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10 September 2024

Portfolio Committee No. 1 – Premier and Finance – Alcohol Consumption in Public Places (Liberalisation) Bill 2024

By email: PortfolioCommittee1@parliament.nsw.gov.au

Dear Chair

Thank you for the opportunity to appear before the Portfolio Committee No. 1 – Premier and Finance inquiry into the Alcohol Consumption in Public Places (Liberalisation) Bill 2024.

There is a misconception that alcohol is prohibited in all parks and public places but this is not the case. There are many beautiful public parks where it is perfectly legal to consume alcohol.

In establishing outdoor alcohol restrictions, councils consult broadly with their communities and with the NSW Police to ensure that the placement of these areas is appropriate, justified and supported.

These decisions are based on community requests and a range of other factors, including reports of alcohol-related anti-social behaviour and crime statistics.

Timed restrictions also enable alcohol consumption to be permitted during the day, but not overnight. This allows councils to flexibly balance public safety and amenity with enhanced social activation and use of public places.

Please see below responses to questions on notice taken during the hearing.

The Hon. CHRIS RATH: I just want to see if you had any figures, maybe even just anecdotally, on the number of alcohol-free zones. Someone told me that the number has been increasing over time. Did you have any data that you could share with the Committee?

DAVID REYNOLDS: I don't have specific data to hand. I'm a happy to take that on notice and see if our members can provide some of that. I do know that the current regime allows councils to review and consider whether those alcohol-free zones should continue or whether they should be turned off. But I'm happy to take that on notice and come back.

The CHAIR: Mr Reynolds, does the Office of Local Government keep a register of these? Are they communicated to a relevant agency or the State Government? Is there a central repository of not only how many there are but where they are and their scope, scale and timing?

DAVID REYNOLDS: Mr Chair, I don't have that information. It may be a question for the Office of Local Government on that particular front. I know that councils report these matters publicly, so they're publicly on record through council business papers, but I'd have to take the question on notice as to whether there's then a central register that captures the time frame and the breadth and areas covered by these. But, of course, these zones are managed by more than just councils. As I think other speakers and other debaters have noted, National Parks and Wildlife or other government land that's not administered by council is potentially subject to some of these restrictions in places as well.

LGNSW response

There is no central register of outdoor alcohol restrictions in NSW and LGNSW is not aware of a statewide figure. However, each NSW council publishes on its website a list of these outdoor alcohol restrictions and the hours at which they apply, and such areas are also required to be well signposted.

It is important to acknowledge that in most parks and outdoor public places across NSW it remains perfectly legal to responsibly consume alcohol. In a limited number of cases, councils and other public land holders have consulted with their communities to determine where outdoor alcohol restrictions may be appropriately applied, and in many cases the restriction applies only overnight, or during special events.

The Hon. JOHN RUDDICK: Thank you, Mr Reynolds, for coming along today and for your submission. Following on what the Hon. Chris Rath was just asking, you're saying that you're not sure what percentage of public places in New South Wales currently do permit public drinking—and you said you'd get back to us—but I would put it to you that it would be maybe 10 to 20 per cent of public places in New South Wales where it is currently permitted to drink alcohol. I was in North Sydney yesterday at St Leonards Park. The sign out the front says, "No alcohol permitted," but then you read the fine print and it says it is just between 10 o'clock at night and 5 o'clock in the morning. I would consider that as just saying you can't drink in the middle of the night. I don't think

many people are going to argue with that. Would you think that that estimate of 10 to 20 per cent of public places in New South Wales means you either can drink alcohol or you can drink, except for in the middle of the night?

DAVID REYNOLDS: With fairness, Mr Ruddick, I think my question from Mr Rath was about whether there'd been an increase in the amount of alcohol-free zones over time. I think that's the part that I recall taking on notice and certainly happy to look at that—

The Hon. JOHN RUDDICK: Do you have an estimate on how many parks would be available at what percentage?

DAVID REYNOLDS: To your question, I don't have accurate data. I'd have to take on notice around whether it's 10 to 20 per cent. Our understanding is it's not as though things are banned and then turned back on; it's that there's no underlying prohibition and it's just that the matter can be regulated by a council in consultation with stakeholders and police over time.

LGNSW response

As noted in the above response, there is no central register of outdoor alcohol restrictions in NSW. LGNSW does not have data on the percentage of public places that are subject to outdoor alcohol restrictions, and in most parks and outdoor public places across NSW it remains perfectly legal to responsibly consume alcohol.

The Hon. JOHN RUDDICK: Yes, but my key question was whether you have ever known a council to reverse a park or beach that had a liberalised drinking policy and then they said, "No, there are too many problems. We have now reversed it." Are there any examples of that happening?

DAVID REYNOLDS: Anecdotally, yes, I've heard of it but I can't tell you where so I wouldn't wish to speak inappropriately to the Committee. I am happy to take it on notice and bring back some further information around that.

LGNSW response

Councils and other public land holders consult with their communities to introduce and remove outdoor alcohol restrictions in locations where they are warranted. When outdoor alcohol restrictions are no longer supported by a council and the community it represents, they are removed.

LGNSW does not track council decisions on the application and removal of outdoor alcohol restrictions. Recently however, the City of Sydney Council in August 2024 resolved to reduce the number of outdoor alcohol restrictions in its local government area. This demonstrates the existing legislation working exactly as it is intended.



Restrictions can be applied after community consultation and where they can justifiably contribute to positive safety and amenity outcomes. And restrictions are removed where it is determined that there is no longer a need for them.

LGNSW does not support the Alcohol Consumption in Public Places (Liberalisation) Bill 2024, which seeks to impose a one-size-fits-all approach to public amenity and safety across NSW.

Thank you again for the opportunity to provide evidence to this inquiry.

Yours sincerely

Mr David Reynolds
Chief Executive