

Submission
No 2

INQUIRY INTO ALCOHOL CONSUMPTION IN PUBLIC PLACES (LIBERALISATION) BILL 2024

Organisation: Local Government NSW

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**Portfolio Committee No. 1 - Premier and Finance
Parliament of NSW**

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**Draft Submission: Inquiry into the Alcohol Consumption in Public
Places (Liberalisation) Bill 2024**

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to make a submission to the inquiry into the Alcohol Consumption in Public Places (Liberalisation) Bill 2024 (the Bill). This submission is informed by feedback from the local government sector.

This submission is in draft form until endorsed by the LGNSW Board. The Committee is asked to consider this current version. If there are any changes following Board endorsement these will be separately provided to the Committee.

Comment

LGNSW does not support this Bill, which proposes to effectively remove the ability of local governments to prohibit or regulate the consumption of alcohol in public places.

Local governments are responsible and democratically accountable to the citizens and the communities they represent, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service. The quality of life of communities is a priority for local government.

Alcohol Free Zones (AFZs) apply to road-related public areas (such as public road, footpath or carpark), while Alcohol Prohibited Areas (APA) apply to non road-related

public places (such as parks, reserves, foreshores, beaches or other civic spaces). This submission will refer to AFZs and APAs collectively as ‘outdoor alcohol restrictions’.

This Bill proposes to only apply to public places, which is defined in the Bill as follows:

Public place means land used by the public for recreation-

a) including the following—

(i) Crown land within the meaning of the Crown Land Management Act 2016,

(ii) public land within the meaning of the Local Government Act 1993,

(iii) land held by a statutory body or NSW government agency, but

b) not including a road within the meaning of the Roads Act 1993 unless recreational activities are permitted on the road.

If the Bill were enacted it would effectively mean that Alcohol Prohibited Areas would have no effect. Similarly, Alcohol Free Zones would have no effect where recreational activities are permitted on the road.

Why councils establish outdoor alcohol restrictions

Ultimately, councils are seeking to achieve the best outcomes for their communities in setting out where alcohol consumption in public places may and may not be appropriate. Significant thought goes into the placement and timing of these areas.

Sensible placement of outdoor alcohol restrictions helps to create a public domain that is vibrant, accessible and safe for all members of the community. The restrictions also help to reduce anti-social or unsafe behaviour and crime in identified areas of need, and also as a preventative measure for certain types of events.

In these public areas, NSW Police are empowered to tip out or confiscate alcohol, but there are no fines associated with this offence. The Bill proposes that police will still have powers to take action where a person is intoxicated or disorderly. This exception then relies on police availability and proximity, rather than outdoor alcohol restrictions that more proactively manage and pre-empt inappropriate consumption of alcohol in public places. Outdoor alcohol restrictions allow police to regulate, rather than enforce.

Considered placement of outdoor alcohol restrictions can assist in preventing the following:

- Antisocial or criminal behaviour and impacts on community safety, as well as a perception that certain public areas are unsafe and should be avoided. Women, young people and older people may avoid more public areas due to concerns for their safety, which would in turn reduce passive surveillance of public places and compound concerns about personal safety.
- Challenges managing large public gatherings where alcohol is being consumed, particularly at popular sites.
- Increased litter and environmental harm including from glass bottles, which particularly pose a hazard on beaches.
- Potential for increased liability in case of harm or injuries arising from increased alcohol consumption in public places,
- Harm to visitor economy as public places may no longer be considered suitable or appealing for tourists and visitors.

It is important to acknowledge that outdoor alcohol restrictions only apply to a limited number of public spaces where it has been deemed necessary following a period of consultation. The public remains free to safely and responsibly consume alcohol in many parks and public spaces across NSW.

How councils establish outdoor alcohol restrictions

In establishing Alcohol Prohibited Areas (which apply to public places other than public roads or car parks and which are the primary focus of this Bill), councils consult broadly with their communities and with the NSW Police to ensure that the placement of these areas is appropriate, justified and supported.

In line with the *Local Government Act 1993*, an Alcohol Prohibited Area cannot be established without the approval of the Police Area Commander or Police District Commander for the area or district in which the proposed Alcohol Prohibited Area is situated.

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

Alcohol Prohibited Areas also permit timed restrictions, so that alcohol consumption may 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.

Councils are also closely involved in their local Liquor Accords and this includes consideration of alcohol related anti-social behaviour in and around licensed venues. This involves regularly working with local crime prevention and licensing police officers to ensure areas that are known hot spots, as well as Alcohol Free Zones and Alcohol Prohibited Areas, are considered for patrols.

Where outdoor alcohol restrictions are no longer warranted, these are removed by councils.

Supporting vibrancy, social activation and inclusion in public places

Councils strongly support the activation and use of their public places and invest significant effort and resourcing into ensuring that they are accessible, vibrant, inclusive and safe for all members of the community.

In recent years councils have especially worked to support and manage their night time economies through economic development and partnerships, strategy, policy and research, planning and regulation as well as placemaking and urban design. Councils have a range of networks, toolkits and guides available to them to support their placemaking and night time economies in a way that fits with their local vision and culture and is more than just alcohol led entertainment.

Councils also work to ensure that vulnerable members of their communities receive support, including people experiencing homelessness and/or who habitually consume alcohol in public places.

While local governments are not bound by the NSW Government's Protocol for Homeless People in Public Places, it does guide councils to interact and engage with people experiencing homelessness so they are treated respectfully, with dignity, and do not face discrimination.

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Councils, in close consultation with the communities, strive to achieve the right balance between individual freedoms, social inclusion and community amenity, vibrancy and safety. The considered placement of outdoor alcohol restrictions is an important tool in this task.

Councils are democratically elected to give voice to and reflect the needs of their communities. Local knowledge and expertise is critical to this task, and this is reflected in the careful placement, and removal, of outdoor alcohol restrictions where these are warranted.

LGNSW does not support this Bill, which seeks to impose a one-size-fits-all approach to public amenity and safety.

Thank you again for the opportunity to make a submission to this inquiry.

Yours sincerely

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