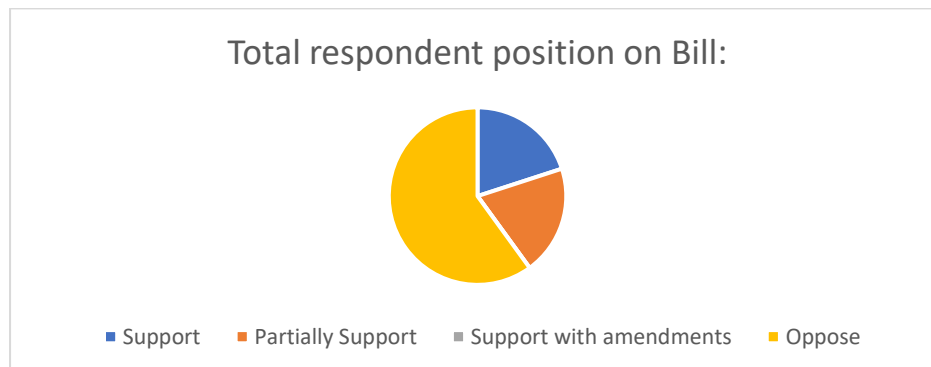
***i) Support***

***ii) Partially Support***

***iii) Support with Amendments***

***iv) Oppose***

One respondent (20%) supported the bill, and City of Sydney Council partially supported the bill as drafted. Narrabri Shire Council, Tweed Shire Council and one other respondent (60 %) opposed the bill.



***5. Please explain why you support/partially support/support with amendments/oppose the bill (max 300 words)***

### **In support**

The respondent in support of the bill expressed the view that current restrictions and prohibitions on the consumption of alcohol in public places were poorly enforced and badly communicated, and that the police already have the powers they need.

### **Partially support**

City of Sydney Council was partially supportive of the bill and identified a number of concerns with the bill's wording. The Council stated that while 'the objectives of this Bill are a welcome step forward in the discussion of this topic', it cautioned that a nuanced approach is required and urged for further in-depth consultation before progressing. The Council responded that it has already undertaken significant community consultation in 2024 as part of a review of outdoor alcohol restrictions. It identified the following concerns with the current drafting of the bill:

- The bill's proposed amendments to section 10 of the *Crimes (Sentencing Procedure) Act 1999* exceptions are not broad enough, and further exemptions should be included, including section 11 of the *Summary Offences Act 1988* (possession of liquor by minors), removal of alcohol in particular circumstances such as domestic violence incidents, and ensuring police powers to confiscate alcohol are retained.) The list of legislation at section 6 is not exhaustive enough – for example, it does not refer to the Liquor Act 2007.
- the definition of 'public place' proposed by the bill is overly broad, and as drafted, would include swimming pools, child care centres and commercial areas
- the list of legislation over which the bill would prevail to the extent of an inconsistency is insufficient – for example, it does not refer to the *Liquor Act 2007*.

### **In opposition**

The responses in opposition to the bill focused on community safety, expressing the view that local councils were best placed to make decisions for their own communities about what areas should be alcohol free.

Tweed Shire Council advocated for local councils to keep their ability to determine alcohol-free zones, on the basis that these councils could draw on 'local knowledge and their capacity to strike a balance between individual liberties and the preservation of community wellbeing.' They explain:

'Given the Tweed Shire's significant visitor and tourism economy, the regulation of public alcohol consumption is deemed critical. The existing zones have unquestionably contributed to the maintenance of community safety, particularly during peak festivity and holiday periods. This is imperative not only from a social perspective, in preserving community harmony, but also economically, considering the pivotal role of the visitor and tourism sector to the Tweed and the broader Northern Rivers Region. Permitting unrestricted alcohol consumption in a limited number of areas, with the concomitant potential for adverse behavioural impacts upon the community and the area's reputation, which is integral to the local tourist and visitor economy, and the livelihoods of local business proprietors and their employees, would be socially and economically indefensible. The potential ramifications of a new law supplanting the LGA 1993, potentially complicating the council's and local law enforcement's ability to address local issues with alacrity and efficacy, are a source of concern. Therefore, Tweed Shire Council is committed to collaborating with local communities to ensure that its policies are congruent with the values and interests of residents, ratepayers, and businesses within the potentially affected areas. By maintaining the Council's regulatory oversight, it can continue to foster a community that is both secure and responsive to the diverse needs of the residents, businesses and visitors.'

Narrabri Shire Council sought feedback from its Crime Prevention Advisory Committee and described their main concern as being the impact on children, who may be adversely impacted by the exposure to public alcohol consumption. They demonstrate their concerns in the following example :

'An example is our supported playgroup which happens in the Toy Library building adjoining Collins Park in Narrabri, if the Bill were to pass there is an increased risk to the young children attending playgroup being exposed to increased risks from nearby alcohol consumption. The risks could include general exposure to alcohol consumption at an early age for these children, exposure to risky behaviours that come from excessive alcohol consumption, discarded bottles and cans expose multiple risks including the risk that children may pick up and drink alcohol left in them, and adjacent risks that come alongside excessive alcohol consumption such as drug use. Decreased restrictions around consumption of alcohol in public places presents an unnecessary and increased risk to children, in effect it would be placing the dignity of risk afforded to adults above the duty of care NSW Parliament has to the children of our state.'

**6. What amendments, if any, would you like incorporated?**

Four respondents did not answer this question.

One respondent, who opposed the bill, also proposed a review of the ministerial guidelines, as well as the requirements for monitoring and regularly reviewing established alcohol prohibited areas to ensure they are still valid as a way of balancing public activation of spaces and community safety.

**7. Do you have any other comments?**

Three respondents did not answer this question.

The respondent in support of the bill observed that other cities have better signage around the areas in which alcohol can or cannot be consumed and suggested that if signage and enforcement remain poor, it would be better to abolish alcohol free zones altogether.

Narrabri Shire Council's Regulatory Services and Planning Teams identified interpretation challenges with the Bill as presented and potential enforcement impediments due to its drafting. They explained 'A lack of clarity exists with respect of the relationship of the Bill to the legislative requirements under the *Roads Act 1993*, *Local Government Act 1993* and the *Liquor Act 2007*.'

## Appendix 1: List of questions

1. *Name:*
2. *Email address:*
3. *Postcode:*
4. *The object of the Bill is to remove restrictions and prohibitions on the consumption of alcohol in public places, other than in public places prescribed by the regulations that are of cultural or religious significance, or where a person is intoxicated or disorderly. What is your position on the Alcohol Consumption in Public Places (Liberalisation) Bill 2024? Select one of these options:*
  - a. *Support*
  - b. *Partially support*
  - c. *Support with amendments*
  - d. *Oppose*
5. *Please explain why you support/partially support/support with amendments/oppose the bill. (max 300 words)*
6. *What amendments, if any, would you like incorporated?*
7. *Do you have any other comments? (max 300 words)*